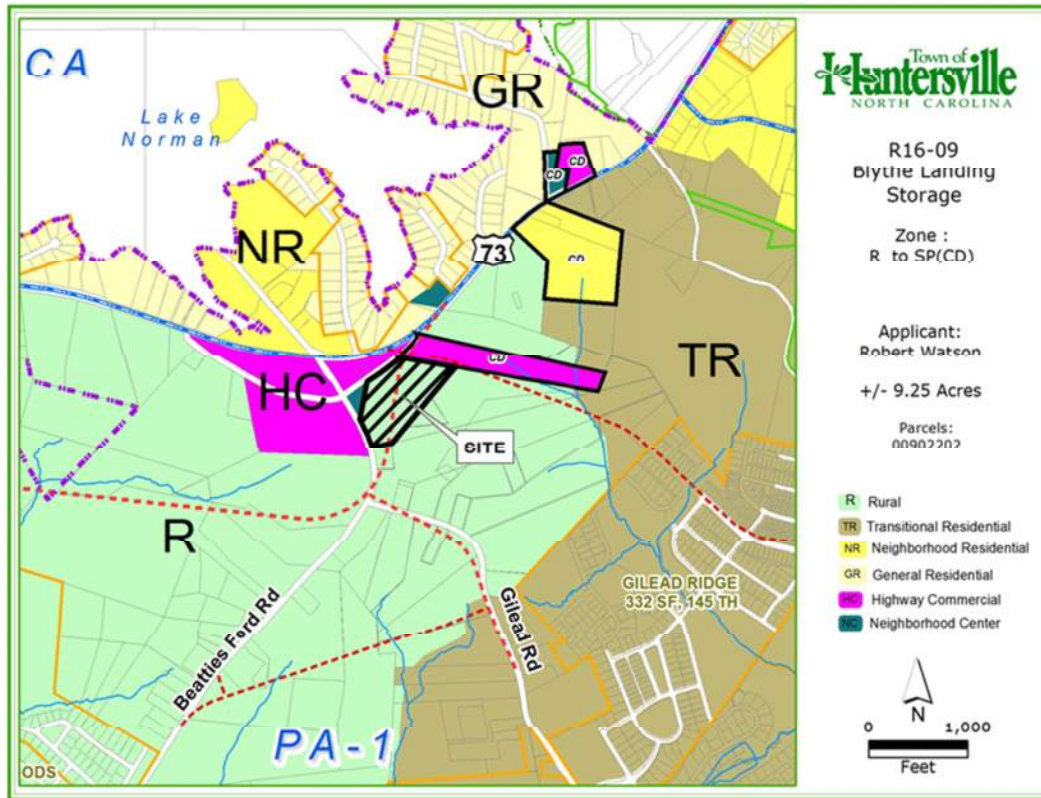


Petition R16-09: Blythe Landing Mini-Storage

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

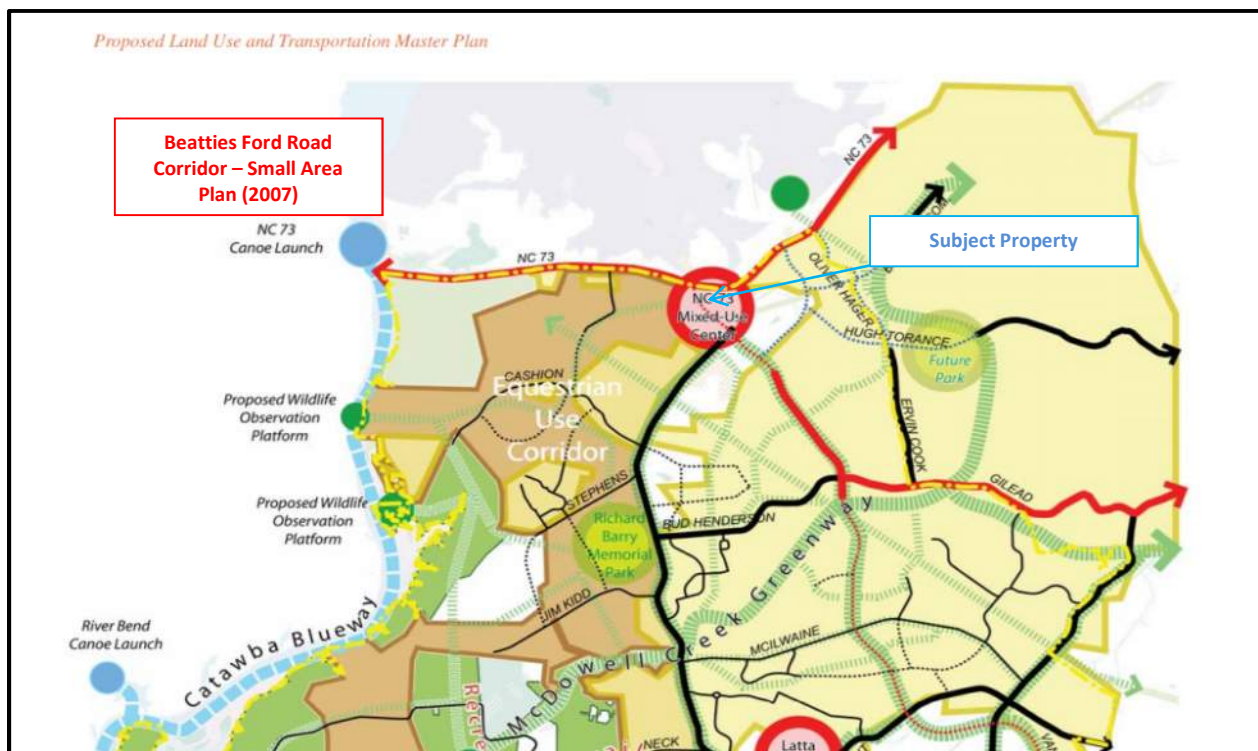
Existing Zoning: Corporate Business (CB)

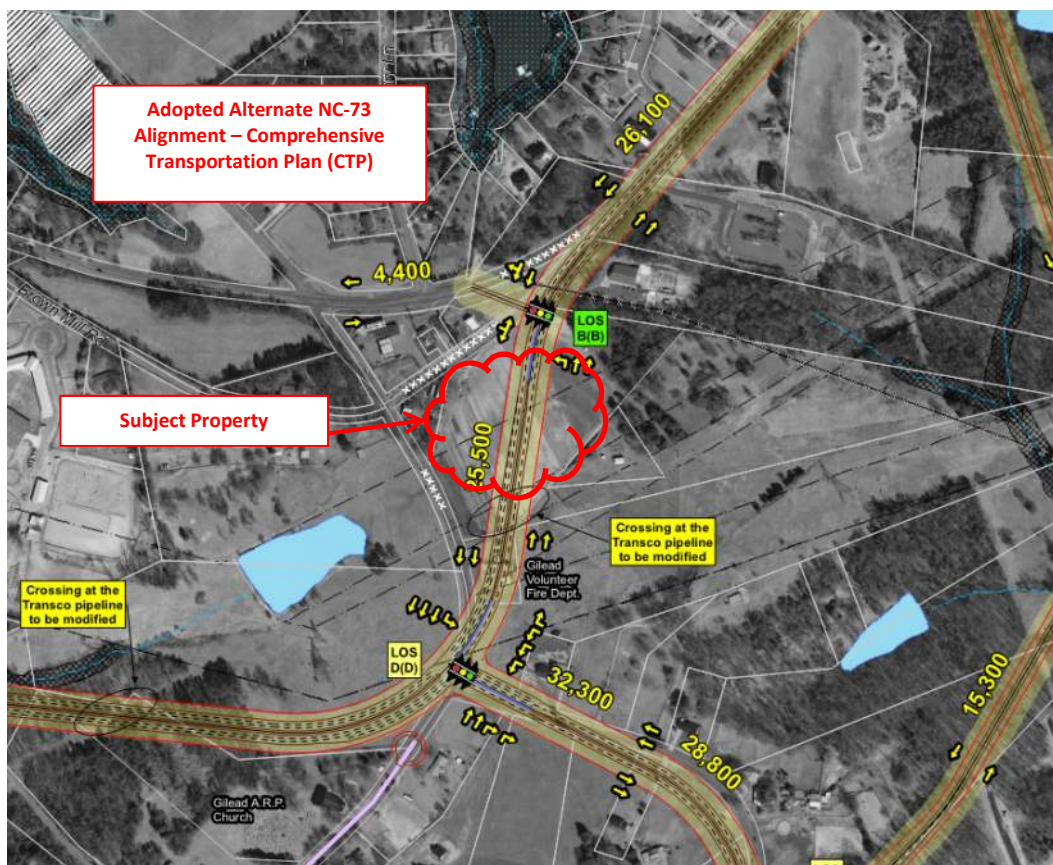
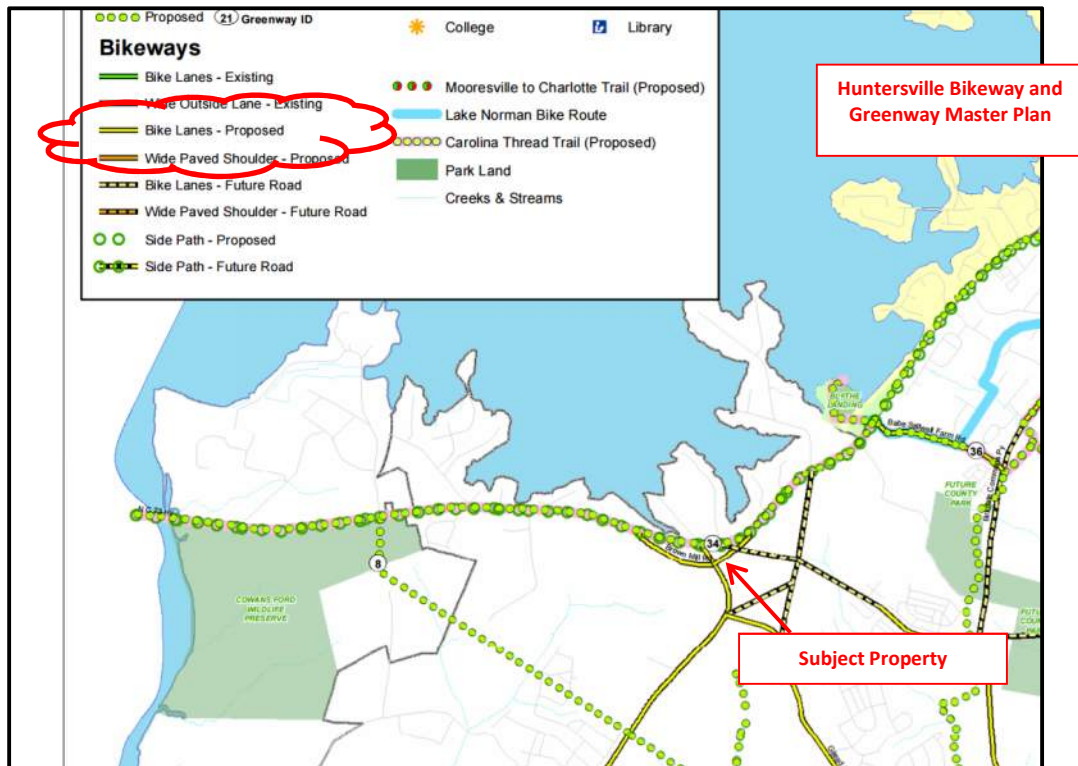
Application Summary:

- 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 142,407 sqft mini storage facility with 3,845 sqft of office.
- 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 recombine a portion of the 11.29 acre tract with the Old Store property at the southeast corner of Brown Mill Road and Beatties Ford Road. As currently proposed only 9.28 acres are proposed to be rezoned for the mini-storage facility and office.
- 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. This alignment is currently considered one of two options for the final NC-73 location. Please see page 7 below for discussion of the environmental study status and the NC-73 alignment selection process.
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 – UPDATE 2/13/17

- Page 4 of 12

offices proposed individually accessed from the exterior of the building or will they be internally accessed by a common hallway? Will all offices be able to access the front street door as intended by the ordinance? Clarification should be noted or shown on the plan.

- The applicant proposes possible tree save mitigation that has not been approved by the Planning Board per Article 7.4 of the ordinance. A note should be added that states Planning Board review will be required if their last specimen tree cannot be saved.
- Mecklenburg County is reviewing the rezoning plan for storm water concept plan conformance. The concept plan has not been approved.
- Staff has reviewed the submitted plan and has several minor deficiencies still outstanding. It is recommended that final comments be addressed on an updated rezoning plan.

PART 3: TRANSPORTATION ISSUES – UPDATE 2/13/17

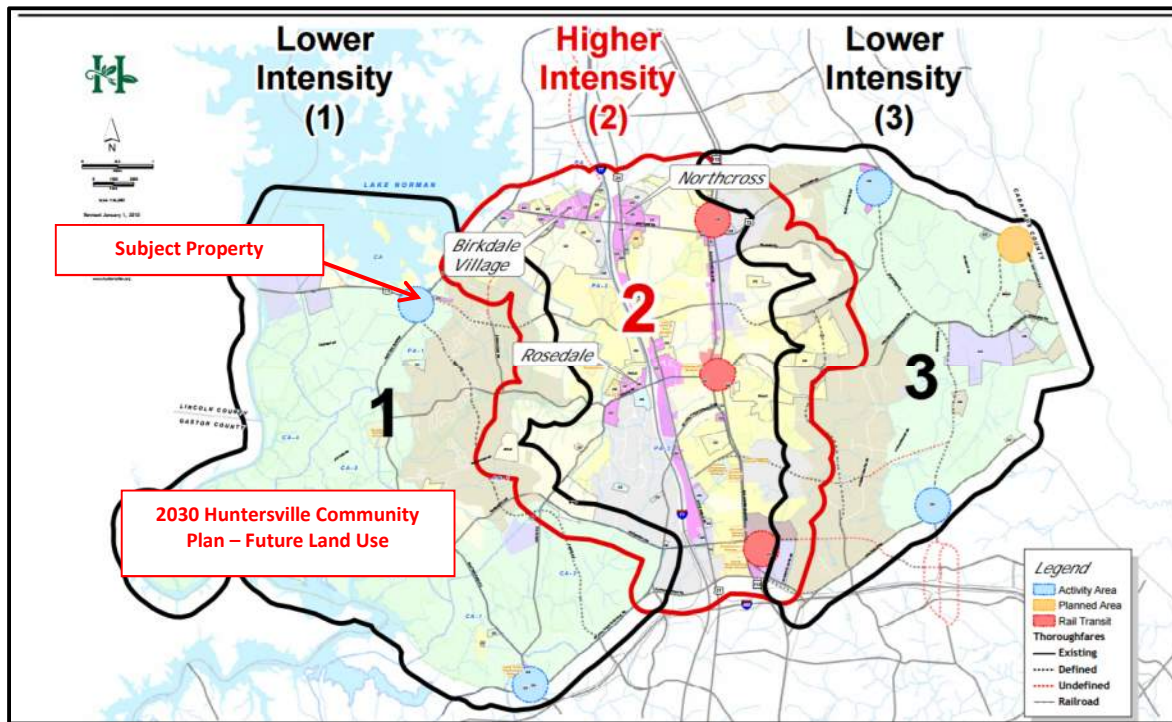
- There is no sidewalk connection from the parking to the building
- The sidewalk adjacent to the parking spaces is to have a minimum of 7 feet in width. The plan only has 5 feet.
- Should the site exceed the 3,845 square feet of office space and 142,407 square feet of storage space, a new TIA Determination is required (Based on the determination, a TIA may be required).
- The limits for building size/type need to be listed on the plan
- The property proposed to be rezoned currently lies directly within the path of the adopted realignment of NC-73 on the Comprehensive Transportation Plan (CTP).

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 CD-1: Land Use/Transportation Integration.** This policy calls for the continued integration of land uses and transportation elements along with consistency with adopted long range plans. As described below on page 8, the proposed development lies directly in the path of the approved NC-73 realignment. Therefore the proposed land use plan fundamentally conflicts with current approved transportation plans.
- Policy CD-3: 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 6.4.1 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 only a small 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 further 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. Please see page 7 below for examples of developments in Charlotte that put the commercial uses along the street and the storage in the back.
 - UPDATE 2/13/17:** The updated plan now includes an office component on Brown Mill Road. The previously long single building has been divided into two separate buildings. The building

closest to the driveway would be offices and the building toward the east will remain mini-storage. It is staff's opinion that although any amount of mixed use is an improvement and a welcome change to the site plan, the amount currently proposed remains minimal and does not sufficiently meet the goals of the Beatties Ford Road small area plan. Only 4.5% of building area proposed would be office.

- On page 48 of the BFRCSAP, it states that the mixed use nodes or hamlets called for in the plan are "organized in accordance with a pedestrian scale to permit and encourage non-vehicular transportation options." As mentioned above on page 6, a mini-storage facility is not a use specifically listed in the plan, nor does such a facility "encourage non-vehicular transportation options". By its nature, mini-storage is automotive dependent. Additionally, the remaining storage building proposed along Brown Mill Road will provide no pedestrian activity as it is solely storage and access to the building will only be from the rear. Therefore it is staff's opinion that in order to be more in line with the intent of the BFRCSAP, the office component along the street should be expanded to encompass the second building along Brown Mill Road as well. Having both buildings as office along the street would provide a more substantial mixed use component and create a more pedestrian oriented development along Brown Mill Road, consistent with adopted plans. Staff is supportive of mini-storage uses in the rear of the property. The confines of the utility areas and right of ways in the rear of the property produce a more suitable environment for flexible commercial uses such as mini-storage and outdoor storage areas.
- **Policy CD-5: Infrastructure.** This policy calls for adequate public infrastructure to either exist or be made available to support all new development. Similar to the concern above, the proposed development lies directly in the path of the NC-73 realignment. The approval and construction of this development could impede the construction of the NC-73 realignment, thus hindering the extension of public infrastructure to the area.

Are more standards needed for mixed-use, self-storage projects in Charlotte?



Pamlico Investments has proposed a 150,000-square-foot, five-story development at the intersection of East 10th Street and Seigle Avenue. It would include 10,000 square feet of non-storage uses on the ground floor, including retail, with climate-controlled self-storage units above it.

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Rendering of a proposed mixed-use, self-storage facility in north Charlotte. Submitted as part of a rezoning request.

BY ELY PORTILLO
elyportillo@charlotteobserver.com

A new kind of project is in the works at the Interstate 485/Prosperity Church Road interchange: A self-storage facility that's mixed-use.

Plans filed recently with the city of Charlotte call for a new building that would include offices, shops and a large self-storage facility, integrated into the same building just south of the interchange. The land is currently vacant and wooded.

The three-story project would include:

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

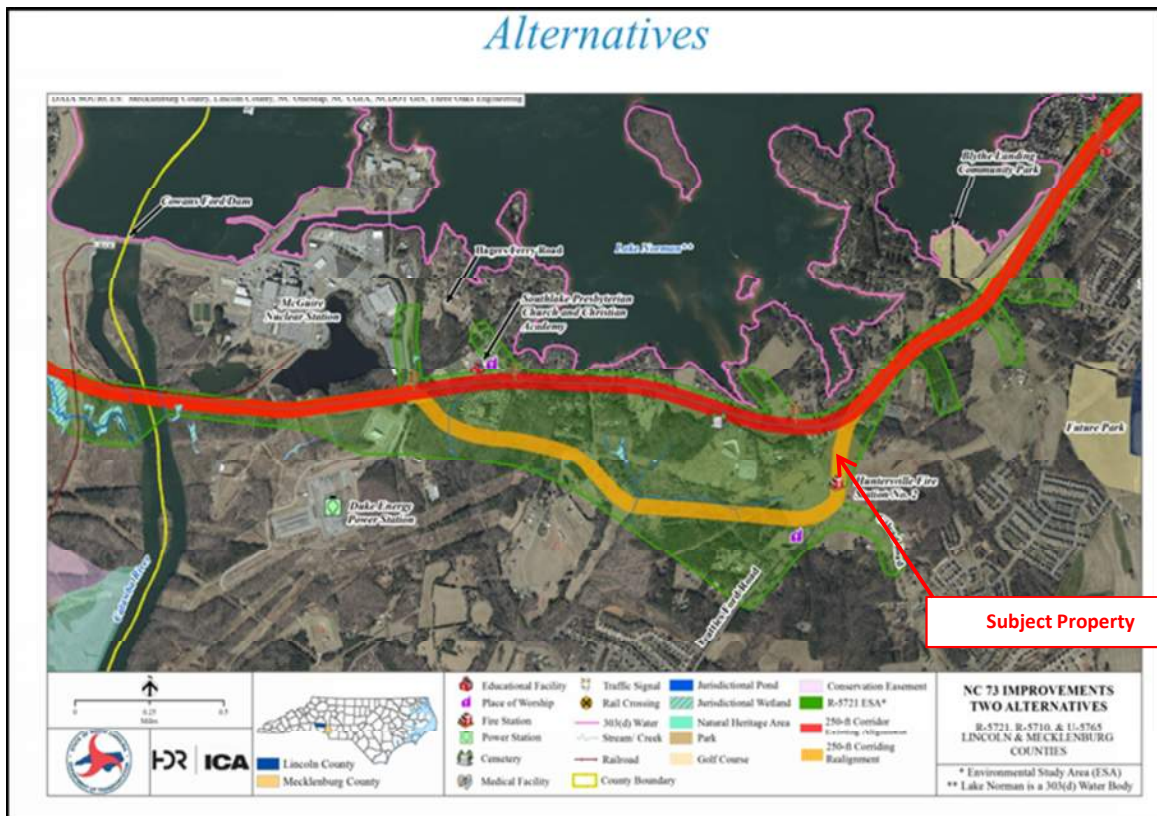
- The widening and improving of NC-73 in the area of Beatties Ford Road (State Project number R5721) is scheduled for construction on the North Carolina Transportation Improvement Program (NCTIP) for the year 2023. The drafted updated CTP proposes moving the construction start date up to 2021. The property 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.
- UPDATE 1/30/17: It has been mentioned in conversation with staff that NCDOT officials are preliminarily voicing their opinion on which alignment is preferred. According to NCDOT there have been no cost estimates done yet for either of the alignments and no preference has been observed nor communicated at this time. It is still expected that the environmental assessment will be complete in the Summer of 2018, at which time it is possible a preference and selection of the alignment could be deduced, but not finalized
- UPDATE 2/13/17: During the Town Board meeting on February 6, 2017 (when the application was deferred) the question arose on whether or not state law conflicted with the ability of the Town to consider the thoroughfare when making rezoning decisions. Bob Blythe sent planning staff the following response for clarification on the matter. The email is also attached in your agenda packet for reference.
 - “This is in reference to the question of a potential thoroughfare alignment affecting a proposed rezoning of property which would be affected by the thoroughfare. There seems to be a thought that there is a state law, either by statute or by court ruling, that the location of the road cannot be considered by the decision makers in a rezoning case. I believe that the genesis of this opinion is the fairly recent North Carolina Supreme Court case of Kirby, et.al. v. North Carolina Department of Transportation. Although you can never say with certainty how a court might rule in a different case, I do not believe that Kirby stands for this proposition at all. This case arose out of the so-called Map Act, a North Carolina statute that permits NCDOT to establish a thoroughfare alignment after public hearing, etc., and then to record that corridor in the county Register of Deeds. At that point certain restrictions become placed on the use of the property within the corridor including (with certain exceptions) the right to obtain a building permit. The court in essence held that the imposition of these restrictions had the effect of affecting the value of the property, and therefore constituted a taking for which the landowner was entitled to compensation. The court did not find the MAP Act unconstitutional. (The legislature did adopt legislation in the 2016 session cancelling all outstanding Map Act corridors, and placing a moratorium on new corridors until July 1, 2017). Note that the possible thoroughfare here is not a corridor under the MAP Act. In any event, I don’t see that the proposed alignment constitutes a legal restriction on the use of the property. From a zoning standpoint, it can still be used for whatever is presently permitted. And I see nothing that precludes the Board from taking the existence of the possible alignment into consideration in their deliberations in their legislative capacity.”

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. The updated plans show the long single building broken up into 2 separate buildings and a total of 4 areas with architectural variability. With such variability and with at least one functional door operating for pedestrians along Brown Mill Road staff finds that the building would be consistent with commercial development in the immediate vicinity.



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 has less than 10,000 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.

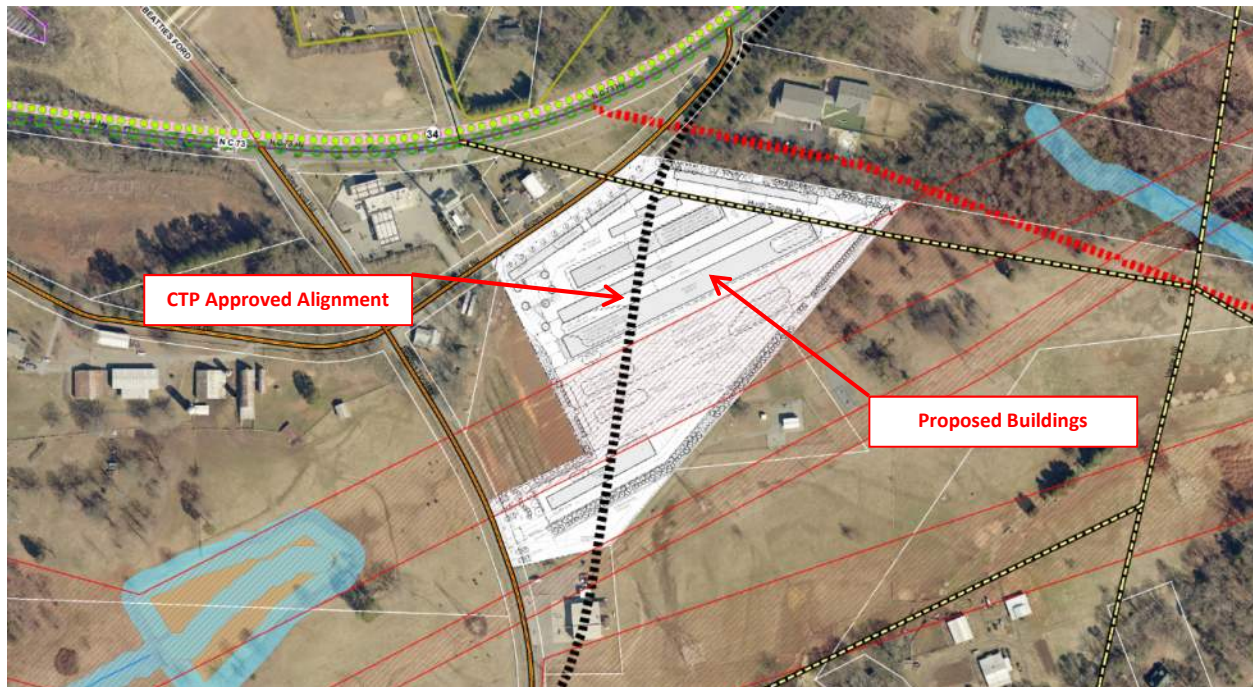
PART 7: PUBLIC HEARING – UPDATE 11/8/16

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 2/13/17

Staff recognizes and appreciates the fact that the overall design and conformance to the ordinance has significantly improved since the beginning of the review process. The applicant has been very responsive to staff recommendations when possible. However at this time staff recommends denial of the application for the following reasons:

- The plan is directly inconsistent with the approved Comprehensive Transportation Plan (CTP) for the NC-73 realignment. Staff does not recommend intensifying the zoning of a property when it conflicts with an approved thoroughfare. Not only does the property lie directly along the proposed route, but the proposed rezoning plan would construct buildings immediately in the path of the road. Please see the overlay of the proposed plan and the CTP below on page 11. If the approved alignment is chosen and the proposed development is approved, it will cost the public more to build the thoroughfare. It is recommended that the no decision be made until the environmental study is done next year when the alignment to be chosen will be more clear.
- The plan is inconsistent with policies CD-1, CD-3 and CD-5 of the Huntersville 2030 plan as described above.
- It is inconsistent with the Beatties Ford Road Corridor Small Area Plan (BFRCSAP) with minimal mixed use proposed, and uses along the street with no pedestrian scale.
- Unresolved site plan issues as described in Part 2 above.

**PART 7: PLANNING BOARD RECOMMENDATION – UPDATE 2/13/17**

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.

On January 24, 2017 the Planning Board unanimously recommended denial of the application based on it not being consistent with the Huntersville 2030 plan, the Beatties Ford Corridor Small Area Plan, and long range transportation plans.

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

Planning Department	Planning Board	Board of Commissioners
Approval: N/A	APPROVAL: N/A	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-1, CD-3 and CD-5 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 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. It is not reasonable and not in the public interest to rezone this property because it does not accommodate future road improvement; is not consistent with mixed use development pattern called for in the adopted plans, nor does it conform to the Zoning Ordinance in regard to the 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 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>