

TA #15-05 Amend Article 3.2.10(a) and Article 3.2.9(a) of the Zoning Ordinance to allow Temporary Mobile Food Sales in the Special Purpose (SP) and Corporate Business (CB) Districts

PART 1: DESCRIPTION

Text Amendment TA #15-05 is a request by Primal Brewery to amend Article 3.2.10(a) of the Huntersville Zoning Ordinance to allow temporary mobile food sales as a use permitted with conditions in the Special Purpose (SP) zoning district. Additionally, Planning Staff requests to amend Article 3.2.9(a) of the Zoning Ordinance to allow temporary mobile food trucks as a use permitted with conditions in the Corporate Business (CB) zoning district.

PART 2: BACKGROUND

Temporary mobile food sales are permitted by-right (staff approval) in the Town Center (TC) and Highway Commercial (HC) zoning districts. 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 A, Article 9.37.2).

Primal Brewery is located at 16432 Old Statesville Road and is zoned Special Purpose (SP). The owners would like to allow temporary mobile food sales, with conditions found in Article 9.37.2, in the Special Purpose zoning district because it is complimentary to Primal Brewery's business (see Attachment B, Text Amendment Application).

The operation of mobile food sales has rapidly expanded and are commonly utilized to support large employment centers and as a tool for community economic development. The text amendment was provided to the Lake Norman Economic Development staff for feedback. They agreed with the owners of Primal Brewery that temporary mobile food sales would complement the allowed uses in the Special Purpose (SP) district.

In reviewing Primal Brewery's text amendment request, Planning Staff believes temporary mobile food sales would also be a complimentary use in the Corporate Business (CB) zoning district. Therefore, Planning Staff proposes to add temporary mobile foods as a use permitted by right with conditions (Article 9.37.2) in to the Corporate Business (CB) district.

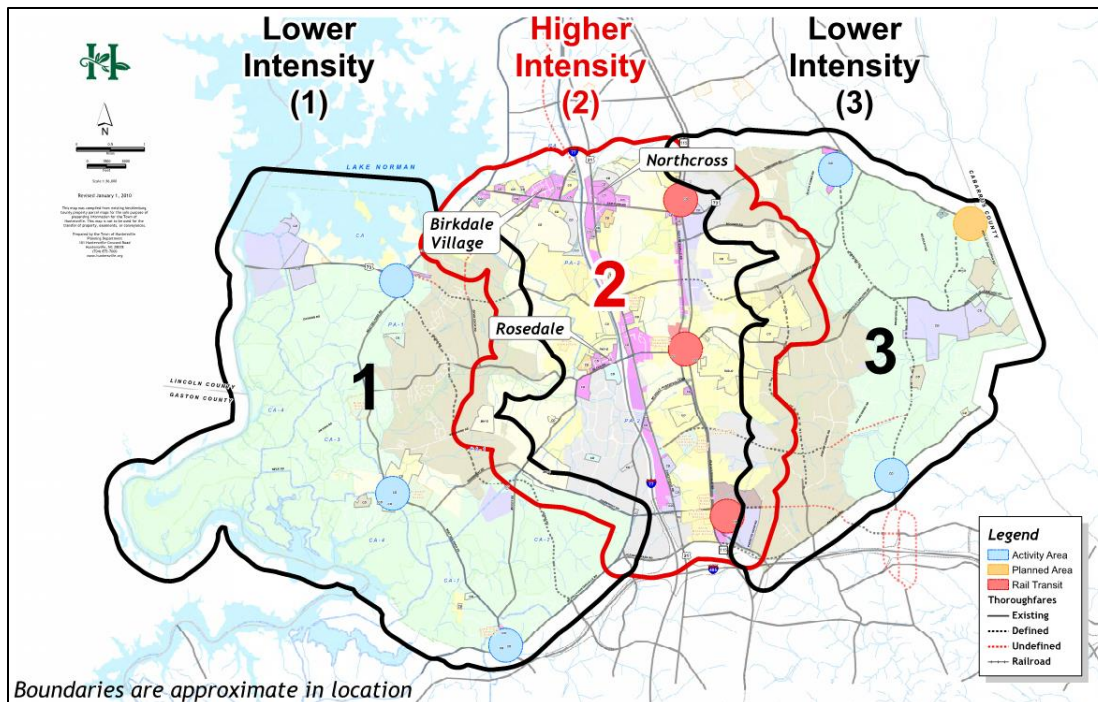
PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2030 COMMUNITY PLAN AND APPLICABLE LONG RANGE PLANS

The following are examples of relevant plans and policies 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.

NOTE: The High Intensity area is where a majority of SP and CB zoning is located.



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

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

PART 4: STAFF RECOMMENDATION

Staff recommends amending Article 3.2.10(a) *SPECIAL PURPOSE PERMITTED USES WITH CONDITIONS* and Article 3.2.9(a) *CORPORATE BUSINESS PERMITTED USES WITH CONDITIONS*. The recommendation is based on:

Consistency with policies of the Huntersville Community Plan listed above.

Adding temporary mobile food sales would complement the uses of the SP and CB zoning districts.

Temporary mobile food sales would provide added economic activity in the SP and CB zoning districts.

PART 5: PUBLIC HEARING

The Public Hearing was held on December 7, 2015. No comments were received from the public. Town Board members were interested in understanding why the operation of temporary mobile food sales is restricted to a maximum of four days per week (Article 9.37.2). Staff indicated the condition were adopted in 2011 and at the time, there was concern over the impact temporary mobile food sales would have on traditional restaurants. Town Board members discussed the concern and directed staff to prepare another text amendment removing the four day per week operating restriction on temporary mobile food sales. Staff will address Town Board's direction to remove the four day per week operating restriction in a separate text amendment in January 2016.

PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board, on December 15, 2015, recommended approval by a 7-0 vote, as written.

PART 7: ATTACHMENTS AND ENCLOSURES

Attachment A: Article 9.37.2, *Temporary Uses and Structures*

Attachment B: Text Amendment Application

Attachment C: Proposed Ordinance

Attachment D: Map of Zoning Districts allowing Temporary Mobile Food Sales,
Existing and Proposed

PART 8: STATEMENT OF CONSISTENCY – TA #15-05

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed amendment, TA 15-05, to amend Article 3.2.10(a) (Special Purpose Zoning District) and Article 3.2.9(a) (Corporate Business Zoning Districts) of the Zoning Ordinance, the Planning Staff recommends approval based on the amendment being consistent with policies CD-2 & ED-12 of the Community Plan.</p> <p>It is reasonable, and in the public interest to amend the Zoning Ordinance because, the amendment provides economic benefit and complimentary uses to the Special Purpose and Commercial Business Zoning Districts.</p>	<p>APPROVAL: In considering the proposed amendment, TA 15-05, to amend Article 3.2.10(a) (Special Purpose Zoning District) and Article 3.2.9(a) (Corporate Business Zoning Districts) of the Zoning Ordinance, the Planning Board recommends approval based on the amendment being consistent with policies CD-2 & ED-12 of the Community Plan.</p> <p>It is reasonable, and in the public interest to amend the Zoning Ordinance because, the amendment provides economic benefit and complimentary uses to the Special Purpose and Commercial Business Zoning Districts.</p>	<p>APPROVAL: In considering the proposed amendment, TA 15-05, to amend Article 3.2.10(a) (Special Purpose Zoning District) and Article 3.2.9(a) (Corporate Business Zoning Districts) of the Zoning Ordinance, 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...(Explain)</p>
		<p>DENIAL: In considering the proposed amendment, TA 15-05, to amend Article 3.2.10(a) (Special Purpose Zoning District) and Article 3.2.9(a) (Corporate Business Zoning Districts) of the Zoning Ordinance, 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....(Explain)</p>