



Minutes of the Meeting
Regular Planning Board Meeting
October 14, 2021 - 6:30 PM
Virtual Meeting

Virtual Meeting Information- Members of the public may view or access the meeting on Facebook Live at <https://www.facebook.com/HuntersvilleNCTownGovernment>. If you would like to speak at the upcoming meeting during public comment, please send your name and email address to Tracy Barron tbarron@huntersville.org by 3:00 pm on the day of the meeting, to be added to the speaker's list. The Town will use your email address to send you an email invitation from Ring Central. This will allow you to call in and/or access the meeting to deliver your comments (the 3-minute time limit still applies). In addition, the Town will receive written comments below by email to Tracy Barron tbarron@huntersville.org until twenty-four (24) hours prior to the meeting.

1. Call to Order/Roll Call

Members Present: S. Swanick, J. Sny, J. Davis, C. Graffy, F. Gammon, C. Boyd, G. Baber, S. Hensley, and D. Partee

2. Approval of Minutes

3. Public Comments - *Speakers are limited to 3 minutes. The Chairperson reserves the right to shorten the time limit for speakers when an unusually large number of persons have signed up to speak. Speakers may not give all or a portion of their time to other speakers*

4. Action Agenda

- 4.A. Consider recommendation on Petition #TA21-13, a request by Trinity Capital Advisors to amend the Zoning Ordinance allowing the Board of Commissioners to approve modification of a SWIM buffer in the Mountain Island Lake Overlay zone through a conditional rezoning process in the Corporate Business zoning district. (*Jack Simoneau*)

J. Simoneau, Planning Director entered the Staff Report into the record, a copy of which is attached hereto as Exhibit A and incorporated herein by reference. Staff reviewed the proposed text amendment and presented the map overview of areas that could potentially be affected by this proposed amendment. Due to the existing watershed protection measures and limited impact, the state has tentatively approved this adjustment and a final approval will need to be granted before this can take effect. The nine mitigation options were reviewed that Mecklenburg County Land Development agencies permit the applicant to select from and will have to approve in conjunction with any requests associated with this text amendment. Staff supports the proposed amendment.

J. Davis asked if the applicant has selected which mitigation option they will select. Cindy Reid, Irvin Law Group 19726 Zion Ave, Cornelius, NC 28031 stated that in their submission they selected the Structural BMPs, and discussion continues with Mike MacIntyre, Town of

Huntersville Stormwater Engineer to determine feasibility before it will be reviewed by Mecklenburg County Land Use Environmental Services.

F. Gammon asked why this amendment is limited to the Corporate Business Conditional District and if additional text amendments will be required in the future for additional zoning use, if this accommodation has been requested in any other zones and if the intent of this amendment could be accomplished through a variance with the Board of Adjustments watershed review board. Staff responded that the I77 Business Partnership Group requested this zoning and staff concurred that it was reasonable because this zoning is what accommodates large footprint industrial buildings which are the type of structure due to their size and nature that would require such accommodations versus the design of the building conforming. Staff confirmed that there have not been any requests for this accommodation in other zoning and a variance could be requested however, staff believes an amendment makes more sense than a variance request.

S. Hensley asked if there was further discussion on Staff's part regarding potential other zones that would benefit from this adjustment. Staff responded that Corporate Business at this time has been identified as the zone that would benefit from this amendment, and it is entirely possible that additional zones in the future could potentially benefit, but no specific need has been identified at this time to warrant including the additional zones.

S. Hensley made a Motion to Approve TA21-13 based on the amendment being consistent with LU 8, EV1 and EOS1 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the zoning ordinance because it will allow more flexibility for large scale developments while still allowing the town to protect the environment, streams and our drinking water through existing and proven mitigation options. D. Partee seconded the motion.

S. Hensley commented that he is comfortable relying upon the Town, County and State staff to be the experts on this and if they are comfortable with it he understands that the mitigation options will be utilized so this is not a move backwards regarding watershed protection.

D. Partee agreed with S. Hensley and is comfortable with moving forward.

C. Graffy commented that she appreciates knowing Mecklenburg County has reviewed it and approves of the amendment, and that Staff's responses to her questions submitted prior to the meeting was very helpful.

F. Gammon commented that he has nothing against the project, his issue is with the text amendment because he contends that the previous passage of 21-09 and the approval of 21-13 are first steps which have the potential to generate follow up text amendments that would impact numerous properties both within and outside of the protected and critical areas that when all combined would possibly then impact the water quality of Mountain Island Lake. He has noticed other Boards and members have asked the same question if this should apply to other zones and he would contend that there are other developers that are considering how their projects could benefit from this. A process to obtain a variance is already in place with the Huntersville watershed review board and that process may be a little more difficult than passing a text amendment which would then make this by-right but in dealing with the future water quality of our region, the process being more difficult and in the public view instead of by-right and consider why were the protected and critical areas established in the first place.

S. Swanick commented that his understanding of the statement is that the Town Board would

still have to grant approval so this would not become by-right which gives him a comfort level with this amendment.

J. Davis commented that her comfort is that it will make it easier for staff to let economic development be constructed in Huntersville and instead of the applicant having to go through the process of a variance this amendment would simplify the process.

S. Hensley commented that by allowing this the town is getting a much better use and yield on the land with the flexibility. The larger building will generate a greater tax base, more product for economic development and all that was affected was the head of the stream which will be mitigated so he feels comfortable there is no great harm to the environment as there will still be a BMP and all the measures in place. That makes this decision simple for him because this site becomes so much more usable with a minor accommodation and as Huntersville becomes more and more developed, he imagines we will see more and more of these types of decisions due to the constraints of the remaining land.

The motion passed (8-1) with F. Gammon opposed.

5. Other Business

6. Adjourn

J. Snyder made a Motion to Adjourn, and C. Boyd seconded the motion. The motion passed unanimously (9-0).