

Minutes of the Town of Huntersville Planning Board

The Town of Huntersville Planning Board met at 6:30 p.m. on Tuesday, September 26, 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, J. Henson & S. Hensley

Absent: T. Loomis

Approval of Minutes

Item 2A. Consider approval of the August 22, 2023, Regular Meeting Minutes

Motion: J. Wright made a Motion to Approve the amended August 22, 2023, minutes. G. Baber seconded the motion.

Vote: The motion passed unanimously (7-0-1) with S. Hensley abstaining.

Board Disclosures

J. Henson disclosed his firm developed the plans and engineering for the next applicant, so he has a conflict.

Motion: F. Gammon made a Motion to Recuse J. Henson from Item 4A. J. Sny seconded the motion.

Vote: The Motion was approved unanimously (7-0).

Action Items

Item 4A: Consider making a recommendation on Petition #R23-08, Dearness Gardens, a request by Ken Forster, to rezone six parcels totaling +/- 10.07 acres generally located at 13501 Old Statesville Road from existing Highway Commercial- Conditional District and Neighborhood Residential to Highway Commercial-Conditional District and Neighborhood Residential for boundary and site amendments.

J. James, Principal Planner 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 supports this rezoning request with all four modification requests.

F. Gammon asked how much more square footage is being requested in modification 4. Staff responded that the principal structure is currently 2,000 square feet and there is a requested 3,500 square feet of accessory structure for storage and possibly retail.

J. Sny asked staff if they have considered any need for a limitation to the accessory structure square footage or if that is already being addressed. Staff responded that the site has 7-8 small existing buildings. This particular site being rural in nature with gravel drive would lend itself to the additional 3,500 square feet not taking away from the intent of ordinance.

S. Hensley asked staff for the rationale behind downzoning the other two parcels discussed, if there have been any notes added relative to the proposed height of the structures, and if staff had identified if

there is an issue with trespassing on the adjoining parcel that needs to be addressed. Staff responded that the two parcels were never used or developed for Dearness Gardens. The parcels are surrounded by residential development in general so it would be more accommodating to future development to rezone those parcels to Neighborhood Residential (NR). Staff also confirmed that a note has been added to the site plan to indicate the new structure will be one-story and not exceed the allowed height of 36 feet. Staff confirmed that the area of concern to the adjacent parcel is now within the area labeled 'easement one' on the plans and there will be a 10' evergreen buffer there which is a solution that staff and the applicant both feel comfortable with.

S. Hensley

Motion: S. Hensley made a Motion to recommend Approval of petition R23-08, Dearness Gardens. The amendment is consistent with the Huntersville 2040 Community Plan, specifically policies LU-6.3, EV-2.1, EV-2.2, EV-2.3. The proposed plan is consistent with the current land use and character of the surrounding properties. The Planning Board recommended approval is subject to the following conditions, modification request 1) for the northern boundary to reduced to 20' versus the required 30'; 2) allow for an off-site buffer on the south side as noted on the plan; 3) allow existing and proposed commercial driveway and parking areas to remain in gravel form; 4) allow more accessory square footage than principal square footage currently allows; 5) all other minor staff comments and redlines are addressed. It is reasonable and in the public interest to approve the rezoning plan because the rezoning is consistent with envisioned use and the development pattern set forth in the 2040 Community Plan. This rezoning allows the Town of Huntersville to support an existing small business that was first established on the current site in 1995 and further supports policy EV-2.1, "promote and encourage local businesses, particularly small businesses." G. Baber seconded the motion.

Vote: The motion passed unanimously (7-0).

Item 4B: Consider a recommendation on petition #R23-09, Golden Cow, a request by H2H Holdings, LLC to rezone approximately .06 acres at 14516 S. Old Statesville Road from Town Center to Town Center-Conditional District for a one-story retail building.

J. James, 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.

Motion: L. Hallman made a Motion to recommend Approval of petition R23-09, Golden Cow with the condition that all minor staff comments remaining addressed. The amendment is consistent with the Huntersville 2040 Community Plan Policy DT-2, DT-6, DT-6.1, LU-8.1, LU-8.2 and with the 2022 Downtown Plan Organizing Principles of Mobility, Gathering and Soul. While this plan does not propose an occupiable second story it does offer creative design indicative of a traditional downtown site and an active and welcoming frontage for gathering, a store front height of a 2-story building at 25'. Conditions for approval are 1) modification to allow a one-story proposal; 2) locate the dumpster adjacent to the

southern property lines we recommend they find the best practical location for this dumpster; 3) 5' parking driveway buffer screening with evergreen shrubs and no trees. J. Snyder seconded the motion. It is reasonable and in the public interest to approve the rezoning plan because the site is small and not being developed with the adjacent properties. It will bring several small businesses to Downtown, this building blends with the surrounding development, and also enhances the visual interest and walkability of Downtown.

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

Item 4C: Consider making a recommendation on Petition #TA23-05, a request by the Town of Huntersville Planning Department to amend Article 9.51 of the Zoning Ordinance to further clarify non-residential outdoor activities allowed within the Neighborhood Residential zoning district within ¼ mile of the Town Center zoning district.

B. Richards, Assistant Planning Director – 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.

Motion: G. Baber made a Motion to recommend Approval of petition TA23-05, to amend Article 9.51 based on consistency with EV-2.2 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the zoning ordinance because it will provide further clarification to the language. F. Gammon seconded the motion.

Vote: The motion passed unanimously (7-0).

Adjourn

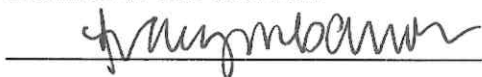
Motion: J. Wright made a Motion to Adjourn. C. Boyd seconded the motion.

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

Approved this 23 day of JANUARY 2024.



Chairman or Vice Chairman



Board Secretary

