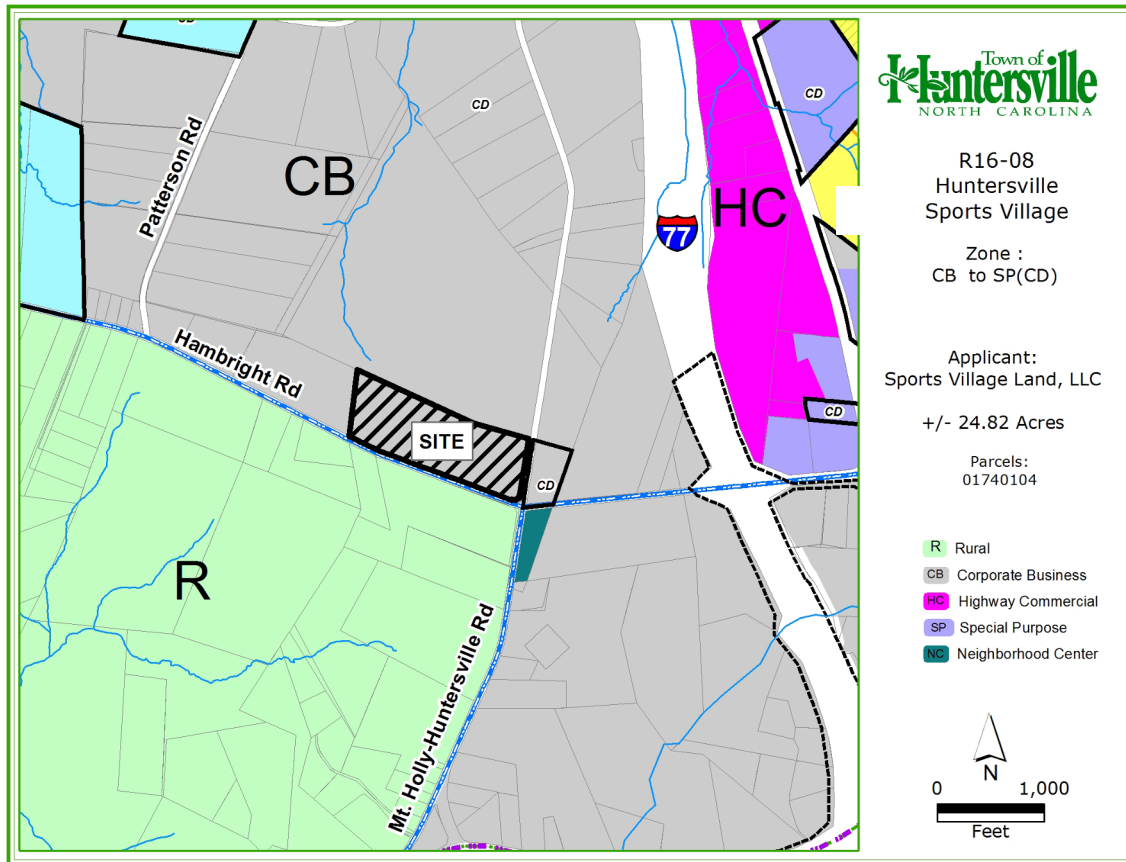


Petition R16-08: Huntersville Sports Village

PART 1: PROJECT SUMMARY



Applicant: Mike Clapp

Property Owner: Sports Village Land Group, LLC

Property Address: 10695 Hambright Road

Project Size: 24.82 acres

Parcel Numbers: 01740104

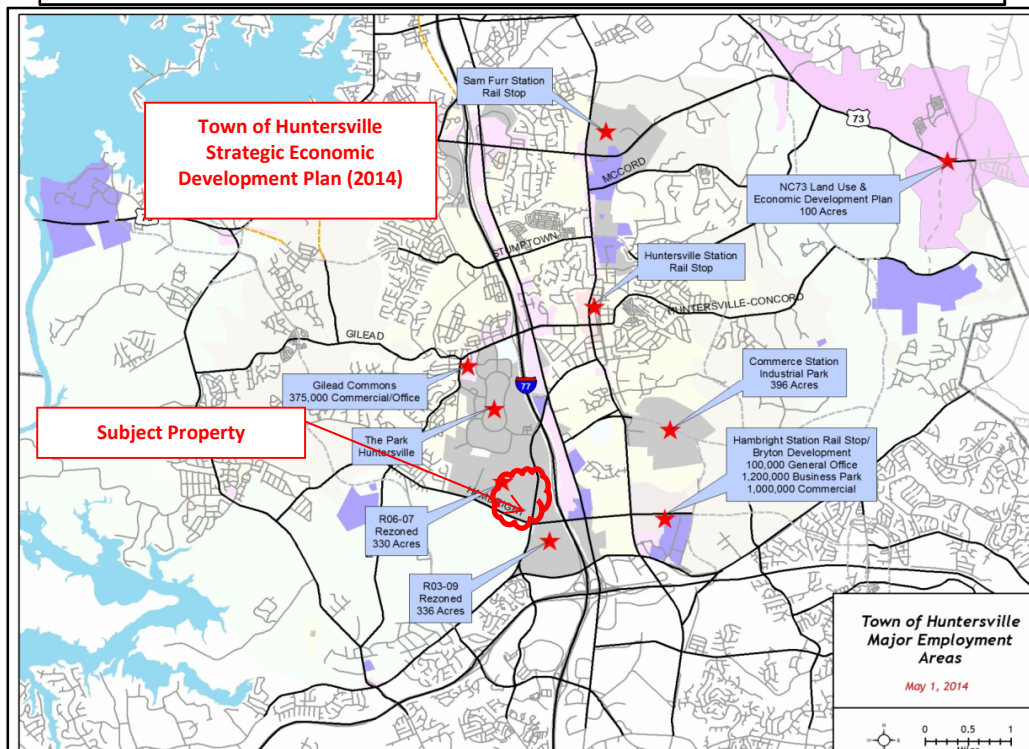
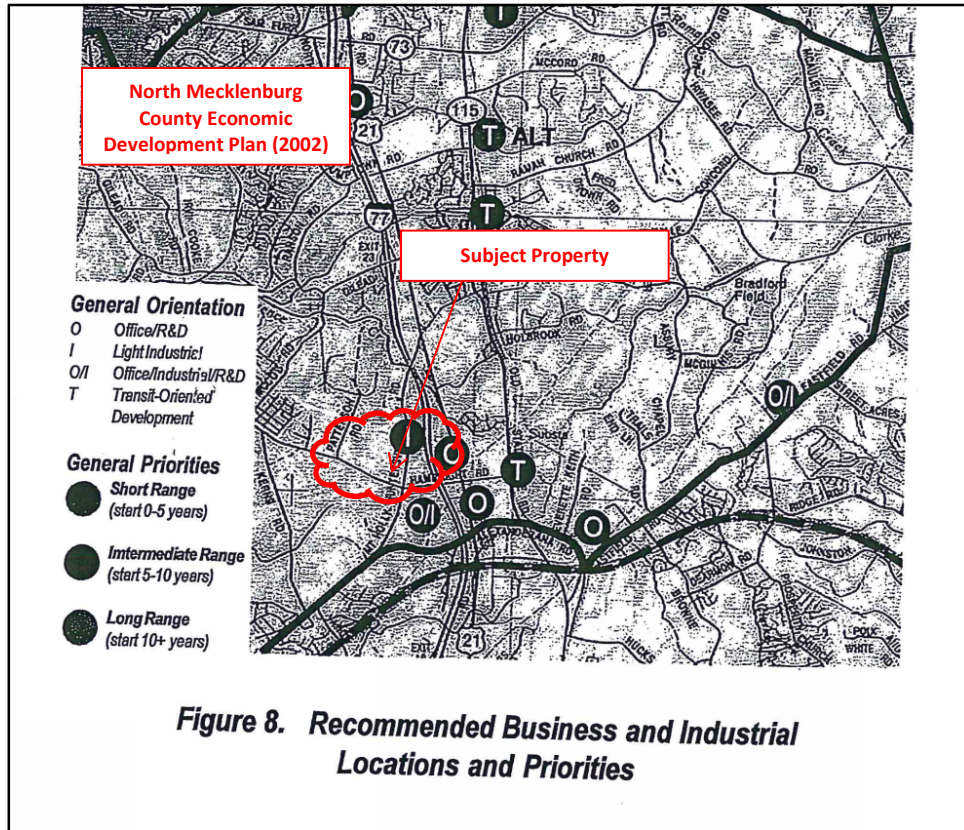
Existing Zoning: Corporate Business (CB)

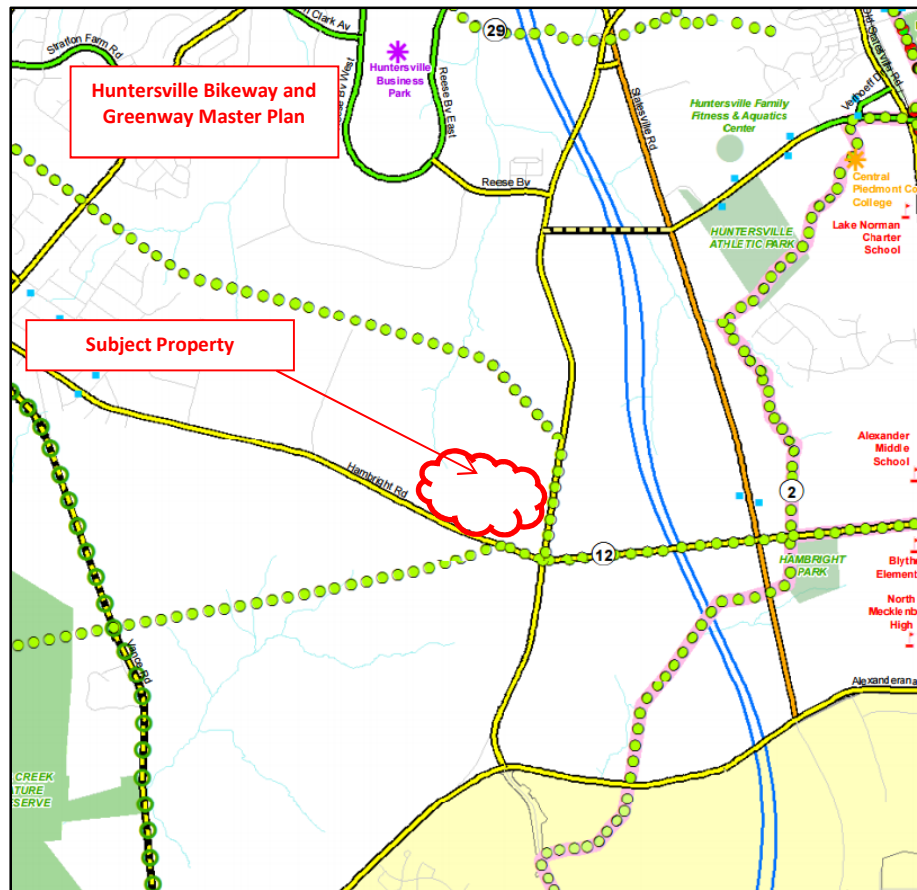
Application Summary:

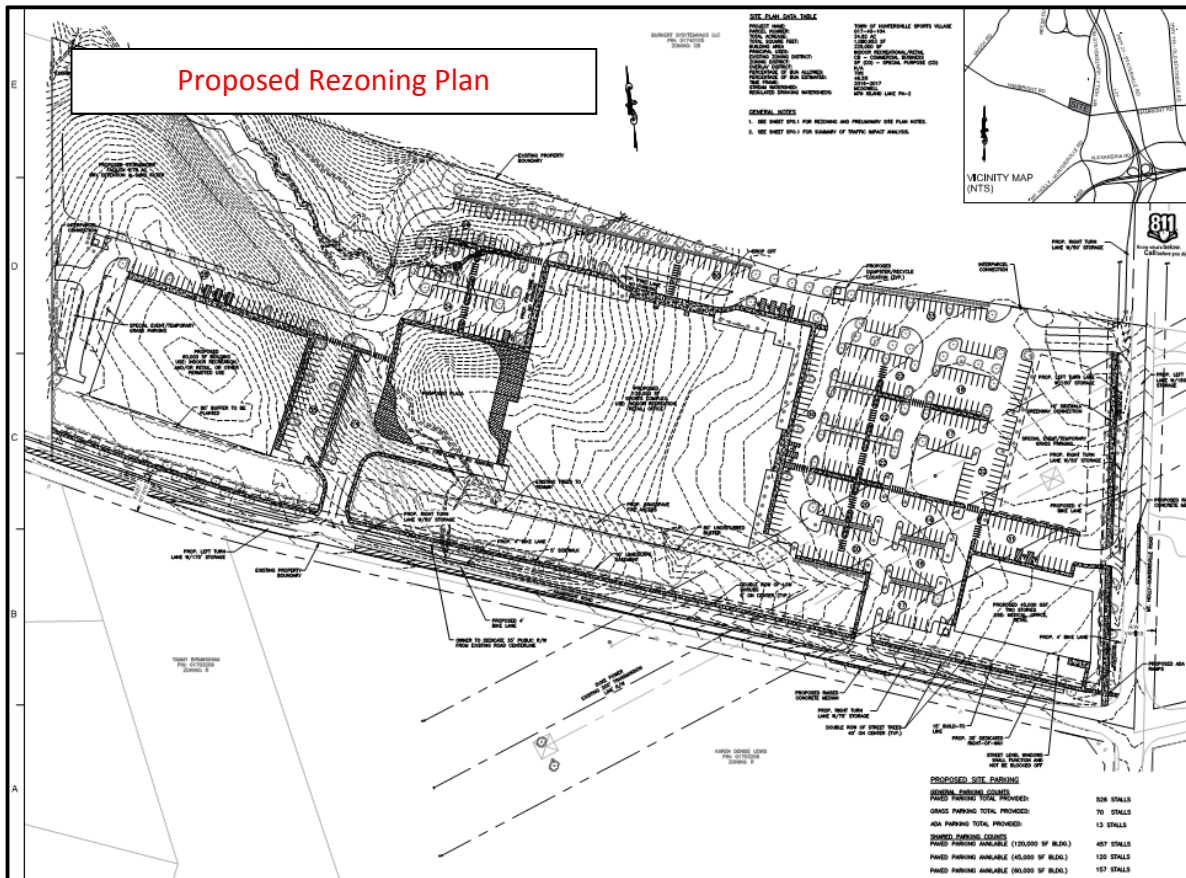
1. Mike Clapp with Sports Village Land Group LLC has applied to rezone the subject property to Special Purpose (SP) to allow for the development of a mixed use commercial development which would include indoor recreation, retail, and office uses.
2. Adjoining Zoning and Land Uses
North: Corporate Business (CB), Office/Industrial/Undeveloped Land: Huntersville Business Park
South: Rural Residential (R), Single Family Residential/Horse Farm and Stables.
East: Corporate Business (CB), Office/Contractor Office and Neighborhood Center (NC), Neighborhood Gas Station.
West: Corporate Business (CB), Vacant Land and Single Family Residential
3. Neither indoor recreational uses nor retail are allowed under the current zoning of the tract (CB). The applicant is requesting the rezoning to Special Purpose (SP) as SP allows retail uses. In order to allow the indoor recreational use, the applicant is concurrently proposing a text amendment application (TA16-05) to add indoor recreation as a use permitted by right in the Special Purpose (SP) district. Since this rezoning application

includes the indoor recreation use, this rezoning cannot be approved until and unless that text amendment adding the use is approved.

4. There are multiple buildings being proposed on one tract of land. Therefore a multi-building site plan is also required to be approved per Section 6.800 of the Huntersville Subdivision Ordinance. However Section 6.840 allows staff to review the multi-building site plan administratively when the development is part of a conditional district rezoning plan. That is the case in this application therefore if the Town Board approves the proposed rezoning showing the layout of the proposed buildings, staff will review the multi-building preliminary site plan administratively at a later time.
5. The proposed plan would include 3 buildings; one 120,000 sqft building, one 60,000 sqft building, and one two story 45,000 sqft building located at the corner of Mt. Holly Huntersville and Hambright Road. At this time, no buildings are assigned a specific use. A note on page SP0.1 states that the applicants reserve the right to allow any use in the (SP) zoning district except the ones they specifically prohibit. See staff comment in Part 2 below for recommendation on uses proposed.
6. The subject parcels are a portion of 330 acres that were rezoned by the Town of Huntersville from Transitional Residential (TR) and Rural Residential (R) to Corporate Business (CB) on September 5, 2006 (R06-07). The rezoning was in response to the North Mecklenburg County Economic Development Strategy plan (2002) that identified this area as appropriate for light industrial and other economic development type uses (please see below on this page).
7. The subject parcels are included in the area the Town of Huntersville Strategic Economic Development Plan (2014) identifies as a "Major Employment Area" (see page 3). It also identifies this area as both a "Medium-Term" and "Long-Term" Opportunity area in regard to economic commercial development. Portions of the economic development plan are included separately in the agenda package for reference.
8. A neighborhood meeting for this application was advertised for and held on August 22, 2016. An invitation list, attendance list and summary report for the meeting are included in the agenda packet.
9. Per the Huntersville Greenway and Bikeway Master Plan there is a proposed greenway that runs adjacent to this property along its frontage on Mt. Holly Huntersville Road. Please the Greenway and Bikeway map below. To accommodate the greenway, the applicants have proposed a 10 foot sidewalk along their frontage on Mt. Holly Huntersville Road.
10. The Lake Norman Economic Development Corporation (LNEDC) has written a letter of support of this development. The letter, along with a letter of support from the neighboring Burkert Corporation is included in your agenda packet for reference.







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.

In this case though, the 120,000 sqft building is proposed to be 100 feet back from the proposed street right of way (ROW), has a very large scale and footprint, and has no streetscape characteristics like windows, doors, or architectural articulation on the façade facing Hambright Road. Please see the southern elevation attached in your agenda packets. Therefore with no relationship to the street, the 80 foot buffer is required along Hambright Road. Along a significant part of the Hambright frontage, the 80 foot buffer is accommodated for using existing vegetation. However due to an existing Duke Power ROW near the eastern most driveway on Hambright, there are no existing trees. And due to Duke Power regulations, none can be planted in the ROW to complete the 80 foot buffer and appropriately screen the building.

Staff therefore recommends two options: One, screen the building as much as possible. Add evergreen trees as close to the Duke ROW as possible. In addition add small evergreen vegetation/shrubs inside the Duke ROW that will be small enough to be permitted by Duke, but tall enough to provide some visual screen and a softening of the large scale building. Or two, establish a relationship between the exposed front corner of the building and the street to the extent practical. Add architectural interest (windows, parapets, etc.) and an entrance to the front corner of the building and connect it to Hambright Road with a sidewalk, plaza, open space or other pedestrian space.

- Due to the Duke Power ROW, the applicant needs to request that the buffer requirements be “modified” as part of the conditional rezoning process per Article 11.4.7 K and show that the spirit of the regulation is maintained. Staff would support the modification of the buffer with the inclusion of the above mentioned elements in the plan.
- The building renderings provided show large scale signage that does not conform to Article 10 of the Huntersville Zoning Ordinance. Wall signs are permitted on the street side of buildings up to a maximum of 10% of the wall façade or 128 sqft. On facades not facing the public street, up to 25% of the allowable area of the street facing sign (32 sqft) may be transferred to a façade not facing a street. The signage shown on the buildings exceed these standards. To obtain the signage proposed a Special Sign District would need to be applied for and approved by the Town Board per Article 10.11.1 of the Huntersville Zoning Ordinance.
- A note on page SP0.1 of the plan states that the applicant reserves the right to allow generally all uses in the SP district except certain ones specifically prohibited in the note. Many of the prohibited uses are appropriately ones that could have substantial effects on adjacent properties, such as waste incineration, landfills, and junk yards. However uses such as residential recycling centers, mini-storage warehouses, and heavy manufacturing are not included in the uses prohibited. For clarity, staff recommends the uses proposed to be allowed be listed, and all others prohibited.
- The proposed road improvements along Hambright Road have the sidewalk 26 feet from the road’s edge of pavement, removing the pedestrian environment from the street. Staff recommends the sidewalk and street trees be moved as closer to the street and inside the future right of way if possible.
- The building on the corner is placed too far back from the street. Article 4 of the zoning ordinance requires that standard buildings (workplace building types or highway commercial) be placed 15 feet from the future/dedicated right of way. The proposed building at the corner is about 53 feet from the future Hambright Road ROW and 29 feet from the future Mt. Holly Huntersville Road ROW.
- Article 4 of the Huntersville Zoning Ordinance requires that buildings have a pedestrian entrance on the street. No pedestrian entrance is shown on the building elevations. In addition, if multiple different businesses are proposed on the floor level of the building, multiple street connections and doors will be required. Therefore the architectural elevations and the site plan should be amended to reflect this requirement. Or, if future tenant space is not clearly understood, a note on the plan should state that all floor level units will have required pedestrian access accommodated for.
- Due to the increased setback of the corner building from the street, the proposed parking area and dumpster in the side parking area extends into the front of the building. Article 4 of the zoning ordinance prohibits parking and the dumpster from being located in between the building and the street. The dumpster is required in the rear of the building. If the entrance is on Hambright Road as shown on the site plan, the dumpster location is in the side of the building and should be moved to the rear.
- The plans submitted show two different elevation sets that do not match. Clarification is needed on what elevations are proposed.
- It is unclear on the plans where the water and sewer service is coming from. Staff recommends the utility connections proposed be shown on the plans.

- The plans submitted show that less than the required 30% specimen trees are going to be saved. Therefore mitigation is required to be approved by the Planning Board per Article 7.4 of the zoning ordinance. The plan itemizes correctly that 18 trees are required for mitigation, but does not show where the trees are going to be planted on the site.
- The TIA has been completed and the first draft has been submitted to the engineering department for review. A draft list of traffic improvements has been included on the plan, but these have yet to be reviewed and accepted by engineering. Also, when the list of improvements is accepted, they need to be listed on the plan and committed to by the applicant.
- A storm water concept plan has not yet been approved for this project. Once must be finalized and approved prior to permitting.
- Staff has reviewed the updated 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

A draft TIA for the development was submitted to the Town on October 7th and is currently under review. Listed in the TIA's summary of results are improvements to the following intersections:

- Hambright Road at Mt Holly Huntersville Road
- Hambright Road at Site Driveway #1 and #2
- Mt Holly Huntersville Road at Site Driveway #3 and #4
- Gilead Road at McCoy Road*
- McIlwaine Road at McCoy Road*
- Reese Boulevard at Mt Holly Huntersville Road*
- Gilead Road at Old Statesville Road (NC 115)*
- Mt Holly Huntersville Road at Old Statesville Road (NC 115)*

*The TIA states that the developer is proposing to pay the Town for a portion of the construction costs for improvements at 5 of the above intersections. The developer is basing this recommendation on the portion of traffic increase by the development in the future year (ranges between 4.2 and 12.2 percent).

As of the date of this staff report, comments have not been forwarded from NCDOT regarding this TIA.

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.** The proposed development is appropriately located inside the 2 mile radius and is very close to Interstate 77.
- **Policy T-6: Pedestrian Connections.** The applicant is installing an extra wide sidewalk along Mt. Holly Huntersville and bike lanes along both its frontages to accommodate the greenway and bike lanes shown on 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 ED-2: Preservation of Land Area for Non-Residential Development.** Both the Town of Huntersville Strategic Economic Development Plan (2014) and the 2030 Community Plan state that the Town should preserve areas that are “suitable for business and industrial development”. As discussed above, the area in question was zoned to Corporate Business (CB) in order to accommodate for business and industrial uses. While the proposed application submitted does include some office uses, the notes on the plan allow an unlimited percentage of indoor recreation uses and gymnasium facilities. If the development is proposed to be a majority of indoor recreational uses, it becomes questionable whether or not it is providing the economic development impact and benefit intended by the adopted plans. Staff recommends the applicant clarify what buildings or what percentage of buildings are proposed to be indoor recreation/gymnasium uses; and what will be office, manufacturing, or other high employment generating uses.
 - The Lake Norman Economic Development Corporation (LNEDC) has reviewed the application and supports the application. Please find their letter of support attached in the agenda packet.
- **Policy CD-6: Architecture and Place Making.** As mentioned in Part 2 above, the building on the corner of Mt. Holly Huntersville Road and Hambright is set considerably further back from the streets than required, reducing its relationship to the street. In addition, this building’s required pedestrian access to the street is not currently understood. The largest building in the middle of the site is not fully buffered per ordinance requirements near the Duke Power ROW. The architecture proposed along the street side in this area seems to be a large flat wall with no articulation other than the non-conforming sign element. The signage of the buildings proposed is large and not in conformance with the Huntersville Zoning Ordinance.

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 immediate facility, the proposed SP zoning would not necessarily be out of character with the existing zoning of the area. Although most of the area as discussed is zoned Corporate Business (CB), Special Purpose is very similar to Corporate Business in that it specifically allows all the uses allowed in CB, including office, industrial, warehouse, etc. However, the difference is that Special Purpose allows uses that “may constitute health or safety hazards, or have greater than average impacts on the environment or diminish the use and enjoyment of nearby property by generation of noise, smoke, fumes, odors, glare, commercial vehicle traffic, or similar nuisances”. Therefore in order to mitigate those potential impacts, be more consistent with the CB district as well as other recently developed industries in the area, appropriate notes should be added to the plan excluding certain uses that

could have greater than average impact on adjacent properties (especially considering Rural (R) residential zoning existing south of Hambright Road). An existing note on the plan does prohibit some uses, but not all. Staff recommends the uses proposed and allowed be specifically listed, while all others like residential recycling facilities and heavy manufacturing facilities be prohibited.

- 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, the Traffic Impact Analysis (TIA) has been submitted and the rezoning plan notes several road improvements needed for mitigation on sheet SP0.1. As of the date of this report, engineering staff has not completed their review of the submitted TIA. The final and sealed TIA must be completed and accepted prior to Town Board final action.
- On October 24, 2016 the Planning Department issued a "Determination of Adequacy (DOA)" for Fire Vehicles and Station Space, and Police Station Space. However a "Determination of No Available Capacity (DONAC) was issued for Police Vehicles. Therefore prior to the issuance of the Certificate of Occupancy for the first building, capacity for Police Vehicles would need to be accommodated for or mitigation will be required from the applicant.

- 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

The Public Hearing is scheduled for November 7, 2016

PART 6: STAFF RECOMMENDATION

Staff does not recommend approval or denial of the application at this time based on the following:

1. The Traffic Impact Analysis has not been finalized and accepted, nor has the mitigation described on the rezoning plan been committed to.
2. The rezoning, site, and building issues remain outstanding as described in Part 2 above.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board meeting is scheduled for November 15, 2016.

PART 8: CONSISTENCY STATEMENT - R 16-08: Huntersville Sports Complex

Planning Department	Planning Board	Board of Commissioners
Approval: To be determined. Please see the Staff Recommendation for comment.	APPROVAL: In considering the proposed rezoning of Petition R16-08, Huntersville Sports Complex located on Hambright 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 Huntersville Sports Complex as shown in Rezoning Petition R16-08. It is reasonable and in the public interest to rezone this property because...(explain)	APPROVAL: In considering the proposed rezoning of Petition R16-08, Huntersville Sports Complex located on Hambright 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 Huntersville Sports Complex as shown in Rezoning petition R16-08. It is reasonable and in the public interest to rezone this property because... (Explain)
DENIAL: To be determined: Please see the Staff recommendation for comment.	DENIAL: In considering the proposed rezoning of Petition R16-08, Huntersville Sports Complex, located on Hambright 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 R16-08. It is not reasonable and not in the public interest to rezone this property because..... (Explain)	DENIAL: In considering the proposed rezoning of Petition R16-08, Huntersville Sports Complex, located on Hambright 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 R16-08. It is not reasonable and not in the public interest to rezone this property because..... (Explain)