Minutes of the Town of Huntersville Planning Board

The Town of Huntersville Planning Board met at 6:30 p.m. on Tuesday, February 27, 2024.

Call to Order/Roll Call
Chairman Sny called the meeting to order at 6:30 pm.
Present: J. Sny, F. Gammon, C. Boyd, L. Hallman, J. Wright, J. Henson, S. Hensley & T. Loomis
Absent: G. Baber

Approval of Minutes
Item 2A. Consider approval of the January 23, 2024, Regular Meeting Minutes
Motion: J. Wright made a Motion to Approve the January 23, 2024, minutes. T. Loomis seconded the motion.

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

Public Comments: None

Action Items
Item 4A: Consider a recommendation on Petition #R23-06, Beatties Ford Entertainment, a request by Jonathan Eury and Katie Carpenter to rezone +/- 2.513 acres at 9349, 9339, and 9331 Beatties Ford Rd from the Rural District to Highway Commercial Conditional District to allow Outdoor Recreation and Office use.
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.

The Board had discussion over the modification request to allow the parking area to be mulched, if mulching has been previously implemented for parking, if the critical area watershed is affecting this decision, if the parking area was required to be asphalt if this would create an issue related to their impervious area. To clarify staff confirmed that the applicant is compliant with the critical area watershed requirements and staff is opposed to the modification request specific to the use mulch, and the applicants impervious transfer is sufficient to cover the parking area if asphalt is required.

The Board had discussion related to what the rezoning would permit as to office use, coffee shop, and food trucks. Staff confirmed that the rezoning will permit specifically what is approved on the plans with any other proposed uses or change to the building requiring the applicant to submit a new rezoning for Board approval. The applicant is not proposing a coffee shop and food trucks as an accessory use are allowed with their own set of guidelines.

The Board had discussion related to the width of the required sidewalks and side paths, and how they may be affected by future road improvements. Staff confirmed they plan to work with the parties involved to not have the infrastructure added by the applicant removed.

The Board asked Staff if the Small Area Plan for this area was relative to each lot versus a general area given the critical area watershed. Staff confirmed that is correct.

The applicants, K. Carpenter and J. Eury of Huntersville made a presentation to the Board.

The Board asked the applicants why they are requesting mulch for the parking area and expressed concerns over the aesthetics, maintenance, and upkeep for the project now and if they choose to sell in the future. The applicant stated that it is for the low-impact and preference to remain pervious. Further discussion was had over the possibility of pervious pavers. Staff commented that pervious pavers must be reviewed by Mecklenburg County and are approved on a case-by-case basis. A comment was made expressing concerns over the uneven nature of the mulch and tracking mud. A comment was made recalling that when this rezoning was heard previously mulch was not recommended and the Planning Director at that time commented that he has never seen mulch successfully used for a parking area.

Motion: F. Gammon made a Motion to Recommend Approval of R23-06 Beatties Ford Entertainment. The rezoning is consistent with the Huntersville 2040 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 of support for said activity center. That recommendation is consistent with and supported by Huntersville 2040 Plan policies LU-6, LU-6.1, LU-7.1, LU-8.1, EV-2, EV-2.1. In addition the rezoning is supported by the 2040 Community Plan Economic Goal of balancing the tax base and encouraging entrepreneurship. The amendment is further supported by the Beatties Ford Road Corridor Small Area Plan which identified a Long 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, instructional, 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 reasons previously stated. The Planning Board does not recommend approval of the modification request to allow mulch for the individual parking stalls (Modification 1). The Planning Board recommends approval of the modification request to allow an existing storage shed to encroach into the required 30 foot buffer on the south side of the property (Modification 2) The recommendation for approval is contingent upon all redline comments being addressed with staff. 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 and MT Holly-Huntersville Road Small Area Plan. T. Loomis seconded the motion.

F. Gammon commented that this rezoning was unanimously recommended for approval when it was first presented, and the low intensity proposed use is an improvement over what was previously presented.

T. Loomis applauded the applicants perseverance.

S. Hensley requested an amendment to the motion to add references to Huntersville 2040 Plan policies LU-4, EV-2, EOS-3 and EOS-8 in support of the rezoning. F. Gammon and T. Loomis accepted the amendment.

Motion: F. Gammon made an Amended Motion to Recommend Approval of R23-06 Beatties Ford Entertainment. The rezoning is consistent with the Huntersville 2040 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 of support for said activity center. That recommendation is consistent with and supported by Huntersville 2040 Plan policies LU-6, LU-6.1, LU-7.1, LU-8.1, EV-2, EV-2.1, LU-4, EOS-3, EOS-8. In addition the rezoning is supported by the 2040 Community Plan Economic Goal of balancing the tax base and encouraging entrepreneurship. The amendment is further supported by the Beatties Ford Road Corridor Small Area Plan which identified a Long 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, instructional, 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 reasons previously stated. The Planning Board does not recommend approval of the modification request to allow mulch for the individual parking stalls (Modification 1). The Planning Board recommends approval of the modification request to allow an existing storage shed to encroach into the required 30 foot buffer on the south side of the property (Modification 2) The recommendation for approval is contingent upon all redline comments being addressed with staff. 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 and MT Holly-Huntersville Road Small Area Plan. T. Loomis seconded the motion.

L. Hallman commented that he will be siding with staff despite having been in favor of this rezoning previously. The use may not belong in Highway commercial and it appears that the office space is the reason for the rezoning. The activity center are dotted lines and can move around but the small area plans had time and money spent on them, likely with the existing neighbors participating in them and this is defined by parcel due to the needs of this area. This parcel is not included and it is too far out of the bounds. After looking at North Creek and being opposed to that it highlighted that while I like the proposed use here it is not in the plan.

J. Henson commented that he supports the plan and saving the existing home. He thinks that the project will enhance the area and offers a very low density project.

J. Sny commented that his interpretation of the small area plan is that it is parcel by parcel and there are rules and regulations to address the critical area watershed which the applicants are utilizing which solves the problem. If the adjacent parcels should also be able to do an impervious transfer then that could also present a solution for those parcels.

Vote: The motion passed (7-1) with L. Hallman opposed.

Item 4B: Consider a recommendation on Petition #TA23-08, a request by the Huntersville Planning Department to amend Zoning Ordinance Article 8.13 to remove "Regulation of Nuisances" language.

N. Farber, Planner II 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 text amendment.

Motion: T. Loomis made a Motion to Recommend Approval of TA23-08 based on the amendment being consistent with all policies of the Huntersville 2040 Community Plan and compliance with state statutes. It is reasonable and in the public interest to amend the Zoning Ordinance because it complies with the Huntersville 2040 Plan and state statutes. C. Boyd seconded the motion.

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

Adjourn
Motion: C. Boyd made a Motion to Adjourn. L. Hallman seconded the motion.
Vote: The motion passed unanimously (8-0).

Approved this 26 day of MARCH 2024.

Chairman or Vice Chairman

Board Secretary