

## TA 19-01 – Par 3 and Driving Range in Rural

### PART 1: DESCRIPTION

TA19-01 is a request by the Huntersville Planning Department to consider amending Article 3.2.1 and Article 9 of the Huntersville Zoning Ordinance. The purpose of the application is to allow golf par 3 courses and driving ranges in the Rural (R) zoning district with the issuance of a Special Use Permit.

### PART 2: BACKGROUND

Planning Staff received a rezoning request for the property immediately east of Bradford Park on NC-73 (16715 Davidson Concord Road) to be rezoned from Rural (R) to Special Purpose (SP). The purpose of the rezoning request is to allow the development of a golf driving range. The subject property is surrounded by Rural (R) zoning therefore the rezoning's consistency with adjacent development is in question. In addition the rezoning would not be consistent with the Huntersville 2030 Community Plan or the Davidson Concord Road – NC73 Area Plan which calls for the property to remain rural and low intensity. Therefore due to those and other site plan concerns, staff does not support the rezoning.

At the public hearing for the rezoning, the Town Board discussed those concerns with staff. They then requested that staff investigate whether it would an option to amend the zoning ordinance to allow golf driving ranges in the Rural district with the issuance of a special use permit. With that option, the applicant could develop and no rezoning would be required. Staff stated that they would investigate and draft proposed text for consideration. This application is a result of the public hearing discussion. While the text amendment option is being considered, the applicant requested a 2 month deferral for the rezoning from the Planning Board, which was approved by the Planning Board on January 29, 2019.

Staff has surveyed several communities nearby to see if the proposed use is something they allow in their rural or lower density residential zones. The results show that very few neighboring communities allow it. Most view it as a commercial use suited for commercial zones. However two county zoning jurisdictions permitted it with the issuance of a conditional use permit. Staff also sent an email out on the Planning Listserv to poll a wider area of communities in North Carolina but only one replied affirmatively that they allow it. Please see the results of the survey in the table below on page 2.

Staff has also drafted ordinance language that would allow the use with the issuance of a special use permit. The language includes specific conditions and protections that would be recommended for such a commercial use in a residential district. Please find this first draft of the requirements attached in the agenda package. Since the first draft, there have been several changes that better accommodate the applicant's needs, and also represent the Huntersville Ordinance Advisory Board's recommendations. These changes are included in your agenda package and labeled "DRAFT UPDATE". They will be presented at the public hearing per the ordinance agenda deadline requirements of Article 11.4.4 C.

No Allowance for Driving Ranges in Residential Districts	Allows Driving Ranges as a Conditional/Special Use
Cornelius	Harnett County
Davidson	Union County (Minor by right)
Mooresville	Indian Trail (in the drafted UDO ordinance, not allowed at this time.)
Pineville	
Matthews	
Charlotte	
Raleigh	

**PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2030 COMMUNITY PLAN AND APPLICABLE LONG RANGE PLANS**

The following are examples of relevant plans and polices from the 2030 Huntersville Community Plan that may be incorporated into the Board’s statement of consistency for approval or denial of the request.

- Policy E-4 – Reduce Outdoor Lighting: *“Support reduction in outdoor lighting to lowest possible levels to maintain public safety, while limiting glare, habitat impacts and loss of privacy.”* The proposed lighting standards exceed the general commercial lighting requirements of the zoning ordinance for both fixture type and lighting level. This allowance would be located in a low density residential zone where one would normally expect the least amount of light in the Town. With the lighting levels and orientations discussed with the applicant in preliminary conversations, staff expects off site glare to be created.

**PART 4: STAFF RECOMMENDATION**

Planning staff does not support the text amendment application. Intensifying rural areas with commercial par 3 and driving range uses is not common practice in neighboring North Carolina communities. In most communities surveyed they are considered commercial uses that are more appropriate in commercial zoning districts. The need for this application to have high impact lighting that does not conform to the policies of the Huntersville lighting ordinance is a concern for staff.

If the Town Board recommends allowance of the driving range on the subject property, staff still prefers this text amendment option to the rezoning for the following reasons:

1. Keeping the property Rural is more consistent with the surrounding properties and long range plans.
2. Keeping the development Rural adds the requirement of 30% canopy tree save in addition to the 30% specimen tree save. Rezoning the property to commercial would only require a 30% specimen tree save requirement.
3. The application can be reviewed on a case by case basis through the special use permit process.

#### **PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD**

The Huntersville Ordinances Advisory Board (HOAB) considered the proposed text on February 7, 2019. After discussion of the latest text drafted by staff, the Board unanimously recommended approval of the proposed text with some modifications:

1. The addition of “and/or” in the title of the section to allow either park 3 or a driving range.
2. The addition of “boulevard” into the language to clarify NC-73 as a qualifying street front. The removal of “minor thoroughfares” as a qualifying street front.
3. Changing the allowed hours of operation to Sunday to Thursday 6 am to 11 pm and Friday to Saturday 6 am to midnight.
4. Continue working with the applicant to protect lighting levels but also allow some flexibility in an effort to meet the applicant’s needs.

#### **PART 6: PUBLIC HEARING**

The Public Hearing was held on February 18, 2019. Staff and the Town Board discussed various characteristics of the lighting portion of the proposed text. Also discussed was comparing the lighting proposed in the text to the lighting permitted at Bradford Park. No one from the public spoke in favor or against the application. Information and clarifications requested by the Town Board is provided by staff below.

- Bradford Park lighting: Heights of lights at Bradford Park: 70 feet at the softball fields. Six 70 foot and two 100 foot tall fixtures at the soccer field. Average footcandle measurements: 50 footcandles for the softball fields, and 30-33 footcandles for the soccer field.
- Qualifying parcels next to park land: Of the 31 qualifying parcels identified by staff that could be used as golf driving ranges with the proposed language, 7 are adjacent to park land.
- Boulevard frontage clarification: If the proposed language was amended to remove “Major Thoroughfare” as a qualifying frontage and parcels were allowed to front on “Boulevards” as described in the Comprehensive Transportation Plan (CTP) only, the qualifying parcels would be reduced by one; from 31 down to 30. Many of the future thoroughfares on the CTP such as Prosperity Church Road extension and Vance Road extension will be classified as boulevards. Therefore many parcels would still qualify with the discussed modification.

#### **PART 7: PLANNING BOARD RECOMMENDATION**

The Planning Board is scheduled to consider this text amendment on February 26, 2019.

**PART 8: ATTACHMENTS AND ENCLOSURES**

- Draft Updated Language Ordinance
- Text Amendment Application

**PART 9: STATEMENT OF CONSISTENCY – TA19-01**

**Planning Department:**

In considering the proposed amendment, TA 19-01, to amend Article 3.2.1 (a) and Article 9.60 of the Zoning Ordinance, the Planning staff finds the requested amendment not consistent with Policy E-4 of the Huntersville 2030 Community Plan.

It is not reasonable and in the public interest to amend the Zoning Ordinance because it would allow a commercial use in a low density residential zoning district with potentially high impact lighting levels not compatible with surrounding rural development.

**Planning Board:**

Approve (Consistent w/ Plans)	Approve (Inconsistent w/ Plans and Plans Change ___?)	Deny (Inconsistent w/ Plans)
<p>In considering the proposed amendment, TA 19-01, to amend Article 3.2.1 (a) and Article 9.60 of the Zoning Ordinance to allow golf driving ranges and par 3 golf courses in the rural district with the issuance of a special use permit, the Planning Board recommends approval based on the amendment being consistent with <u>[insert applicable plan reference(s)]</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<u>[Explain]</u></p>	<p>In considering the proposed amendment, TA 19-01, to amend Article 3.2.1 (a) and Article 9.60 of the Zoning Ordinance to allow golf driving ranges and par 3 golf courses in the rural district with the issuance of a special use permit, the Planning Board recommends approval of the amendment but finds the request inconsistent with <u>[insert applicable plan reference(s)]</u>, therefore amends <u>[insert plan reference(s) AND detail the ways the policy or reference is to be amended]</u>.</p> <p>The Planning Board took into account the following change in conditions in recommending approval to meet the development needs in Huntersville: [List and explain the change in conditions]</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<u>[Explain]</u></p>	<p>In considering the proposed amendment, TA 19-01, to amend Article 3.2.1 (a) and Article 9.60 of the Zoning Ordinance to allow golf driving ranges and par 3 golf courses in the rural district with the issuance of a special use permit, the Planning Board recommends denial based on the amendment being <u>[consistent OR inconsistent]</u> with <u>[insert applicable plan reference(s)]</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because...<u>[Explain]</u></p>



# Text Amendment Application

***Incomplete submissions will not be accepted.***

## Applicant Data

Date of Application \_\_\_\_\_ 1/31/19 \_\_\_\_\_

Name \_\_\_\_\_ Huntersville Planning Department  
\_\_\_\_\_

Address \_\_\_\_\_ PO Box 664 Huntersville, NC 28070  
\_\_\_\_\_

Phone Number (home) \_\_\_\_\_ 704-766-2214 \_\_\_\_\_ (work)  
\_\_\_\_\_

Email  
\_\_\_\_\_ bpriest@huntersville.org \_\_\_\_\_  
\_\_\_\_\_

## Fee

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: \_\_\_ 3.2.1 (Rural Zoning District) / New Article 9.60 \_\_\_\_\_ Article:  
\_\_\_\_\_ Section: \_\_\_\_\_

Current Text: \_\_\_\_\_ See Draft Language Attached  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed Text: \_\_\_\_\_ See Draft Language Attached  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reason for requested change (attach additional sheets if necessary): \_\_\_\_\_

\_\_\_\_\_  
Purpose of the text change would be to allow golf driving ranges and par 3 golf courses as uses permitted in the Rural Zoning District, with the issuance of a special use permit. Adding Article 9.60 to the ordinance to create requirements for such uses to meeting in the Rural district.  
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**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.**

**Signatures**

I hereby certify that the information presented by me in this application is accurate to the best of my knowledge, information and belief.

Applicant Signature:  Date: 1/31/19

**Contact Information**

<b>Town of Huntersville</b>	Phone:	704-875-7000
<b>Planning Department</b>	Fax:	704-875-6546
PO Box 664	Physical Address:	105 Gilead Road, Third Floor
Huntersville, NC 28070	Website:	<a href="http://www.huntersville.org/Departments/Planning.aspx">http://www.huntersville.org/Departments/Planning.aspx</a>

**AN ORDINANCE TO AMEND ARTICLE 3.2.1 AND ARTICLE 9.60 OF THE ZONING ORDINANCE**

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 3.2.1 A of **Zoning Ordinance**, Rural Zoning District is hereby amended as follows:

A) Permitted Uses

Uses Permitted with a Special Use Permit

- **Commercial Par 3 Golf Course and / or Golf Driving Range (9.60)**

Section 2. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 9.60 of **Zoning Ordinance** Par 3 and Golf Driving Range is hereby amended as follows

**Article 9.60 – Par 3 and / or Golf Driving Range**

**Par 3 and golf driving ranges are permitted in the Rural zoning district subject to a special use permit according to the procedures of Article 11.4.10.**

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

- 1. That the proposed use will not endanger the public health and safety, substantially reduce the value of nearby property; and**
- 2. Par 3 courses shall not be lit. Outdoor lighting associated with driving ranges in the Rural district shall be designed as follows:**
  - a. Facility lighting may include floodlights but must be shielded and shall be oriented and directed in such a way as to not produce glare at any off-site location.**
  - b. Maximum light fixture height shall be 40 feet.**
  - c. Maximum lighting level is 15 footcandles measured at grade.**
  - d. If free standing lighting is proposed, photometric lighting plans shall be submitted at special use permit application. A maximum of .5 footcandles at any location on any non-residential property and .1 footcandles at any location on any residential property, as measurable from any orientation of the measuring device shall be met.**
  - e. Lighting shall be extinguished after 11 pm Sunday through Thursday and at midnight Friday and Saturday.**
  - f. Upon review of the photometric plan, the Town Board may modify the above lighting standards provided the spirit of the ordinance, reducing glare and off site light trespass is maintained.**
- 3. Vehicular access to the use will be provided only by way of a Boulevard or Major Thoroughfare.**

4. A par 3 golf course or driving range must be located on a property at least 20 acres in size.
5. No multi-level buildings or tee boxes are permitted.
6. Hours of operation shall be no earlier than 6 am and no later than 11 pm Sunday through Thursday. Friday and Saturday no earlier than 6 am and no later than midnight.
7. Existing vegetation within 50 feet of the fronting thoroughfare and residential property lines shall remain undisturbed. If no vegetation exists along the property line, an opaque buffer shall be planted per Article 7.5. If there is no existing vegetation along the street, the required second row of street trees will be planted using large maturing evergreen trees to maintain an intermittent screen.
  - a. As each property is unique, the Town Board may modify the buffers for a golf facility based on particular topographical issues and uses of the property. For instance, additional buffer requirements may be appropriate for active commercial areas, while a reduction in buffer area may be appropriate for open natural areas.
8. At no time shall golf balls be permitted to cross on to adjacent property or onto the public street. If course or tee orientation makes it possible for balls to leave the site through standard operating use, netting, buffers, screening or other barrier shall be installed to prohibit off site encroachment. If netting is required, it shall be located behind a vegetative buffer, screening if from any property line.
9. Only accessory retail and commercial uses meant to serve patrons of the golf facility are permitted, such as snack shops and pro shops. No principle use restaurants or retail establishments meant to serve the general public are permitted.

Section 3. That this ordinance shall become effective upon adoption.

**HUNTERSVILLE ORDINANCE ADVISORY BOARD:** Unanimously recommended approval with changes on February 7, 2019

**PUBLIC HEARING DATE:** Held on February 18, 2019

**PLANNING BOARD MEETING:** February 26, 2019

**TOWN BOARD DECISION:** March 4, 2019