



AGENDA
Regular Planning Board Meeting
January 25, 2022 - 6:30 PM
Virtual Meeting

Live Stream: <https://www.facebook.com/HuntersvilleNCTownGovernment>

Virtual Meeting: The public is invited to comment during public comments by making a request and registering with the Clerk to the Board no later than 3 p.m., day of the meeting, to join the virtual meeting by telephone or computer, or provide written comments by email. The 3-minute time limit for speakers still applies. The public may also submit comments by email to the Clerk at tbarron@huntersville.org. Emailed comments should be received by 3 p.m. The Clerk may be reached by email to tbarron@huntersville.org or by phone at (704) 766-2215.

1. Call to Order/Roll Call

2. Approval of Minutes

2.A. Consider approval of the December 14, 2021 Regular Meeting 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. SUP21-06 Solar Installation is a request by RSRV Power on behalf of Karen Butler to place solar panels on the front roof slope at 11913 Henderson Hill Rd (Tax parcel #s 01533303).

(Nathan Farber)

4.B. Petition #R21-15 is a request by Kathy Day on behalf of TLO Properties LKN of Parcel ID 01540105 to rezone the rear portion of the property from Rural-Conditional District and Transitional Residential to Rural. *(Nathan Farber)*

4.C. Petition #TA21-14, an application to amend Sections 2.100: Definitions, Section 6.300: Sketch Plan Required for Major Subdivisions, Section 6.310: Sketch Plan Not Required for Minor Subdivisions. Section 6.520: Exceptions: When Preliminary Plan Not Required. *(Brad Priest)*

5. Other Business

6. Adjourn



MINUTES

Regular Planning Board Meeting

December 21, 2021 - 6:30 PM

Town Hall 101 Huntersville-Concord Road Huntersville NC 28078

Live Stream: <https://www.facebook.com/HuntersvilleNCTownGovernment>

1. Call to Order/Roll Call

Members Present: S. Swanick, J. Snyder, F. Gammon, C. Boyd, S. Hensley, J. Davis, T. Loomis, and J. Wright.

Member Absent: G. Baber

2. Approval of Minutes

2.A. Consider approval of the November 16, 2021 regular meeting minutes

J. Snyder made a Motion to Approve the November 16, 2021, minutes. C. Boyd seconded the motion. The motion passed unanimously (8-0).

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 #TA21-11, a request by the Town of Huntersville Planning Department to amend Hearing Requirements for Special Use Permits; Conditions For Certain Uses; Appeals and Variances in MIL-O District; and Appeals and Variances in LN-O District. The purpose of the amendment is to standardize existing requirements for certain Special Use Permits and delete repetitive standards; and amend definitions of major and minor variances from Watershed regulations and findings of fact required for variances from Watershed regulations to be consistent with the North Carolina Administrative Code. (Kayleigh Mielenz)

K. Mielenz, Planner I 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 changes and outlined that the Huntersville Ordinance Advisory Board recommended approval at the October 7, 2021, meeting, there were no public comments at the Public Hearing on December 6, 2021, and Planning Staff recommends approval.

J. Davis asked if anyone was opposed to this at the Huntersville Ordinance Advisory

Board. Staff confirmed it was approved unanimously.

S. Swanick asked what prompted these proposed amendments. Staff confirmed the watershed amendments were prompted to remain in compliance with the NC Administrative Code and the SUP compliance requirements are administrative clean up not to change any requirements but to improve the language within the ordinance.

J. Sny asked J. Glass, Staff Attorney relative to wording changing in Article 17.3 b and 18.3 b from 'reduction' to 'relaxation' and if there is a legal difference or if it would affect an applicant any differently. J. Glass responded that the wording was taken exactly from the NC Code and to the best of his knowledge this does not create a difference.

J. Sny asked if the addition of 'materially' to Section 1, Part 2 related to SUP requirements changes the level of harm that must be proven; and if the proposed amendment was stemming from a statute or case law. J. Glass responded that the previous language would have implied material and it is now being added to clarify and improve the language but does not change the requirement. The proposed amendment changes the location within the Zoning Ordinance of the requirements so as to clearly apply to all Special Use Permits and remove the redundancy or failure to include the requirements specifically as it relates to all Special Use Permits.

J. Sny mentioned that one final wording change noted was from 'nearby' to 'abutting' property for Article 11.4.10(e)(2) and then stated that in his opinion a nearby property could easily be affected just as much as an abutting property, such as if you were across the street from a location or even 2 doors down. J. Glass commented that his understanding is that that change came directly from the NC Statute and he can verify and forward those findings to the Board.

S. Hensley asked if someone not 'abutting' would be considered not to have standing given this proposed change. J. Glass clarified that the wording does not apply to standing, it applies to what the applicant must prove in applying for the Special Use Permit.

F. Gammon commented that since the term abutting refers to the proof needed from the applicant, he concurs that it is appropriate as it is not the applicants responsibility beyond those abutting, the burden then falls on those nearby. J. Sny agreed.

S. Hensley made a Motion to Approve TA21-11 to amend Article 11.4.10 amendment process of Special Use Permit hearing requirements for Special Use Permits Articles 9.4, 9.15, 9.17, 9.23, 9.24, 9.31, 9.34, 9.36, 9.28, 9.41, 9.45, 9.56, 9.61 – conditions for certain uses, Article 3.3.2(c) Appeals and Variances in MIL-O district and Article 3.3.3 – d Appeals and Variances in LN-O district of the Huntersville Zoning Ordinance to 1)standardize existing requirements for Special Use Permits and delete repetitive standards and 2) amend the definitions of major and minor variances from watershed regulations and findings of fact required for variances from watershed regulations to be consistent with North Carolina Administrative Code. The Planning Board recommends approval based on the amendment being consistent with policies EV-1.4, LU4, EOS 4 & EOS 5 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the zoning ordinance because it improves efficiency of land development reviews, supports protectional water quality and drinking quality

watersheds and establishes greater consistency with the North Carolina Administrative Code. C. Boyd seconded the motion. The motion passed unanimously (8-0).

- 4.B. Consider recommendation on Petition #TA21-16, a request by the Town of Huntersville Planning Department to amend various provisions of the Town of Huntersville Zoning Ordinance, Subdivision Ordinance, and Code of Ordinances to comply with NC SB 300 to decriminalize certain ordinances adopted under Article 18 of G.S. 153A (Planning and Regulation of Development) or 160D of the General Statutes and to comply with NC HB 218 to allow an applicant to exceed the allowable built-upon area (density) under the water supply watershed rules if all statutory requirements are met. *(Kayleigh Mielenz)*

K. Mielenz, Planner I entered the Staff Report into the record, a copy of which is attached hereto as Exhibit B and incorporated herein by reference. Staff reviewed the proposed changes that are in keeping with updated NC General Statutes.

S. Swanick asked if staff could provide an example of what ordinances will be decriminalized. Staff reviewed that criminal penalties were removed but civil penalties are still in place.

F. Gammon made a Motion to Approve TA 21-16 as the amendment is necessary to comply with state legislature Senate Bill 300 and House Bill 218 as stated in part 1 of the staff report. As such the amendment is consistent with all policies of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the zoning ordinance because it is necessary to coordinate the Huntersville Zoning, Subdivision and Town Code of Ordinances to comply with the NC General Statutes and Regulatory Policies. J. Davis seconded the motion. The motion passed unanimously (8-0).

- 4.C. Petition #R21-10, a request by ADE 883, LLC, to rezone 10401 Hambright Road (Parcel 01740103) from Corporate Business to Corporate Business Conditional District to reduce the planting requirements of the 80' CB buffer. Applicant requests public hearing be continued to December 6, 2021. *(Brad Priest)*

J. Simoneau, Planning Director entered the Staff Report into the record, a copy of which is attached hereto as Exhibit C and incorporated herein by reference. Staff reviewed the site location and indicated this is a use by-right, the rezoning is to permit a modification to the buffer planting. Current proposed landscaping does not meet the newly adopted reduced requirements and planting placement does not meet the opaque requirement of the reduced buffer.

F. Gammon asked for confirmation that the request has no impact on the project, only on the landscape requirements within the buffer, if the existing trees are a tree farm and intended for harvesting. Staff confirmed that is correct.

C. Boyd asked for clarification on where the 80-foot buffer begins and how that works with the existing powerlines which are pictured as going over the area that must be planted. Staff indicated it begins at the end of the right-of-way and continues into the property and the ordinance addresses plantings with placement of landscaping.

The applicant, Collin Brown with the Law Firm of Alexander Ricks, 1420 East Seventh

Street, Charlotte presented that the existing trees are row planted to be harvested and the ordinance requires that the new landscaping within the buffer be opaque so that it presents a visual barrier. The proposed structure has upgraded architecture and the applicant would like some of it to be visible to the street. The conditional zoning being requested is site specific to cluster the landscaping in a specific design to create a pretty solid screen from across the street but allow for some glimpses when angled or driving past the building. There is surface parking between the building and the street for employees and customers which is what requires the buffer, so the goal of the ordinance is to screen the vehicles which we have accomplished with the very thickly planted shrubs that are exceeding the landscaping requirements of shrubs so that the goal is met.

Tracy White, McDonald Development, 300 West Fifth Street, Charlotte stated that this is the first of seven buildings being developed and the one building being built along Hambright Road. With the upgraded architecture and design the goal is for people driving by to have some visibility to their destination to know where they are going. In response to questions posed by the Board, the building will be built and if forced would comply with the landscaping ordinance. The trees were planted as an Ag Exemption, and they will be timbered as part of the land development process.

J. Davis asked the applicant how many tenants are expected and if any of the space is expected to be retail. The applicant responded that the building is built on spec and the tenants have not yet been identified. The space is 200,000 square feet and could be a single tenant but more than likely will be four tenants. None of the proposed uses are retail, only office and warehouse.

S. Swanick asked what the expected timeframe is for the proposed landscaping to mature. The applicant stated that the maturity is likely 6-8 years for the trees and the hedges will likely be mature in 1.5 – 2 years.

C. Boyd expressed concern about the power lines that are shown over the proposed landscaping on the landscape plan. The applicant responded that typically the power lines are over the right-of-way, and they will review this for accuracy.

F. Gammon asked staff to confirm that if there was no parking along the front that there would be no buffer requirement. Staff confirmed that the corporate business requirements for the Town provides two options; either the building fronts the street or is behind the 40' buffer, as an example of this option is the NCDOT building on Mt Holly Huntersville Road which fronts the street versus Saertex which has parking in front and is buffered.

J. Sny asked if Burkert and Nutec received any relaxation or if they are examples of the previously required 80' buffer with similar landscaping requirements and if at full maturity the expectation is that the buildings will not be as visible as they are now; and the rationale from the applicant as to why they are choosing not to have the building front the street. Staff confirmed the full buffer and landscape was implemented for both of those projects. Nutec had some trees that died which will be replaced so the current view is not complete. The applicant responded that this building is designed to be a rear-load building with dock high doors on the back of the building which will be used for trucks only, not cars or pedestrian traffic.

J. Sny asked if there was any reasonable method to have all of the truck and employee parking at the rear of the building. The applicant responded that this would pose a safety risk and would not be possible.

J. Davis asked if the resident to the left of the property has been contacted and if they have expressed any concerns. The applicant responded that he has had conversations with the owner who runs the Alpaca wool business there who also has plans submitted to the Town to improve his driveway to a more commercial type entrance.

F. Gammon made a Motion to Deny based on the amendment being inconsistent with Huntersville Zoning and it's Article 11.4.7 d, specifically the Huntersville 2040 Community Plan policies LU11.1 and LU11.2 as stated in part 4 of the staff report. Further the petition is inconsistent with Huntersville's zoning ordinance Article 11.4.7 e in that the single purpose for the rezoning petition is to modify the 40' buffer to remove the required landscaping to allow building visibility. This modification would make North Chase at the Park inconsistent with the overall character of the existing developments and the immediate vicinity as stated in part 4 of the staff report. It is not reasonable and in the public interest to amend the zoning ordinance because it would set a precedence that is contrary to the objective that Huntersville's Zoning Ordinance, Article 7.5.1 which is to exclude visual contact, create spatial separation and minimize any adverse impact on adjacent properties. To allow this modification would remove what little transition exists between the commercial business north of Hambright Road and the adjacent rural zone south of Hambright Road. J. Davis seconded the motion.

F. Gammon commented that the parking and the buffer had some influence; however, with the rural area to the south and the commercial area to the north this is the remaining transition from rural to commercial or heavy residential. The Planning Board has similarly recommended denial on similar requests before. Based on the Zoning Ordinance he does not feel it is their place to recommend approval on this. That said, the Town Board has greater flexibility in deciding if this is what they want in the Town but he believes the Planning Board should recommend denial at this time.

J. Davis agreed with F. Gammon comments and restated that it is a beautiful building and she would love to see it built in Huntersville. Her concern is that of setting a standard by approving this with a less than opaque buffer which could open the door to other projects in Huntersville where she does not care for the visual of the building but then becomes a subjective opinion.

S. Hensley commented he would vote against the motion based on his daily experience. In his opinion the applicant has made a good effort to work as close as possible with the intent of the buffer which is to not see the car parks which from a functionality place cannot go in the rear of the building. With the increased shrubs the cars are still screened so it seems to be a good middle ground that meets the intent but lets them showcase a great project. This may even be a good opportunity to review what is proposed as a way to further modify the buffer requirement for the Town.

C. Boyd asked what the proposed land use is for that area based on comments made by F. Gammon. F. Gammon replied that the area north of Hambright Road is zoned commercial business while the area south of Hambright Road is zoned rural.

S. Swanick commented that he agrees with S. Hensley. He had one opinion prior to

hearing all the facts and now he agrees that the request is reasonable. It seems that despite the Planning Board being a technical review committee, their ability to approve inconsistent with plans appears to be a viable option for this project since the proposed landscaping plan achieves the intent of the ordinance. If the motion on the floor is denied and an alternative motion to approve is considered perhaps it could be contingent on a certain amount of growth within a certain amount of time or berms to fully accomplish the intent.

T. Loomis commented that one of the consistent comments in the Huntersville 2040 Plan was related to the importance of keeping the trees. She agrees that this is a beautiful building, but she feels like it is inconsistent.

C. Boyd asked if T. Loomis thought that a tree save in a different area would satisfy the residents or if the trees need to specifically be on this property. T. Loomis responded that stating that the shrubs are a reason to approve is what seems inconsistent with the Huntersville 2040 Plan and she does not know which possible solution would be a better fit.

S. Hensley commented that he is an advocate for the trees as well, something else to consider is that if this builder passes on this lot then another builder could come in and propose a building fronting the street which would have no buffer and no trees so this may be a good meeting in the middle for the developer and the Town and what is proposed to be landscaped is much more visibly attractive versus the scrawny pines.

The motion failed (3-5) with S. Swanick, J. Sny, C. Boyd, S. Hensley & J. Wright opposed.

S. Swanick made a Motion to Approve R21-10, North Chase at the Park as the Planning Board finds the amendment inconsistent with buffer requirements and recommends that the Zoning Ordinance give consideration regarding buffer requirements for this building type with employee and customer parking in the front and the requirement for rear load docks. The Planning Board considered this in their decision and as a condition of approval requires 100% screening of all automobiles on the street side by shrubs and trees with a minimum of 7-8 feet in height that mature in a period of 3 years or less to meet the intent of the cars not being visible from the street. It is reasonable and in the public interest to make these changes so that we can find an adequate compromise between tree save requirements, the aesthetic improvements of this building and the spirit of the Ordinance regarding what should and should not be visible. S. Hensley seconded the motion.

F. Gammon asked staff if procedurally the Articles and Policies need to be added to the recommendation for the approval.

Staff stated that if the architecture of the building was critical to the decision for the Planning Board to include that as a requirement within the motion so that it is not altered in the future without returning to the Planning Board for additional approval.

S. Swanick amended the motion to include a requirement that all recommendations are contingent upon the increased architectural standards as modeled on the rendering as provided today be met within the subjective opinion of staff as that is a critical part of the reason for granting the exception. S. Hensley accepted the amendment.

J. Davis commented that she cannot support the motion as she has been an avid tree save advocate yet she understands that it will move forward and will be a beautiful project.

The motion passed (5-3) with F. Gammon, J. Davis, and T. Loomis opposed.

5. Other Business

- 5.A. Consider adjustment to 2022 Planning Board Meeting Schedule due to conflict with adopted Town Board Schedule

F. Gammon made a Motion to Approve adjusting the 2022 Meeting Schedule to meet the second Wednesday, December 14, 2022. S. Hensley seconded the motion. The motion passed unanimously (8-0).

6. Adjourn

J. Sny made a Motion to Adjourn. J. Davis seconded the motion. The motion passed unanimously (8-0).

**Town of Huntersville
Planning Board
January 25, 2022**

To: Town Board

From: Nathan Farber, Planner I

Date: January 25, 2022

Subject: SUP21-06

EXPLAIN REQUEST:

SUP21-06 Solar Installation is a request by RSRV Power on behalf of Karen Butler to place solar panels on the front roof slope at 11913 Henderson Hill Rd (Tax parcel #s 01533303).

ACTION RECOMMENDED:

Recommendation

FINANCIAL IMPLICATIONS:

NA

ATTACHMENTS:

1. SUP21-06 Staff Analysis PB
2. Attachment A

REQUEST:

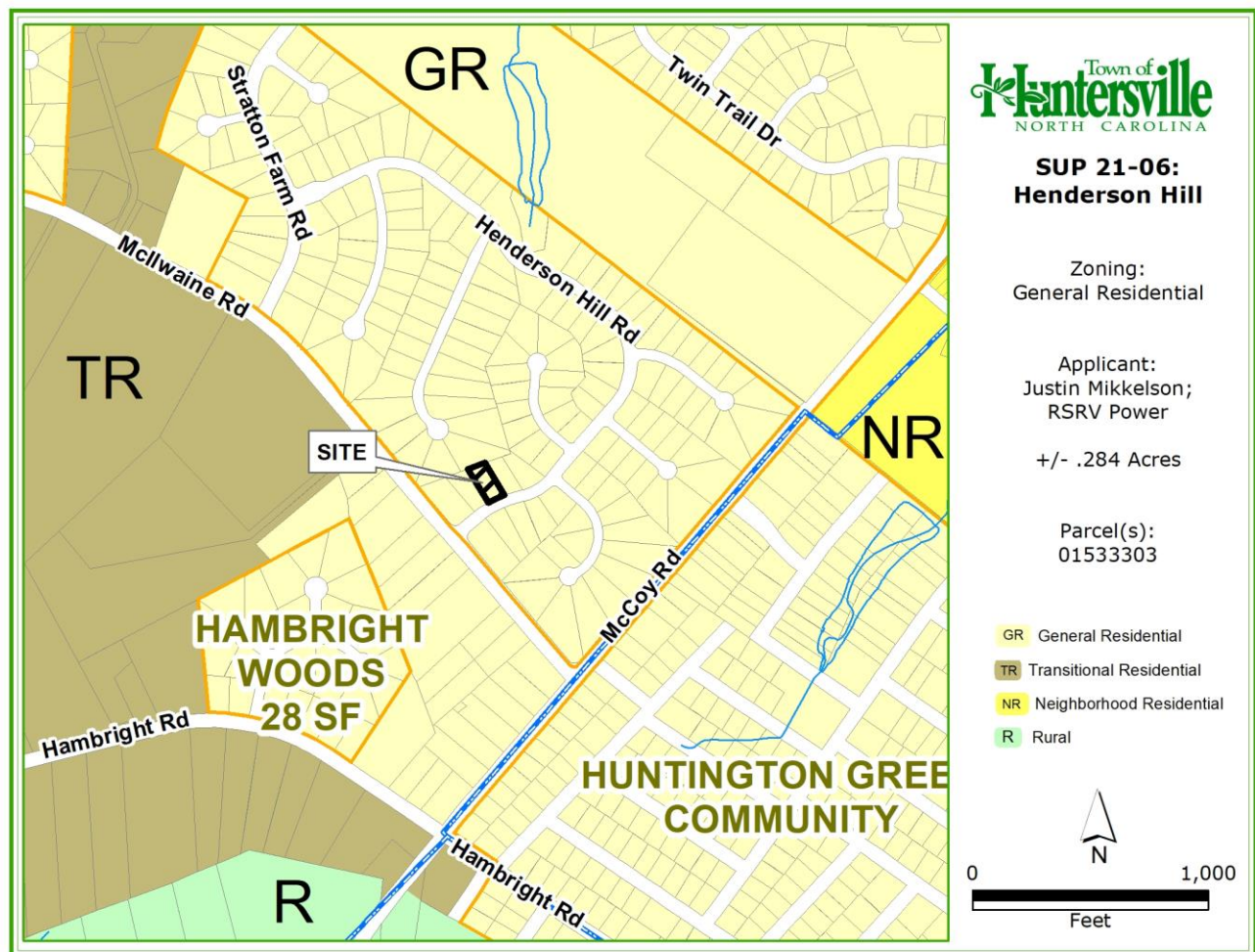
Special Use Permit by RSRV Power for Solar Panels 11913 Henderson Hill Rd – SUP21-06

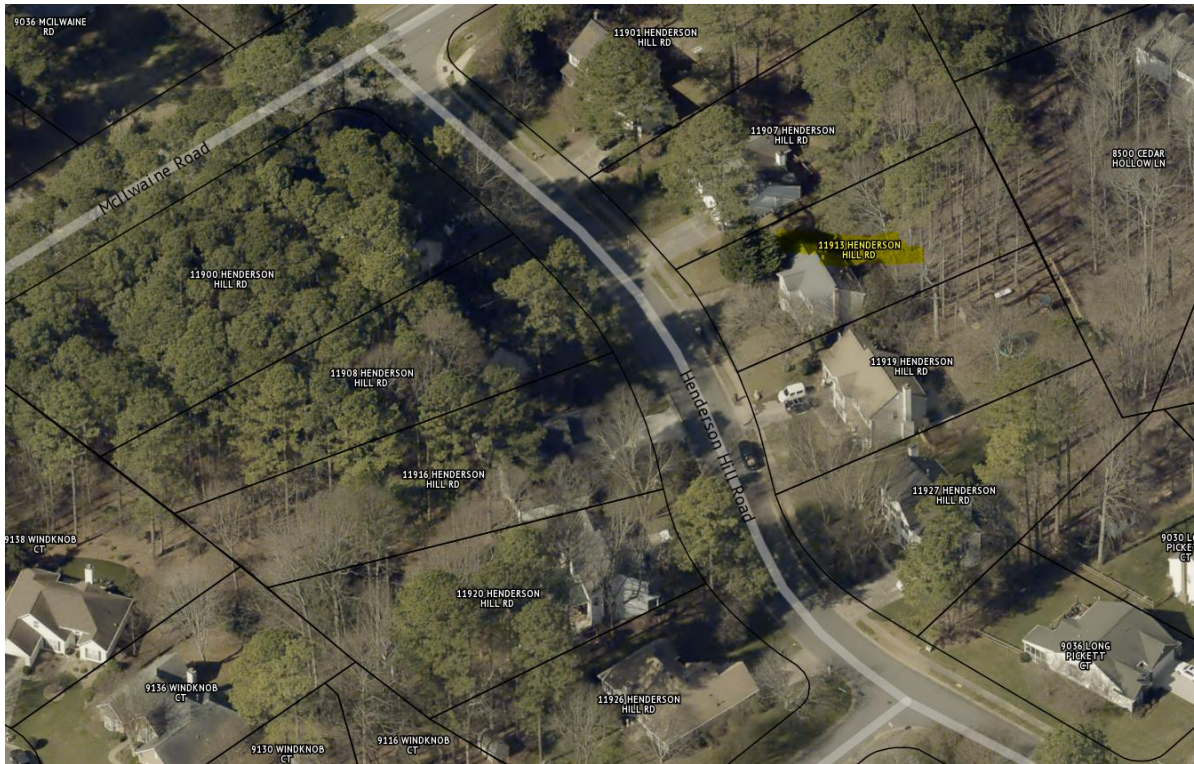
PART 1: DESCRIPTION

Petition #SUP21-06 Solar Installation is a request by RSRV Power on behalf of Karen Butler to place Solar Panels on the front roof slope at 11913 Henderson Hill Rd (Tax parcel # 01533303).

In accordance with Article 9.54.1 of the Town's Zoning Ordinance, minor residential solar energy facilities facing a public street or common access space are allowed in the General Residential District (GR) with the issuance of a special use permit.

PART 2: LOCATION





PART 3: STAFF FINDINGS

Article 3. 2.1 A

Uses Permitted with Special Use Permit: Solar Energy facility, minor residential, as follows: located on the façade elevation facing public street or common access; or located on the roof slope above the façade of the structure facing public street or common access.

STAFF FINDINGS

The applicant is requesting the installation of solar panels be placed on the front sloping roof, thus requiring a special use permit.

Article 9.54

Any major or minor solar energy facility shall require approval from all applicable state and federal agencies as well as the affected energy provider.

STAFF FINDINGS: The applicant has acknowledged that all required approvals and permits will be obtained. Staff will follow up with the applicant to ensure all applicable permits are obtained.

Article 9.54.1

Residential Property (refer to illustration): Minor solar facilities shall be allowed in accordance with the provisions below. However, these conditions will be waived if they prevent reasonable use of solar collectors as provided in GS 160D-914.

STAFF FINDINGS: The applicant is requesting a special use permit for the installation of solar panels on the front roof slope, thus requiring a special use permit. See attached application for project site

Minor Solar Facility on Residential Property		
Street/common access or yard	Street or Common Access	
	Front Yard Prohibited (1) Front Façade SUP (2)	
	Side Yard (4) Roof (3) SUP (5) (5) Side Yard (4)	
	Rear Yard (4)	

(1) Front yard placement is prohibited.

(2) Front façade placement (if facing street or common access) requires a Special Use Permit (SUP).

(3) Front roof slope placement requires a Special Use Permit (SUP)

(4) Side & rear yard placement permitted as by-right accessory use in all districts subject to the issuance of a zoning permit.

(5) Side & rear roof slope placement permitted as a by-right accessory use in all districts subject to the issuance of a zoning permit.

plan (attachment A).

Article 9.54.1 (e)

Minor rooftop solar energy facilities shall not be considered as rooftop equipment on any building type and therefore, do not require screening and are not subject to any architectural standards that would prohibit reflective materials.

STAFF FINDINGS: The solar energy facilities will not be considered rooftop equipment and screening or architectural standards are not required.

Article 11.4.10 (f)

Recommendation and Decision

- (1) In considering an application for a special use permit, the Planning Board is an advisory capacity and the Town Board, in a decision making capacity, shall consider, evaluate and may attach reasonable and appropriate conditions and safeguards to the location, nature, and extent of the proposed use and its relations to surrounding property, for the purpose of ensuring that the conditions of permit approval will be complied with and any potentially injurious effect of the special use on adjoining properties, the character of the neighborhood, or the health, safety, and general welfare of the community will be minimized.
- (2) Any such conditions may relate to parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, intensity of site development, the timing of development, and other matters the Town Board may find appropriate or the applicant may propose. The applicant will have a reasonable opportunity to consider and respond to any additional conditions or requirements prior to final action by the Town Board.

STAFF FINDINGS: The applicant has provided documentation stating that the solar panels have an antireflective coating. As such, Staff believes that the minor solar energy facility will not cause potentially injurious effect on adjacent properties or pedestrian and vehicular traffic.

PART 4: PLANNING STAFF RECOMENDATIONS

In considering the Special Use Permit SUP21-06, Solar Panels for 11913 Henderson Hill Rd, the Planning staff find that the request meets all required conditions and specifications of the Zoning Ordinance including Section 9.54 supported by the finding of fact in the staff report, is reasonable and does not pose an injurious effect on the adjoining properties, and finds that the character of the neighborhood or the health, safety and general welfare of the community will be minimized.

PART 5: PUBLIC HEARING/FINAL ACTION

The Special Use Permit Hearing is tentatively scheduled for February 21, 2022

PART 6: ATTACHMENTS

Attachment A: General Application, Project Site Plan, Solar Panel Information.

PART 7: Planning Board Decision Statements

In Favor of the Special Use Permit

In considering the Special Use Permit SUP21-06, Solar Panels for 11913 Henderson Hill Rd, we, the Planning Board, find that the request meets all required conditions and specifications, is reasonable and does not pose an injurious effect on the adjoining properties, and finds that the character of the neighborhood or the health, safety and general welfare of the community will be minimized. This decision is supported by the following findings:

- 1)
- 2)

Add additional statements as necessary.

Against Special Use Permit

In considering the Special Use Permit SUP21-06, Solar Panels for 11913 Henderson Hill Rd, we, the Planning Board, find that the request does not meet the required conditions and specifications.

(List which conditions are not being met)

- 1)
- 2)

Add additional statements as necessary.



General Application

INCOMPLETE SUBMISSIONS WILL NOT BE ACCEPTED. PLEASE CHECK ALL ITEMS CAREFULLY.

1. Application Type

Please indicate the type of application you are submitting. In addition to the application, the submission process for each application type can be found at <https://www.huntersville.org/528/Permits-Process>

- ☐ Change of Use
- ☐ Commercial Site Plan
- ☐ Conditional Rezoning
- ☐ General Rezoning
- ☐ Master Signage Program
- ☒ Special Use Permit
- ☐ Revision to
Original Project # EPM# 430800
- ☐ Other _____

- SUBDIVISION CATEGORIES: Per the Huntersville Subdivision Ordinance
- ☐ Sketch Plan
 - ☐ Preliminary Plan
 - ☐ Final Plat (Includes Minor Subdivision)
 - ☐ Exempt Subdivision
 - ☐ Final Plat Revision
 - ☐ Farmhouse Cluster

2. Project Data

Date of Application 11-29-21

Name of Project Karen Butler Solar Phase # (if subdivision) _____

Project Address 11913 Henderson Hill Rd, Huntersville NC 28078

Parcel Identification Number(s) (PIN) 01533303

Current Zoning District Huntersville Proposed District (for rezoning only) _____

Property Size (acres) _____ Street Frontage (feet) _____

Current Land Use Single Family General Residential

Proposed Land Use(s) _____

Is the project within Huntersville's corporate limits?

Yes _____ No _____ If no, does the applicant intend to voluntarily annex? _____

3. Description of Request

Explain the nature of this request. If a separate sheet is necessary, please attach to this application.

Special Use Permit for the installation of Roof Mounted Solar Panels

4. Site Plan Submittals

Consult the particular type of *Review Process* for the application type selected above. These can be found at <https://www.huntersville.org/528/Permits-Process>.

5. Outside Agency Information

Other agencies may have applications and fees associated with the land development process. The *Review Process* list includes plan documents needed for most town and county reviewing agencies. For major subdivisions, commercial site plans, and rezoning petitions please enclose a copy of the Charlotte-Mecklenburg Utility *Willingness to Serve* letter for the subject property.

6. Applicant

Printed Name Justin Mikkelsen Phone 714 313 6911
☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☒ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature [Signature] Printed Name: Justin Mikkelsen

Title Partner Email justin@rsrupower.com

Address of Applicant 4123-A Rose Lake Dr. Charlotte NC 28217

7. Property Owner (if different than applicant)

*Printed Name _____ Phone _____
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature _____ Printed Name _____

Title _____ Email _____

Address of Property Owner _____

* Property owner hereby grants permission to the Town of Huntersville personnel to enter the subject property for any purpose required in processing this application.

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this application MUST be accompanied by a notarized Limited Power of Attorney signed by the property owner (s), specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION. If additional space is needed for signatures, attach the Town of Huntersville Signature Addendum Form.

8. Development/Design Firm Contact Information

Development Firm	Name of Contact	Phone	Email
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Design Firm	Name of Contact	Phone	Email
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Contact Information

Town of Huntersville
Planning Department
PO Box 664
Huntersville, NC 28070

Phone: 704-875-7000
Fax: 704-992-5528
Physical Address: 105 Gilead Road, Third Floor
Website: <https://www.huntersville.org/228/Planning-Department>



General Application Owner/Applicant Signature Addendum

Application Information

Date of Application 11/22/2021 Application Number _____
 Name of Project Butler Solar Phase # (if subdivision) _____

Additional Owners/Applicants: (Signature indicates intent that this page be affixed to Application.)

* ^ Printed Name KAREN Butler Phone Number 704-746-2220
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: owner
☒ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)
 Signature [Signature] Parcel ID(s): 01533303
 Title Karen Butler Email kbutler3691@alumni.unc.edu
 Address of Property Owner/Applicant 11913 Henderson Hill Rd, Huntersville NC 28078

* ^ Printed Name Justin Mikkelsen Phone Number 714-313-6911
☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____
☒ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)
 Signature [Signature] Parcel ID(s): 01533303
 Title Partner Email justin@rsrvpower.com
 Address of Property Owner/Applicant 4123-A Rose Lake DR, Charlotte NC 28217

* ^ Printed Name _____ Phone Number _____
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____
☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant/owner (circle one) my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)
 Signature _____ Parcel ID(s): _____
 Title _____ Email _____
 Address of Property Owner/Applicant _____

* Property owner hereby grants permission to the Town of Huntersville personnel to enter the subject property for any purpose required in processing this application.

^ If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.



RSRV POWER
4123-A Rose Lake Dr,
Charlotte, NC 28217
866-797-RSRV

ADDRESS: 11913 HENDERSON HILL RD, HUNTERSVILLE, NC 28078
jhfdjkhvjdhvf-2220
EMAIL: jspencer0@zoho.com

NOTES: PLOT VIEW OF HOME WITH SOLAR ENERGY INSTALLATION

SYSTEM OVERVIEW

4.08 KW DC

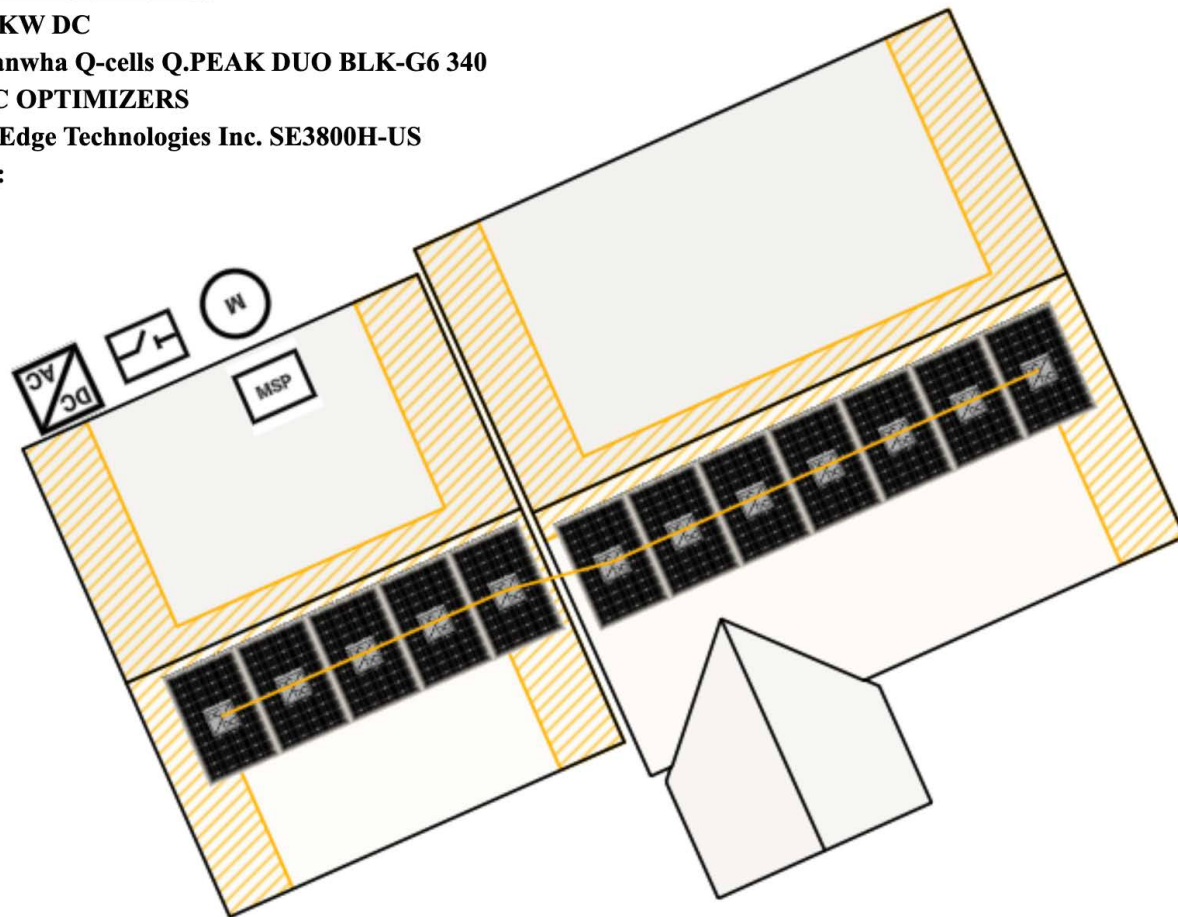
12 Hanwha Q-cells Q.PEAK DUO BLK-G6 340

12 DC OPTIMIZERS

SolarEdge Technologies Inc. SE3800H-US

Pitch:

SETBACKS:
RIDGES: 18"
RAKES: 36"
HIPS: 36"



PV MODULE REFLECTION – GLARE

PV MODULE REFLECTION – GLARE

When light falls on a surface it is split; some of the light traverses the surface (transmission), some light enters the surface and is lost (absorption) and some is redirected away from the surface (reflection). In order for a PV module to produce as much power as possible, the cover glass is optimized for high transmission. This is why Hanwha Q CELLS PV modules have cutting-edge anti-reflective coatings (ARC) in order to maximize transmission and limiting the possibility for reflections.

Each of these actions, transmission, absorption and reflection, can be measured as a proportion of the original light falling on the surface, eg. $T + A + R = 100\%$. For our purposes it is only necessary to look at the proportion of this original light, as the intensity of the light falling on the surface of the PV module glass will change with numerous factors including different system configurations, locations and times of both the day and year.

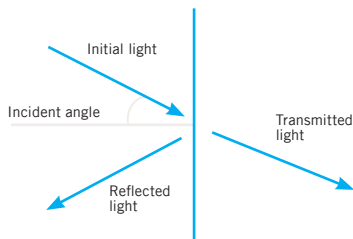


Figure 1: Light falling on a surface

The proportion of light reflected from any surface is dependent upon the angle at which the light hits the glass, called the incident angle where 0° is direct light and 90° is parallel to the surface. The proportion of reflected light can be calculated for different incident angles using the Fresnel equations. For a sheet of glass it would be necessary to calculate the reflection twice, once for the frontside of the glass and once for the backside. However as the rear of PV module glass is connected to an EVA and light absorbing PV cell it is only necessary to consider the frontside effect. To calculate the reflection the refractive index of the involved media is needed. As an example air has an index of 1, for normal “window” glass the value is around 1.5, for water it is 1.33 and for PV module glass it is around 1.25. From these figures alone it is possible to, correctly, presume that the glass used in PV modules creates less reflected light than normal “window” glass or a body of water. Figure 2 shows the curves of these different cases, along with measurements by TÜV Rheinland of Hanwha Q CELLS modules. It can be seen that the proportion of light reflected starts close to zero but rises as the incident angle gets closer to 90° .

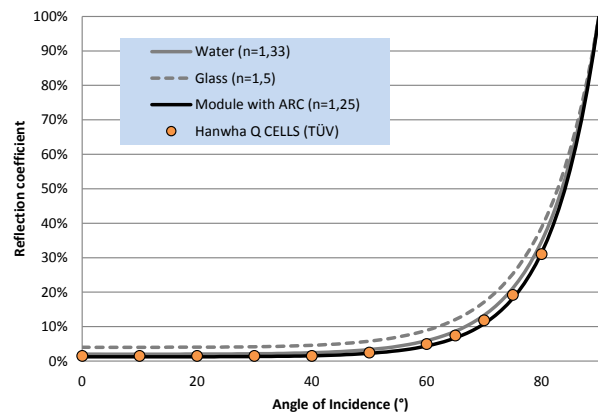


Figure 2: Reflection vs. incident angle

CONCLUSION

From both the theoretical and measured data it is clear that ARC glass used in all Hanwha Q CELLS currently produced PV modules reflects less light than both naturally occurring features, such as bodies of water, and common manmade structures. Moreover for incident angles below 55° less than 4 % of the initial light is reflected away from the PV module.

EMAIL: service@q-cells.com

TEL: +49 (0)3494 66 99 23222

**Town of Huntersville
Planning Board
January 25, 2022**

To: Town Board

From: Nathan Farber, Planner I

Date: January 25, 2022

Subject: R21-015

EXPLAIN REQUEST:

Petition #R21-15 is a request by Kathy Day on behalf of TLO Properties LKN of Parcel ID 01540105 to rezone the rear portion of the property from Rural-Conditional District and Transitional Residential to Rural.

ACTION RECOMMENDED:

Recommendation

FINANCIAL IMPLICATIONS:

NA

ATTACHMENTS:

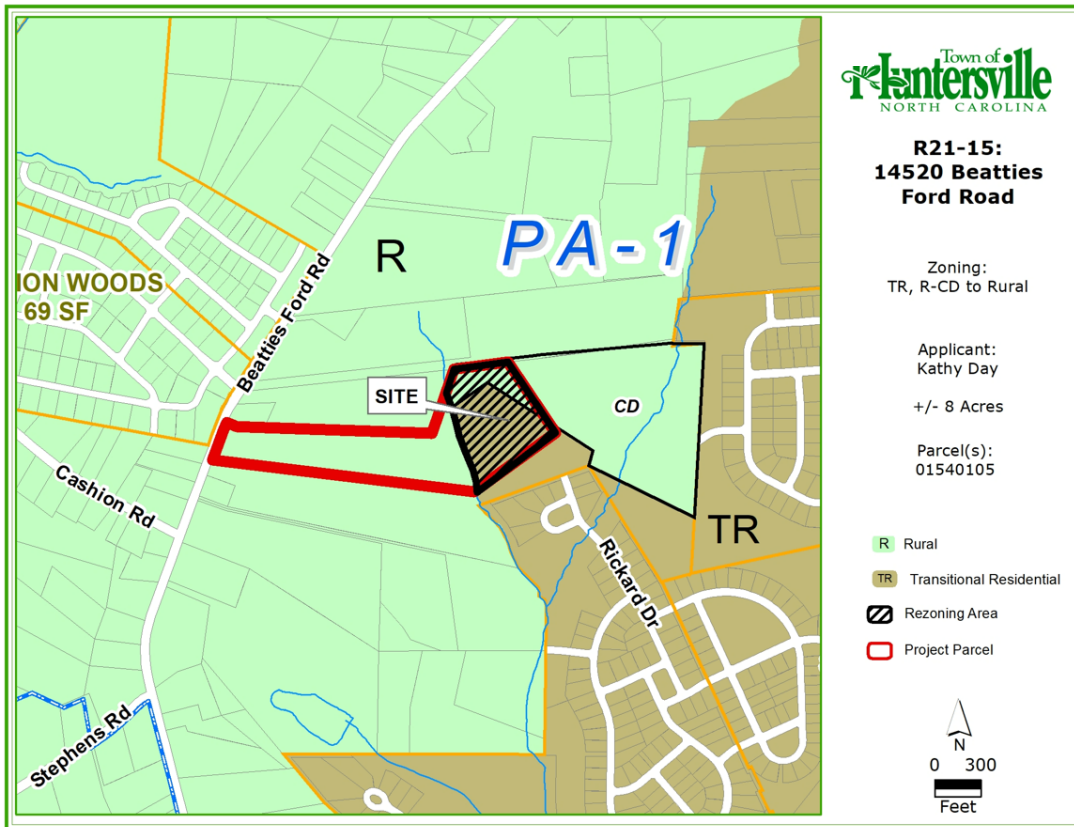
1. R21-015 PB staff report
2. General Zoning Application
3. R21-15 14520 Beatties Ford Rd Zoning Map

Petition R21-15: 14520 Beatties Ford Road General Rezoning

PART 1: PROJECT SUMMARY

Application Summary:

1. Petition #R21-15 is a request by the property owners of Parcel ID 01540105 to rezone the rear portion of the property from Rural-Conditional District and Transitional Residential to Rural.



Applicant: TLO
Properties LKN

Property Owner:
Same

Property Address:
14520 Beatties
Ford Rd

Project Size: 7.9
acres of a total
20.02 acres

Parcel Numbers:
01540105

Existing Zoning:
Rural (R), Rural w/
Conditional
District (R-CD), and
Transitional
Residential (TR)

Proposed Zoning:
Rural (R)

2. Adjoining Zoning and Land Uses

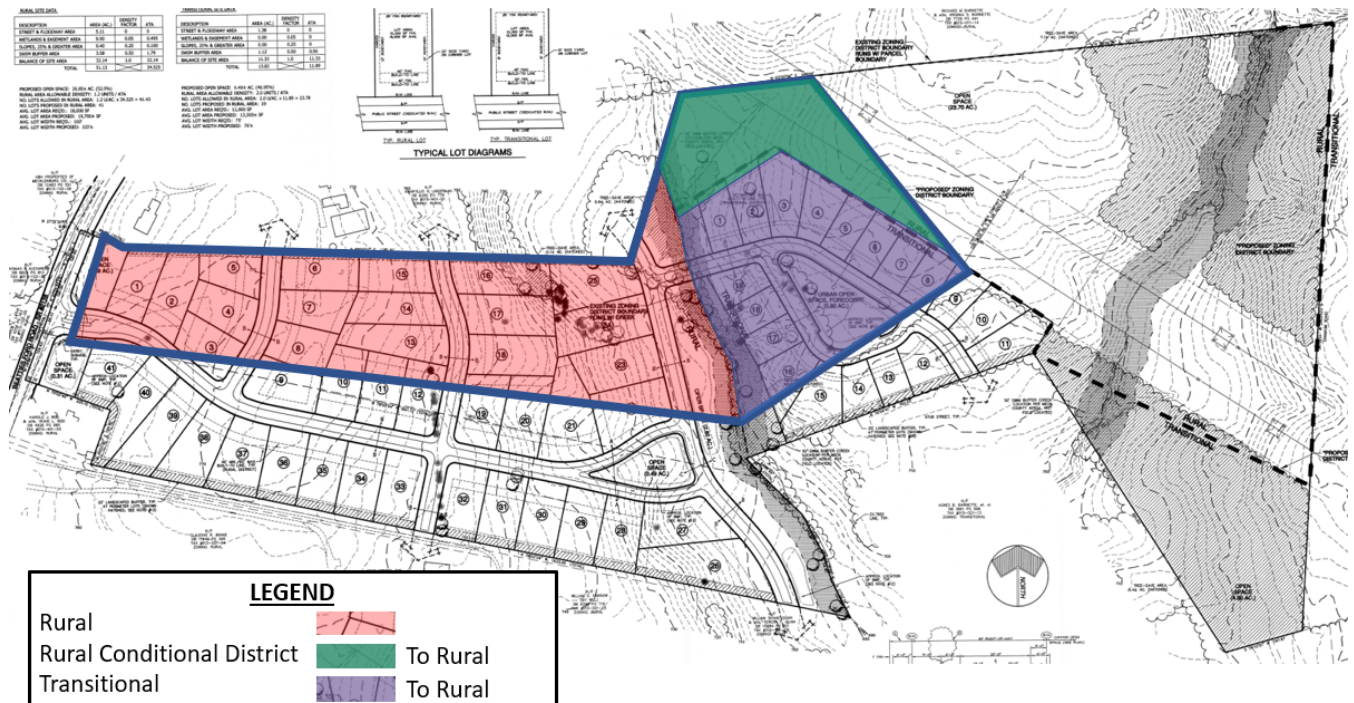
North: Rural (R), Single Family Residential.

South: Rural (R), Single Family Residential Lot (currently vacant).

East: Rural w/ Conditional District (R-CD), Open space as part of the R05-13 Nassar Gordan Conditional rezoning (currently vacant).

West: Beatties Ford Rd, Rural (R), Single Family Residential Lot and Common Open Space

3. The below map shows rezoning R05-13 Nassar-Gordon consisting of a 60-lot residential subdivision on a total of 64 acres. At that time, the entire proposed subdivision consisted of two lots (blue outline is parcel involved in this rezoning; unshaded area is the 2nd parcel). The applicant is proposing a general rezoning to remove Rural Conditional District rezoning (green) and Transitional Residential (purple) associated with the R05-13 Nassar Gordon rezoning so that the entire parcel will be zoned Rural (red). Because this is a General Rezoning, the application does not have a site plan or any conditions associated with the request. If approved, all uses allowed in the Rural (R) district will be permitted as described in the ordinance. (Article 3.2.1)



4. The Planning Staff certifies the required notifications were made for the public hearing. Notice was advertised in the Charlotte Observer, adjacent property owner notice post cards were sent and a sign was installed at the subject property per state statute requirements.

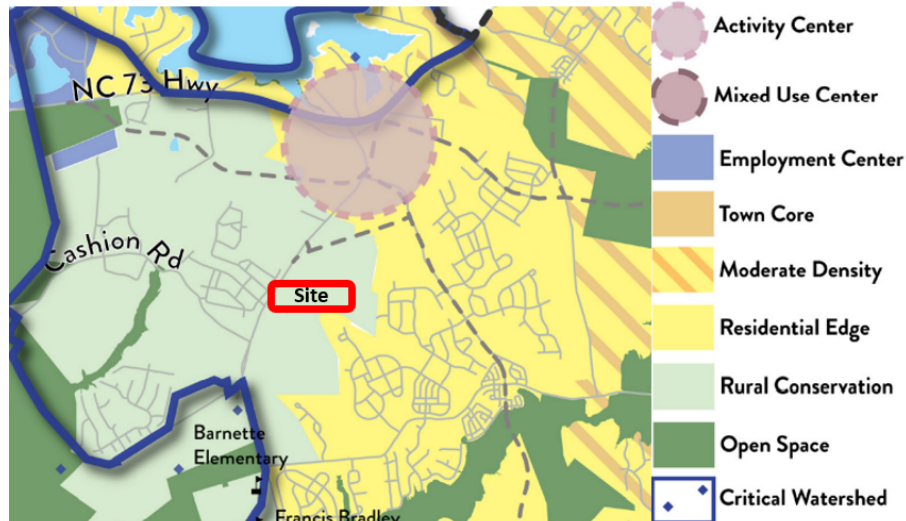
PART 2: REZONING/SITE PLAN ISSUES

- Since this is a general rezoning, there are no site specific issues with this rezoning application as there is no site plan attached to the request. Any proposed future development would have to comply with the Rural zoning district and all applicable requirements of the Zoning and Subdivision Ordinances.
- The Huntersville 2040 Plan shows this property is located within the Rural Conservation designation.



Rural Conservation

These areas preserve elements of rural character. They balance open space conservation and some residential development. Development form is farms and associated structures, Farmhouse Clusters and low density Conservation Subdivisions (if access to utilities exists). New development has a 0.9 unit/acre maximum, and typically 45%+ open space is required.



PART 3: TRANSPORTATION ISSUES

- No Transportation issues.

PART 4: REZONING CRITERIA

Article 11.4.7(d) of the Zoning Ordinance states that “in considering any petition to reclassify property, the Planning Board in its recommendation and the Town Board in its decision shall take into consideration any identified relevant adopted land-use plans for the area including, but not limited to, comprehensive plans, strategic plans, district plans, area plans, neighborhood plans, corridor plans, and other land-use policy documents”.

STAFF COMMENT – Staff finds the proposed use consistent with the following policies of the 2040 Huntersville Community Plan:

- **Policy LU 2.2 – Lower intensity residential uses are expected within the Residential Edge and Rural Conservation areas identified on the Future Land Use Map. STAFF COMMENT:** The property in questions is located within the Rural Conservation area on the Future Land Use Map.
- **Policy LU 3.1 – Discourage rezonings to higher intensity residential districts in the Residential Edge and Rural Conservation future land use character areas. STAFF COMMENT:** The proposed Rural (R) zoning permits lower intensity residential development consistent with the .

Article 11 Section 11.4.7(e) of the Zoning Ordinance states that: “in considering any petition to reclassify property the Planning Board in its recommendation and the Town Board in its decision should consider:

- 1. Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property.**

STAFF COMMENT:

The overall character of the existing development in the immediate vicinity of the subject property is residential and rural in nature. The uses along Beatties Ford Rd include single family residential lots. The Rural (R) district uses established on the subject property would be consistent with the surrounding development.

- 2. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, transit service, parks and recreational facilities, police and fire protection, hospitals and medical services, schools, storm water drainage systems, water supplies, and wastewater and refuse disposal.**

STAFF COMMENT:

- There are no public facility concerns for a general rezoning application. Any traffic impact or public facility needs will be reviewed during the subsequent site plan review for any proposed development.

- 3. Whether the proposed reclassification will adversely affect a known archeological, environmental, historical or cultural resource.”**

STAFF COMMENT:

Planning staff has no indication that the request will adversely affect known archeological, environmental resources.

PART 5: PUBLIC HEARING

January 3, 2022: Staff and Applicant were the only speakers

PART 6: STAFF RECOMMENDATION

Staff recommends approval of the rezoning application as the Rural (R) district is consistent with adjacent development.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board meeting is scheduled for January 25, 2022.

PART 8: CONSISTENCY STATEMENT – R21-15: 14520 Beatties Ford Rd GENERAL REZONING

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed rezoning of Petition R21-15, 14520 Beatties Ford Rd, Planning Staff finds that the rezoning is consistent with Policy LU 2.2 and LU 3.1 of the Town of Huntersville 2040 Community Plan. Staff recommends rezoning the property from Rural w/ Conditional District (R-CD), and Transitional Residential (TR) to Rural (R). It is reasonable and in the public interest to rezone this property because the R district will be consistent with the character and uses adjacent to the subject property and the entire property would have one zoning district instead of three.	APPROVAL: In considering the proposed rezoning of Petition R21-15, 14520 Beatties Ford Rd, Planning Board finds that the rezoning is consistent with the Town of Huntersville 2040 Community Plan. The Board recommends rezoning the property from Rural (R), Rural w/ Conditional District (R-CD), and Transitional Residential (TR) to Rural (R). It is reasonable and in the public interest to rezone this property because...(explain)	APPROVAL: In considering the proposed rezoning of Petition R21-15, 14520 Beatties Ford Rd, Town Board finds that the rezoning is consistent with the Town of Huntersville 2040 Community Plan. The Board recommends rezoning the property from Rural (R), Rural w/ Conditional District (R-CD), and Transitional Residential (TR) to Rural (R). It is reasonable and in the public interest to rezone this property because...(explain)
DENIAL: N/A	DENIAL: In considering the proposed rezoning of Petition R21-15, 14520 Beatties Ford Rd, the Planning Board finds that the rezoning is not consistent with the Town of Huntersville 2040 Community Plan and other applicable long-range plans. We recommend denial of Rezoning Petition R21-21. It is not reasonable and not in the public interest to rezone this property because..... (Explain)	DENIAL: In considering the proposed rezoning of Petition R21-15, 14520 Beatties Ford Rd, the Town Board finds that the rezoning is not consistent with the Town of Huntersville 2040 Community Plan and other applicable long-range plans. We recommend denial of Rezoning Petition R21-15. It is not reasonable and not in the public interest to rezone this property because..... (Explain)

ATTACHMENTS:

1. Application
2. Rezoning Map



General Application

INCOMPLETE SUBMISSIONS WILL NOT BE ACCEPTED. PLEASE CHECK ALL ITEMS CAREFULLY.

1. Application Type

Please indicate the type of application you are submitting. In addition to the application, the submission process for each application type can be found at <https://www.huntersville.org/528/Permits-Process>

- ☐ Change of Use
- ☐ Commercial Site Plan
- ☐ Conditional Rezoning
- ☒ General Rezoning
- ☐ Master Signage Program
- ☐ Special Use Permit
- ☐ Revision to
Original Project # _____
- ☐ Other _____

- SUBDIVISION CATEGORIES: Per the Huntersville Subdivision Ordinance
- ☐ Sketch Plan
 - ☐ Preliminary Plan
 - ☐ Final Plat (Includes Minor Subdivision)
 - ☐ Exempt Subdivision
 - ☐ Final Plat Revision
 - ☐ Farmhouse Cluster

2. Project Data

Date of Application 10/26/2021

Name of Project Four Oaks Phase # (if subdivision) _____

Project Address 14520 Beatties Ford Rd, Huntersville 28078

Parcel Identification Number(s) (PIN) 01540105

Current Zoning District R/TR/R-CD Proposed District (for rezoning only) R

Property Size (acres) 20.02 Street Frontage (feet) 275.97

Current Land Use Vacant/Raw

Proposed Land Use(s) Farmhouse Cluster

Is the project within Huntersville's corporate limits?
Yes ☒ No _____ If no, does the applicant intend to voluntarily annex? _____

3. Description of Request

Explain the nature of this request. If a separate sheet is necessary, please attach to this application.

Requesting rezoning so entire property can be zoned uniformly as R

4. Site Plan Submittals

Consult the particular type of Review Process for the application type selected above. These can be found at <https://www.huntersville.org/528/Permits-Process>.

5. Outside Agency Information

Other agencies may have applications and fees associated with the land development process. The *Review Process* list includes plan documents needed for most town and county reviewing agencies. For major subdivisions, commercial site plans, and rezoning petitions please enclose a copy of the Charlotte-Mecklenburg Utility *Willingness to Serve* letter for the subject property.

6. Applicant

Printed Name Kathy Day Phone 704-668-9656
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☒ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature Kathy Day Printed Name: Kathy Day
Title _____ Email tlppropertieslkn@gmail.com
Address of Applicant 8942 Rosalyn Glen Rd, Cornelius NC 28031

7. Property Owner (if different than applicant)

*Printed Name TLO Properties LKN Phone 704-668-9656
☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☒ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature Kathy Day Printed Name Kathy Day
Title Member Email tlppropertieslkn@gmail.com
Address of Property Owner Physical - 14520 Beatties Ford Rd, Huntersville NC
Mailing - 8942 Rosalyn Glen Rd, Cornelius NC

* Property owner hereby grants permission to the Town of Huntersville personnel to enter the subject property for any purpose required in processing this application.

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this application MUST be accompanied by a notarized Limited Power of Attorney signed by the property owner (s), specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION. **If additional space is needed for signatures, attach the Town of Huntersville Signature Addendum Form.**

8. Development/Design Firm Contact Information

Odom Engineering Larissa Coles 704-692-4952 larissa@odom
Development Firm Name of Contact Phone Email engineering.com

Design Firm Name of Contact Phone Email

Contact Information

Town of Huntersville Phone: 704-875-7000
Planning Department Fax: 704-992-5528
PO Box 664 Physical Address: 105 Gilead Road, Third Floor
Huntersville, NC 28070 Website: <https://www.huntersville.org/228/Planning-Department>

R21-15:
14520 Beatties
Ford Road

Zoning:
TR, R-CD to Rural

Applicant:
Kathy Day

+/- 8 Acres

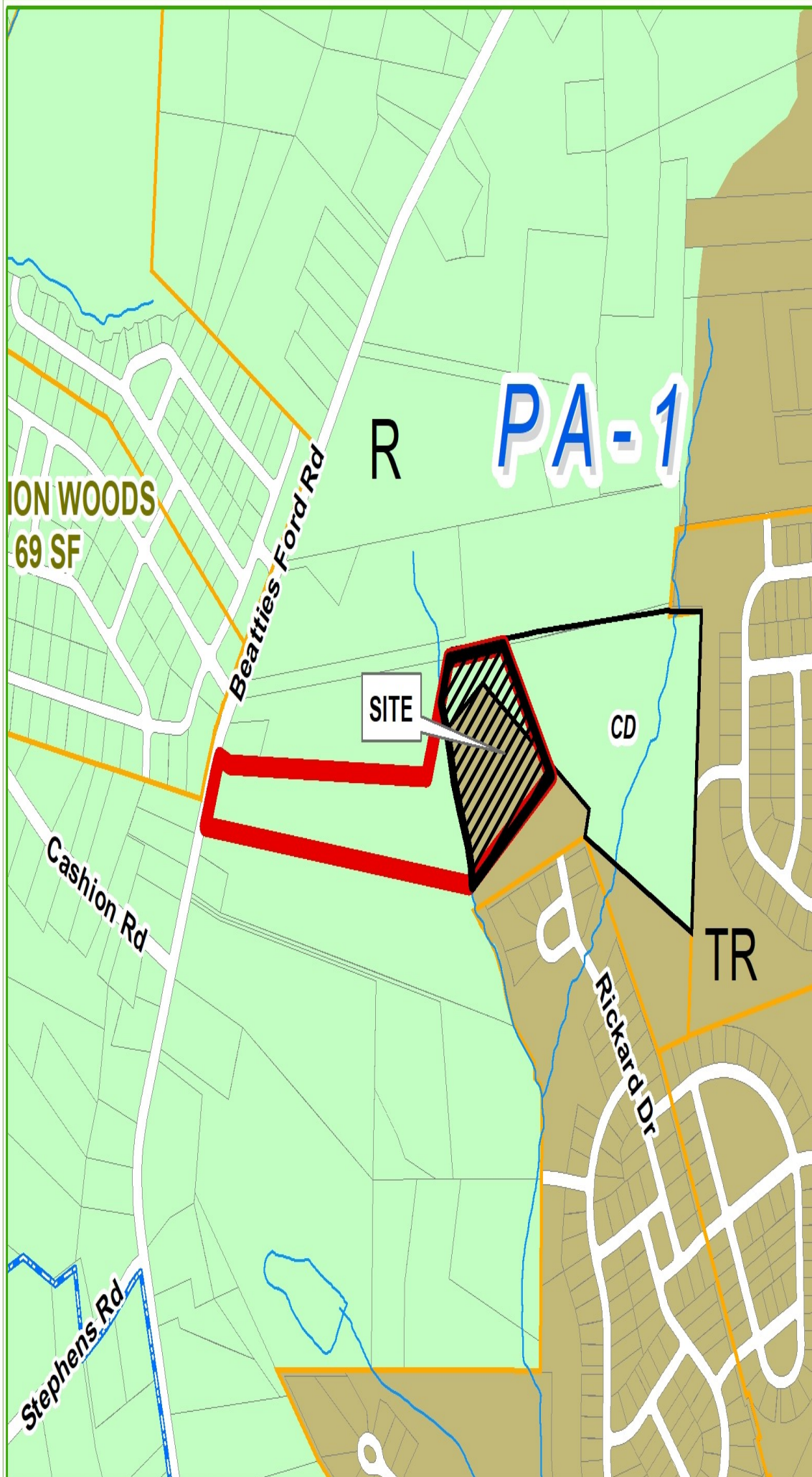
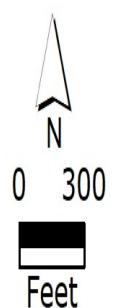
Parcel(s):
01540105

R Rural

TR Transitional Residential

 Rezoning Area

 Project Parcel



**Town of Huntersville
Town Board
January 25, 2022**

To: Town Board

From: Brad Priest

Date: January 25, 2022

Subject: Recommendation on Petition#TA21-14

EXPLAIN REQUEST:

Make a recommendation on Tuesday, January 25, 2022 at 6:30 p.m. at the Huntersville Town Hall (101 Huntersville-Concord Road) on Petition #TA21-14. to amend Sections 2.100: Definitions, Section 6.300: Sketch Plan Required for Major Subdivisions, Section 6.310: Sketch Plan Not Required for Minor Subdivisions. Section 6.520: Exceptions: When Preliminary Plant Not Required. The purpose of the amendment is to 1) remove recordation of street right of way dedication, reservation, and improvements from the definition of a major subdivision; 2) remove the extension of any needed right of way or easement for the water and sewer system operation by Charlotte Mecklenburg Utility Department from the definition of a major subdivision; 3) condense the definition of a minor subdivision; and, 4) specify the requirements for a Farmhouse Cluster Plan.

ACTION RECOMMENDED:

Consider making a recommendation to the Town Board on Petition#TA21-14

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. TA21-14 Maj Min FC - PB Staff Report _1 25 2022
2. Draft Ordinance for PH
3. Application 09.29.21

TA21-14 – Definitions of Major and Minor Subdivisions, Requirements for Farmhouse Cluster Plan

PART 1: DESCRIPTION

TA21-14 is a text amendment to the Subdivision Ordinance by the Town of Huntersville Planning Department to amend Section 2.100: Definitions, Section 6.300: Sketch Plan Required for Major Subdivisions, Section 6.310: Sketch Plan Not Required for Minor Subdivisions, and Section 6.520: Exceptions: When Preliminary Plan Not Required.

The purpose of the amendment is to remove the dedication, reservation, and improvement of existing street right of way from the major subdivision definition; remove the extension of right of way or easements for the water or sewer system operated by Charlotte Mecklenburg Utility Departments from the major subdivision definition; condense the definition of a minor subdivision; and specify the requirements for a Farmhouse Cluster Plan.

PART 2: BACKGROUND

This amendment will provide clarity regarding what is and is not considered a major subdivision. The way the Subdivision Ordinance currently reads, improvement to existing street right-of-way and extension of right-of-way easements for Charlotte -Mecklenburg water and sewer are considered a major subdivision. Major subdivisions require approval by the Town Board which is a 3-month process. It is not advantageous or efficient for plats that expand existing street right-of-way and extend right-of-way easements for Charlotte-Mecklenburg water and sewer to be defined as a major subdivision. With this amendment expansion of existing street right-of-way and CMU water/sewer utility easements will be considered a minor amendment requiring staff approval. The definition of a major subdivision will still include the creation of any new public street.

Staff is also proposing to condense the definition of a minor subdivision. Currently, the minor subdivision definition states that a minor subdivision does not involve the following and then lists the language used to define a major subdivision. Staff is proposing the definition of a minor subdivision to simply state that if a subdivision does not meet the major subdivision definition or the exempt definition then it is a minor subdivision.

The Subdivision Ordinance nor the Zoning Ordinance specifies the requirements for a Farmhouse Cluster Plan. The Zoning Ordinance currently states in Articles 3.2.1 (e)(11) and 3.2.2 (e)(11), "A Farmhouse Cluster requires an approved Farmhouse Cluster subdivision plan, according to the requirements of the Huntersville Subdivision Ordinance including approval by the Town Board and shall meet all other requirements for review and approval, which may include preliminary plan approval prior to approval of a final plat." However, the only reference to the Farmhouse Cluster plan in the Subdivision Ordinance is in the definition of a minor subdivision and the language still does not specify the required information for a Farmhouse Cluster plan. Farmhouse Clusters are generally not common submittals; however, in the past year there were three Farmhouse Clusters submitted for review. This brought to Staffs attention that the plan requirements for a Farmhouse Cluster need to be specified in the Subdivision Ordinance.

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

- **Policy EV1.4:** Review development standards to support business growth. Support efforts to improve efficiency of the development review process for development proposals. Regularly review the market to ensure that standards are in line with current demand.
 - **COMMENT:** Requiring applicants to go through the major subdivision review process for the extension of right of way or easements for water or sewer service or the dedication, reservation, and improvement of right of way for existing streets unnecessarily elongates the review process, approvals,

and openings of commercial development and residential development. The bulk of these reviews is administrative and major residential subdivisions already require approval by the Town Board of Commissioners.

- **Policy LU-10:** Encourage a diversity of housing options.
 - o COMMENT: Infill residential development and minor subdivisions are frequently proposed and the current requirement that the extension of any needed right-of-way or easement for the water or sewer system operated by Charlotte-Mecklenburg Utility Department be considered a major subdivision is a deterrent to development that could offer options such as multiplexes and small-scale residential developments.
- **Policy LU-9:** New residential development should follow appropriate housing design principles. LU 9.2: Within lower intensity areas including Moderate Density, Residential Edge, Rural Conservation, and Critical Watershed areas conservation design & farmhouse clusters are encouraged.
 - o COMMENT: The Zoning Ordinance allows Farmhouse Clusters in the Rural and Transitional Residential Zoning Districts and states the plan requirements for Farmhouse Clusters are in the Huntersville Subdivision Ordinance. The Subdivision Ordinance does not list the requirements for a farmhouse cluster plan. To ensure consistent requirements for future farmhouse cluster plans, it is beneficial to specify the plan requirements as done with sketch and preliminary plans to ensure the development follows appropriate design principles.

PART 4: STAFF RECOMMENDATION

Planning staff recommends approval of the proposed text amendment application.

Please see the proposed ordinance to amend included in the agenda packet. Removed language is struck out, new language is **bold and underlined**.

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

The Huntersville Ordinances Advisory Board (HOAB) recommended approval of the attached draft of this text amendment during the November 4, 2021 meeting.

PART 6: PUBLIC HEARING

The Public Hearing was held and closed on January 3, 2022. No one from the public spoke for or against the application.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled to consider this text amendment January 25, 2022.

PART 8: ATTACHMENTS AND ENCLOSURES

- Attachment 1 - Draft Language Ordinance
- Attachment 2 - Text Amendment Application

PART 9: STATEMENT OF CONSISTENCY – TA21-14

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed amendment TA21-14 to amend Sections 2.100, Section 6.300, Section 6.310 and Section 6.520 of the Subdivision Ordinance, the Planning Staff recommends approval of the application based on the amendment being consistent with policies EV1.4, LU-10, LU-9, and LU-9.2 of the Huntersville 2040 Community Plan. It is reasonable and in the public interest to amend the Subdivision Ordinance because it clarifies and improves efficiency of land development reviews, encourages appropriate infill and small-scale residential development, and specifies requirements for farmhouse cluster plans.	APPROVAL: In considering the proposed amendment TA21-14 to amend Sections 2.100, Section 6.300, Section 6.310 and Section 6.520 of the Subdivision Ordinance the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)	APPROVAL: In considering the proposed amendment TA21-14 to amend Sections 2.100, Section 6.300, Section 6.310 and Section 6.520 of the Subdivision Ordinance, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)
	DENIAL: In considering the proposed amendment TA21-14 to amend Sections 2.100, Section 6.300, Section 6.310 and Section 6.520 of the Subdivision Ordinance, the Planning Board recommends denial based on the amendment being (consistent OR inconsistent) with <u>(insert applicable plan reference)</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because....(Explain)	DENIAL In considering the proposed amendment TA21-14 to amend Sections 2.100, Section 6.300, Section 6.310 and Section 6.520 of the Subdivision Ordinance, the Town Board recommends denial based on the amendment being (consistent OR inconsistent) with <u>(insert applicable plan reference)</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because....(Explain)

AN ORDINANCE TO AMEND SECTIONS 2.100: DEFINITIONS, SECTION 6.300: SKETCH PLAN REQUIRED FOR MAJOR SUBDIVISIONS, SECTION 6.310: SKETCH PLAN NOT REQUIRED FOR MINOR SUBDIVISIONS, SECTION 6.520: EXCEPTIONS: WHEN PRELIMINARY PLAN NOT REQUIRED TO REMOVE RECORDATION OF STREET RIGHT OF WAY OR IMPROVEMENTS FROM MAJOR SUBDIVISION CATEGORY AND CLARIFY REQUIREMENTS FOR FARMHOUSE CLUSTER PLAN

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Section 2.100: Definitions of the **Subdivision Ordinance** is hereby amended as follows:

Subdivision, Major.

A subdivision not otherwise exempt from these regulations that involves any of the following:

1. The creation of any new public street or street right-of-way, ~~or improvements to an existing street.~~
2. A future public school, park, greenway, or open space site shown in any adopted plan or policy document.
3. ~~The extension of any needed right-of-way or easement for the water or sewer system operated by Charlotte-Mecklenburg Utility Department.~~
4. The installation of drainage improvements through one or more lots to serve one or more other lots.
5. The installation of a private waste water treatment plant or a private water supply system for more than one lot or building site.

Subdivision, Minor.

A subdivision that is not otherwise exempt from the provisions of this ordinance and that **is not a "Major Subdivision" as that term is defined in this Ordinance.** ~~does not involve any of the following:~~

1. ~~The creation of any new public street or street right-of-way, or improvements to an existing street.~~
2. ~~A future public school, park, greenway, or open space site shown in any adopted plan or policy document.~~
3. ~~The extension of any needed right-of-way or easement for the water or sewer system operated by Charlotte-Mecklenburg Utility Department.~~
4. ~~The installation of drainage improvements through one or more lots to serve one or more other lots.~~
5. ~~The installation of a private wastewater treatment plant or a private water supply system for more than one lot or building site.~~

For purposes of these regulations, Farmhouse Cluster developments are considered a minor subdivision, **except as provided below**, and require Town Board approval. **Farmhouse Cluster**

developments do not require a Sketch Plan, except as specifically set out hereinbelow. A Farmhouse Cluster Plan shall demonstrate compliance with requirements of the Zoning Ordinance and include the following: an "Existing Features (Site Analysis) Plan" as detailed in Section 6.300 (1)(1-14), (2), and (3) of this Ordinance; a Four-Step Process as detailed in Section 6.300 (3) of this Ordinance; and a Preliminary Plan as detailed in Section 6.400 of this Ordinance.

Section 2. Be it ordained by the Board of Commissioners of the Town of Huntersville that Section 6.300: Sketch Plan Required for Major Subdivisions of the **Subdivision Ordinance** is hereby amended as follows:

14. an "Existing Features (Site Analysis) Plan" shall be submitted as part of the sketch plan application **and for Farmhouse Cluster developments** in order to determine significant features to be preserved. It is recommended a pre-application meeting with the administrator be held to review the Existing Features Plan prior to submission of the sketch plan. The Existing Features (Site Analysis) Plan analyzes each site's special features, as they form the basis of the design process for open space lands, building locations, street alignments, and lot lines. Detailed requirements for Existing Features Plans at the minimum must include:

(a) the location and area calculations of constraining features including wetlands, slopes over 25%, watercourses, intermittent streams and floodways, S.W.I.M. buffers (outside of floodways), watershed buffers, and all rights-of-way and easements (current and future);

(b) the location of significant features such as woodlands, tree lines, specimen and heritage trees, open fields or meadows, scenic views into or out of the property, watershed divides and drainage ways; existing structures, cemeteries, roads, tracks and trails; significant wildlife habitat; prime agricultural farmland; historic, archeological and cultural features listed (or eligible to be listed) on national, state or county registers or inventories; and aquifers and their recharge areas;

(c) the location of existing or planned utility easements (above and below ground) to include, but not limited to power/transmission, water, sewer, gas, phone, and cable;

(d) a topographical map showing original contours at intervals of not less than four feet and existing tree lines;

Section 3. Be it ordained by the Board of Commissioners of the Town of Huntersville that Section 6.310: Sketch Plan Not Required for Minor Subdivisions of the **Subdivision Ordinance** is hereby amended as follows:

6.310 SKETCH PLAN NOT REQUIRED FOR MINOR SUBDIVISIONS

A sketch plan shall not be required for a Minor Subdivision, **except for Section 6.300(1)(14) and Section 6.300(3), which are required for Farmhouse Cluster developments.**

Section 4. Be it ordained by the Board of Commissioners of the Town of Huntersville that Section 6.520: Exceptions, When Preliminary Plan Not Required of the **Subdivision Ordinance** is hereby amended as follows:

The required preliminary plan may be waived by the Planning Director or Designee for subdivisions defined as Minor Subdivisions or divisions of land qualifying for Expedited Subdivision Review in Section 2.100 of these regulations provided:

1. A plat of the tract being subdivided, accompanied by two (2) applications signed by the owner or his duly authorized agent has been filed with the Planning Director or Designee, and the required fee submitted; and
2. The subdivider, has provided topographic information to determine flood elevations whenever the property proposed to be subdivided, or re-subdivided, is traversed by or adjacent to a known watercourse.

The required preliminary plan may also be waived by the Planning Director for those subdivisions, including Limited Subdivisions, which do not involve the dedication of a new street, ~~improvement to or right of way for an existing street~~, or site designated for a future public facility.

However, a final plat must be prepared and recorded as provided in Section 6.600.

Section 5. That this ordinance shall become effective upon approval by the Town Board of Commissioners.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: November 4, 2021

PUBLIC HEARING DATE: January 3, 2022

PLANNING BOARD MEETING: January 25, 2022

TOWN BOARD DECISION: February 21, 2022



Text Amendment Application

Date of Application 09/29/21

Fee

See Current Town of Huntersville Fee Schedule for Text Amendment to the Zoning/Subdivision Ordinance

Type of Change

☐ New Addition to text of Zoning Ordinance / Subdivision Ordinance / Other

☒ Revision/Modification to text of Zoning Ordinance / Subdivision Ordinance / Other

Description of Change

Proposed text amendment will affect the following:

Ordinance(s): Subdivision Article(s): _____ Section(s): 2.100, 6.300, 6.310,

see attached 6.520

Current Ordinance

Proposed Text

see attached

Reason for Proposed
Change

see attached

Attach additional pages if needed.

NOTE: If the proposed text amendment effects property located along Hwy 73; is 2000 feet from an adjoining municipality, and/or the Mountain Island and Lake Norman Watersheds, additional peer review is required.

Applicant

Printed Name Town of Huntersville Planning Department

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature Kayla M. Miley Date 09/29/21

Title Planner I Email Kmielelenz@huntersville.org

Address of Applicant 105 Gilead Rd, 3rd Floor, Huntersville, NC 28078

Property Owner (if different than applicant)

* Printed Name _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature _____ Date _____

Title _____ Email _____

Address of Property Owner _____

* Property owner hereby grants permission to the Town of Huntersville personnel to enter the subject property for any purpose required in processing this application.

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION. **If additional space is needed for signatures, attach the Town of Huntersville Signature Addendum Form.**

Contact Information

**Town of Huntersville
Planning Department**
PO Box 664
Huntersville, NC 28070

Phone: 704-875-7000
Fax: 704-875-6546
Physical Address: 105 Gilead Road, Third Floor, Huntersville, NC 28078
Website: <https://www.huntersville.org/228/Planning-Department>

Date Received By Planning Department: _____

Staff Initials: _____