

## Minutes of the Town of Huntersville Planning Board

The Town of Huntersville Planning Board met at 6:30 p.m. on Wednesday, July 22, 2025.

### Call to Order/Roll Call

Vice-Chairman Henson called the meeting to order at 6:30 pm.

**Present:** J. Henson, S. Hensley, J. Wright, C. Boyd, L. Hallman, T. Loomis, P. Tokpah, M. Horsman

**Absent:** M. Pollard

### Approval of Minutes

**Item 2A: Consider approval of June 24, 2025, regular meeting minutes.**

**Motion:** J. Wright made a Motion to Approve June 24, 2025, minutes. T. Loomis seconded the motion.

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

### Public Comments:

No public comments

### Action Items

**Item 4A: Consider a recommendation on Petition #R25-06 12300 McCord Road, a request by Robert and Heather Dubiel to rezone +/- 11.265 acres from General Residential to Transitional Residential as a general rezoning.**

L. Speight, Senior Planner entered her staff report into the record, a copy of which is attached hereto as Exhibit A and incorporated herein by reference. Staff reviewed the proposed general rezoning, and stated that staff is recommending approval of the rezoning.

The Board asked if a farmhouse cluster is permitted in the current zoning, and what uses would be permitted if this rezoning were approved. Staff responded that the applicant would like to develop or sell to a developer for a farmhouse cluster development. This use is not permitted under the current zoning. The proposed zoning would permit it and maintain lot sizes comparable to the surrounding area. The additional permitted uses that would be permitted within the proposed zoning would be required to meet building and lot size requirements for those uses and potentially a TIA if one is required.

The Board confirmed any additional permitted uses under the proposed zoning use versus the current zoning use, the lack of a site plan, and any ability to add conditions to the rezoning. Staff confirmed that the general rezoning would allow for all uses under the new proposed zoning, no site plan is required, and there is no ability to add conditions.

The applicant, Robert Dubiel of 12300 McCord Road shared with the Board how they arrived at the option of general rezoning and a farmhouse cluster development.

**Motion:** S. Hensley made a motion to recommend approval of R25-06, 12300 McCord Road, as it is consistent with policies LU 1.1 and LU 2.1 of the 2040 Huntersville Community Plan. It is reasonable and in the public interest to amend the zoning ordinance because the proposed rezoning is consistent with the envisioned uses and development patterns set forth in the 2040 Community Plan. T. Loomis seconded the motion.

S. Hensley commented that he is comfortable with what the applicant wants to do and why they want to do it. He feels that the other possible development options that would be permitted with the proposed zoning are not terrible things to have in this location and he agrees with the homeowner that the price point will be a strong deterrent to those potential uses.

L. Hallman commented that he had a motion written to deny based on the 2040 Huntersville Community Plan, chapter 5 which states, 'property should not be preemptively upzoned based on the future land use map.' He then stated that he believes the applicant was steered in the wrong direction and should have been advised to apply for a conditional rezoning with a modification request not to submit a site plan to limit the use to a farmhouse cluster, or residential use.

C. Boyd agreed with some the statements made by Lee but he feels like there is some similar characteristics and the argument that the cost and potential uses really would not detract from the existing uses.

J. Henson stated that he is also comfortable with the potential uses and the required open space could then realistically be built here as it relates to the existing residents.

L. Hallman restated that this is not the intent of the 2040 Plan and he urged the Board to keep that in mind.

S. Hensley commented that he has a belief around private property rights. There is already a zoning ordinance that controls what residents can and cannot do. When there is an opportunity to help a resident do what they want to do without being any detriment to the community, he is in support of it.

J. Henson commented that it is compatible with the adjacent land uses so he does not have an issue with it.

T. Loomis commented that she agrees it is neither a detriment and it is compatible. This request is from one couple that is looking to accomplish something with their land.

L. Hallman commented that is what causes concern for him because all intent is great but there are no guarantees with a general rezoning. It is still possible for any permitted use to be developed on that land. His preference would be to codify the use of the land.

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

**Item 4B: Consider a recommendation on Petition #TA25-01, a request by the Huntersville Planning Department to amend Articles 3, 4, 9, and 12 of the Huntersville Zoning Ordinance.**

L. Speight, Senior Planner entered her 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, and stated that staff is recommending approval of the amendment.

The Board confirmed what the definition of a major subdivision would include and reviewed the proposed ADU ownership recommendations.

**Motion:** C. Boyd made a motion to recommend approval of TA25-01, based on the amendment being consistent with policies LU 2, LU 3, LU 5.3, LU 7.1, LU 10.1, LU 10.3 of the Huntersville 2040 Plan. It is reasonable and in the public interest to amend the zoning ordinance because it clarifies the overlap of residential use and structure definitions, provides specific and objective parameters to new building type categories and encourages an appropriate mixture of housing types. P. Tokpah seconded the motion.

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

**Item 4C: Consider a recommendation on Petition #TA25-06, a request by the Huntersville Planning Department to amend Articles 3.2.1, 3.2.2, 7.5, and 9.64 of the Huntersville Zoning Ordinance.**

L. Speight, Senior Planner entered her staff report into the record, a copy of which is attached hereto as Exhibit C and incorporated herein by reference. Staff reviewed the proposed text amendment, and stated that staff is recommending approval of the amendment.

The Board inquired regarding the one proposed buffer reduction and to ensure that the recent buffer adjustments are consistent with the current recommendation. Staff confirmed that the one reduction is to be in keeping consistent standards and the recently adopted buffer adjustments are consistent.

The Board inquired regarding which zoning districts the TC would be adjacent to that would be included, and confirmed what buffer size and what type of disturbance is being proposed.

**Motion:** T. Loomis made a motion to recommend approval of TA25-06 based on the amendment being consistent with LU 9.1, LU 11.1, LU12.3, and EOS 6.1. It is reasonable and in the public interest to amend the zoning ordinance because it is consistent with the 2040 Plan and it clarifies the intent of existing buffer yards and updates the planting standards based on intent and application. J. Wright seconded the motion.

T. Loomis commented that uniformity and standardization requirements is good.

J. Wright commented that the photos were very helpful to understand the issue and what the reality of the requirement can look like, so she supports the increased requirements.

M. Horsman thanked staff for consulting the arborist as the expert on the matter which shows that due diligence is being met.

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

**Item 4D: Consider a recommendation on Petition #TA25-08, a request by the Huntersville Planning Department to amend the Zoning and Subdivision Ordinance.**

L. Speight, Senior Planner entered her staff report into the record, a copy of which is attached hereto as Exhibit D and incorporated herein by reference. Staff reviewed the proposed text amendment and stated that staff are recommending approval of the amendment.

The Board asked how the proposed time period was arrived at for the conversion timeline. Staff confirmed that they consulted with Mecklenburg County Storm Water to arrive at a reasonable timeline.

The Board asked if there are sufficient code enforcement officers to handle enforcing the proposed changes. Staff responded that additional staff has been requested and the enforcement.

**Motion:** L. Hallman made a motion to recommend approval of TA25-08, based on consistencies with policies EOS 1.1, EOS 3, EOS 4, and EOS 5 of the Huntersville 2040 Plan. It is reasonable and in the public interest to approve the application because it provides consistency with SB166, reduces scheduling conflicts for Board members to attend community meetings, reduces duplicative berm reviews and quantitative design standards, better aligns the urban open space with the intent, distinguishes farmhouse clusters as a unique plan type, allows open space in the home lots of minor subdivisions and supports the protecting of sensitive areas by requiring the proposed limits of disturbance to be shown on existing features plan sheet. C. Boyd seconded the motion.

Staff clarified that the open space allowed in minor subdivisions when outside of the individual home lots would require a management agreement or homeowners association.

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

**Item 4E: Consider a recommendation on Petition #TA25-04, a request by the Huntersville Planning Department to amend Article 7.4 of the Huntersville Zoning Ordinance.**

B. Priest, Assistant Planning Director entered his staff report into the record, a copy of which is attached hereto as Exhibit E and incorporated herein by reference. Staff reviewed the proposed text amendment, and stated that staff is recommending approval of the amendment.

The Board asked if the mitigation would prevent a developer from coming to the Town. Staff stated that they would guess no, there is no shortage of developers with the current mitigation. Staffs expectation is that developers who can redesign will and those who cannot will seek conditional rezoning.

The Board asked staff to review what would be permitted for tree's plantings, concern was expressed over this amendment possibly being a solution looking for a problem, staff was asked how they arrived at the comps. Staff stated that the tree save ordinances vary greatly with Belmont and Matthews being the most similar to Huntersville. Matthews has a 30% tree save requirement and anything above that requires Town Board approval to encourage that the adjustment not be a by right but a Board approval process.

The Board expressed concern regarding the proposed percentage and the number of rezonings that would be required for small lots, support was also expressed for the amendment as being on the right track but possibly in need of adjustment. The perceived value of the mature tree versus paying in to the tree fund needs attention and the sooner the better.

**Motion:** T. Loomis made a motion to recommend the approval of TA25-04 based on the amendment being consistent with EOS-3, EOS-3.1, EOS-4 and the Big Idea Tree Canopy outlined on page 84 of the 2040 Community Plan. It is reasonable and in the public interest to amend the zoning ordinance because it supports the preservation and growth of the mature tree canopy which will provide significant environmental, storm water management, air quality, economic and community benefits for the Town of Huntersville without restricting developers by allowing flexibility with the conditional rezoning. L. Hallman seconded the motion.

T. Loomis commented that she likes that this would be another bargaining chip for the Planning Department and to create a better balance between savings of mature trees with developers still making money.

L. Hallman commented that this is a step in the right direction and may be we look at land preservation as also set out in the 2040 Plan.

S. Hensley commented that sometimes we get focused on here and now versus what the community will look like in 10-20 years. Would the value be in saving one heritage tree today that will die versus adding 20 trees that will add to the future canopy. There is a need for a balance of both.

P. Tokpah commented that maybe the focus needs to be on replanting the trees versus potentially hurting the development.

T. Loomis commented that there is a certain point where also we run out of space to plant trees and allow staff to negotiate with the developer where to put the building on the lot, not don't build the building, but find the balance on the lot, look for good design and good solutions that support both the trees and the building.

L. Hallman agreed that support of current and future land development according to the 2040 Plan is specifically what the Planning Board is charged with.

C. Boyd commented that he sees holes in the proposed plan as not being a good fit for all site sizes.

J. Henson agreed that this is a good fit for larger sites but for small sites this could create a lot of complications even with just 1 tree on the site.

T. Loomis asked staff if they have seen this be an issue with small sites. Staff responded that they have not seen this with 100% mitigation. There is some tree save that typically occurs and it is fair the point that J. Henson is making that the smaller the site the more challenging it could be, depending on where the trees are. This would largely apply to commercial use which means it is only relative to specimen trees since there is no tree canopy requirement for commercial use. The proposed language is to permit the flexibility of 30% for residential and 50% for commercial.

The Board and Staff had continued discussion related to the size of the lot and possible adjustments to the recommendation regarding lot size, percentage or other areas. Staff expressed concern about the

request to be more specific as there are no known additional sources to research and review to come up with a more specific proposal.

J. Henson inquired about the arborist providing more specific tree save recommendations and methods and commented on how saving the tree is typically a better cost savings then removing the tree. Staff agreed that updating the methods with the advice of the arborist would be a great tool to add.

S. Hensley asked if there has been a study to see if there has been a tree decrease. Staff stated that there has been a decrease but we are doing quite well in comparison to surrounding municipalities.

L. Hallman commented that he thinks we need to let this go through and start to learn from the variables in a case by case basis.

M. Horsman commented that he likes the concept but believes that the percentages are a little aggressive.

**Vote:** The motion failed (2-6) with C. Boyd, M. Horsman, P. Tokpah, J. Henson, S. Hensley and J. Wright opposed.

The Board discussed deferring the item to address small lot tree save issues.

**Motion:** J. Henson made a motion to recommend deferral of TA25-04 to August 26, 2025. S. Hensley seconded the motion.

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

#### **Other Business**

#### **Item 5A: Appointment of the Chair and Vice-Chair of the Planning Board for a one-year term.**

##### **Nominations:**

S. Hensley nominated J. Henson for Chair.

T. Loomis nominated L. Hallman for Chair.

**Vote:** The Board voted (8-0) unanimously for J. Henson to be Chair.

##### **Nominations:**

C. Boyd nominated S. Hensley for Vice-Chair.

**Vote:** The Board voted (8-0) unanimously for S. Hensley to be Vice-Chair.

#### **Adjourn**

**Motion:** J. Wright made a Motion to Adjourn. M. Horsman seconded the motion.

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

Approved this 26 day of AUGUST 2025.

  
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Chairman or Vice Chairman

  
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Board Secretary

