Minutes of the Town of Huntersville Planning Board

The Town of Huntersville Planning Board met at 6:30 p.m. on Tuesday, February 25, 2025.

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

Approval of Minutes
Item 2A. Consider approval of the January 25, 2025, Regular Meeting Minutes
Motion: M. Pollard made a Motion to Approve the January 25, 2025, minutes. J. Henson seconded the motion.
Vote: The motion passed unanimously (8-0).

Public Comments:
David Krug, Huntersville Business Owner – Against, Item 4A
Errol Genois, Cornelius, NC – Against, Item 4A
Carol Swartz, Huntersville, NC – Against, Item 4A
Suzanne Villar, Huntersville, NC – Against, Item 4A
Julia Kiemt, Huntersville, NC - Against, Item 4A
Dan Ripoll, Huntersville, NC - Against, Item 4A
Peter Romaniello, Huntersville, NC - Against, Item 4A
Nick O'Shaughnessy, Huntersville, NC - Against, Item 4A
Katie Collins, Cornelius, NC – For, Item 4A
Peter Tremblay, Cornelius, NC – For, Item 4A
Eric Willoughby, Huntersville, NC – For, Item 4A
Dawn Snow, Cornelius, NC – Against, Item 4A
Roy Dalton, Huntersville Business Owner - Against, Item 4A

Motion: J. Henson requested to be recused due to a conflict of interest.

C. Boyd made a motion to recuse J. Henson for Item 4A. T. Loomis seconded the motion.
Vote: The motion passed unanimously (7-0) with J. Henson abstaining.

Action Items
Item 4A: Consider a recommendation on Petition #R24-11, a request by DDRTC Birkdale Village, LLC to rezone +/- 12.36 acres at 8710 Lindholm Drive from Highway Commercial Conditional District to Highway Commercial Conditional District for commercial, hotel, office and multi-family uses.
B. Richards, Planning Director 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 application and stated that staff is recommending approval of the rezoning application.

J. Sny asked staff questions related to right-of-way abandonment procedures, parking requirements, Townley bridge status, Northpoint Drive ownership status, location of future pedestrian bridge crossing

NC-73, how parking would be affected by ancillary hotel uses, and how access could be affected by required medians.

C. Boyd asked staff how parking requirements are determined and if they are updated.

L. Hallman asked for clarification on the location of the right-of-way abandonment, if building height is the only variance being requested, what type of participation in the Townley bridge is being discussed, and if the pedestrian bridge is funded.

M. Pollard asked if there is there has been any consideration of the shadow effects of the proposed structures, if the finishes for the parking structures have been considered to ensure the impact of the structure is softened, if there was any consideration for traffic mitigation.

S. Irvin, Cornelius, NC and F. Bond, Director of Development and Construction for Jamestown Development presented for the applicant.

J. Sny asked the applicant if they have engaged the hotel brand in specific discussions, what the reasoning is for the varying heights of the proposed parking decks, if the leasing agreement with the tenant Vin & Vino permits them to have their own valet service, if there are any conditions on where the valet service are parking the cars and if the applicant has taken any action regarding the statements made that the valet service is parking cars in the residential area. The applicant responded that there have been several conversations with the valet service but there is no authority to enforce it as it is public parking, valet services are permitted under the current lease structure, and the tenant feels that the overall valet services are too far for their customers to walk.

J. Sny asked where the applicant's valet service parks, reiterated concerns expressed at the public hearing about emergency vehicles being able to pass, asked how road closures and parking is addressed during large scale events. The applicant confirmed their valet service parks in the parking decks and they coordinate with local police on any large events to inform them of the dates and to manage any road closures.

M. Pollard asked if the neighboring communities have explored parking by permit only. Staff confirmed that Public Works and Engineering have explored this and pursued conversations with the homeowner's associations at this time. The legality of a community moving to this option on public roads still has to be fully reviewed.

T. Loomis asked the applicant why they are not considering building up the parking deck's higher to accommodate parking, and how the applicant is going to ensure availability of parking. The applicant stated that they would like the option to increase the height of the second parking deck if the lease rates of the office space at the time of completion of construction supports the addition of the parking deck height.

G. Baber asked what height modifications have been made from the original request, how many stories are being proposed to the building, and if the parking decks would be considered if there were no additional office space added.

C. Boyd asked how the staging for construction and impact on parking would be addressed, what the proposed timeline is for completion in relation to NCDOT proposed completion of NC-73 widening, and why the applicant adjusted the hotel location to outside of the building footprint. The applicant responded that there was not an approved hotel deal and they were approached by Apple so they adjusted their plan to the business that was at hand.

J. Wright commented on the required median as it relates to potential hotel guests, traffic during heightened times of day, and the considerations of valet services at the proposed hotel.

M. Pollard commented on the growth of the region and asked the applicant how they are planning for the future demands with their limited footprint, and if they intend to include adaptive wayfinding.

L. Hallman asked if mitigating any of the parking for the outparcel has been considered. S. Irvin responded that a letter from the outparcel owner's attorney has been received but there have not been any discussions to negotiate anything requested at this time. The applicant responded that they would be open to discussions with the outparcel owner and there are considerations that need to be factored in relative to the entire deed. S. Irvin stated that it is her understanding that the deed may indicate a maximum of three tenants allowed and there are currently four tenants. This has not been vetted to determine if there was any title work that may have adjusted this requirement.

L. Hallman asked where the staging of the construction of the hotel and office would occur and how the applicant expects to schedule the timing of this proposed construction.

J. Sny reviewed the proposed parking and discussed the potential of negotiating parking deck height and even location of parking deck height, he then asked the applicant which product was most financially viable to the success of the development, the apartments or the hotel. The applicant commented that there are too many variables to be able to respond but it is known that the locations are not variables as the proposed hotel does not have a desire to be in-line with the existing shops.

J. Sny commented that he does see a need for the office space in our area, he does not believe Birkdale is a singular destination for travelers but that it could be a secondary destination, there is a proposed hotel across the street that will be connected by a pedestrian bridge and he does not see all of the proposed items coming together at this location. S. Irvin commented that the hotel proposed is likely higher-end with more amenities and the level of service is greater which also brings a different type of customer to the complex.

L. Hallman asked if any of the proposed items would work at 48 feet. The applicant responded it would be cost prohibitive in today's market.

Motion: G. Baber made the motion, "In considering the proposed rezoning application, R24-11, Birkdale Village, the Planning Board recommends denial based on the plan not being consistent with Land Use (LU) 5.1, LU 11.1, LU 11.2, LU 12.3 of the 2040 Huntersville Community Plan. It is not reasonable and in the public interest to approve the rezoning plan because there is not adequate transportation infrastructure to accommodate the plan, nor does the plan fit the scope and character of the neighborhood." T. Loomis seconded the motion.

G. Baber commented that he has enjoyed the updates the developer has added to Birkdale and he is not opposed to the proposed uses. He thinks the scale of the offices are not in keeping with the Village development and this proposed use may not be protecting the unique character of this area.

T. Loomis commented that she is not opposed to development or change but she is not comfortable with this much change and much more parking should be added. She does not like where the hotel is proposed and the potential effect on the existing outparcel.

C. Boyd commented that he is not a fan of the location for the proposed hotel. It seems like the developer is making choices based on the parcels that have come available. It may cost more but if the development were more thoughtful then it could achieve better placement and better results versus what is proposed.

L. Hallman commented that this appears to be hyper-density and the NCDOT proposed changes are to address the people living there now, not the future growth and changes that have since been approved and are not yet built. He then spoke of the increased support vehicles that this will also draw and it does not appear to be able to support that either.

J. Wright commented that she is not opposed to the project. She thinks that density is good, the pedestrian bridge will add a lot, a shuttle could be added if necessary for future growth. This is a great thing for Huntersville and does move the Town to another level. In her business, there is a lot of money and upper class people in this area that don't always have the space they need for their corporate events. We have companies with their North American headquarters here and we need a nice hotel with nice amenities available for their traveling guests. We need to think not just as residents but also as what we need in order to attract outside travelers to our area.

M. Pollard commented that he would like to make sure that whatever is approved works and does what it is set out to accomplish. This proposal does seem to elevate Huntersville and when a developer is investing $180M into a project it brings economic growth and communicates to outside agencies that this is a place worth investing in. It also has to work so traffic and parking are also important so that it is functioning. If there were a way to demonstrate that it is effective that may help. Birkdale Village has already evolved from 2001 and if it does not continue to evolve then we are a community going in the wrong direction unless we have a tax base so substantial that we are in a position to say no. It is important to remember that saying no to development also means saying yes to absorbing some of the cost at the residential level that the commercial taxes would otherwise offset. The proposal is not perfect but has substantial enough value that is should be considered.

J. Sny commented that there is a partnership here. The residents in the Green's need Birkdale Village for your values, and many of you for your activities. Jamestown Development needs the residents. If nothing more happens to Birkdale Village, at some point the parking, traffic and frustration will have an effect on tenants which will have to be addressed by Jamestown in other ways. This could involve them selling the development and let's not forget that two owners ago the owners would not reinvest in Birkdale and there were noticeable declines. As a partnership it is also of note to the applicant team that there is real hesitation on the Board. J. Sny then asked the applicant if they would like to consider negotiating anything or if they would like the Board to simply take a vote.

L. Hallman commented that he does not share the notion that if we are not growing we are dying. We are a suburb of Charlotte and it's just not going away. Change is inevitable but not all change is good, careful and measured change. He is not opposed to development but we have time to pick the right developments for the right location.

J. Sny commented that NC-73 is the highest traveled east-west corridor in North Mecklenburg and that is also not going anywhere.

L. Hallman commented that in his opinion the proposed development is for outside visitors and he is here to represent the people who are local.

T. Loomis commented that over and over people have commented how the proposed development does not fit with the current character and that was one of the basis for turning down the previous rezoning request. Now the same office building is being proposed and her priority is for the residents and that they are heard. Her hope is that the applicant hears the concerns and could present to the Town Board a better solution.

J. Sny agreed that is fair and when you look at the public comments today, nine of the thirteen speakers are Huntersville residents.

S. Irvin commented in response to J. Sny's ask for negotiations that Mike Lant, Jamestown Development has agreed to adding one more level to Parking deck B and this would be included in the final drawing after Planning Board comments are provided.

Vote: The motion passed (4-3) with J. Sny, J. Wright, and M. Pollard opposed.

Motion: C. Boyd made a motion to reseat J. Henson. J. Wright seconded the motion.
Vote: The motion passed unanimously (7-0) with J. Henson abstaining.

Item 4B: Consider Petition #R24-14, a request by Linda Long to rezone +/- 64.5 acres located at 12705 Commerce Station Drive from Corporate Business to Corporate Business Conditional District to develop an industrial and flex space warehouse development.
B. Priest, Assistant Planning Director 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, proposed uses, requested modifications, and stated that staff recommends approval with the listed changes.

C. Boyd asked how the SWIM buffer would be managed and mitigated. Staff stated it typically is filled in but the applicant can confirm. Staff confirmed that the applicant would be required to get the appropriate permit and mitigate with the County.

J. Henson asked if water quality is an option to do onsite versus off-site mitigation. Staff stated that on-site or very local would be good and staff is open to how the County decides that is adequately mitigated.

J. Sny asked what the proposed uses would be for each of the proposed sites. Staff confirmed that it would be any permitted use within Corporate Business (CB) zoning, and this is acceptable to staff.

L. Hallman asked for confirmation on where the block length modification is being requested. Staff confirmed it is Commerce Station Road.

R. Irvin, Cornelius, NC representing the applicant presented the proposed development. C. Kerley, Crescent Development, Charlotte, NC participated in the presentation.

C. Boyd asked the applicant what their plan is with the stream, and if the proposed Verhoeff Drive moves to the north what happens to the proposed lot 2. The applicant stated that they have to impact the stream with a pipe that is being added which is why they must get the permit and possibly handle any mitigation with the County. The applicant confirmed that they are willing to work with staff on some flexibility, but they would request a timeline also be associated with that so that they can move forward with the development if it is approved. Staff confirmed that it would likely take the balance of the 2025 calendar year to identify the road location or at least finalize workable options.

Motion: J. Henson made the motion: "In considering the proposed rezoning application, R24-14, Commerce Station Industrial, the Planning Board recommends approval based on the plan being consistent with the policies LU 1.1, LU 5, LU 7.1, LU 8.2, LU 11.1, and EOS 1.1 of the Huntersville 2040 Plan. It is reasonable and in the public interest to approve the rezoning plan because it does not change the proposed uses of the existing zoning district and provides recommended flexibility to employment centers and provides needed alternative entrance to the Greenway Waste Landfill. In addition, we recommend approval of all modifications, items 1-6, as presented in the staff report, including minor staff comments." C. Boyd seconded the motion.

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

J. Henson stated that he was okay with the modifications being requested and flexibility to identify the road placement of Verhoeff Drive and the proposed use.

J. Sny commented that it is important that the water mitigation stay local since Huntersville is the location of Charlotte drinking water. The applicant responded that the conversations with Rusty Rozzelle have been very positive and he definitely is a steward of the drinking water.

Item 5A: Consider approval of the Planning Board calendar adjustment.

Motion: L. Hallman made a motion to move the April Planning Board meeting to April 29, 2025. J. Sny seconded the motion.

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

Adjourn

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

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

Approved this 25 day of MARCH 2025.

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Chairman or Vice Chairman

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Board Secretary