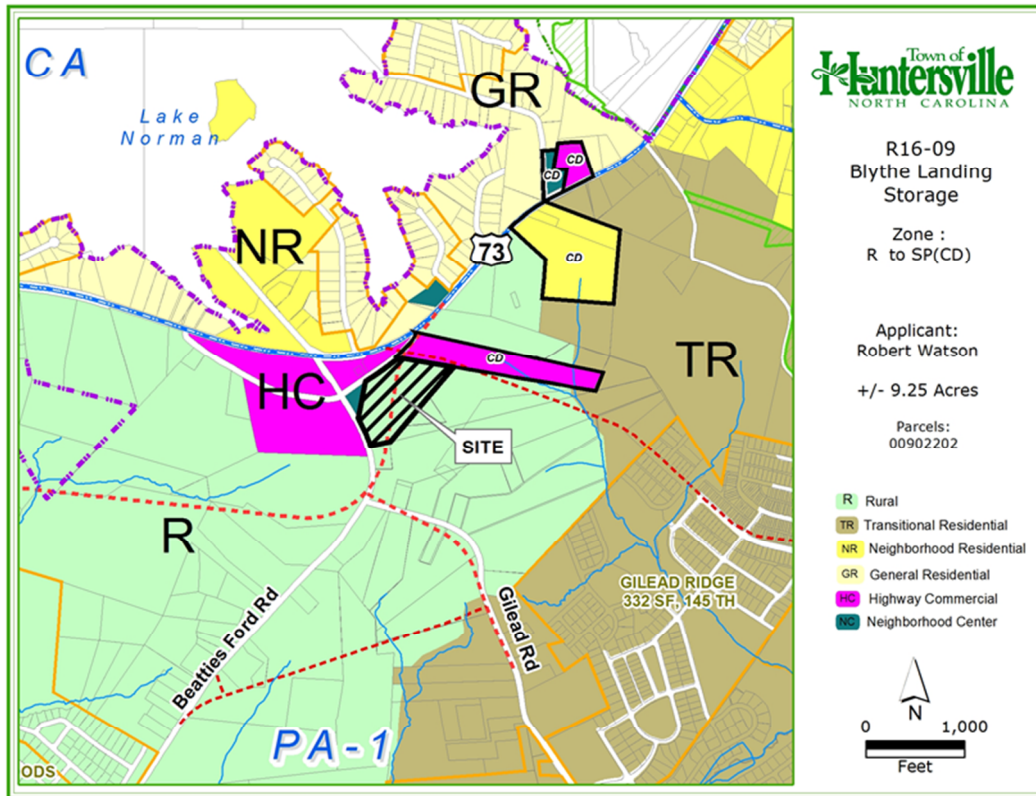


Petition R16-09: Blythe Landing Mini-Storage

PART 1: PROJECT SUMMARY



Applicant: Bob Watson

Property Owner: Daniel Phillips, Madeline Phillips, and Helga Haddix

Property Address: 14936 Brown Mill Road

Project Size: 9.38 acres (portion of existing parcel)

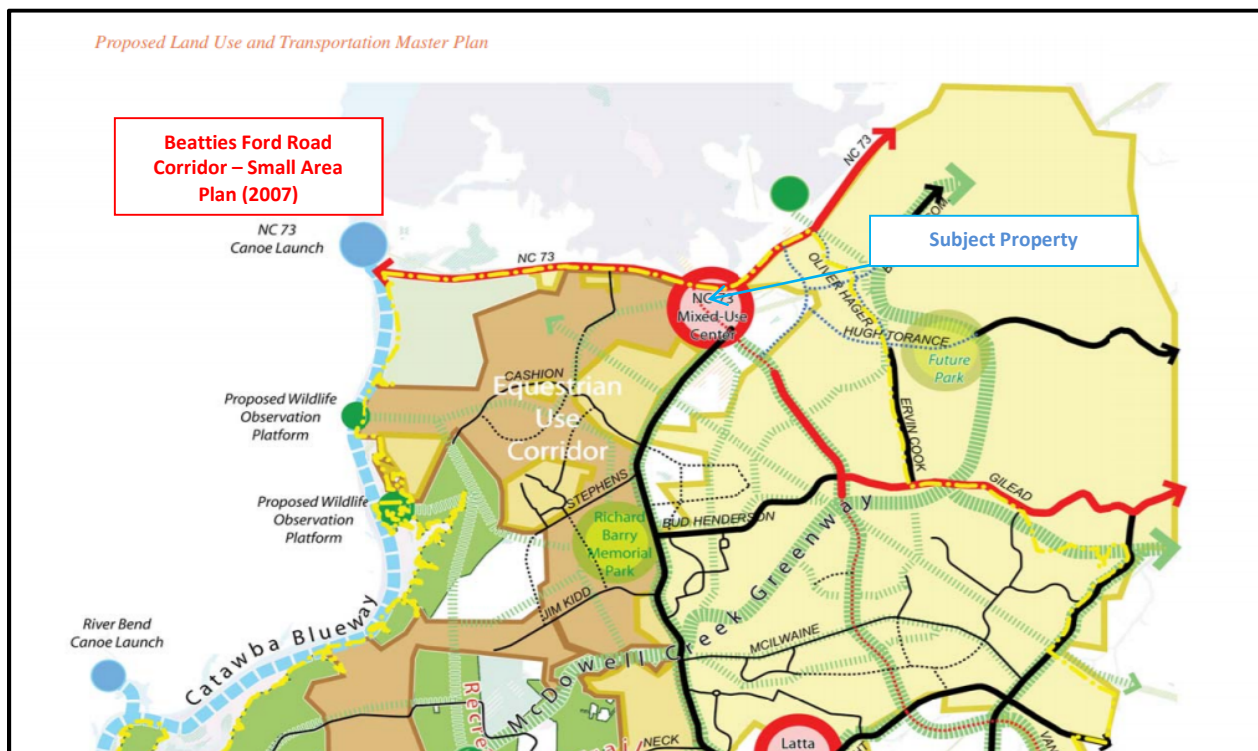
Parcel Numbers: Portion of 00902202

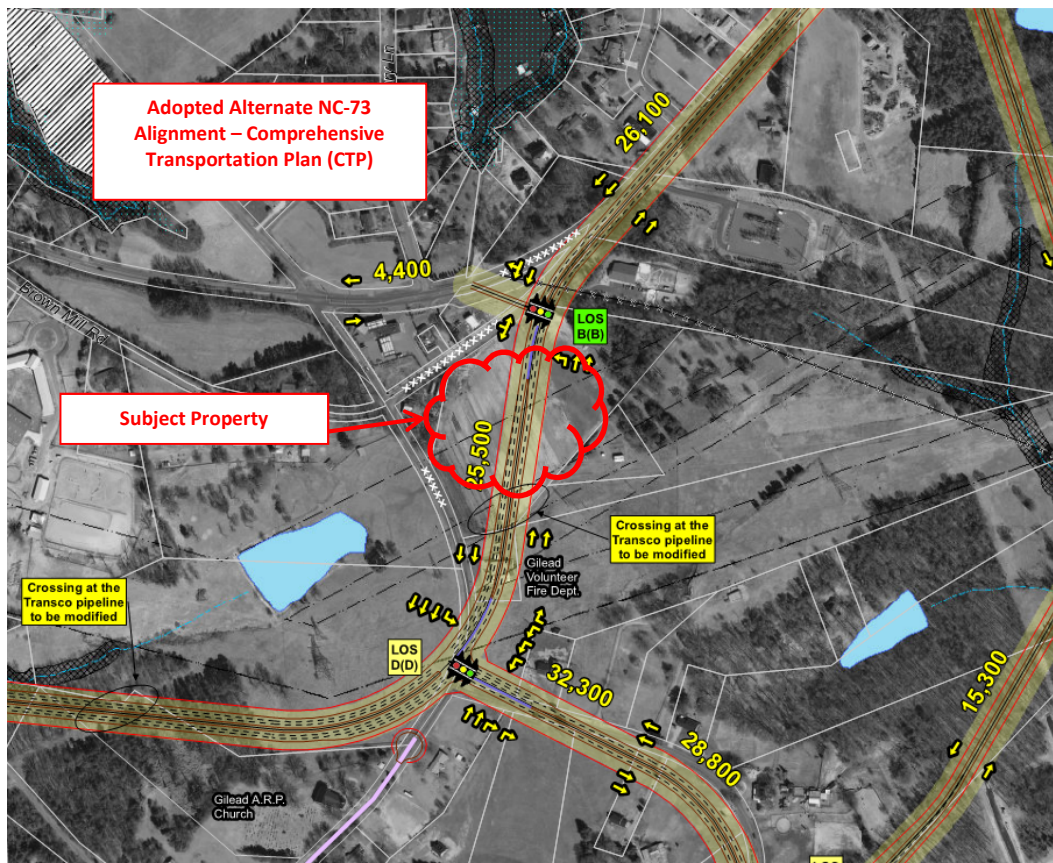
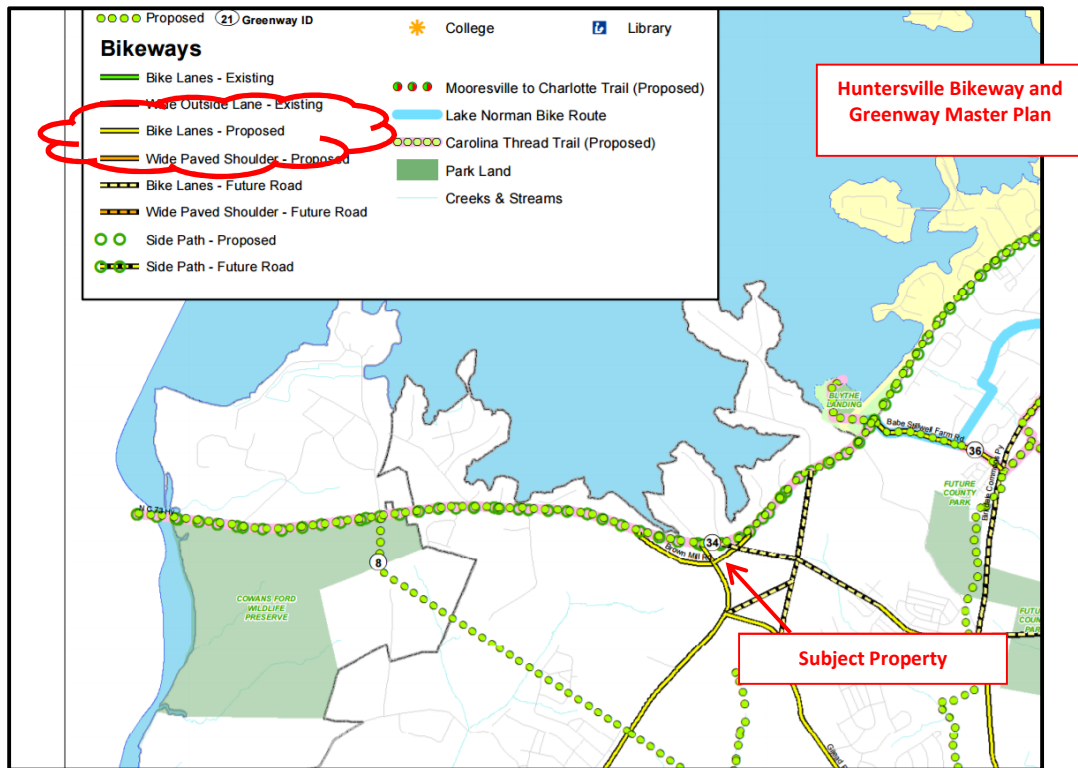
Existing Zoning: Corporate Business (CB)

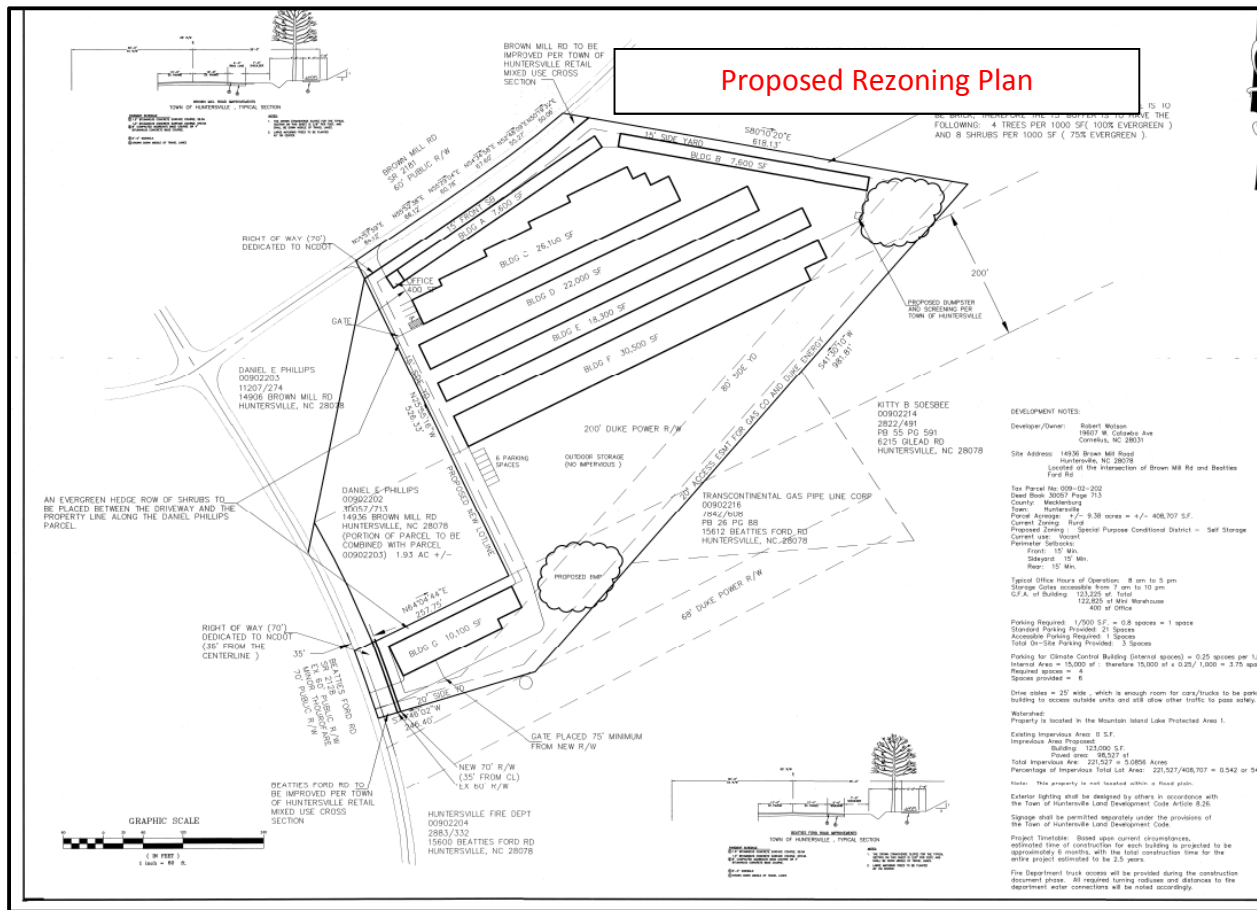
Application Summary:

- Daniel Phillips, Madeline Phillips, and Helga Haddix have proposed to rezone a portion of their property at 14936 Brown Mill Road from Rural (R) to Special Purpose Conditional District (SP-CD). The purpose of the rezoning is to develop a 123,225 sqft mini storage facility.
- Adjoining Zoning and Land Uses
 - North:** Neighborhood Center (NC), Old Store Market, Highway Commercial (HC), Grease Monkey Automotive Oil Change Service
 - South:** Rural (R), Huntersville Fire Station #1, Single Family Residential, Piedmont Natural Gas Regulator Facility
 - East:** Highway Commercial Conditional District (HC-CD), Pet Paradise Grooming Facility, Rural (R), Vacant Land
 - West:** Highway Commercial (HC), Farm Land, Rural (R), Vacant Land and Horse Stables
- Mini-storage facility uses are only allowed under the Town of Huntersville Zoning Ordinance in the Special Purpose (SP) zoning district, therefore the application for the ministorage facility development is to rezone to SP-CD.
- The applicant proposes to either subdivide the current 11.29 acre tract to create two parcels, or recombine a portion of it into the existing Old Store property to the northwest. As currently proposed only 9.28 acres are

- proposed to be rezoned and used as a mini-storage facility. Either of the proposed recombination or minor subdivision of the property can be handled administratively by staff after zoning approval.
5. The subject parcel is located in an area studied by the Beatties Ford Road Corridor Small Area Plan. The plan calls for the area around the intersection of NC-73 and Beatties Ford Road to be developed as a “Mixed-Use Center”. Please see the land use and transportation master plan of the Beatties Ford Road small area plan below on this page.
 6. Per the Huntersville Greenway and Bikeway Master Plan both Beatties Ford Road and Brown Mill Road are bikeway routes with proposed bike lanes. Please see the Greenway and Bikeway map below. To accommodate the bikeway plan, the applicants have proposed to add bike lanes along their frontages of Beatties Ford Road and Brown Mill Road. Please see the proposed rezoning plan below on page 3.
 7. The property in question lies in the path of the proposed NC-73 Realignment on the Comprehensive Thoroughfare Plan (CTP). This alignment was recommended by the Town Board by 3-2 vote on September 6, 2011 and adopted by the Mecklenburg-Union Metropolitan Planning Organization (MUMPO, now the Charlotte Regional Transportation Planning Organization (CRTPO)) on November 16, 2011. Please see the adopted NC-73 realignment added to the CTP on page 3 below.
 8. A neighborhood meeting for this application was advertised for and held on September 28, 2016. An invitation list, attendance list and summary report for the meeting are included in the agenda packet.







PART 2: REZONING/SITE PLAN ISSUES

- Article 7.5 of the Zoning Ordinance requires that developments in the Special Purpose (SP) zoning district establish an 80 foot buffer adjacent to the street. However the buffer may be reduced “where building scale, frontage relationship, and location of accessory uses ensure design compatibility off site”. Therefore if the building has a frontage relationship to the street, with windows, doors, and is appropriately located on the front build to line (usually about 15 feet from the Right of Way (ROW)), the 80 foot buffer can be significantly reduced or eliminated, as a building “addressing” the street does not need to be buffered from it.

However, no building elevations have been submitted with the plan showing a relationship to the street and thus allowing the buffer along the street to be reduced. Therefore staff cannot determine if reducing the buffer along Beatties Ford Road or Brown Mill Road is merited. In discussions with the applicant, there have been some photos shared of other existing storage facilities that could potentially qualify for a buffer reduction if they were to be proposed along the street. However no photos, elevations, or commitments have been made in the latest submittal in regard to any elevations of the buildings proposed (Please note, on the hard copies of plans submitted for the 11/7 agenda, photos and an elevation sheet were included for distribution. These photos and elevation sheet were not submitted to staff for review and they are thus being submitted after the agenda deadline. Therefore they will need to be presented by the applicant at the public hearing to make

changes following the hearing per Article 11.4.4 C). From only the site plan submitted, the orientation, width, and location of the buildings do not seem like they are proposed to address the street.

The reduction of the buffer based on architecture only applies along the street. Along the other property lines the 80 foot buffer is required by ordinance no matter what the buildings look like. By way of the conditional rezoning process per Article 11.4.7 (K), the Town Board may modify “standards established in the zoning or subdivision ordinance provided the spirit of the regulations are maintained”. In the rezoning plan, no modifications have been specifically requested although the rezoning plan shows significant encroachments into the 80 foot buffer along the entire perimeter of the property. The updated plan should be amended to include modification request notes for areas where they would like to reduce the 80 foot buffer and why/how the modifications maintain “the spirit of the regulations” as required by Article 11.

- No buffering is proposed along the southern property line. It is understood that screening along this southern section will be difficult due to the Duke Power right of way and its planting restrictions. However, with visibility of this area from Gilead Road likely, staff recommends at least some buffering or screening be included on the plan.
- No building elevations were submitted in the plan thus staff does not know if the building materials or heights meet ordinance requirements.
- The parking notes on the rezoning plan offer several different parking counts that seem to conflict. Staff recommends the calculations be simplified with only one calculation showing what amount is required and what amount is provided.
- There currently is a Piedmont Natural Gas Regulator Station located immediately south of the property. Currently access to the regulator is through the subject property north to Brown Mill Road. The proposed development blocks this access and therefore access needs to be re-aligned. In the latest rezoning plan, the access easement has been relocated to the southern extent of the property out to Beatties Ford Road. However this area is located on top of where the 80 foot buffer should be, creating a conflict between required landscaping and the access. It is also not aligned with the proposed driveway on the plan to Beatties Ford Road. Additionally it is unclear how access would be granted as the site is proposed to be gated/fenced off for security purposes. Staff recommends more detail be submitted to understand how the utility access easements will function with the proposed development.
- Under the Duke Power utility lines, the rezoning plan shows parking spaces added in an area labeled “Outdoor Storage – No impervious”. This required parking area is required to be paved with asphalt or concrete and have perimeter landscaping installed per Article 6 of the ordinance.
- No tree survey has been submitted and therefore staff cannot review the 30% tree save requirement.
- A concept storm water plan has not been submitted for review. The applicant has requested to submit that at a later time prior to permitting. Such a request normally would be acceptable, however in this situation staff is concerned that the lack of detail in regard to the storm water pond locations on the rezoning plan could cause subsequent site conflicts. For example the general areas identified on the current plan as storm water structures are located both in the required 80 foot buffer and the proposed re-located gas company access easement. These ponds will ultimately need to be moved. Not knowing at this point how big the water structures need to be and where they’re going to be located could have a significant effect on site plan at a later time. Staff recommends the concept plan be submitted and reviewed concurrently with the zoning plan to identify the needed size and location of the ponds in relation to the proposed site.
- There is no proposed use listing included on the zoning plan (self-storage is listed as proposed zoning). Staff recommends that any and all uses proposed be specifically noted, and that all other uses in the SP district be prohibited. The SP district includes many uses that could have a negative or high impact on adjacent properties such as heavy manufacturing facilities, landfills, recycling centers, waste incineration etc. Staff does not recommend such uses in this location, nor is it assumed those uses are proposed. Therefore as part of the conditional district it is recommended for clarity purposes these uses be prohibited.

- Staff recommends that a flexibility note be added to the plan describing that the representations on the plan are schematic in nature and may be slightly adjusted during construction and design. Without such a note, the zoning conditions for the development become very rigid to what is exactly shown on the plan.
- It is unclear what type of pavement is proposed and where. Is there gravel throughout the facility? Are the driveways paved with asphalt up to the street? What are asphalt driveway areas and what is grass within the facility? Staff recommends the pavement structure be labeled on the plans.
- Staff recommends if fencing is proposed, the type/material, height, and location be shown on the plan. It is common for mini-storage facilities to have chain link fences. Any such fence would need to conform to Article 8.11.2 of the Huntersville Zoning Ordinance in regard to location, height, and setback.
- Staff has reviewed the submitted plan and has several minor deficiencies still outstanding. It is recommended that final comments be addressed prior to final rezoning plan review by the Town Board.

PART 3: TRANSPORTATION ISSUES

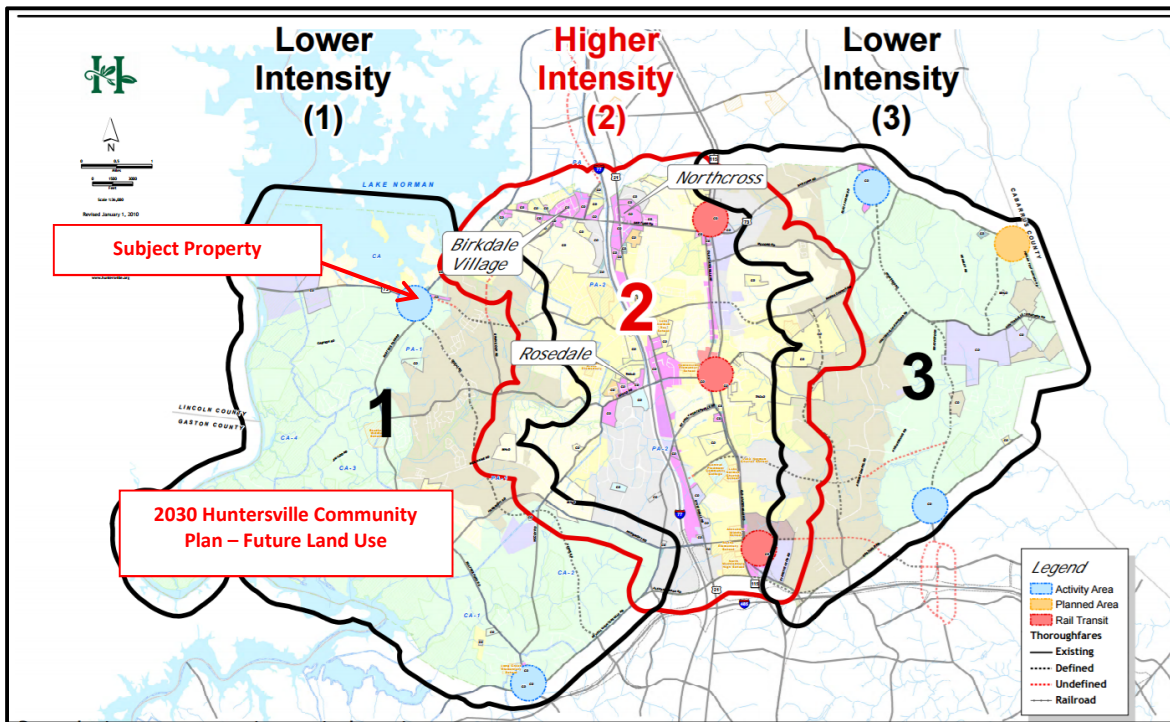
- TIA was not required based on the land use and intensity proposed on the TIA determination form but a new determination is needed to see if one is (TIA determination was for 116,300 square feet while 122,200 was included on the latest site plan).
- Many errors exist on the typical street sections that need revision.
- Driveways shown on the plan go to the middle of the road for both Brown Mill Road and Beatties Ford Road.
- The site plan does not show the layout of the bike lane or sidewalk along the street frontage.
- The property proposed to be rezoned currently lies directly within the path of the adopted realignment of NC-73.

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 or within the identified nodes and centers.** The proposed development is located in the activity area “node” identified in the 2030 plan. Please see the 2030 future land use map below.
- **Policy T-6: Pedestrian Connections.** The applicant is installing bike lanes along their frontage, consistent with the Huntersville Greenway and Bikeway Master Plan.



STAFF COMMENT – Staff finds the proposed use not consistent with the following policies of the **2030 Huntersville Community Plan**:

- Policy CD3: Commercial Development Principles.** Although the location of the proposed development is inside the identified “activity node” in the 2030 plan, the 2030 plan also states that these areas should “*encourage mixed-use development pattern at key nodes as identified in Small Area Plans, ensuring an appropriate mix of residential, commercial, and employment uses...*”. The Beatties Ford Road Corridor Small Area Plan (BFRCSAP) identifies this node as a mixed use node as described above. Section 6.4.3 of the BFRCSAP states that “a mixed use commercial center containing retail, multi-family residential, and civic uses is proposed at the northern end of the study area where Beatties Ford Road, Vance Road and NC-73 intersect”. Please find pages 45-49 of the BFRCSAP attached in the agenda packets for your reference. Some of the uses mentioned in the description of mixed uses nodes or “hamlets” include office, retail, multi-family residential, and civic. Mini or Self Storage is not a use described. In addition, the proposed development has no mixed use component, nor is it part of an overall larger development where other uses envisioned in the plan are proposed in later phases. To better comply with this section of the plan, staff recommends the applicant consider mixing other retail or office uses along with the proposed self-storage use. In other areas around the region, it is becoming more common for offices and retail to be established in the front of a storage facility near the street while the storage facility is recessed back in the rear. While this is admittedly more common in urban areas, it would better meet the intent of providing a mixture of uses in the development as described in the small area and community plans.
- Policy CD-6: Architecture and Place Making.** No architectural elevations of the proposed buildings have been submitted or committed to. In order for the front 80 foot buffer to be reduced, the elevations of the buildings along both Beatties Ford Road and Brown Mill Road need to have a relationship to the street. This would include windows and articulation along the façade facing the street.

STAFF COMMENT – Staff finds the proposed use not consistent with **the Adopted Comprehensive Transportation Plan (CTP)**

- The widening and improving of NC-73 in the area of Beatties Ford Road (State Project number R5721) is scheduled for construction on the North Carolina Transportation Improvement Program (NCTIP) for the year 2023. The property proposed to be rezoned currently lies directly within the path of the adopted realignment of NC-73. This alignment was recommended by the Town Board and then adopted into the Comprehensive Transportation Plan (CTP) by the Charlotte Regional Transportation Planning Organization (CRTPO) in November 2011. The North Carolina Department of Transportation (NCDOT) has recently begun conducting an Environmental Study for R5721 and will study the environmental and historical impacts of two potential alternatives; the expansion and improvement of the current alignment of NC-73 and that of the new realignment alternative adopted. Please see the study alternative map below on page 9. The alternative that ultimately is found to present the most benefit with the least level of negative impact will be chosen. The first draft of the study is scheduled to be released in the summer of 2018 and be ultimately approved in the summer of 2019. Staff does not recommend approving the intensification of any property within an approved thoroughfare alignment. However if after having studying both alignments, and the original NC-73 alignment is ultimately chosen, then the proposed development would no longer be in conflict with the updated plans.
- As mentioned above under Policy CD-3, the proposed plan is not consistent with the Beatties Ford Road Corridor Small Area Plan.

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.**

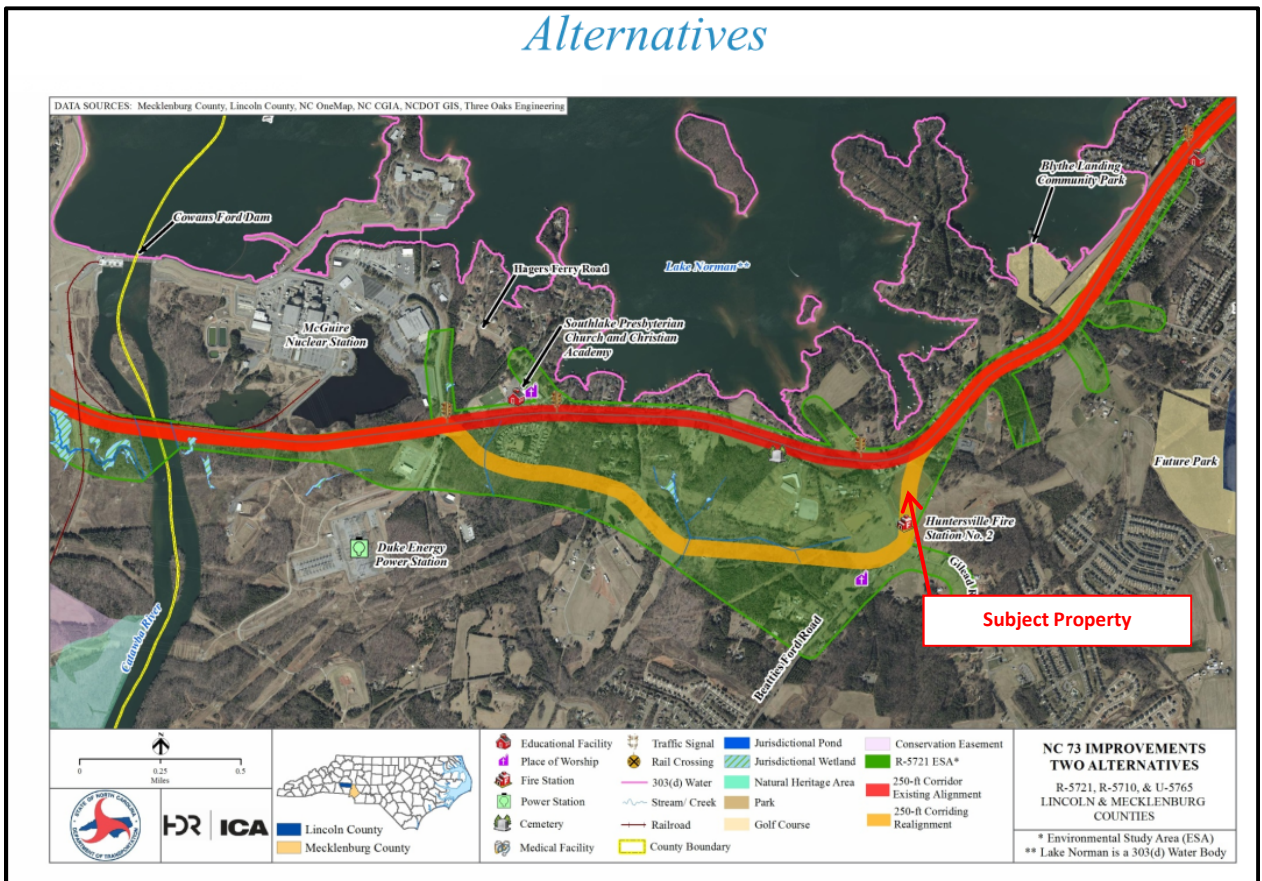
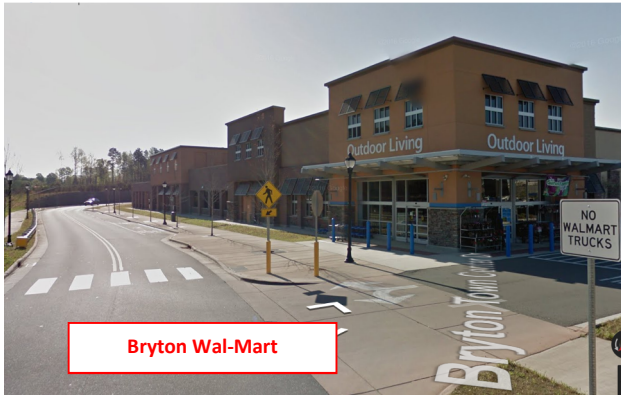
STAFF COMMENT:

Although there is no Special Purpose (SP) zoning anywhere in the area of the proposed development, commercial activity is common near NC-73 and Brown Mill Road to the north, with a gas station and oil change facility both zoned Highway Commercial (HC). The Old Store retail building at the corner of Brown Mill Road and Beatties Ford Road is also a commercial operation along that street frontage. Therefore with a building facing and addressing the street, the proposed development along Brown Mill Road has the potential to be consistent with surrounding development. Staff is concerned however with the proposed building orientation on the site plan which shows a very long narrow building along the entire Brown Mill Road frontage. Such a long and flat building elevation could create a poor streetscape. Staff recommends specific building elevations be submitted and reviewed to ensure the proposed building appropriately addresses the street and creates a softened pedestrian and visual design along Brown Mill Road, rather than a rigid one that a standard mini-storage building could create.

A good example of a long, large building wall that was appropriately broken up to address the street is the Wal-Mart development in Bryton. Please find a photo attached below on page 9. Also, the office portion of the North Meck Self-Storage facility on Hambright Road created a building with windows, doors, eaves, dormers etc that merited the reduction of the 80 foot buffer (please see below on page 9). If this type of architecture is proposed, the building could be moved up to the street as shown. If a standard mini-storage building is proposed with no relationship to the street, staff recommends the 80 foot buffer be installed per ordinance to screen the building and use from Brown Mill Road, thus blending it in to surrounding development.

The property immediately to the west of the proposed development along Beatties Ford Road is currently farmland and rural in character but zoned Highway Commercial (HC). The approved sketch plan for this development (Shops at Crossroads Village) includes a building that addresses the street. The proposed development has a building planned close to Beatties Ford Road, but based on the orientation of the

building on the site plan, with the blunt side of the building facing Beatties Ford Road; it is unlikely that this building would have a relationship with the street as shown. Therefore as presently depicted on the site plan, and with no elevations committed to, staff recommends this area also be buffered per ordinance.



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:

- In regard to the adequacy of the roadway system, per Huntersville Transportation Staff, the proposed use as currently submitted will not create enough vehicle trips to necessitate the submittal of a Traffic Impact Analysis (TIA). However the newly submitted plan has increased the size of the development proposed therefore a new TIA determination of need form needs to be reviewed. Also if the plan is amended to add other uses such as offices or retail in order to create a mixed use development, the numbers of trips produced will need to be reassessed and a TIA may be required at that time.
- Since the property proposed only has 400 sqft of office proposed, the Adequate Public Facilities Ordinance does not apply to this development.

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 7: PUBLIC HEARING – UPDATE 11/8/16

The Public Hearing was held on November 7, 2016. Two individuals from the public spoke in opposition to the plan due to the conflict with adopted plans and the Town’s ordinances. Discussion in the hearing centered on the outstanding site issues and the status of the NC-73 realignment. Specific items that were mentioned which needed to be addressed were: the new zoning line needed to be clarified and the question on whether or not the application showed a subdivision needed to be answered. **STAFF COMMENT:** The plan includes a label that states the intent is to recombine the corner parcel on Brown Mill Road with the proposed development parcel, thus only shifting the property line to the east (no subdivision). However, if that is the intent it needs to be clarified on the plan as separate and additional property lines are shown which causes confusion.

PART 6: STAFF RECOMMENDATION – UPDATE 1/6/17

As of 1/6/17 no updated plan has been submitted to the Planning Department for review. It is our understanding that the applicant is still working with a new consultant to substantially update the proposal. No updated plans were submitted for the December 20, 2016 Planning Board meeting. Due to the lack of updates, the Planning Board at that time recommended that the Town Board continue or defer the application until the Town Board’s February 6, 2017 meeting per the applicant’s request. That would allow the plan to be updated, go back to the Planning Board on January 24, 2017 for their review and recommendation prior to coming back to the Town Board on February 6, 2017 for potential final action. Staff supports the continuation recommendation until the Town Board February 6, 2017 meeting.

PART 7: PLANNING BOARD RECOMMENDATION – UPDATE 1/6/17

On December 20, 2016 the Planning Board recommended that the Town Board defer the application until its February 6, 2017 meeting per the applicant’s request.

PART 8: CONSISTENCY STATEMENT - R 16-09: Blythe Landing Mini-Storage

Planning Department	Planning Board	Board of Commissioners
Approval: N/A	APPROVAL: In considering the proposed rezoning of Petition R16-09, Blythe Landing Mini-Storage located on Brown Mill Road, the Planning Board finds that the rezoning is consistent with the Town of Huntersville 2030 Community Plan and other applicable long range plans. The Planning Board recommends approving the conditional rezoning plan for the Blythe Landing Mini-Storage as shown in Petition R16-09. It is reasonable and in the public interest to rezone this property because... <i>(explain)</i>	APPROVAL: In considering the proposed rezoning of Petition R16-09, Blythe Landing Mini-Storage located on Brown Mill Road, the Town Board finds that the rezoning is consistent with the Town of Huntersville 2030 Community Plan and other applicable long range plans. We recommend approving the conditional rezoning plan for the Blythe Landing Mini-Storage as shown in Rezoning petition R16-09. It is reasonable and in the public interest to rezone this property because... <i>(Explain)</i>
DENIAL: In considering the proposed rezoning of Petition R16-09, Blythe Landing Mini-Storage, Planning Staff finds that the rezoning is not consistent with Policies CD-3 and CD-6 of the Huntersville 2030 Community Plan, the Beatties Ford Road Corridor Small Area Plan, or the adopted Comprehensive Transportation Plan. We recommend denial of R16-09. It is not reasonable and not in the public interest to rezone this property because it does not accommodate for future road improvements, is not consistent with the mixed-use development pattern called for in adopted Huntersville plans, nor conforms to the Huntersville Zoning Ordinance in regard to architectural improvements, buffering, and Tree Save requirements.	DENIAL: In considering the proposed rezoning of Petition R16-09, Blythe Landing Mini-Storage on Brown Mill Road, the Planning Board finds that the rezoning is not consistent with the Town of Huntersville 2030 Community Plan and other applicable long range plans. We recommend denial of Rezoning Petition R16-09. It is not reasonable and not in the public interest to rezone this property because..... <i>(Explain)</i>	DENIAL: In considering the proposed rezoning of Petition R16-09, Blythe Landing Mini-Storage on Brown Mill Road, the Town Board finds that the rezoning is not consistent with the Town of Huntersville 2030 Community Plan and other applicable long range plans. We recommend denial of Rezoning Petition R16-09. It is not reasonable and not in the public interest to rezone this property because..... <i>(Explain)</i>