

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

April 1, 2024

**6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

None

**REGULAR MEETING
TOWN OF HUNTERSVILLE
BOARD OF COMMISSIONERS**

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on April 1, 2024.

GOVERNING BODY MEMBERS PRESENT: Mayor Christy Clark; Commissioners Amanda Dumas, Jennifer Hunt, Edwin Quarles, LaToya Rivers and Nick Walsh. Commissioner Alisia Bergsman was not present.

Mayor Clark called for a moment of silence.

Mayor Clark led the Pledge of Allegiance.

ANNOUNCEMENTS

New Mayor's Coffee Mixer series kicks off next month.

CATS Red Line Public Meetings scheduled for April.

New Town Hall Groundbreaking on April 12 at 3 p.m.

Ways to connect with us – website, social media pages, Town of Huntersville app.

PUBLIC COMMENTS

Katie Zager and Dr. Bill McCoy, UNCC Urban Institute, provided update on the North Mecklenburg Demographic and Housing Assessment. *Refer to PowerPoint attached hereto as Exhibit No. 1.*

AGENDA CHANGES

Commissioner Dumas made a motion to adopt the agenda. Commissioner Rivers seconded the motion. Motion carried 5 to 0.

CONSENT AGENDA

Approval of Minutes – March 4, 2024. Commissioner Rivers made a motion to approve the minutes of the March 4, 2024 Regular Town Board Meeting. Commissioner Walsh seconded the motion. Motion carried 5 to 0.

Approval of Minutes – March 18, 2024. Commissioner Rivers made a motion to approve the minutes of the March 18, 2024 Regular Town Board Meeting. Commissioner Walsh seconded the motion. Motion carried 5 to 0.

Budget Amendment – Parks & Recreation. Commissioner Rivers made a motion to approve budget amendment appropriating Capital Reserve in Parks & Recreation in the amount of \$21,000 to Capital Outlay to add two pickleball courts at Holbrook Park. Commissioner Walsh seconded the motion. Motion carried 5 to 0.

Property Tax Refund Report. Commissioner Rivers made a motion to approve Property Tax Refund Report from Mecklenburg County. Commissioner Walsh seconded the motion. Motion carried 5 to 0.

Property Tax Refund Report attached hereto as Exhibit No. 2.

PUBLIC HEARINGS

Petition #TA24-03. Mayor Clark called to order public hearing on Petition #TA24-03, a request by the Huntersville Planning Department to amend Chapter 3.1.2 and 11.4.7 (k) of the Zoning Ordinance.

Brad Priest, Assistant Planning Director, entered the Staff Report into the record. *Staff Report and Staff PowerPoint attached hereto as Exhibit No. 3.*

Several policies of the Huntersville 2040 Plan recommend that the Town look for ways to offer flexibility from zoning regulations to encourage developments with excellent design or which provide exceptional public benefit. Article 11.4.7 (k) of the Huntersville Zoning Ordinance currently allows for such flexibility through the conditional rezoning process. However, that flexibility is significantly limited. Modifications are allowed only when the “spirit of the regulations are maintained.” Currently then, major changes or eliminations of certain zoning requirements may be considered inappropriate due to not being consistent with the principle of the regulation or the intent of the underlying zoning district.

To allow the greater flexibility that the 2040 Plan recommends, Planning staff proposes to remove the reference to the “spirit of the regulations.” Thus, the Town Board would have broader legislative discretion on modifications to the zoning standards. For instance, the Town Board would be able to greatly decrease or modify a design requirement through the rezoning process. Design elements such as parking space number and location, building height, architecture, setbacks, lot width, lot size, tree save, landscaping, etc. could be amended. It would also open the ability for the Board to modify the density, attached residential percentage, and open space requirement of the underlying general zoning district.

However, to better clarify the intent and purpose for the new ordinance flexibility, Article 3.1.2 of the ordinance would also be amended with this application. This section would include specific examples of the types of projects that would be appropriate for conditional district rezoning approval, projects with design that exceeds the minimum ordinance standards (excellent design), that include a new or

improved public space, or that provides exceptional public benefit. These additions, though, are meant to be examples and not an exhaustive list. The Town Board at its sole discretion would decide what projects qualify for a conditional zoning district and what modifications to the ordinance are appropriate.

Staff recommends approval of the proposed text amendment. The Huntersville Ordinances Advisory Board recommended approval last month by a 5-1 vote. The Planning Board is scheduled to hear this item at the end of the month.

Commissioner Walsh said removing “spirit of the regulations” and you mentioned for example parking.....I mean at this point how is that different right now? We can approve a project and say, to your point, 20 spaces can now be 12 as a part of our approval process. We had one a few weeks ago where we approved I think it was a setback on a shed, so how does removing those words change things essentially for us up here?

Mr. Priest said I think it becomes the depth of the modification, so you’re currently under the spirit of the regulations, you’re still staying in the box of what the ordinance is trying to do. If you completely remove that requirement, then that becomes a question. You are stepping out of the box, you are doing something completely different, and then I would say you’re also now getting into the underlying zoning district. For instance, in TR the maximum density is 1.5 units an acre, so if a unique project comes in and instead of saying well 1.5, what about 2.5, well what about....you know, there’s a maximum 30 percent attached units that can happen in that zoning district. What if there was 50 and because of that something real unique, a public park, a transportation element, is volunteered by the applicant, does that make sense. That becomes on the table where now if you are staying within the confines of the intent of this underlying zoning district that’s more questionable. So, it’s really the depth of the change or the modification that is proposed by the applicant.

Commissioner Walsh said I was reading through, it says for example, excellent design that offers exceptional public benefit. Is that the example of the park that you were mentioning a little bit earlier?

Mr. Priest said exactly, yes. So, if someone wants to come and dedicate a public park that everyone can make use of, affordable housing that was just discussed in the presentation, if they said we need a little bit more density, we need a little bit smaller lot sizes but we can do 10 units that we can have affordable housing, we’ll make sure that the rent is no more than 60 or 80 percent of the AMI and so they can offer that. If the Town Board is willing to do that, then that becomes doable.

Commissioner Walsh said can you give me an example of flexibility in site design that would protect natural resources?

Mr. Priest said the 2040 Plan specifically outlines different methodology how that can happen, so in the more rural parts of town there’s minimum lot sizes and there’s minimum setbacks that kind of make the development spread out and so if you have environmentally sensitive areas within that tract of land you start to grade, you start to disturb, you start to dig up those environmentally sensitive lands. If an applicant came and said we want to stay away from this creek, we want to stay away from these historical trees, can we get smaller lots, can we cluster our development and make it more clustered in a small area, can we do that and then we’ll leave that stuff alone, you could do that. That would be a way by keeping away from those sensitive areas that the Town Board could approve something to conserve land.

Commissioner Hunt said can you talk about the frequency with which we need to change our ordinances to keep up with societal changes or technology and things like that.

Mr. Priest said I would answer that question in two ways. The first is the way I'm reading your question is do we have to keep up with the unique and interesting ways that developers are coming and trying to ask for things that we need to actually put in our ordinance. The first part of that answer would be no, because staff looks at these types of things, talks to developers all the time, understands what the peak topics are. For instance, affordable housing. You know 5, 10 years as it's grown and got more, but 10-15 years ago that really wasn't probably as hot of a topic. We can kind of sense when these issues are coming up and we can put them in the ordinance if we want to, but number two, we wrote this ordinance to change Chapter 3.1.2 to be more on the general side, so we just simply said design with public benefit or we said going above and beyond the ordinance standards, so we are not putting in those thresholds and those qualifiers but we say you do this, this is something that we are looking for, we are keeping it more open so as things change in the future, more innovative and interesting creative designs come before us, that's something that we can apply to those as times change. But if hot topics come up, you know our 2040 Plan, we can amend that. Soon we'll be doing a 2050 Plan and we can identify those topics and then we can come amend the ordinance at that time.

Commissioner Quarles said you mentioned the project in Mooresville, so basically would this be giving us more of an opportunity to negotiate with our developers?

Mr. Priest said absolutely, yes. If there's a range of ordinances that they are really trying hard to meet but their numbers don't work and they need some relief but it's going to be a really great project for Huntersville that's going to be unique and the Town Board wants to accommodate that, that becomes a discussion.

Frank Gammon, Vice Chair Planning Board, said I would like to hear what Ms. Sloop has to say about some of this. I can see some benefit here. I've got to sit down and wrap my brain around this, but someone comes in and says I'm going to build you this big park if you let me build this the way I want to build it. Now Brad's not going to let them do that, I know he wouldn't, but the next guy comes in.....I mean, does this change the Zoning Ordinance in any way, just like sometimes when the Board makes changes it changes the 2040 Plan. Would this change the Zoning Ordinance in any way if you allow one applicant to have some modifications, does the next applicant get those same modifications?

Emily Sloop, Town Attorney, said it sounds like your question is actually more than just one question, so I'll do my best. It sounds like the primary question is will this change the Zoning Ordinance. Yes, because it's a text amendment, so it obviously would change the language. As far as the overall process goes, as Brad mentioned, this would provide the Town more flexibility in their conditional rezoning process and that is a goal that is stated in the 2040 Plan. It would not, however, set a precedent because each conditional rezoning application is and of itself a separate application, so it doesn't set any legal precedent to then provide the same types of modifications for projects down the road. That's always going to be a legislative decision making process on a case by case basis and I would say that removing the language about "in keeping with the spirit of the ordinance" provides less risk exposure to the Town Board for the legislative decision making process because "in the spirit of the ordinance" is not necessarily a defined term and is very subjective. I do agree with this text amendment from a legal standpoint and no it does not set legal precedent.

Mr. Priest said I would just quickly add from a staff perspective what wouldn't change is our duty to look at each application, look at the ordinance and look at the 2040 Plan and basically state and recommend

does it meet the 2040 Plan, is it a project that has public benefit, does it not have public benefit and we would actually comment on that and recommend based on that and then it would be up to the Town Board to decide if they wanted to do that.

Mayor Clark said the term public benefit, that would be something that would be tied to what is defined in the 2040 Plan. Right?

Mr. Priest said I think it's a little bit more subjective. It's not ironed specifically what that is, again in Chapter 3 there's examples of that, but certainly that's up to the interpretation of the Town Board and how they see the public benefit shaping up.

Ms. Sloop said one thing I would also mention just to piggyback and also to provide a supplemental answer about changing the ordinance, providing examples instead of defined terms in that specific instance, usually we like defined terms, but in this particular instance it leaves flexibility so that we don't have to keep amending the ordinance over and over to include additional examples and it also, as Brad mentioned, does not tie the Town Board's hands if they find something that might not be a traditional public benefit to actually be a public benefit.

There being no further questions or comments, Mayor Clark closed the public hearing.

OTHER BUSINESS

Environmental Sustainability Committee Appointment. Consider appointing one member to the Environmental Sustainability Committee due to one vacancy. This will be the remainder of a one-year term, expiring June 30, 2025.

Commissioner Hunt nominated Kerem Saral.
Commissioner Quarles nominated Kerem Saral.
Commissioner Rivers nominated Kerem Saral.
Commissioner Walsh nominated Kerem Saral.
Commissioner Dumas nominated Kerem Saral.

Commissioner Hunt made a motion to appoint Kerem Saral to the Environmental Sustainability Committee.

Commissioner Dumas seconded the motion.

Motion carried 5 to 0.

CLOSING COMMENTS

None

There being no further business, Commissioner Quarles made a motion to adjourn. Commissioner Walsh seconded the motion. Motion carried 5 to 0.

Approved this the 15th day of April 2024.