

# TA 21-13 – Trinity Capital Advisors Mountain Island Lake Text Amendment

## PART 1: DESCRIPTION

TA 21-13 is a text amendment request by Trinity Capital Advisors, LLC allowing small stream buffers **located in the PA-2 areas of the Mountain Island Lake Overlay Zone** to be impacted in the Corporate Business district with a conditional district rezoning and mitigation.

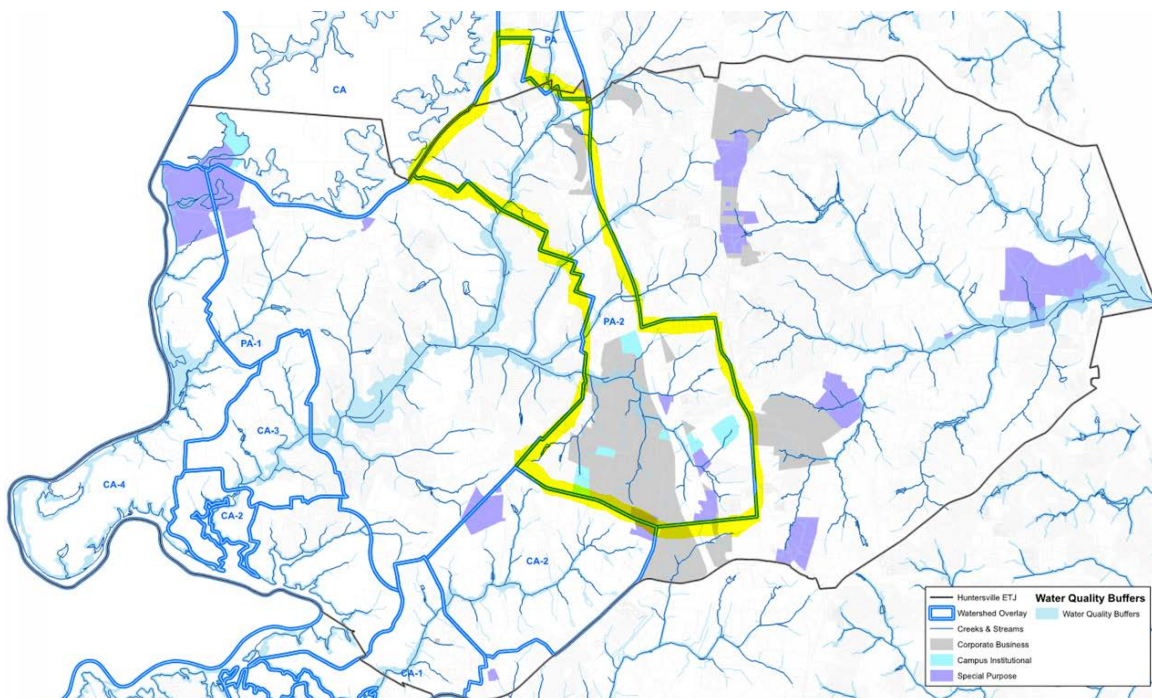
## PART 2: BACKGROUND

The Zoning Ordinance establishes three levels of protection for streams:

1. Surface Water Improvement & Management Stream Buffers (SWIM Buffers; Section 8.25)
2. Water Quality Buffers (Section 8.17)
3. Mountain Island Lake Watershed Overlay District (Section 3.3.2)

Up until recently, the only way to impact SWIM and Water Quality Buffers was 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). Text amendment TA 21-09, approved in September 2021, allows an additional option to impact small SWIM & Water Quality Buffers (intermittent streams & perennial streams draining less than 50 acres) through a Corporate Business conditional district rezoning.

However, text amendment TA 21-09 **does not apply** to small stream buffers that are **also located in the PA-2 area of the Mountain Island Lake Overlay Zone** UNLESS TA 21-13 is also approved. The below map illustrates the location of streams throughout the entire Huntersville zoning jurisdiction AND the Mountain Island Lake Overlay Zone (dark blue lines on the western side of Huntersville draining to Mountain Island Lake - yellow highlighted line is the PA-2 boundaries applicable to this text amendment). Small stream buffers within the Mountain Island Lake Overlay Zone PA-2 areas would be eligible to be impacted subject to a Corporate Business Conditional District rezoning and mitigation under TA 21-13. (NOTE Critical Areas 1, 2, 3 & 4 and PA-1 will not be impacted by this text amendment).



Because the Mountain Lake Overlay District is part of the state required Water Supply Watershed Protection regulations, text amendments must be approved by the State. On September 2, 2021, Mr. Paul Clark, NC Water Supply Watershed Protection Coordinator, gave preliminary approval for the text amendment.

Huntersville Planning Department supports a text amendment providing an additional option to impact small SWIM Buffers through conditional rezoning in the Mountain Island Lake Overlay Zone because it is difficult for large footprint flex space buildings to design around them and the text amendment would require mitigation of any impacts. Mr. Rusty Rozzelle, Program Manager for Mecklenburg County’s Water Quality Program is not opposed to the text amendment because of the limited number of properties potentially impacted and because mitigation would be provided to offset any negative water quality impacts.

**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 buffers in the Mountain Island Lake Overlay zone 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 in the Mountain Island Lake Overlay zone 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 in the Mountain Island Lake Overlay Zone, mitigation per Section 8.25.11(b) would be required.*

**PART 4: STAFF RECOMMENDATION**

Staff recommends approval of the text amendment language (see Part 9 below).

**PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD**

The Huntersville Ordinances Advisory Board (HOAB) recommended approval of the proposed text amendment 6-1 on September 2, 2021.

**PART 6: PUBLIC HEARING**

October 4, 2021

**PART 7: PLANNING BOARD RECOMMENDATION**

October 14, 2021

**PART 8: ATTACHMENTS**

1. Applicant’s Text Amendment Application
2. Applicant’s Text Amendment Language
3. Ordinance

**PART 9: STATEMENT OF CONSISTENCY – TA 21-13**

Planning Department	Planning Board	Board of Commissioners
<p><b>APPROVAL:</b> In considering the proposed amendment TA21-13, 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><b>APPROVAL:</b> In considering the proposed amendment TA21-13, Planning 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><b>APPROVAL:</b> In considering the proposed amendment TA21-13, 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: N/A</p>	<p><b>DENIAL:</b> N/A In considering the proposed amendment TA20-13, the Planning 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>	<p><b>DENIAL:</b> In considering the proposed amendment TA20-13, 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>