

## 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, March 7, 2024.

### 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, S. Harrington, S. Hensley, and H. Whittaker

**Voting Members Absent:** J. Kluttz, M. Pollard & J. Palillo

**Non-Voting Members Present:** Commissioner Bergman, B. Richards, T. Barron, and E. Sloop.

**Non-Voting Members Absent:** None

### Approval of Minutes

#### Item 2A. Consider approval of the January 4, 2024, Regular Meeting Minutes

**Motion:** M. Jones made a Motion to Approve the January 4, 2024, regular meeting minutes as amended. S. Harrington seconded the motion.

**Vote:** The motion passed unanimously (6-0).

### Public Comments

G. Campbell, Huntersville

D. Boone, Huntersville

### Action Agenda

**4A. TA24-03: Conditional District. Proposed amendment to clarify the intent of the zoning districts and modify ordinance allowance considerations in the Conditional District (CD) rezoning process.**

B. Priest, Assistant Planning Director reviewed the proposed text amendment.

K. Jones asked if there were examples of approved conditional rezonings that would have been handled differently had this text amendment been in place. Staff explained that there are no examples since the conditional rezoning process is entirely legislative the Town Board can negotiate the results. This amendment is an attempt to give some idea of what the results could be but does not seek to lock in one way or another what the results will be without the legislative process.

M. Jones commented that he likes the flexibility but it might be good to add some language to this to avoid creating liability for the Town as the flexibility is subject to N.C.G.S. 160D-702b. Staff clarified that it was intentional in the draft of this amendment to continue to allow Zoning Ordinance Article 11.4.7 to deal with the requirements and actual process of approving

conditional rezonings which highlights that all conditions must be voluntary and cannot violate 160D or make someone do something arbitrary. This amendment is to Article 3 which is the intent, the high-level vision and goals.

H. Whittaker asked what the Town would gain from this versus what we currently have. A. Hallman also asked about why this type of change is needed. Staff commented that the goal is to gain more flexibility in what we can negotiate on with the applicant. The proposed amendment could allow staff when meeting with the applicant to have more flexibility to share with them the 2040 Plan goals and vision to try to get better design and better development.

S. Hensley described the proposed amendment as lowering the guardrails and asked if there are still guardrails in place within the proposed amendment to ensure that the legislative process is properly executed. Staff responded that the Town Board would really be the guardrails, the proposed amendment and the 2040 Plan wording are to increase flexibility. There are many unique designs and projects that the Ordinance, written in 1996, does not envision. The statement within the Zoning Ordinance that a project be within the spirit of the ordinance can be limiting.

**Motion:** K. Jones made a motion to recommend Approval of TA24-03, a request by Huntersville Planning Department for a text amendment. S. Hensley seconded the motion.

A. Hallman commented that the legislative process seems to grant full flexibility already so she doesn't see how this would help one way or another. Staff provided an example of downtown parking and that there is no flexibility that staff can support at this time, but some projects and parcels could really benefit from requesting a condition to have parking requirements waived.

**Vote:** The motion passed (5-1) with A. Hallman opposed.

**4B. TA24-04: Proposed amendment to remove reference to Ordinance Advisory Board from Zoning Ordinance Article 11.4.3(a) and Subdivision Ordinance Article 5.000**

B. Richards, Planning Director reviewed the proposed text amendment as a result of the adoption of the updated Ordinance Advisory Board Rules of Procedure on Monday, March 4, 2024, by the Town Board.

M. Jones requested that it be noted in the minutes that the updated rules of procedure have not been signed by the mayor and therefore the Board is not yet subject to the updated rules of procedure. Additionally, the agenda was changed without the consent of the Board Chair. Staff stated that the rules of procedure have been signed by the mayor and the email was just sent to the Board members.

**Motion:** K. Jones made a motion to Approve TA24-04, proposed amendment to remove reference to Ordinance Advisory Board from Zoning Ordinance Article 11.4.3(a) and Subdivision Ordinance Article 5.000. S. Harrington seconded the motion.

H. Whittaker asked what the purpose of his volunteering for this Board was with these changes. The Chair responded that with these changes the Board will serve the purpose of hearing and discussing only what staff presents to them.

K. Jones stated that it was explained to her by the previous Planning Director that her role was to look at ordinances and offer suggestions to Staff for text amendments, not to write or submit something for a text amendment. She then asked when the intent of the Board changed. Staff responded that the evolution of the Ordinance and Board are an on going process and subject to change.

S. Hensley commented that he was not in support of the changing of the bylaws but it has been done and now this text amendment falls within the scope of what the Ordinance Advisory Board is tasked to complete. Given the change to the bylaws he will support the motion but he would have preferred no action on this item.

A. Hallman commented that she understands that the bylaws have passed but she disagrees with this change. She does not believe that this is in the public interest and she understands that the vote of this board does not matter, the item will move forward.

**Vote:** The motion failed (1-4-1) with A. Hallman, M. Jones, S. Harrington, K. Jones opposed and H. Whittaker abstaining.

**Motion:** A. Hallman made a motion to Deny TA24-04, proposed amendment to remove reference to Ordinance Advisory Board from Zoning Ordinance Article 11.4.3(a) and Subdivision Ordinance Article 5.000. M. Jones seconded the motion.

**Vote:** The motion passed (5-0-1) with S. Hensley abstaining.

### **Other Business**

#### **5A. Follow up discussion related to street stubs.**

B. Richards, Planning Director reviewed the connectivity goals as outlined in the 2040 Long Range Community Plan. Staff stated that the Engineering Standards guide does review curb cuts and sidewalks and there are existing developments that were approved prior to the current standards which were adopted in 2018. S. Trott, Director of Engineering provided examples around Town of the variety of curb cuts, sidewalks, cul-de-sac that exist in the Town.

S. Harrington commented that he is satisfied knowing that the standards are in place to ensure that pedestrians and persons in wheelchairs have a safe and accessible way to cross the street. In his opinion, the goal has never been to go back and mitigate developments prior to 2018.

S. Hensley asked staff if they were comfortable with the current process, or if they feel that any changes should be made to address this further. Staff stated that they are comfortable with the current process.

**Adjourn**

**Motion:** H. Whittaker made a Motion to Adjourn. M. Jones seconded the motion.

**Vote:** The motion passed unanimously (6-0).

Approved this 2nd day of May 2024.

M. Halban  
Chair or Vice Chair

Frank M. Sauer  
Board Secretary