

**TA #19-05 Temporary Mobile Food Sales in the Neighborhood Center (NC) Zoning District**

**PART 1: DESCRIPTION**

TA19-05 is a request by Frank and Ellen Loncz to amend Article 3.2.5(a) to allow temporary mobile food sales as a use permitted with conditions in the Neighborhood Center (NC) Zoning District.

**PART 2: BACKGROUND**

Temporary mobile food sales are permitted with conditions in Town Center (TC), Highway Commercial (HC), Special Purpose (SP), and Corporate Business (CB). In these zoning districts, temporary mobile food sales are permitted subject to the conditions found in Article 9.37.2, *Temporary Uses and Structures*, of the Zoning Ordinance (see attachment B).

Hunter House and Gardens is located at 412 South Old Statesville Road and is zoned Neighborhood Center (NC). The owners, Frank and Ellen Loncz, would like to allow temporary mobile food sales with the conditions found in Article 9.37.2, in the Neighborhood Center (NC) Zoning District.

Staff reached out to the Lake Norman Economic Development staff for feedback. Ryan McDaniels, Executive Director, indicated he did not see any issues allowing temporary mobile food sales in the Neighborhood Center (NC) Zoning District.

The Huntersville Ordinances Advisory Board reviewed the proposed amendment at their May 2, 2019 meeting and recommended unanimous approval of the proposed language.

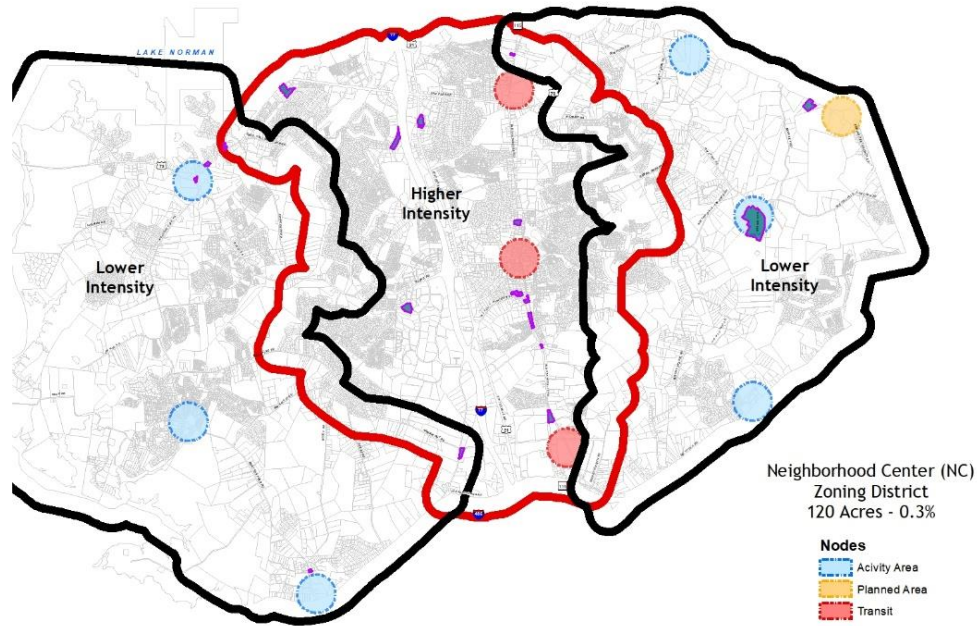
**PART 3: RELEVANT HUNTERSVILLE 2030 COMMUNITY PLAN AND APPLICABLE LONG RANGE PLAN SECTIONS**

The following are examples of relevant 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 CD-2: Commercial Development Pattern**

Promote a mixed-use development pattern that focuses higher intensity development generally within two miles of the I-77/NC-115 core. Outside the core area, this more intense commercial development pattern shall be focused in identified nodes and centers.

STAFF COMMENT: The map below shows the intensity areas and nodes as well as the areas zoned Neighborhood Center (NC) in purple. It is reasonable to conclude that the majority of properties zoned Neighborhood Center fall within the higher intensity area and within or close to identified nodes.



**Policy ED-12: Business Retention and Expansion (BRE)**

Support “Business Retention & Expansion (BRE)” program of Lake Norman Economic Development.

**PART 4: STAFF RECOMMENDATION**

**Planning Department: Approve (Consistent w/ Plans)**

In considering the proposed amendment, TA19-05, to amend Article 3.2.5(a) to allow temporary mobile food sales as a use permitted with conditions in the Neighborhood Center (NC) Zoning District, the Planning Staff finds the requested amendment consistent with Policy CD-2 and Policy ED-12 of the Huntersville 2030 Community Plan.

It is reasonable and in the public interest to amend the Zoning Ordinance because majority of Neighborhood Center (NC) zoned properties fall within higher intensity areas and temporary mobile food sales would provide added economic activity within the zoning district.

**PART 5: PUBLIC HEARING**

The Public Hearing was held on June 3, 2019. No questions were raised from Town Board members and no one from the public spoke for or against the text amendment request.

**PART 6: PLANNING BOARD RECOMMENDATION**

The Planning Board recommends approval of the proposed amendment, TA 19-05 to amend Article 3.2.5(a) to allow temporary mobile food sales as a use permitted with conditions in the Neighborhood Center (NC) Zoning District. Based upon the petition being consistent with Policy CD-2 and Policy ED-12 of the Huntersville 2030 Community Plan.

It is reasonable and in the public interest to amend the Zoning Ordinance because the majority of the neighborhood zoned properties fall within higher intensity areas and temporary mobile food sales would provide added economic activity within the Zoning District.

**PART 7: ATTACHMENTS**

Attachment A: Text Amendment Application  
Attachment B: Article 9.37.2  
Attachment C: Proposed Ordinance

**PART 8: STATEMENT OF CONSISTENCY – TA19-03**

**Town Board:**

<b>Approve (Consistent w/ Plans)</b>	<b>Approve (Inconsistent w/ Plans and Plans Change ___?)</b>	<b>Deny (Inconsistent w/ Plans)</b>
<p>In considering the proposed amendment, TA 19-05 to amend Article 3.2.5(a) to allow temporary mobile food sales as a use permitted with conditions in the Neighborhood Center (NC) Zoning District, the Town Board approves 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 19-05 to amend Article 3.2.5(a) to allow temporary mobile food sales as a use permitted with conditions in the Neighborhood Center (NC) Zoning District, the Town Board approves 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: <u>[List and explain the change in conditions]</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 19-05 to amend Article 3.2.5(a) to allow temporary mobile food sales as a use permitted with conditions in the Neighborhood Center (NC) Zoning District, the Town Board denies 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>