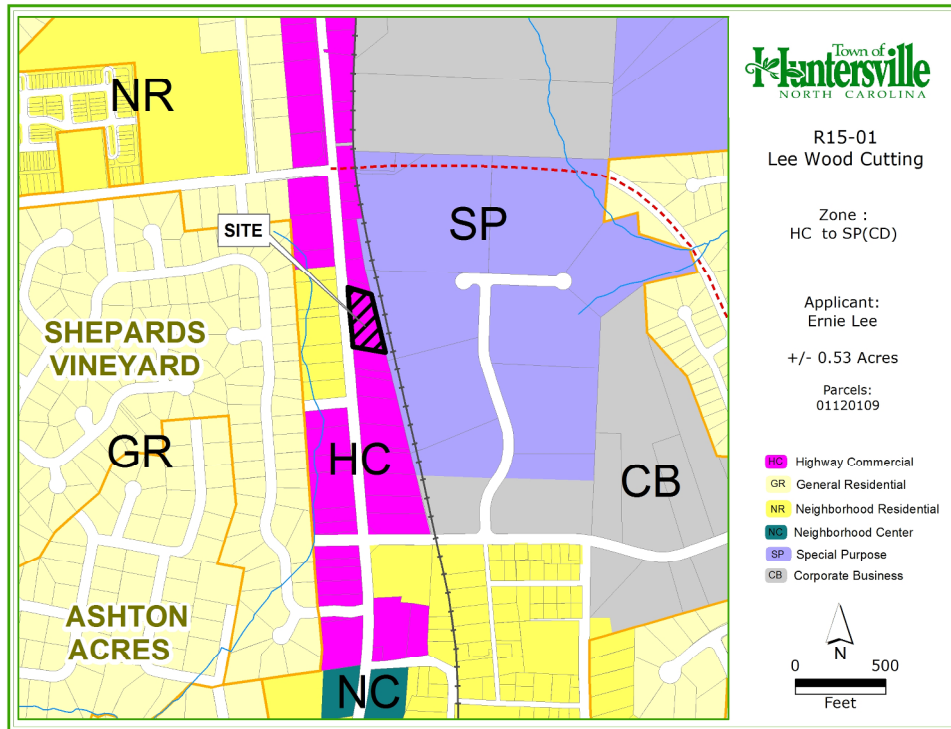


## Petition R15-01: Lee's Firewood Conditional District Rezoning

### PART 1: PROJECT SUMMARY



**Applicant:** Ernie Lee

**Property Owner:** Ernie & Roberta Lee

**Property Address:** 15412 N. Old Statesville Road

**Project Size:** +/- .53 acres

**Parcel Number:** 01120109  
(partial - .53 acres of a 1.16 acre tract)

**Current Zoning:** Highway Commercial (HC)

**Current Land Use:** Firewood business

**Proposed Zoning:** Special Purpose Conditional District (SP-CD)

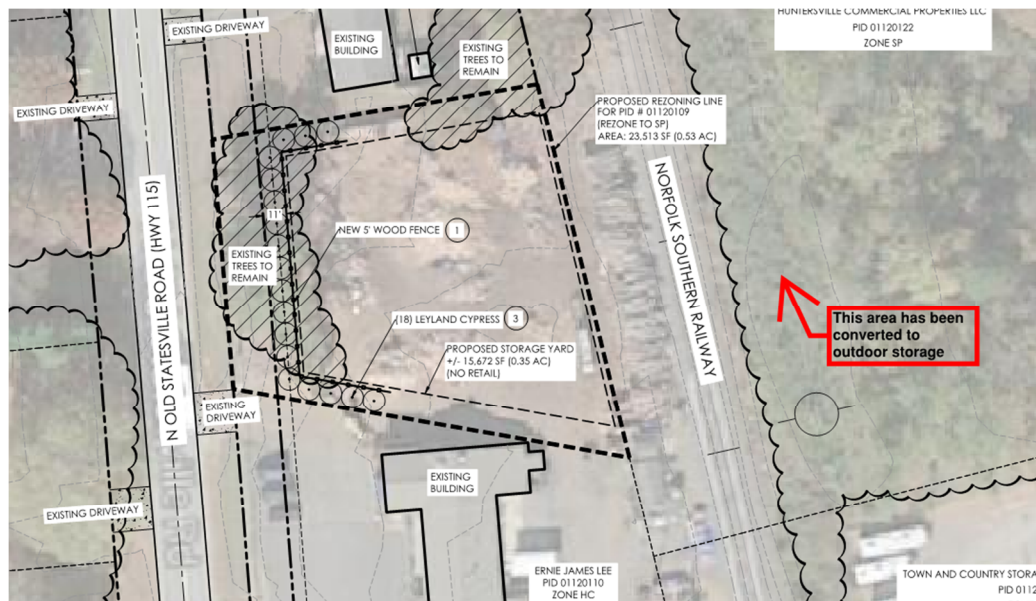
- Purpose of Rezoning:** The property is currently zoned HC which allows Light Manufacturing (including wood cutting operations) provided that outdoor storage does not exceed 25% of all buildings which equates to 1,437 square feet for Lee's Firewood. Because the outdoor storage area allowed in the HC zone is too small for Lee's Firewood operation, the applicants are requesting .53 acres of the property be rezoned to SP-CD where there are no limits on outdoor storage. The site plan lists specific land uses that would not be permitted if the conditional rezoning request is approved (see "Restricted Uses").
- Adjoining Zoning and Land Uses**
  - North: Highway Commercial (HC): 2 single-family dwellings owned by the Lee's (one on the same lot as Lee's Firewood).
  - South: Highway Commercial (HC): Commercial multi use building including office for Lee's Firewood; automotive repair.
  - East: Special Purpose (SP): Norfolk Southern Railway; indoor and outdoor storage.
  - West: Neighborhood Residential (NR): Old Statesville Road (NC 115), 2 single-family dwellings.
- The firewood business has been conducted on the site since 2010. Huntersville planning staff thought Mr. Lee sought permission to sell firewood removed from the property which was allowed. Mr. Lee indicated he informed staff that he always intended to sell firewood harvested from off-site. As soon as Mr. Lee became aware of a possible zoning violation in 2014, he met with staff to find a resolution to the issue.
- No protest petitions have been received for this application.
- On August 14, 2014, two members of the planning staff and a member of the Police Department went to the site to assess the noise, smoke and odors generated on the property. Mr. Lee had all the equipment running at one time and no unusual noise, smoke or odors were observed.
- At the neighborhood meeting, a question was raised as to how high the wood was piled. Mr. Lee verified the conveyor belt used to pile the wood was 12' high.

## PART 2: REZONING/SITE PLAN DESCRIPTION

1. The applicant proposed to leave the existing trees along Old Statesville Road (photo on page 4) and augment that with a 5' high solid panel fence and evergreen trees (i.e. Leyland Cypress) placed along the outside of the fence along Old Statesville Road and on a portion of the sides to screen the view along the street as shown on the below map.
2. Section 9.26.2(b) establishes outdoor storage shall be no closer than 40 feet from the abutting street right-of-way (proposed setback is 31' from the existing right-of-way and 11' from the proposed future right-of-way). Further, Section 9.26.2(c) requires opaque screening from all about properties. The rezoning plan contains the following statements on buffers:

BUFFERS AS SHOWN CONTAIN EXISTING VEGETATION. THE INTENT OF THE BUFFER IS TO PROVIDE A HORIZONTAL SEPARATION AND TO KEEP THE EXISTING VEGETATION WITHIN THE BUFFER. THE BUFFER WILL REMAIN UNDISTURBED WHILE ADDITIONAL SHRUBS AND WOOD FENCE WILL BE ADDED TO THE UNDERSTORY IN ORDER TO COMPLY WITH ARTICLE 7 OF THE TOWN OF HUNTERSVILLE'S ZONING ORDINANCE. IT IS REQUESTED THAT THE REQUIREMENT OF A TYPICAL 80' BUFFER OFF OF THE R/W BE REDUCED TO 11' OFF OF THE RESERVED R/W IN ORDER FOR THE STORAGE YARD TO FUNCTION PROPERLY. THIS BUFFER WILL STILL EXCLUDE VISUAL CONTACT, CREATE SPATIAL SEPARATION, AND MINIMIZE ANY ADVERSE IMPACTS ON ADJACENT PROPERTIES.

A MODIFICATION TO ARTICLE 9.26.2C IS ALSO REQUESTED IN THAT IT MAY RELIEVE THE PROPERTY FROM BEING REQUIRED TO FULLY SCREEN THEIR REAR AND SIDE ABUTMENTS TO ADJACENT PROPERTIES. THE FRONT OF THE PROPERTY WILL REMAIN FULLY SCREENED.



Staff supports the applicant's request based on the following:

1. The applicant owns the property north and south of the proposed rezoning area.
2. The owners of the adjoining property to the rear have removed most of the trees and converted that area to outdoor storage. On June 29, Planning Director Jack Simoneau met those owners (Huntersville Commercial Properties, LLC/ Town & Country Storage) onsite and they indicated they do not see a need for Lee's Firewood to buffer their common property line since there is already some vegetation on their lot and a railroad separating the uses (see photo below, page 3). They did indicate they may ask Lee's Firewood to remove any storage from their property. A request to remove the storage was confirmed in a letter from the owners of Town and Country Storage to Mr. Ernie Lee dated July 13, 2015.



Outdoor storage yard looking west towards railroad track and Lee's Firewood

### PART 3: TRANSPORTATION ISSUES

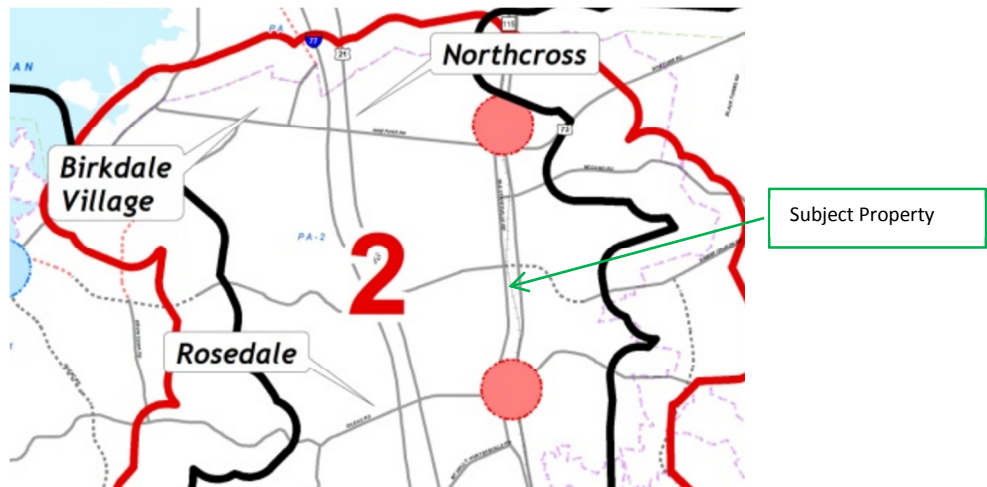
- There are no transportation related issues with the proposed site plan.

### PART 5: REZONING CRITERIA

Article 11.4.7(d) of the Zoning Ordinance states that “in considering any petition to reclassify property, the Planning Board in its recommendation and the Town Board in its decision shall take into consideration any identified relevant adopted land-use plans for the area including, but not limited to, comprehensive plans, strategic plans, district plans, area plans, neighborhood plans, corridor plans, and other land-use policy documents”.

STAFF COMMENT – Staff finds the proposed use consistent with the following policies of the 2030 Huntersville Community Plan:

- Policy CD-2: Focus Higher Intensity Development Generally within 2 miles of the I-77 and NC 115 Corridor.



Article 11 Section 11.4.7(e) of the Zoning Ordinance states that: “in considering any petition to reclassify property the Planning Board in its recommendation and the Town Board in its decision should consider:

1. Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property.



**STAFF COMMENT:**

- SP zoning is immediately adjacent to the proposed rezoning area. With buffers proposed, the Lee's Firewood will be more compatible with the character of the surrounding area (photo below). The use can be removed easily when it is appropriate for the property to be redeveloped since there are no buildings associated with the use.



2. **The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, transit service, parks and recreational facilities, police and fire protection, hospitals and medical services, schools, storm water drainage systems, water supplies, and wastewater and refuse disposal.**

**STAFF COMMENT:**

- Transportation staff has determined that no Traffic Impact Assessment (TIA) is required for the proposed development as the use proposed will not generate enough vehicle trips per Article 14.2 of the Zoning Ordinance.
- The Adequate Public Facilities requirements from Article 13 of the Huntersville Ordinance (APFO) do not apply for this application.

3. **Whether the proposed reclassification will adversely affect a known archeological, environmental, historical or cultural resource."**

**STAFF COMMENT:**

Planning staff has no indication that the request will adversely affect known archeological, environmental resources.

**PART 6: PUBLIC HEARING**

The Public Hearing was held on July 20, 2015. One property owner who lived across the street spoke in support of the rezoning request.

**PART 7: STAFF RECOMMENDATION**

Staff recommends approval of the rezoning.

**PART 8: PLANNING BOARD RECOMMENDATION**

The Planning Board reviewed the application at their July 28, 2015 regular meeting. After some discussion, the Planning Board unanimously recommended that the Town Board approve the rezoning application

**PART 9: CONSISTENCY STATEMENT - R 15-01 Lee's Firewood**

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed rezoning application R15-01; Lee's Firewood, the Planning staff recommends approval based on the amendment being consistent with policy <b><u>CD-2 of the Town of Huntersville 2030 Community Plan.</u></b></p> <p><b><u>It is reasonable and in the public interest to approve the Rezoning Plan because with proposed buffers, the rezoning will not be out of character with the surrounding area and the property can be easily redeveloped.</u></b></p>	<p>APPROVAL: In considering the proposed rezoning application R15-01; Lee's Firewood, the Planning Board recommends approval based on the amendment being consistent with CD-2 of the Town of Huntersville 2030 Community Plan.</p> <p><b><u>It is reasonable and in the public interest to approve the Rezoning Plan because with proposed buffers, the rezoning will not be out of character with the surrounding area and the property can be easily redeveloped.</u></b></p>	<p>APPROVAL: In considering the proposed rezoning application R15-01; Lee's Firewood, the Town Board recommends approval based on the amendment being consistent with <b><u>(insert applicable plan reference).</u></b></p> <p><b><u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u></b></p>
<p>DENIAL: N/A</p>	<p>DENIAL: N/A</p>	<p>DENIAL: In considering the proposed rezoning application R15-01; Lee's Firewood, the Town Board recommends denial based on the amendment being <b><u>(consistent OR inconsistent) with (insert applicable plan reference).</u></b></p> <p><b><u>It is not reasonable and in the public interest to amend the approved Rezoning Plan because... (Explain)</u></b></p>