

Minutes of the Town of Huntersville Ordinance Advisory Board

The Town of Huntersville Ordinance Advisory Board met in person at 3:30 p.m. on Thursday, July 6, 2023.

Call to Order/Roll Call

Chairwoman Hallman called the meeting to order at 3:30 pm.

Voting Members Present: A. Hallman, K. Jones, M. Jones, H. Whittaker, J. Kluttz, S. Harrington, M. Pollard, and F. Gammon

Voting Members Absent: J. Palillo

Non-Voting Members Present: Commissioner Munger, J. Simoneau, T. Barron, E. Sloop, and J. Glass

Non-Voting Members Absent: None

Approval of Minutes

Item 2A. Consider approval of the April 6, 2023, Regular Meeting Minutes

Motion: S. Harrington made a Motion to Approve the April 6, 2023, regular meeting minutes. K. Jones seconded the motion.

Vote: The motion passed unanimously (8-0).

Public Comments

Elaine Kerns, 301 Hillcrest Drive

Action Agenda

4A. Consider a recommendation on petition #TA23-05, a request by the Huntersville Planning Department for a text amendment to Article 9, Section 9.51.1 clarifying allowed commercial uses in a detached house in the NR zoning district

B. Richards, Assistant Planning Director reviewed the proposed text amendment to further clarify non-residential uses or outdoor activities allowed within the Neighborhood Residential (NR) zoning district within ¼ mile of Town Center (TC) zoning. Staff reviewed what the ordinances currently allow and limitations, a map view of which properties would be eligible for this based on current zoning, existing commercial within this zoning district and how it has been implemented, the previous public workshop process that was conducted and what was ultimately adopted.

F. Gammon asked staff to confirm that the pink hatched areas on the map are the eligible parcels. Staff confirmed that is correct as of today, it is possible for property within the Town Center designated area to rezone to Town Center which could potentially increase the properties eligible for this NR zoning use.

H. Whittaker asked about safety concerns related to parking lots at the rear of the buildings adjacent to residential properties. Staff confirmed that there is a buffer requirement between the uses and these businesses in residential settings are low intensity uses.

Commissioner Munger asked what the difference is in the zoning where Neighborhood Café and Harvey's are located that both have a residential type feel and allow outdoor seating. Staff confirmed that Harvey's was approved as part of a TND overlay rezoning and Neighborhood Café is zoned Town Center so it is not affected by these proposed amendments. Staff further confirmed that the language in the amendment further clarifies the existing standard that was intended in 2006 and that matches what is existing.

M. Jones commented that it appears the intent is limited commercial use so the proposed language may be more clear to say what those limited uses are. Staff confirmed that it may be too narrow to come up with a long specific list of uses, this in staff's opinion is cleaner.

F. Gammon commented that he agrees we do not want to limit the use further. It may be a good location to serve as a kiosk or incubator type set up for small start-up businesses.

M. Pollard asked if there is a definition of low-intensity commercial use. Staff stated there is not a definition but if you read the context in the Huntersville 2040 Plan in addition to the limiting factors that are present such as the hours of business allowed and the lighting allowed, it works to define that business use without requiring a specific list.

F. Gammon asked staff if the proposed, 'no other outdoor seating' would include a bench, typically seen for those waiting for someone shopping, would be included in this. Staff confirmed a bench would be allowed and would be required to be located on the porch.

A. Hallman asked for further clarification regarding the potential growth to the properties this could affect as parcels are rezoned to Town Center. Staff indicated that would increase the area of eligible properties but you could potentially run into other zoning areas that would act as natural deterrents to rezoning.

M. Jones asked staff if they have considered an overlay to indicate a specific versus dynamic area eligible for Town Center (TC) zoning and thus also create a specific versus dynamic area eligible for the Neighborhood Residential (NR) use being discussed. Staff confirmed that a Downtown business district was considered as part of the Downtown Plan. If a formation of a Downtown Business Association then that type of overlay would be reconsidered. This would also be the time that business hours, sign requirements, things of that nature would be considered.

K. Jones asked staff to confirm that the increase to the area this would apply to would only occur if a property rezoned to Town Center and it would then be measured as a ¼ mile from that property. Staff confirmed that is correct.

S. Harrington asked how the term, 'all outdoor display of goods can be shown on the front porch,' applies to a property without a front porch. Staff confirmed that business would not be allowed to display outside without building a front porch. Staff is comfortable with this because the goal was to keep the residential feel, possibly of existing structures, leading in to Downtown to create a nice transition between Commercial buildings and residential neighborhoods. Limiting display of goods to the front porch was a simple way to encourage this.

J. Kluttz asked if a large deck on the back of the property could be used. Staff stated that would not be allowed because it must be a front porch.

Commissioner Munger asked what type of signs are allowed and what are the limitations as it relates to these properties. Staff confirmed that originally a post and beam sign of 12 square feet was permitted, that was recently updated to 16 square feet which is located in Article 10 of the Zoning Ordinance.

Motion: S. Harrington made a Motion to Approve TA23-05 as written. H. Whittaker seconded the motion.

F. Gammon requested that the Planning Staff consider wording to allow an outdoor waiting bench so there is no confusion between business owners and so the proposed language does not appear to restrict all outdoor seating, just limit it to the porch. Staff confirmed they could review and revise that.

S. Harrington commented that this is why he asked why limit the wording to a front porch versus a specific size or area. Staff commented that the idea is to have the business build a front porch if they want the permitted use. This allows for a flexible set of standards while achieving a look and feel to the Downtown area.

Vote: The motion passed (6-2) with M. Jones and M. Pollard opposed.

Other Business

No other business.

Adjourn

Motion: J. Kluttz made a Motion to Adjourn. H. Whittaker seconded the motion.

Vote: The motion passed unanimously (8-0).

Approved this 2nd day of May 2023.

Amy Hallman
Chair or Vice Chair

Travis M. Sander
Board Secretary

