

Minutes of the Town of Huntersville Planning Board

The Town of Huntersville Planning Board met at 6:30 p.m. on Tuesday, August 22, 2023.

Call to Order/Roll Call

Chairman Sny called the meeting to order at 6:30 pm.

Present: J. Sny, F. Gammon, C. Boyd, G. Baber, L. Hallman, J. Wright, T. Loomis & J. Henson

Absent: S. Hensley

Approval of Minutes

Item 2A. Consider approval of the July 25, 2023, Regular Meeting Minutes

Motion: C. Boyd made a Motion to Approve the amended July 25, 2023, minutes. J. Wright seconded the motion.

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

Public Comments

Kenneth McDonald, 15648 Hubbard Road

Board Disclosures

J. Sny stated that in approximately 2018-19 he worked with J. Eury and that will not affect tonight's proceedings.

F. Gammon and J. Henson stated that he met with the applicant with one of the Commissioners and looked at the site plan. The only thing that was discussed is the process that will occur. No comments were made as to being fore/against the project and it will not affect tonight's proceedings.

Action Items

Item 4A: Consider a recommendation on Petition #R23-06, Beatties Ford Family Entertainment, a request by Jonathan Eury and Katie Carpenter to rezone +/-2.513 acres generally located at the intersection of Beatties Ford Road and Broadway Street from Rural to Highway Commercial - Conditional District for outdoor recreation and rentable meeting/office spaces.

N. Farber, Planner II entered his staff report into the record, a copy of which is attached hereto as Exhibit A and incorporated herein by reference. Staff reviewed the proposed rezoning, identified the modification requests, and shared that staff does not support this rezoning request.

F. Gammon asked staff to confirm that the applicant is building the 10-foot multi-use path, and if road improvements will be completed that would remove the same multi-use path in the future. Staff confirmed this is still on their most recent site plan and that the road improvements could potentially remove the multi-use path.

C. Boyd asked staff to clarify the applicant's modification request regarding sidewalks and staff's request for sidewalks. Staff confirmed that staff is requesting sidewalks on all street frontages and the applicant is requesting not to install sidewalks on Broadway Street.

J. Henson asked if the 10-foot multi use path is counted in the applicant's total impervious calculations. Staff responded that his understanding from Engineering is that it does not count against the applicant's total impervious.

J. Wright and L. Hallman asked staff follow up questions regarding the parking layout, location and access to the home. Staff reviewed and confirmed that it would be a combination of asphalt and grass for the overflow parking, the applicant is requesting the use of mulch, and there would be an ADA accessible path from parking to the structure.

G. Baber asked staff to confirm how the impervious calculations would be met for the parcel with the proposed changes, and asked if the parcel is located adjacent to the area indicated on the Beatties Ford Road Corridor Small Area Plan as an area for future commercial development. Staff confirmed that the applicant would complete a transfer from the adjacent property to meet the impervious requirements, and the parcel is just north of the area indicated on the Small Area Plan. Staff further explained that when completing the Beatties Ford Road Corridor Small Area Plan parcels were looked at specifically based on restrictive watershed in selecting the area for intensification. The parcels within the restrictive watershed are identified to remain rural and parcels located outside of the restrictive watershed, within the intersection of Beatties Ford Road and Hambright, could be supported for intensification. The applicant is requesting that a parcel in the restrictive watershed be considered for intensification. This parcel is across the street from parcels that are outside of the restrictive watershed and could be supported for intensification.

J. Wright asked staff if the applicant changed the proposed mulch to asphalt how that would affect the proposed development and impervious requirements. Staff confirmed that it would increase the impervious total but the proposed impervious transfer would be sufficient.

T. Loomis asked if the applicant could develop a second home on this parcel if the rezoning is not approved, and why Staff is in opposition to this possible use. Staff confirmed that a second home would not be approved for this lot and stated that the reason staff is not in support is because the use is not supported by the 2040 Huntersville Community Plan or the Small Area Plan which has identified this land to remain rural.

F. Gammon asked staff to confirm that the circle indicated for the Activity Center on the Small Area Plan is not a hard/set line. Staff confirmed that is correct and restated the parcel-by-parcel analysis that was completed in this area due to the restrictive watershed.

F. Gammon commented that the Small Area Plan they defined this area as a 'hamlet development pattern that fosters residential, instructional, and recreational activities adjacent to the Long Creek Elementary School.' This is a recreational area that is also commercial. The moderate density Oak Grove Hill subdivision has been approved and is under construction adjacent to the Activity Center and quite a bit of commercial has been developed to the south of this parcel at Beatties Ford and Hambright. This location seems close enough that this can be viewed in the Activity Center.

C. Boyd asked if the Ivory Barn facility was zoned rural and rezoned to commercial. Staff stated that it is still zoned rural, banquet facilities are permitted in the rural zoning. This applicant has requested outdoor recreation and that is only permitted in Highway Commercial zoning.

F. Gammon asked staff if buffers and screening of the proposed volleyball area would be installed as discussed at the neighborhood meeting. Staff confirmed that the applicant has been in discussion that they would be willing to do this.

F. Gammon asked if there has been discussion about outside noise amplification and the hours of operation. Staff confirmed that the applicants have been made aware of the noise ordinance requirements and the permitted hours would be 7:00 a.m. – 11:00 p.m.

The applicant, John Eury 9339 Beatties Ford Road stated that they were willing to reduce those hours after the comments that were shared at the public hearing.

L. Hallman asked staff if this rezoning is approved, how that would be affected if the property sold. Staff confirmed that the use would be limited to the conditions of the rezoning, it would not open the property up to be used as anything in Highway Commercial rezoning. Additionally, any property owner would have the option to request that a rezoning be undone and revert to the previous zoning.

J. Sny asked for the legal definition of the term 'road' as it relates to roads, sidewalks and NCGS 160d. J. Glass, Staff Attorney indicated that the Legal department discussed this with the School of Government, and it is somewhat of an open discussion and questionable that the term road would include sidewalks.

The applicants, J. Eury and K. Carpenter presented.

F. Gammon asked if driving on mulch would cause it to become an impervious surface. Staff stated that it would not.

T. Loomis asked if the property was sold could the new developer tear down the existing structures and develop office buildings. Staff responded that the owners would be subject to the approved rezoning plan and would be required to come back before the Board if they want to revise the plan. The applicant commented that the new developer would also have to transfer additional impervious to enlarge the footprint of any new construction.

J. Wright asked the applicant if the facility has enough bathrooms for the proposed uses. The applicant responded that there are building code standards that they will have to meet in their review process which will require them to add additional bathrooms. They also have an agreement with their neighbor to the south for a sewer easement to allow them to transition from the current septic system to city sewer.

J. Henson asked the applicant if they are comfortable with the amount of parking. The applicant stated that they are comfortable with the permanent and overflow parking that are shown on the current site plan.

F. Gammon asked the applicant if they plan to have outside sound amplification. The applicant confirmed they would like to have small scale, 1-2 people for live music and the movies on the lawn. They stated that they plan to keep this to the noise level that is acceptable and within the acceptable hours. In the future they may explore the closed caption and headphone only options for amplification as well.

F. Gammon reviewed the proposed hours for indoor/outdoor use as it relates to each of day.

Motion: F. Gammon made an amended motion to recommend approval of petition R23-06, Beatties Ford Family Entertainment, the Planning Board recommends approval of the amendment. The amendment is consistent with the Huntersville 2040 Community Plan Policy LU-1: Encourage a development pattern that follows the Future Land Use Map in that the development is located within the Long Creek Village Activity Center, and provides a low-density commercial and recreational component for said Activity Center. This recommendation is consistent with, and supported by, Huntersville 2040 Plan Policies: LU 6, LU6.1, LU 7.1, LU 8.1, EV 2, EV 2.1, The amendment is further supported by the Beatties Ford Road Corridor Small Area Plan which identified a Lone Creek Hamlet, or Urban Village Mixed Use Center generally located between McCoy Road and Mt Holly-Huntersville Roads. Defined in the plan as a hamlet development pattern that fosters residential, institutional, or recreational activities adjacent to Long Creek Elementary School, and retail/commercial in the vicinity of the intersection of Beatties Ford and Mt Holly-Huntersville Roads. The amendment is also supported by the Beatties Ford Road and Mt Holly-Huntersville Small Area Plan for the same reasons previously stated.

The Planning Board further recommends that the following modifications be approved: 1) Allow an existing storage shed to encroach into the required 30 foot buffer in the south side of the property. 2) All redline comments are addressed.

The Planning Board does not recommend approval of the following modifications: 1) That mulch for the individual parking stalls. 2) The request not to install sidewalks along Broadway Street. The sidewalk is an infrastructure improvement required by the Zoning Ordinance. However, the Planning Board is concerned that the construction of the sidewalk by the applicant along Broadway Street on the north side of the property, and the 10 foot multi-use path along Beatties Ford Road is not a reasonable requirement. The Town is planning to make future improvements to the intersection of Broadway Street, McCoy and Beatties Ford Roads and will remove and replace the sidewalk during construction. If the Town Board approves this project the Planning Board requests that a reasonable solution be found to prevent a waste of time and money by the applicant.

It is reasonable and in the public interest to approve the Rezoning because it is consistent with the Huntersville 2040 Community Plan Future Land Use Activity Center Character Area, The Beatties Ford Road Corridor Small Area Plan, and The Beatties Ford Road and Mt Holly Huntersville Road Small Area Plan. In addition, the rezoning is supported by the 2040 Community Plan Economic Development Goal of balancing the tax base and encouraging entrepreneurship. J. Henson seconded the motion.

The original motion was amended at the request of G. Baber to not recommend the mulch for the individual parking stalls. This amendment was accepted by F. Gammon and J. Henson.

C. Boyd asked for clarification on the mulch. G. Baber stated his opinion was based on connectivity with the Activity Center. J. Henson said that the mulch was okay with him, but he could support it either way. Staff stated that mulch has never been allowed for a parking area and is a maintenance nightmare. The only approved exception for character is at Bradford Store and they installed pea gravel which is

impervious. C. Boyd followed up and said that he was fine supporting the project either way but he was fine with the mulch.

F. Gammon asked that the applicant be prepared to provide a more detailed hours and operations with the activities with the Town Board final discussion.

T. Loomis commented that she would love to see more projects like this come into town and outdoor activity would be useful and if there was a zoning designation that permitted it, that would be useful.

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

Item 4B: Consider recommendation on Petition #R23-07, EPCON – Beatties Ford Road, a request by EPCON Communities Carolinas, LLC to rezone six parcels totaling 78.7-acres generally located at 15201 Beatties Ford Road (South of NC 73 and east of Gilead Road & Beatties Ford Road intersection) from existing Rural to Transitional Residential - Conditional District zoning district for a 118-lot, single-family home subdivision.

D. Peete, Principal Planner – Long Range entered his staff report into the record, a copy of which is attached hereto as Exhibit B and incorporated herein by reference. Staff reviewed the proposed rezoning, identified the modification requests, and shared that staff does not support this rezoning request.

F. Gammon asked staff to confirm that the existing Riverdale has an existing 20-foot buffer and the applicant would install an adjacent 20-foot buffer, creating a total 40-foot buffer. Staff confirmed that is correct.

W. Hodges Johnson City, TN and N. Gonzalez Mooresville, NC presented for the applicant.

F. Gammon asked if the proposed walking trail will be paved or natural surface. A. Gibbon, Shelby NC with the project stated that it is their desire to have a paved trail and to parallel the gas line. The final design will have to be approved in conjunction with Piedmont Natural Gas.

C. Boyd asked if there are any road improvements requirements. The applicant confirmed that there was no TIA requirement but the appropriate right-of-way based on NCDOT requirements have already been acquired. J. Sny requested that the trip counts be provided for the Town Board discussion. The applicant confirmed that they would have that prepared.

G. Baber asked if lot reduction of size or reduction of total count has been considered and expressed an understanding that a 55 and over community produces less trips and less vehicles on the road than a non-age restricted community, but the community as a large may see the density and not understand that. The applicant responded that they have designed for the maximum and adjustments may be made when the final engineering is completed. Also the property is being developed with a 100 foot buffer along Beatties Ford Road to maintain the rural character along the corridor which in combination with keeping with the Open Space requirements may serve to reduce concerns of those driving by.

L. Hallman asked the applicant if they have a development model that is more rural in design and density and that would avoid dropping a urban development into this rural area. Also, if they elected to sell the property following any rezoning approval, if there would be guarantees that this would not further grow or change. The applicant responded that they would hope that the Board would identify what is unique about this parcel because it would be adjacent to a subdivision that is more densely developed, parcels that have deed restrictions limiting their ability to subdivide, and the church limiting the ability of additional parcels to be adjacent to this parcel and seek rezoning. The applicant continued to state that in the rural zoning they would be allowed a density of 182 homes and under the transitional residential zoning they are requesting 188 homes so an increase of six homes, while maintaining the rural development characteristics to maintain the rural feel. Staff also responded that the introduction of TR zoning on this parcel not adjacent to any other TR zoning could also potentially open a door to developments looking to rezone that are not adjacent but could similarly say that they are insulated by the adjacent developments from sprawl.

F. Gammon asked when the applicant plans to install the NCDOT required turn lanes as it relates to traffic concerns and issues in the area. The applicant responded with their normal timeline and added that they would be willing to commit to installing them prior to the first certificate of occupancy. F. Gammon further commented on the value to the community of installing these improvements earlier than the developer may benefit from them will serve to assist the community. The applicant asked if committing to installing them prior to vertical development would satisfy that. F. Gammon agreed that would satisfy some of the problem.

F. Gammon asked what the applicants intentions are to buffer and prevent erosion issues for the lots abutting the wet pond. The applicant responded that they seek to amenitize and make their wet ponds an amenity through the landscaping and fountain installation. Also, all erosion control requirements as indicated by the engineers will be met.

F. Gammon asked if there are any affordable housing units planned for the development. The applicant stated that there are not, the developers goal is to keep the costs as low as possible without sacrificing design to make the pricing attainable but not meeting the HUD standards for affordable housing.

Motion: F. Gammon made the Amended Motion to recommend Approval of petition R23-07, EPCON – Courtyards at Walters Farm. The amendment is consistent with the Huntersville 2040 Community Plan Policy LU-1: Encourage a development pattern that follows the Future Land Use Map in that the development is located both within and adjacent to the Beatties Ford Road/NC-73 Mixed Use Activity Center and provides a key residential component of support for said Activity Center. This recommendation is consistent with, and supported by, Huntersville 2040 Plan Policies: LU 2, LU 2.1, LU 2.2, LU 6, LU 6.1, LU 9, LU 9.1, LU 9.2, LU 10, LU 10.1, LU 10.2, LU 10.4, LU 12, LU 12.2, LU 12.3, EOS-2, EOS 2.1, EOS 2.2, EOS-3, EOS 6, EOS-6, EOS 6-1, EOS-10, EOS 10-1, T-3.

The amendment is further supported by the Beatties Ford Road Corridor Small Area Plan which identified a NC-73 Mixed Use Center at the intersection of Beatties Ford Road, Gilead Road, and NC-73. In addition, the plan stated that if the Latta Village Node (i.e the 2040 Plan Hopewell Village Activity Center #6) was not development then the potential for commercial/retail would only increase at Beatties Ford Road/HY-73 Mixed Use/Activity Center. The Planning Board further recommends that the

following modifications be approved: 1) Remove the requirement for a landscaped median at the Beatties Ford Road entrance. 2) Increase the maximum allowed length of the Road 10 cul-de-sac from 350 feet to 768 feet. 3) Allow a wet pond in-lieu of traditional water quality measures. This approval is contingent upon the applicant working with the town staff to identify and apply acceptable techniques to meet the intent of the Water Quality Ordinance.

The Planning Board does not recommend approval of the following modifications: 1) To increase driveway width from 16 feet to 18 feet. 2) To allow disturbance of the first 20 feet of the required 40-foot buffer at any location on site.

In addition, the recommendation for approval is contingent upon: 1) The applicant providing on-street parking on at least one side of all lots under 60 feet in width. 2) The Conceptual Storm Water Drainage Plan (PCO-1) is approved by staff. 3) That this community will be a 55 and over age restricted community. 4) All redline comments are addressed.

It is reasonable and in the public interest to approve the Rezoning because it is consistent with the Huntersville 2040 Community Plan Future Land Use Activity Center Character Area. A thriving and successful Activity Center requires adjacent mixed-use residential for success. This development will bring rooftops which will bring additional commercial/retail. Which in turn provides the Town of Huntersville with an additional tax generating commercial/retail location which is currently lacking on the west side of Huntersville. Do not see this Activity Center as it exists today - Visualize what it could become in the future. L. Hallman seconded the amended motion.

Staff clarified with F. Gammon that the intent of the motion is to state that it is near the Activity Center and not specifically extending the Activity Center to include this development.

L. Hallman commented that he supports it and the Land Use Plan. Each project submitted should be looked at individually and this one has unique features where this makes sense.

T. Loomis commented that this would set precedence and she cannot support that.

G. Baber commented that he agreed with T. Loomis regarding precedence.

Vote: The motion passed (6-2) with G. Baber and T. Loomis opposed.

Other Business

Item 5A: Consider appointments of the Chair and Vice-Chair for the Planning Board

Nomination: C. Boyd nominated J. Sny for Chair. T. Loomis seconded the nomination. There were no further nominations.

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

Nomination: L. Hallman nominated F. Gammon for Vice-Chair. J. Henson seconded the nomination. There were no further nominations.

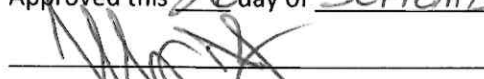
Vote: The motion passed unanimously (8-0).

Adjourn

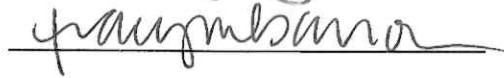
Motion: J. Wright made a Motion to Adjourn. C. Boyd seconded the motion.

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

Approved this 26 day of SEPTEMBER 2023.



Chairman or Vice Chairman



Board Secretary