

Mayor
Jill Swain

Mayor Pro-Tem
Sarah McAulay

Commissioners
Danae Caulfield
Charles Jeter
Ron Julian

Town Manager
Gregory H. Ferguson

Town Attorney
Bob Blythe



Department Heads
Max Buchanan, Public Works
Bill Coxe, Transportation
Michael Jaycocks, Parks & Rec
Craig Norfolk, Electric
Philip Potter, Police Chief
Jack Simoneau, Planning
Janet Stoner, Finance

Assistant Town Manager
Gerry Vincent

Town Clerk
Janet Pierson

AGENDA

Regular Town Board Meeting

September 6, 2011 – 6:30 p.m.

TOWN HALL (101 Huntersville-Concord Road)

I. Call to Order

II. Invocation/Moment of Silence

III. Pledge of Allegiance

IV. Mayor and Commissioner Reports/Staff Questions

- A. Mayor Swain (MTC, NMIP Management Team, ASC Board)
- B. Commissioner Danae Caulfield (COG, Police Dispatch)
- C. Commissioner Charles Jeter (LNTC)
- D. Commissioner Ron Julian (LNREDC Board, Lake Norman Chamber, School Advisory Committee)
- E. Commissioner Sarah McAulay (MPO, NC 73 COP, Planning Coordinating Committee, VLN)

V. Public Comments, Requests, or Presentations

VI. Agenda Changes

- A. Agenda changes, if any.
- B. Adoption of Agenda.

VII. Public Hearings

- A. Conduct a public hearing on Petition #TA11-08, a request by Raymer-Kepner Funeral Home and Cremation Services to amend Article 3.2.7 (a) and Article 9 of the Huntersville Zoning Ordinance text in order to allow on-site crematorium services in the Highway Commercial district as an accessory use to a funeral home or cemetery. **Attachment No. 1.** (Brad Priest)

VIII. Other Business

- A. Receive report on the NW Huntersville Study's analysis of Vance Road Extension's connection to NC Highway 73 and consider recommending an option to the MUMPO. **Attachment No. 2.** (Bill Coxe)
- B. Consider decision on Petition #R11-03, a request by Pegasus Tower, LLC to rezone approximately 1.52 acres of a 19.52 acre parcel located at 9845 Mt. Holly-Huntersville Road from Rural to Special Purpose – Conditional District in order to construct a 199' tall cell tower. **Attachment No. 3.** (Whitney Hodges)
- C. Consider decision on Petition #TA11-09, a request by Planning Staff to amend Article 8.26 of the Huntersville Zoning Ordinance text in order to raise the maximum light height and allow floodlights in the loading areas of light and heavy manufacturing uses. **Attachment No. 4.** (Brad Priest)
- D. Consider decision on Petition #TA11-10, a request by the Town of Huntersville to modify the Zoning Ordinance, *Article 11.4.3.d) 5)* and Subdivision Ordinance, *Section 6.320* in order to increase the notification boundary for neighborhood meetings and adjoining property owner letters from 100' to 250'. **Attachment No. 5.** (Whitney Hodges)
- E. Consider decision on Petition #S11-01, a request by AAC for a Special Sign District for the Bryton Development. **Attachment No. 6.** (Brian Richards)

- F. Discussion and consideration of approving additional compensation to cover cost overruns associated with the construction of the Ramah Church Road roundabout and Stumptown Road extension. **Attachment No. 7.** (*Max Buchanan*)
- G. Discussion and consideration of Visit Lake Norman Interlocal Agreement. **Attachment No. 8.** (*Greg Ferguson*)
- H. Consider decision on Sphere of Influence Agreement with the Town of Davidson. **Attachment No. 9.** (*Greg Ferguson*)
- I. Consider decision on Cooperative Agreement with United Family Services and the Towns of Cornelius and Davidson. **Attachment No. 10.** (*Greg Ferguson*)

IX. Consent Agenda

- A. Approve minutes of the August 15, 2011 Regular Town Board Meeting. **Enclosure.**
- B. Approve budget amendment appropriating signage and sponsorship revenue in the amount of \$544 for sponsorship signs on the fields at Bradford Park and Huntersville Athletic Park. **Attachment No. 11.** (*Janet Stoner/Michael Jaycocks*)
- C. Approve budget amendment recognizing National Night Out revenue in the amount of \$2,500 and appropriate to the Police Department's Crime Prevention account. **Attachment No. 12.** (*Janet Stoner/Chief Potter*)
- D. Call a public hearing for Monday, October 3, 2011 at 6:30 p.m. at Huntersville Town Hall on Petition #TA10-04, a request by Planning Staff to amend Article 9.54, Article 3 and Article 12 of the Huntersville Zoning Ordinance text in order to allow commercial rooftop solar energy facilities to be defined as minor facilities which would be permitted by right in any zoning district and not require a Special Use Permit. **Attachment No. 13.** (*Lisa McCarter*)

X. Closing Comments

XI. Adjourn

To speak concerning an item on the Agenda, please print your name and address on the sign-up sheet on the table outside the Board Room prior to the meeting. If you wish to speak concerning an item that is added to the Agenda during the meeting, please raise your hand during that item. Each speaker will be limited to 3 minutes.

**AS A COURTESY, PLEASE TURN CELL PHONES
OFF WHILE MEETING IS IN PROGRESS**

ATTACHMENT NO. 1

**Town of Huntersville
REQUEST FOR BOARD ACTION
September 6, 2011**

REVIEWED:
Town Manager <u> <i>X</i> </u>
Finance Officer <u> </u>
Town Attorney <u> </u>

To: The Honorable Mayor and Board of Commissioners

From: Brad Priest, Senior Planner

Subject: Text Amendment Petition # TA 11-08 – Crematoriums as an Accessory Use in Highway Commercial (HC).

Request to hold a public hearing on Tuesday, September 6, 2011 at 6:30 PM, Huntersville Town Hall. Petition # TA 11-08 is a request by Raymer-Kepner Funeral Home and Cremation Services to amend Article 3.2.7 (a) and Article 9 of the Huntersville Zoning Ordinance text in order to allow on site crematorium services in the Highway Commercial district (HC) as an accessory use to a funeral home or cemetery (*Staff: Brad Priest*).

ACTION RECOMMENDED: Hold Public Hearing for September 6, 2011

ATTACHMENTS: Staff Analysis, Proposed Ordinance Text, Text Amendment Application

ENCLOSURES: N/A

FINANCIAL IMPLICATIONS: N/A

**Petition # TA 11-08
Crematoriums as an Accessory Use In Highway Commercial (HC)**

Description of Proposed Zoning Text Change

This is a request by Raymer-Kepner Funeral Home and Cremation Services to modify Article 3.2.7 and 9 of the Huntersville Zoning Ordinance to allow cremation services in the Highway Commercial (HC) district as an accessory use to a funeral home with the issuance of a special use permit. Currently, crematorium uses are only allowed in the Special Purpose district (SP) per the conditions of Article 9.24.

Background for Proposed Text Changes

Raymer Kepner Funeral home approached staff with the proposal of adding an on-site crematorium service to their existing funeral home service at the corner of Sam Furr Road and Old Statesville Road. Since the ordinance does not currently define a crematorium service use or specify what zone that type of use is allowed, it became necessary for staff to make a determination on how a crematorium would be categorized and allowed in the ordinance.

North Carolina is one of several states that regulate crematoriums at the state level. Crematorium operators in North Carolina are required to obtain a state license and if they operate over 533 burns/cases in one calendar year, they are also required to obtain a permit from the North Carolina Department of Air Quality. Since crematoriums seemed to have an environmental impact on air quality staff determined that it was not an appropriate use to include in the definition of a "commercial use"; which includes operations such as retail, office, personal services, banks, restaurants, etc. Of the allowed uses listed in the ordinance it seemed closest to "Environmentally Sensitive Uses Not Expressly Permitted" per Article 9.24. Therefore staff determined that crematoriums can currently operate in Huntersville only in the Special Purpose (SP) district with the issuance of a special use permit per Article 9.24. The applicant desires to modify the ordinance to allow crematoriums in the Highway Commercial district as an accessory to funeral homes with the issuance of a special use permit.

Staff Recommendation

Other counties and cities around the country treat crematoriums in a wide variety of ways. There are many ordinances that allow crematoriums in their general business districts with little restriction or condition. Therefore staff does not oppose allowing some crematorium service in a general business district such as Highway Commercial. However because of the potential environmental impact of the use and due to Highway Commercial's tendency to be located in close proximity to residential development, staff recommends that the use be restricted as an accessory use and be setback from any property line by at least 100 feet. Staff also recommends that because an air quality control permit is required at 533 cases or burns a calendar year, that the number of burns be limited to 250; roughly half that. Such a restriction would lessen the impact on adjacent development and ensure that the crematorium use remains an accessory to the principle funeral home use.

The applicant is agreeable to the recommendations by staff. It should be noted though that if the proposed language is adopted, any crematorium service that is not associated with a funeral home/cemetery or proposes more than 250 burns per year but is associated with a funeral home will only be allowed to operate in the Special Purpose District (SP) per Article 9.24. Staff supports the language proposed.

Planning Board Recommendation

To be determined.

Attachments

- Text Amendment Ordinance: Shows the proposed language as it would appear in the ordinance. All language proposed is new.
- Text Amendment Application:

Statement of Consistency

Per the North Carolina General Statutes § 160A-383 and Article 11.4.7 b-d of the Town of Huntersville Zoning Ordinance, amendment actions must be accompanied by a *Statement of Consistency*. Two statements are provided below that need to be incorporated into the motion either to approve or deny the petitioner's request.

[Approve]

In considering the proposed amendment to the Zoning Ordinance Articles 3.2.7 and 9 in regard to allowing crematorium uses in the Highway Commercial District (HC) as an accessory use, the Town Board finds the amendment is consistent with the Town of Huntersville Community Plan and other applicable long range plans. We recommend amending the Zoning Ordinance. It is reasonable and in the public interest to amend the ordinance because..... *(Explain).....(EXAMPLE) Allowing crematoriums as an accessory use in the Highway Commercial (HC) district is consistent with other ordinances around the country and allows funeral homes to expand the service they provide to the community. The conditions added and the review by way of a special use permit will allow the town to ensure that the environment and adjacent development is protected.*

OR

[Deny]

In considering the proposed amendment to the Zoning Ordinance Article 8.26 Site Lighting, the Town Board finds that amending the Zoning Ordinance in regard to raising the maximum light height and the allowance of floodlights is not consistent with the Town of Huntersville Community Plan and other applicable long range plans. We recommend denial of Amendment Petition TA 11-09. It is not reasonable and not in the public interest to amend this ordinance because..... *(Explain)...(EXAMPLE) Due to the potential environmental impact of crematorium uses, it is inappropriate to allow them in the Highway Commercial district along side other uses that have minimal impact on adjacent development. Such environmentally sensitive uses are more suitable to the Special Purpose (SP) district.*

**AN ORDINANCE TO MODIFY THE ZONING ORDINANCE, ARTICLES 3.2.7 AND
ARTICLE 9 TO ALLOW CREMATORIUM USES AS ACCESSORY USES IN THE
HIGHWAY COMMERCIAL (HC) DISTRICT**

***Section 1. Be it ordained by the Board of Commissioners of the Town of
Huntersville that the zoning ordinance is hereby amended as follows.***

Article 3.2.7

Uses permitted with a Special Use Permit:

- Crematoriums, accessory (9.55)

Article 9.55 Crematoriums, accessory

Crematoriums are permitted in the HC district subject to a Special use Permit, according to the procedures of Section 11.4.10.

The Town Board shall issue a Special use Permit for the use in the HC District if, but not unless the evidence presented at the Special use Permit hearing establishes:

1. Are accessory to an established Funeral Home or Cemetery.
2. That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and
3. That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and
4. That the proposed use will be constructed and operated in compliance with all applicable environmental regulations; and
5. That the proposed use will limit the number of cremations to under 250 cases within one calendar year; and
6. That all storage, handling, incineration, and loading facilities will be located at least 100 feet from any exterior property line; and
7. That active use portions of the site will be entirely enclosed in the principal structure.

Section 2. That this ordinance shall become effective upon adoption.

**PUBLIC HEARING DATE: September 6, 2011
PLANNING BOARD MEETING: September 27, 2011
PLANNING BOARD RECOMMENDATION: To be determined
TOWN BOARD DECISION: October 3, 2011**

TA11-08

Incomplete submissions will not be accepted.

Applicant Data

Date of Application 5-23-11
 Name RAYMER-KEPNER FUNERAL HOME & CREMATORY
 Address 16901 OLD STATESVILLE ROAD, HUNTERSVILLE NC
 Phone Number (home) _____ (work) 704-892-9669 28078
 Email JDK@KEPNERFUNERAL.COM

Fee \$400.00

Text Amendment to the Zoning/Subdivision Ordinance Fee \$400.00

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 (if possible, please provide a Word document of the proposed text change)

Proposed text amendment will affect the following:
 Ordinance: _____ Article: _____ Section: _____
 Current Text: _____

Proposed Text: _____

RECEIVED
 MAY 23 2011
 Town of Huntersville
 Planning Department

Reason for requested change (attach additional sheets if necessary):
ADDITION OF A CREMATORY TO RAYMER-KEPNER F.H
"SEE ATTACHED"
* INFO E-MAILED TO CATHERINE STUTTS
5-23-11

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.

ATTACHMENT NO. 2

**Town of Huntersville
REQUEST FOR BOARD ACTION
September 6, 2011**


REVIEWED:

Town Manager X

Finance Officer _____

Town Attorney _____

To: The Honorable Mayor and Board of Commissioners

From: Bill Coxe, Transportation Planner 

Subject: NW Huntersville Transportation Study, Recommend Option for Vance Road Extension's Connection to NC 73

Thoroughfare alignment designations are the responsibility of the Mecklenburg-Union Metropolitan Planning Organization. Those decisions are made in light of the opinions of the affected jurisdictions. In late 2007 the MUMPO and the Town began to study the thoroughfare system in northwest Huntersville. Since 2009, that study's focus has been narrowed to analyze the connection of Vance Road Ext to NC Highway 73 and includes a discussion of the future of NC 73 from that intersection west to the Catawba River. Through the analysis process, four options were developed and analyzed. In late 2008, the Huntersville Planning Board undertook the development of a decision analysis model to use in reaching a recommendation. Options 1, 3, and 4 have been analyzed through this decision making process and on August 23rd the Planning Board voted 8 to 0 with one abstention to accept the validity of the decision analysis model and recommend its results to the Town Board. The model recognized Option 3 as the superior choice among the three options.

ACTION RECOMMENDED: Receive report on the NW Huntersville Study's analysis of Vance Road Extension's connection to NC Highway 73 and consider recommending an option to the MUMPO. Consider any additional actions that need to occur as a result of the selected option.

ATTACHMENTS: Memo will be forwarded separately.

ENCLOSURES: Extensive information is posted on the Town website at http://www.huntersville.org/trans_13.asp. In particular, the information related to the Planning Board meeting of 8/23/11 should be reviewed.

FINANCIAL IMPLICATIONS: N/A

ATTACHMENT NO. 3

**Town of Huntersville
REQUEST FOR BOARD ACTION
September 6, 2011**

REVIEWED:

Town Manager X

Finance Officer

Town Attorney

To: The Honorable Mayor and Board of Commissioners

From: Whitney Hodges, Senior Planner

Subject: Rezoning Petition # R11-03 – Reames Cell Tower. Rural (R) to Special Purpose-Conditional District (SP-CD) (Pegasus Tower, LLC)

Request to consider decision on Tuesday, September 6, 2011 at 6:30 PM, Huntersville Town Hall. Petition # R11-03 is a request by Pegasus Tower, LLC to rezone approximately 1.52 acres of a 19.52 acre parcel located at 9845 Mt. Holly-Huntersville Road from Rural (R) to Special Purpose-Conditional District (SP-CD) in order to construct a 199ft tall cell tower. The property (PIN 017-38-108) is currently used as a single family residence. (*Staff: Whitney Hodges*)

ACTION RECOMMENDED: Consider deferring decision until a text amendment has been processed.

ATTACHMENTS:

- A—Application
- B—Charlotte Mecklenburg Planning Commission comments
- C—Neighborhood Meeting Minutes
- D—Zoning Ordinance Article 9.9, Commercial Communication Towers
- E—Support letters for Ordinance compliance
- F—Additional elevation of a self-supporting communication tower and letter requesting its consideration as an additional option

ENCLOSURES:

- 1—Site Plan (No changes were made to the hard copy supplied for July 18, 2011 Public Hearing. Electronic copy is available on the case website. Planning staff can supply an additional hard copy upon request)
- 2—Coverage Maps (No changes to these maps were made since the July 18, 2011 Public Hearing)
- 3—Additional coverage maps and letter of explanation (No changes to these maps were made since the August 1, 2011 Public Hearing)
- 4—Coverage maps requested at the August 1, 2011 Meeting—NEW
- 5—Communication Tower Locations—NEW
- 6-- Photo Simulation of the two types of towers—NEW

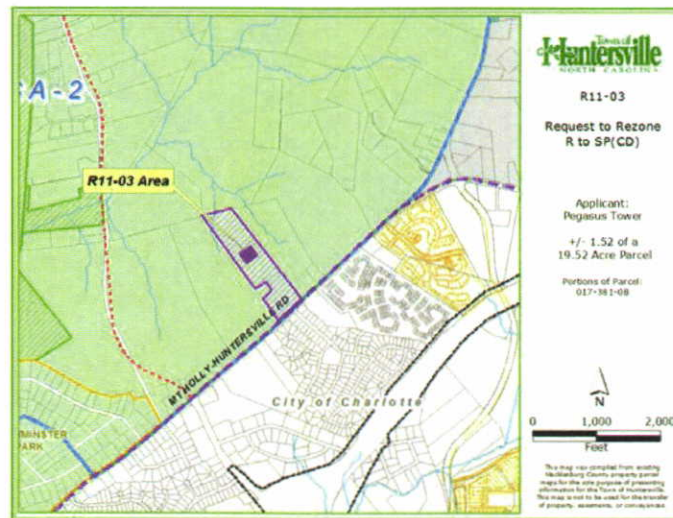
FINANCIAL IMPLICATIONS: N/A

Rezoning Petition #R11-03 Reames Cell Tower Rural (R) to Special Purpose-Conditional District (SP-CD) Rezoning

EXPLANATION OF THE REQUEST

Petition #R11-03 is a request by Pegasus Tower, LLC to rezone approximately 1.52 acres of a 19.52 acre parcel located at 9845 Mt. Holly-Huntersville Road from Rural (R) to Special Purpose-Conditional District (SP-CD) in order to construct a 199 ft tall commercial communication tower (Attachment A).

LOCATION



CHRONOLOGY OF PETITION

- May 2, 2011 Public Hearing opened and continued at the request of the applicant to provide required information.
- July 18, 2011 Public Hearing opened and continued to August 1, 2011 at the request of the applicant.
- August 1, 2011 Public Hearing was conducted and closed.
- August 23, 2011 Planning Board meeting conducted.

SITE PLAN DESCRIPTION

1. Parcel ID Number: portion of 017-38-108
2. Property Owner: Thad C. Reames Jr.
3. Current Land Use: Single family residence and agricultural use
4. Proposed Land Use: Addition of a 199 foot tall cell tower (The tower is 195 ft with a 4 ft lightning rod). Residential and agricultural use will remain on the parcel.
5. Adjoining Zoning & Land Use:
 - a. **North:** Rural (R) – vacant;
 - b. **South:** City of Charlotte zoning– single-family residences and church;
 - c. **East:** Rural (R)– agricultural use;
 - d. **West:** Rural (R)– wholesale plant nursery.
6. Notifications were sent to adjacent property owners, one (1) sign was posted on the property and an ad was placed in the paper.
7. The request was sent to Charlotte-Mecklenburg Planning Commission for comment. The Commission is not opposed to the request (Attachment B).

8. A Neighborhood Meeting was held on March 24, 2011 (Attachment C).
9. No protest petitions have been filed for this application as of April 25, 2011.
10. The rezoning is located in the Mountain Island Lake—Critical Area 2 Overlay District (MIL-CA-2) which will restrict the developer to creating 12% impervious area. When the property is subdivided out into a 1.52 acre parcel, the allowed impervious area will be 7,945 square feet. The proposed development is 7,392 sq ft which equals 11% of impervious area.
11. SWIM buffers are not impacted by this action.
12. The petitioner will be adding an 80' vegetated buffer around the ground level equipment for the tower and driveway addition to comply with the buffer requirements per Article 7.5 for Special Purpose zoning districts.
13. Commercial communication towers must adhere to the provisions of Section 9.9 subsections 1-10 (Attachment D and E)

TRANSPORTATION ISSUES

Transportation staff determined that a Traffic Impact Analysis is not required.

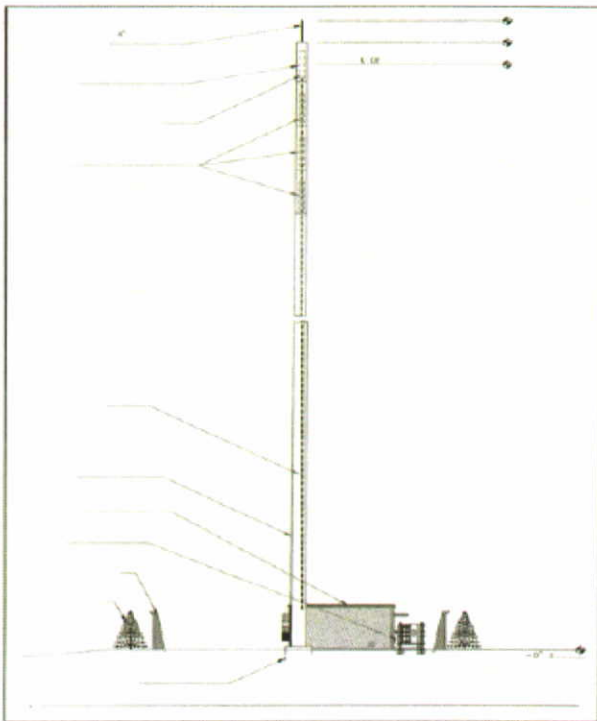
PUBLIC HEARING COMMENTS AND APPLICANT ADJUSTMENTS

At the public hearing held on July 18, 2011 several questions were raised about the existing and proposed coverage maps (Enclosure 2). The coverage maps did not appear to show the towers in the correct locations and raised further questions about the need for the tower. Additional questions were directed towards if a communication tower were approved, should it not be built to contain co-location opportunities for more than four carriers.

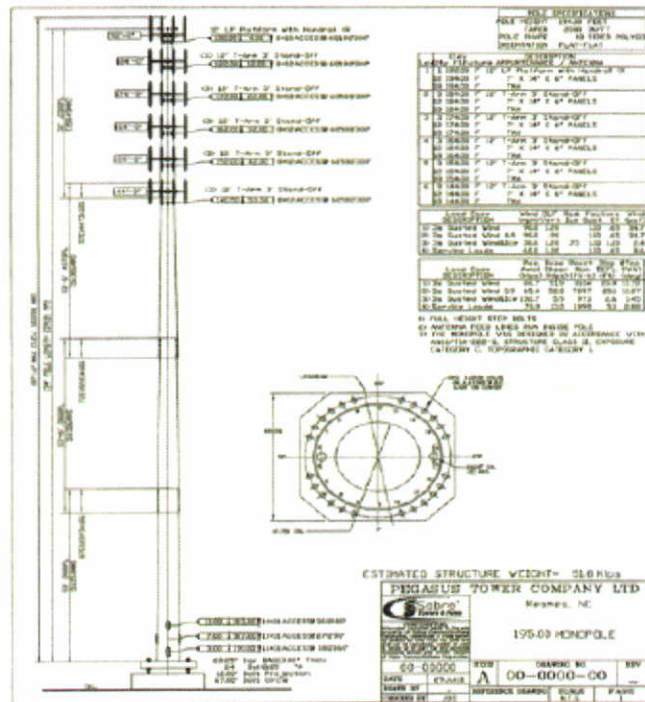
In response to questions raised at the public hearing, on July 18, 2011, the petitioner submitted additional coverage maps (Enclosure 3) that show the correct tower location, coverage without the tower, coverage with a monopole tower with interior antennas and coverage with a monopole tower and exterior antennas. The coverage map provided showed that there will be approximately 23% more coverage with exterior antennas rather than interior antennas.

The public hearing was continued to August 1, 2011 so that the petitioner could refine the coverage maps and consider the possibility of using a different type of tower. At the public hearing, both the Town Board and Planning Board requested that petitioner provide coverage maps that compared the service areas that exists today; the service area with the tower and interior antennas; and service with the tower and exterior antennas. They also requested that the coverage maps be expanded to show a larger area and include Beatties Ford Road. The petitioner has refined the coverage maps to show the gaps in coverage (map with red); areas with adequate coverage (being able to use a wireless phone inside of a building) with a monopole with interior antennas ("stealth") and areas with adequate coverage with a monopole with exterior antennas. The maps show the Westminster neighborhood and portions of Long Creek. Additional explanation of these maps will be needed by the petitioner (Enclosure 4).

In addition to modifying the coverage maps, the petitioner requested to add the option for a monopole communication tower with exterior antennas. The site plan and rezoning boundaries would not change, but the tower would have antennas attached to its exterior rather than be concealed in the interior of the monopole tower. This option would allow the petitioner to have two more antennas. On the next page is a side-by-side comparison of the two tower options the applicant is requesting to be considered.



MONOPOLE WITH INTERIOR ANTENNAS



MONOPOLE WITH EXTERIOR ANTENNAS

The Board requested that staff prepare a map showing all the approved communication tower locations and co-locations (Enclosure 5). In addition, the Board requested that the applicant provide a photo simulation of what the tower would look like from Mt. Holly-Huntersville Road (Enclosure 6).

At the Planning Board meeting the applicant requested that the Planning Board consider a text amendment that would allow commercial communication towers within the Rural Zoning district with additional restrictions. The petitioner stated that he would submit a text amendment to staff by the September deadline in order to start the text amendment process. He asked that the Planning Board defer decision on this rezoning request until the outcome of the text amendment is determined.

REZONING CRITERIA

Article 11 Section 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 – There are 2 relevant sections of the 2030 Huntersville Community Plan:

1. Policy E-1 states that the Town should support the preservation and enhancement of the natural environment, along with its scenic and cultural assets. Staff believes this policy would be better served with the antennas attached to a conforming structure which is a permitted use on the site without the rezoning (i.e. attached to a flag pole, windmill). If the Town Board determines a stand-alone tower of 199' in height is appropriate for the

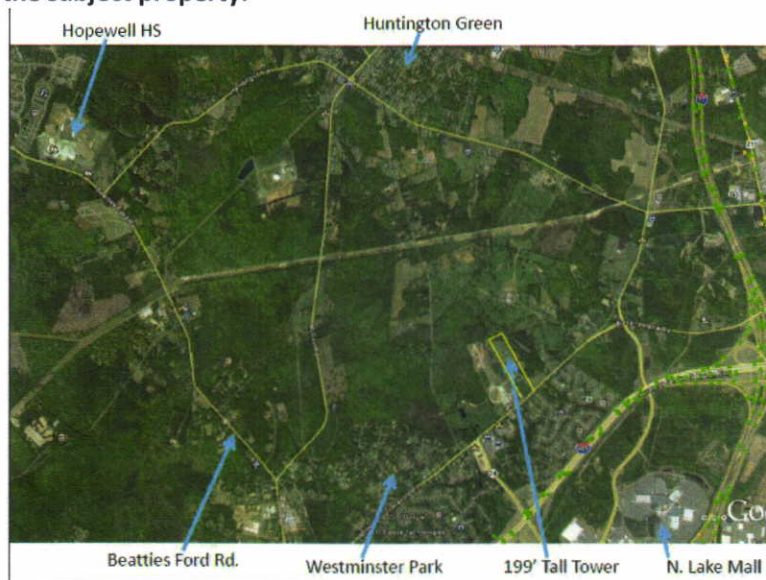
area, staff recommends that a monopole with interior antennas would be less visually obtrusive than a monopole with exterior antennas.

2. The Town should avoid locating new development in areas of significant environmental, scenic or cultural resources (Policy E-2). This site is located in Critical Area 2 of the Mountain Island Lake Watershed. Commercial communication towers are considered low intensity land uses and therefore the use is consistent with Policy E-2.

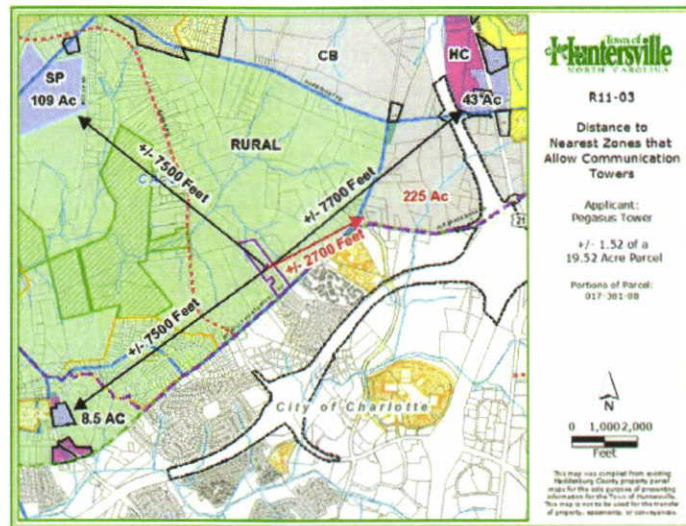
There are no other applicable plans related to this site.

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 surrounding area within Huntersville’s jurisdiction is completely zoned Rural (R) and has established residential uses and agricultural uses. The proposed use would introduce a fairly small parcel of Special Purpose-Conditional District (SP-CD) into a residential area. Spot zoning occurs when a relatively small tract of land is zoned differently from the surrounding areas. The closest SP zoning districts are approximately 7, 500 ft located on Beatties Ford Road at West Huntersville Storage and the Piedmont Gas facility on McCoy Road. The closest Corporate Business (CB) zoning district, which also allows for commercial communication towers, is 2,700 ft. This is depicted on the map on the next page. Therefore, the proposal is not in keeping with the established development pattern.



Further, staff believes the character of the surrounding area would be better served with the antennas attached to a conforming structure which is a permitted use on the site without the rezoning (i.e. attached to a flag pole, water tower, windmill see below illustration). If the Town Board determines a stand-alone tower of 199' in height is appropriate for the area, staff recommends that a monopole with interior antennas would be less visually obtrusive than a monopole with exterior antennas.

Examples of antenna attached to conforming structures



- 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 – A cell tower qualifies as a “communication service” in the definition of Essential Public Services in Article 13 and thus is exempt from the Adequate Public Facilities Ordinance. Transportation staff determined that there was not a need for a Traffic Impact Analysis (TIA).

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

Staff Comment –The requested action will not adversely affect known archeological, environmental, historical or cultural resources.

STAFF RECOMMENDATION

Planning Staff does not support the rezoning request because it is not consistent with the overall character of the area.

- The request introduces a relatively small tract of SP zoning into a predominantly Rural zoning area and this could be considered spot zoning.
- Co-location is a permitted use in the Rural Zoning district. A co-location can be placed on a conforming structure (i.e. attached to a flag pole, water tower, windmill) and still serve Huntersville residents with wireless service without requiring a rezoning. If the Town Board determines a stand-alone tower of 199' in height is appropriate for the area, staff recommends that a monopole with interior antennas would be less visually obtrusive than a monopole with exterior antennas.

As mentioned earlier, the petitioner requested at the Planning Board meeting that a decision on the rezoning request be deferred until their proposed text amendment has been processed. Staff supports deferring the decision until the outcome of that text amendment has been determined.

PLANNING BOARD RECOMMENDATION

The petitioner requested that the Board defer action on the rezoning while the petitioner prepares a text amendment to allow Commercial Communication Towers in the Rural Zoning District to which the Planning Board made the motion to recommend to the Town Board to defer action on the rezoning request while a text amendment is processed. The motion passed 9-1.

ATTACHMENTS/ENCLOSURES

Attachments

- A – Application
- B – Charlotte Mecklenburg Planning Commission comments
- C – Neighborhood Meeting Minutes
- D—Zoning Ordinance Article 9.9, Commercial Communication Towers
- E—Letters agreeing to co-locate and letter describing need for tower

Enclosures (Submitted at Public Hearing)

(Hard copies were included in the July 18, 2011 Public Hearing Packet. Electronic copies can be found on the Planning Department’s website under “Current Cases”. Please let staff know if you need an additional copy.)

- 1 – Site Plan
- 2 – Coverage Maps

(Hard copies were included in August 1, 2011 Public Hearing Packet.)

- 3—Additional Service Coverage Maps and Letter of Explanation
- 4—Coverage Maps requested at the August 1, 2011 meeting—NEW
- 5—Communication Tower Locations—NEW
- 6—Photo Simulation of the two types of towers—NEW