



**Huntersville Ordinances Advisory
Board Minutes
May 6, 2021
3:30 p.m. – 5:00 p.m.
Location: VIRTUAL MEETING**

- NOTICE VIRTUAL MEETING -

Virtual Meeting Information - Members of the public may view 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 at tbarron@huntersville.org 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 for the public comment below by email to Tracy Barron at tbarron@huntersville.org.

A. Call to Order

Attendance: M. Jones, T. Taylor, L. Munger, K. Jones, J. Henson, S. Moore, B. Skelly, F. Gammon,

Members Absent: T. Finlay

Non-voting members present: J. Simoneau, J. Glass & T. Barron

B. Adoption of April 1, 2021 Minutes (Attachment 1)

S. Moore made a Motion to Adopt the April 1, 2021 Minutes. J. Henson seconded the motion. The motion passed unanimously (8-0).

C. Comments from Audience (3 minutes per person allocation)

D. Other Business

1. Discussion on Section 9.9 Commercial Communication Towers (Attachment 2).

Prior to discussion, S. Moore stated he has an interest in this item and requested to be recused. L. Munger made a Motion to Recuse S. Moore. B. Skelly seconded the motion. The motion passed unanimously (7-0).

J. Simoneau, Planning Director provided an overview of Article 9 and the current setbacks related to Commercial Communication Towers which are currently permitted with a Special Use Permit in the Rural zone and permitted with conditions in Corporate Business and Special Purpose zones. An applicant has an interest in developing the land around an existing freestanding structure and would like to determine the interest of the Board to update the setback requirements based on current technology.

Staff reviewed an email related to the method of construction, wind and ice ratings, and how it is designed to fall in upon itself in the event of a failure. Finally, staff provided a summary of what the current setback requirements are in neighboring communities.

There was discussion related to the various heights of towers, freestanding versus co-locating towers, evolution of technology, and FAA rules.

M. Jones made a Motion to Request additional research by staff in concert with an applicant or outside party to review options for updating the ordinance with the existing structures located in our community and given the macro changes of wireless communication over time. L. Munger seconded the motion. The motion was passed unanimously (7-0).

B. Skelly made a Motion to Reinstate S. Moore following discussion. J. Henson seconded the motion. The motion passes unanimously (7-0).

2. Discussion on Metrolina Greenhouse request to permit H-2A housing (dormitory) in the TR zoning district (Attachment 3).

J. Simoneau, Planning Director reviewed a floor layout of proposed H-2A housing for migrant workers and the proposed location for the future housing in Transitional Residential (TR) zoning. The current ordinance has a definition of dormitory in Article 12. The proposed amendment would change the definition of dormitory to include 'employed by the same agricultural institution,' and to allow dormitories as a special purpose in the TR zoning. As a reminder, special use is a non-administrative approval process, so it requires Board approval.

Art VanWingerden, CFO of Metrolina Greenhouses explained that H-2A is a Federal law that passed years ago allowing agricultural workers to enter the country for 10 months of the year to complete a specific job. There is a challenge to find workers willing to do the job and Metrolina has utilized H-2A workers for years. Currently, those workers must stay in hotels and be bussed to work. The team at Metrolina has already toured a location in Michigan who has built and is using this same H-2A housing model, which meets federal guidelines.

F. Gammon confirmed that workers must apply and be qualified by the federal government to be an H-2A worker, and the employer is required to provide housing and transportation for the workers. The applicant confirmed that is correct and H-2A workers make up 35% of the workforce. That translates to 100-150 full-time employees and then a seasonal group which work for 90-120 days during the surges. This proposal is to house the full-time employees. The seasonal employees will likely continue in hotels, at this time. F. Gammon commented that from his reading, the Town would need to then prepare for family housing to accommodate the workers families. The applicant stated that their workers do not bring their families. F. Gammon commented that he would not support this being a by-right use in TR zoning but could consider Special Purpose.

L. Munger asked if there were any photos of what this looks like in Michigan. The applicant stated that he didn't have any to share today but they can review what is available from their tour last June and will be happy to share it with the group. A review of the layout was given that indicated sleeping area, cooking area, shared bathrooms, and shared eating area. The company they use, Manzana, has a contract rate and housing and transportation are included in the contract rate. Finally, L. Munger asked staff which zonings allow for higher density. Staff responded it is the zoning that falls along the Highway 77 corridor and this type of housing is a whole different type that would be falling in our lower density area.

K. Jones asked how many units are expected to be built, how many workers will be housed in each unit, and would they look to possibly build additional units in the future? The applicant stated that currently they are looking to build one of these to house 84-100 people and eventually they would like to build a total of three of these on the 35 acres of the proposed housing site.

J. Henson stated that the conditions that would apply to this would be good to review since they are likely to provide the right buffering and limitations on how many parcels would be eligible to apply for this if the conditions include a good buffer possibly an acreage minimum.

F. Gammon suggested considering adding billet housing definition to the zoning ordinance versus repurposing dormitory to keep the two separate and unique in their uses and applications.

B. Skelly asked how the locations in Michigan with this type of housing managed COVID-19 related issues. The applicant stated that Huntersville had zero COVID-19 cases with H-2A workers and while the exact number is not known, the Michigan location had a smaller percentage of positive cases in H-2A workers than Huntersville did when you account for all employees.

K. Jones asked if the buildings would stay one level or if they will be trying to do multi-level. The applicant commented the buildings will only be one level and the plan is to add some type of activity area such as a soccer field to give them something active to do on their days off.

M. Jones asked if for some reason you were not able to build this type of housing and you had to continue to use hotel/motel type housing if that would put them at a competitive disadvantage. The applicant commented that it would be a huge competitive disadvantage, last years housing costs went \$80,000 over budget, this year's housing costs are expected to be \$250,000 higher and in three years it is predicted to be \$500,000 higher. These buildings will cost about \$1,000,000 each to build and part of the reason for the location is to allow them to be hooked up to city water and city sewer. M. Jones followed up and asked if this workforce is essential to their business. The applicant stated that it is absolutely essential as they are simply not able to get enough local workers.

Staff requested that any additional questions or requests be routed to them and they will assist the applicant to ensure that the Board has what they would like to be able to hear this item in the future for recommendation.

3. Detached Garage in Side-Yard

L. Speight, Planner 1 reviewed that a resident who resides in a farmhouse cluster is interested in adding a detached garage in a side-yard, similar to the ones that his neighbors already have. The similar garages in his farmhouse cluster were permitted prior to Huntersville reviewing permits. The proposed amendment to Article 3.2.1 (e, 6) and Article 3.2.2 (e, 6) was reviewed to make farmhouse clusters exempt from the requirements of detached garages as found in Article 4: Detached House and Article 8.16. Staff reviewed the placement and buffer requirements of a farmhouse cluster which showed that a detached garage would have very limited to no visibility from the road.

K. Jones asked how many other farmhouse clusters have detached garages similar to the ones shown. Staff commented that we do not know but we could review that.

T. Taylor asked what the setbacks to the side property line if this was permitted. Staff commented that there is a minimum of 5 feet from side and rear setbacks; however, in farmhouse clusters there tends to be open space or tree save requirements.

L. Munger asked if there are buffer requirements and if a farmhouse cluster is developed without a buffer if this amendment would create visibility from the road. Staff responded that a

farmhouse cluster must maintain a generally rural appearance from the street and the development illustrated here has a 50' undisturbed buffer along the public street. There is no minimum buffer but all farmhouse clusters are subject to keeping a generally rural appearance from the street. L. Munger recommended a specific buffer be required.

4. Discussion on 160D Amendments to the Subdivision Ordinance and recommendation all Zoning and Subdivision Ordinance changes related to 160D and clean-up language (Attachment 4, 5).

M. Jones made a Motion to Table this item and call a Special Meeting to hear this item on Monday, May 10th at 6 p.m. F. Gammon seconded the motion. The motion passed unanimously (8-0).

E. Adjourn

S. Moore made a Motion to Adjourn. J. Henson seconded the motion. The motion passed unanimously (8-0).