

TA 21-09 – Strategic Capital Partners SWIM Buffer Amendment

PART 1: DESCRIPTION

TA21-09 is a text amendment request made by Strategic Capital Partners allowing small SWIM Buffers (intermittent streams and perennial streams draining under 50 acres) to be impacted in the Corporate Business district with a conditional district rezoning subject to mitigation.

PART 2: BACKGROUND

Under current standards, the only way to impact SWIM Buffers is by being one of the eight exceptions listed in Section 8.25.10 **OR** by variance in accordance with Section 11.3 and implementing one of the nine mitigation options listed in Section 8.25.11(b).

The applicant is requesting an additional option to impact small SWIM Buffers (intermittent streams & perennial streams draining less than 50 acres) through a conditional district rezoning. The applicant's reason for the amendment and proposed language can be found in Attachment 2. The applicant proposed allowing impacts permitted by the Army Corps of Engineers (ACE) provided mitigation allowed by the ACE occurs within the corporate limits of the Town of Huntersville.

Huntersville Planning Department supports a text amendment providing an additional option to impact small SWIM Buffers through conditional rezoning because it is difficult for large footprint flex space buildings to design around them. Planning staff proposed alternative amendment language (Attachment 3) that provides for mitigating impacts using one of the nine options listed in Section 8.25.11(b). THE APPLICANT INDICATED THEY CAN SUPPORT THE STAFF'S PROPOSED LANGUAGE.

Staff also supports amending Section 11.25.11(b)(5) clarifying the mitigation option for bottom land hardwood preservation shall not include minimum tree preservation otherwise required by these regulations (i.e. required buffers, required tree preservation of Section 7.4) but shall include any bottom land hardwood preserved beyond the minimums established.

Rusty Rozzelle, Water Quality Program Manager from Charlotte-Mecklenburg Storm Water Services indicated he had no problems with the proposed amendment and the change will not affect Huntersville's Phase 2 Storm Water Permit.

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

Policy LU-8: Emphasize form and flexibility in Mixed-Use Centers, Employment Centers, the Town Core, and Activity Centers.

Comment: Proposed amendment provides flexibility in the employment center where development options are limited for large footprint flex space buildings. Conditional zoning process and mitigation per Section 8.25(11)(b) allows town to consider impact on SWIM buffer on the merits of each case.

Policy EV-1: Support a balanced economy through job growth in target industry sectors.

EV 1.4: Review development standards to support business growth.

- Support efforts to improve efficiency and responsiveness of the development review process for development proposals. Regularly review the market to ensure that standards are in line with current demand.

Comment: Staff finds providing another option for minor SWIM buffer impacts through conditional zoning in the CB district reflects a proper balance of environmental protection and economic development.

Policy EOS-1: Support the preservation and enhancement of the natural environment, along with its scenic and cultural assets.

Comment: While the amendment allows impacts to intermittent streams and perennial streams draining under 50 acres, mitigation per Section 8.25.11(b) would be required.

PART 4: STAFF RECOMMENDATION

Staff recommends approval of alternative text amendment language (Attachment 3).

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD

The Huntersville Ordinances Advisory Board (HOAB) recommended approval of the proposed text amendment 8-1 on August 5, 2021.

PART 6: PUBLIC HEARING

August 16, 2021. No one other than staff spoke at the public hearing.

PART 7: PLANNING BOARD RECOMMENDATION

On August 24, 2021 S. Hensley made a Motion to Approve TA21-09 based on consistency with LU8, EV1 and EOS1 of the Huntersville 2040 Plan. It is reasonable and in the public interest to amend the zoning ordinance because the amendment allows greater flexibility and an additional option to impact SWIM buffers subject to a conditional rezoning and mitigation. C. Boyd seconded the motion. The motion passed (8-1) with F. Gammon opposed.

PART 8: ATTACHMENTS

1. Applicant's Text Amendment Application
2. Applicant's Text Amendment Language
3. Staff's Alternate Text Amendment Language

PART 9: STATEMENT OF CONSISTENCY – TA21-09

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed amendment TA21-09, Planning Staff recommends approval based on consistency with LU-8, EV-1 and EOS-1 of the Huntersville 2040 Community Plan.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because the amendment allows an additional option to impact SWIM buffers subject to a conditional rezoning and mitigation.</p>	<p>APPROVAL: In considering the proposed amendment TA21-09, Planning Board recommends approval based on consistency with LU8, EV1 and EOS1 of the Huntersville 2040 Plan.</p> <p>It is reasonable and in the public interest to amend the zoning ordinance because the amendment allows greater flexibility and an additional option to impact SWIM buffers subject to a conditional rezoning and mitigation.</p>	<p>APPROVAL: In considering the proposed amendment TA21-09, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i></p>
		<p>DENIAL: In considering the proposed amendment TA20-09, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because... <i>(Explain)</i></p>