

Petition R17-06: Phoenix Montessori Academy

PART 1: PROJECT SUMMARY

Application Summary:

1. Meeting Place Properties II LLC is applying to conditionally rezone 6.8 acres at 12340 Mt. Holly Huntersville Road from Corporate Business (CB) to Campus Institutional Conditional District (CI-CD). The purpose of the rezoning is to allow the Phoenix Montessori Academy to permanently locate on the property.

Applicant: Phoenix Montessori Academy

Property Owner:
Meeting Place Properties II, LLC

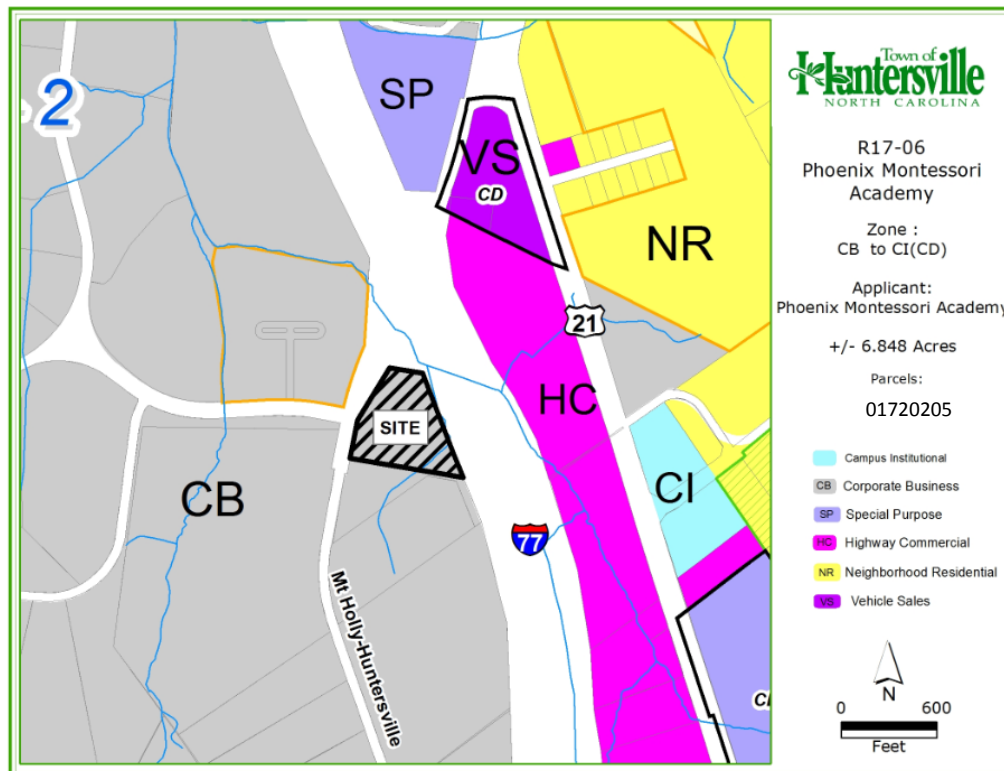
Property Address:
12340 Mt. Holly Huntersville Road

Project Size: 6.8 acres

Parcel Numbers:
01720205

Existing Zoning:
Corporate Business (CB)

Proposed Zoning:
Campus Institutional Conditional District (CI-CD)



2. Adjoining Zoning and Land Uses

North: Special Purpose (SP), Trucking facility, Vehicular Sales (VS), Honda Car Dealership, Interstate I-77.

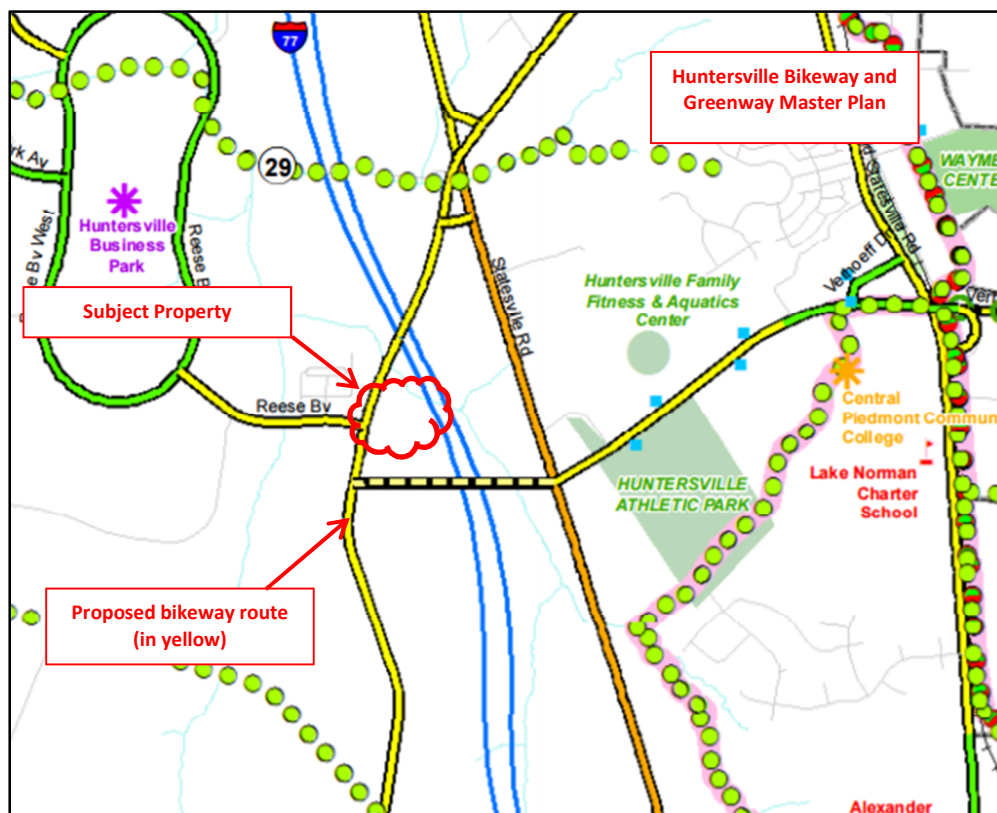
South: Corporate Business (CB), Saertex, manufacturing, Vacant Land, Nutec manufacturing.

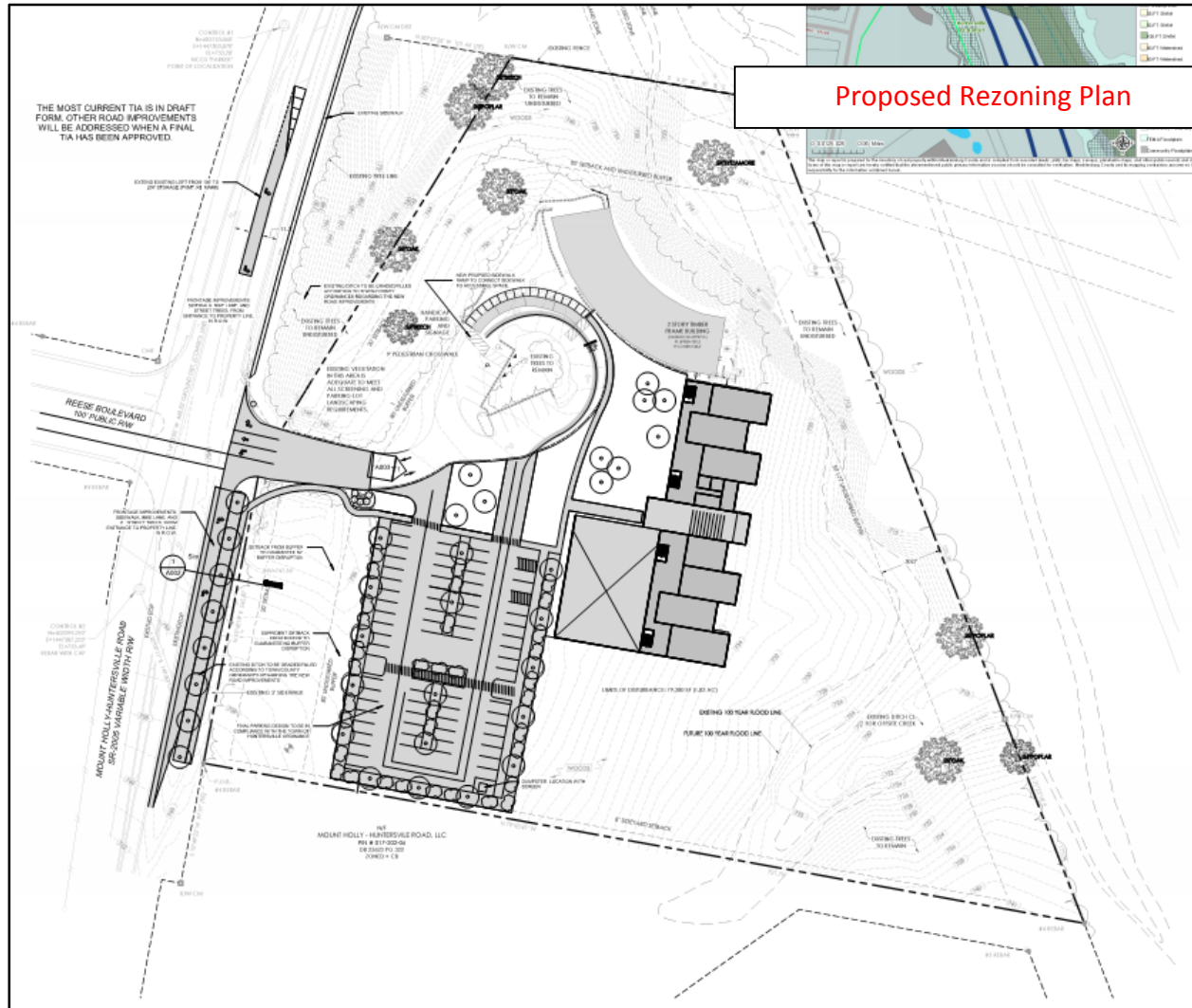
East: Highway Commercial (HC), Vacant land, Interstate I-77.

West: Corporate Business (CB), Huntersville Business Park, NCDOT DMV facility, Multifamily homes.

3. Schools are allowed in the Corporate Business (CB) zoning district only as a temporary use with the issuance of a Special Use Permit (SUP) per Article 9.35.12 of the Huntersville Zoning Ordinance. On April 5, 2015 the Phoenix Montessori Academy was issued a SUP by the Town Board that is valid for 3 years. Therefore the approved SUP is valid and the school can operate until April 5, 2018 under current zoning.
4. The applicant wishes to be able to make their current location on Mt. Holly Huntersville Road permanent. The Campus Institutional (CI) district allows schools and academic institutions by right. Therefore the property owner has submitted a conditional rezoning plan to rezone the property to CI thus allowing the school to operate indefinitely. The school is currently leasing the location from the property owner, Meeting Place II, LLC.

5. Per the Huntersville Greenway and Bikeway Master Plan Mt. Holly Huntersville Road is a planned bike route. The applicants have proposed to add a bike lane to their frontage to the south of their driveway. Please see the proposed rezoning plan below on this page.
6. A neighborhood meeting for this application was advertised for and held on August 2, 2017. An invitation list, attendance list and summary report for the meeting are included in the agenda packet.
7. If the rezoning application is approved, the Special Use Permit (SUP) approved for the school will need to be formally removed by the Town Board. That application will follow the rezoning plan concurrently.
8. A Traffic Impact Analysis (TIA) was required for the proposed school development. On August 16 Huntersville Engineering sent comments to the school's consultant and requested an updated TIA be submitted for review. Please find those comments attached in your agenda package.





PART 2: REZONING/SITE PLAN ISSUES

- Article 3.28 of the Huntersville Zoning Ordinance states in the intent section of the Campus Institutional Zoning District (CI) that “the campus institutional district is established to provide for large institutional complexes which are already in place and for new institutional complexes on 15 acres or more, which, because of the scale of the buildings or the nature of the use, cannot be fully integrated into the fabric of the community”. The purpose therefore of the CI district is to accommodate for large existing institutional uses that were present at the introduction of Town Zoning and for new institutional uses that are over 15 acres in size. The Phoenix Montessori Academy is not an existing facility nor is it a minimum of 15 acres in size. Therefore the application does not seem to meet the intent of the CI zoning district as written.

The applicant has added a note to the rezoning plan that states “The campus institutional zoning district is appropriate for the academic institution proposed on the rezoning plan because the school has been located in

the existing building on the property and, though temporary, has successfully operated on the site, which is under the acreage limitation. Applicant requests approval despite the acreage limitation for this reason.” It should also be noted that the Town has approved another CI zoning district under the 15 acre minimum near the subject property. The Dickson Hospice House was rezoned to CI-CD in 2005 in the Huntersville Business Park. The size of that parcel is 12.42 acres. Staff supports the requested modification of the 15 acre minimum.

- Note 5-A on the rezoning plan states that “Parking, landscaping, lighting, screening, vehicle maneuvering areas and drive throughs may be located within the building envelopes shown on the plan for such uses if dictated by final site plan, architectural or engineering design”. Although it is normal to add a flexibility note on the conditional rezoning plan to allow minor alterations after approval, the submitted note seems to allow major changes to the plan. Staff recommends this note be removed. The first note under “Design and Performance Standards (note section 5)” provides an appropriate amount of flexibility within the confines of the overall layout of the rezoning plan.
- No required mitigation from the TIA has been included in the rezoning plan at this time. A note on the plan states “The most current TIA is in draft form. Other road improvements will be addressed when a final TIA has been approved”. Staff recommends any improvements required by the TIA be included in the conditions of the rezoning plan.
- Note 6-C on the rezoning plan states that “except as specifically indicated on the rezoning plan, nothing herein shall be deemed to be a commitment by the developer to provide, dedicate or reserve right of way of any property located outside of the boundaries of the property”. This note could conflict with improvements required by the Traffic Impact Analysis (TIA). Please find the latest comments by Engineering on the submitted TIA attached in your agenda packets.
- Article 7.4.2 F of the Huntersville Zoning Ordinance requires that developments in the CI district preserve at least 30% of their specimen trees. The ordinance defines a specimen tree as a large maturing tree 24 inches in caliper and above or a small maturing tree 12 inches in caliper and above. The submitted plan only surveys trees a minimum of 24 inches and above. It is currently unclear if any small maturing specimen trees are proposed to be removed and if the required 30% specimen trees are being preserved.

PART 3: TRANSPORTATION ISSUES

- A TIA for the proposed school was required as the peak hour trips exceeded the ordinance threshold for 50 trips in a peak hour. The school is proposing three separate bell schedules to spread out the peak traffic demand. A draft and revised draft TIA were submitted and reviewed with comments provided to the developer’s consultant. As of 8/24/17, a final TIA has not been received for review. Based on the results of the draft TIA, improvements to the intersection of Mt Holly Huntersville at Reese Boulevard are expected to be needed to meet the Town’s Zoning Ordinance requirements. Based on the draft TIA, on site stacking meets the minimum calculated length for queuing with side by side stacking (double stacking) the drive aisles in the added parking lot.
- Several plan issues remain to be addressed regarding the site plan. Those issues include driveway lane alignment with Reese Boulevard, sidewalk location, sidewalk ramps, and the typical section for Mt Holly Huntersville Road.

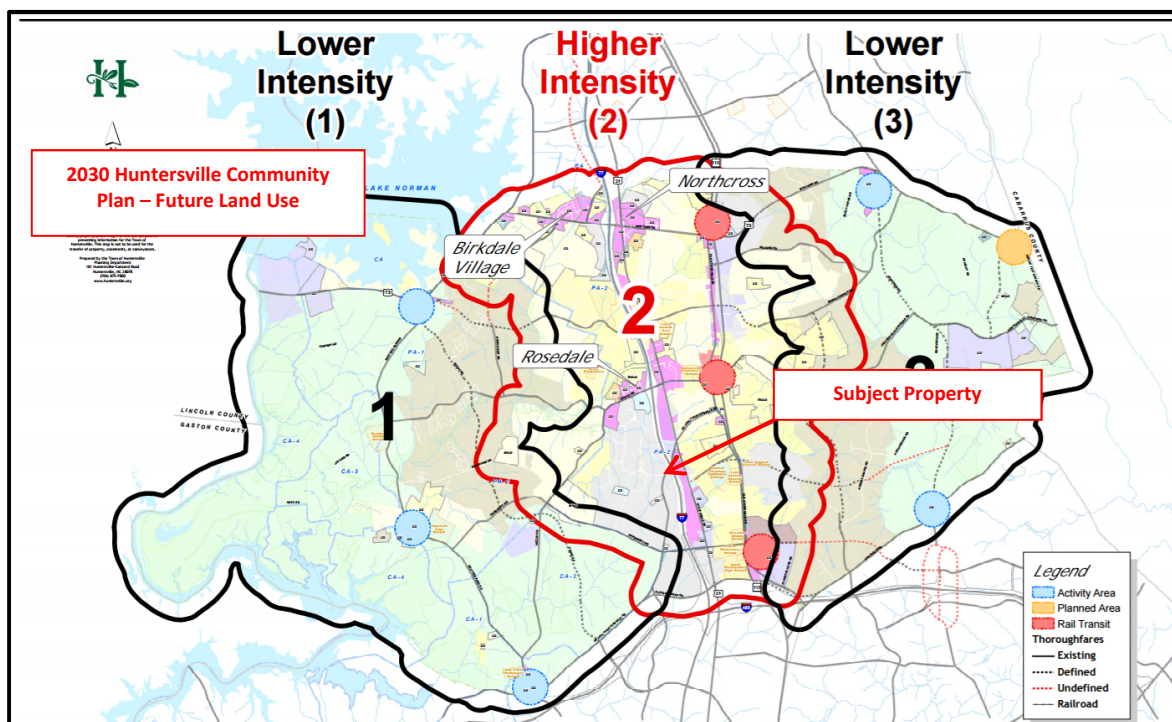
PART 4: REZONING CRITERIA

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 adjacent to I-77. 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**:

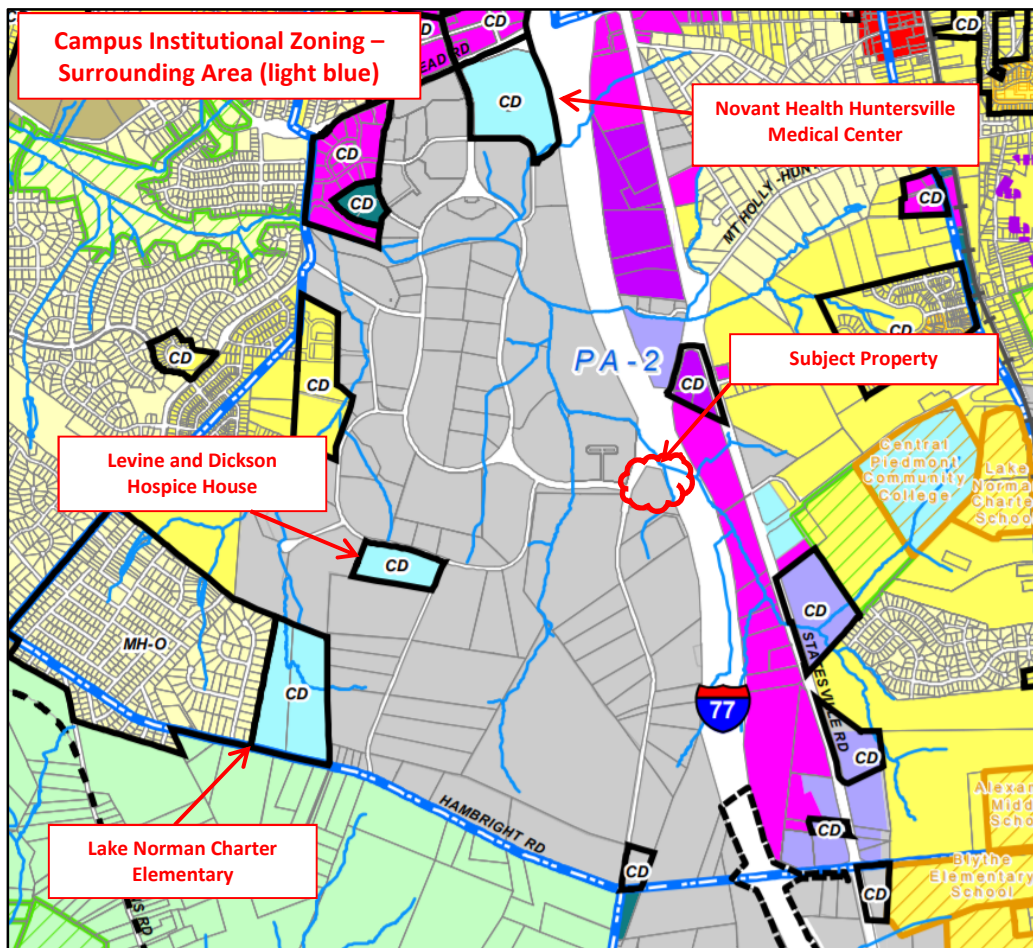
- **Policy ED-2: Preservation of Land Area for Non-Residential Development:** Both the Town of Huntersville Strategic Economic Development Plan (2014) and the 2030 Community Plan state that the Town should preserve areas that are “suitable for business and industrial development”. The subject property is currently zoned Corporate Business (CB), which currently allows economic development uses such as office, light industrial, warehousing, manufacturing, etc. Rezoning the property for a school would remove about 7 acres of property out of the Corporate Business zoning area. However, Lake Norman Economic Development has communicated to staff that they can support the rezoning as the unique architecture and topography of the site makes it difficult to establish an office use at the subject location.

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:

The majority of the area surrounding the subject property (west of the interstate) is zoned Corporate Business (CB). Although there is no Campus Institutional (CI) zoning immediately adjacent to the subject property, there is however individual CI zoning developments dispersed throughout the general area. Please see the zoning map attached below. The Novant Health Huntersville Medical Center, Levine Dickson Hospice House, and recently the Lake Norman Charter Elementary School are all zoned CI amidst a largely CB zoned area. Therefore the zoning of the property CI will not be out of character with the established development pattern of the area.



- 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 roadway system, the Traffic Impact Analysis has not been finalized or approved at this time. Staff recommends any mitigation proposed by the TIA be committed to by the applicant on the rezoning plan. The latest TIA comments sent to the applicant by engineering are attached in your agenda packet.
- A Determination of Adequacy (DOA) was issued to Meeting Place Properties on May 31, 2017 for the following public facilities: Fire Vehicles, Fire Facilities, Police Facilities, and Police Vehicles. Please find the DOA letter attached in your agenda packet for reference.

- 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 5: PUBLIC HEARING

The Public Hearing is scheduled for September 5, 2017.

PART 6: STAFF RECOMMENDATION

Although the rezoning would remove land from the Town’s economic development zoning inventory, the specific property in question is unique. The steep topography of the back portion of the site makes it difficult to fully develop the property for larger uses, and the unique architecture of the building has proven difficult to establish office uses. Therefore, staff recommends approval of the rezoning with the following conditions:

1. The TIA be completed and any mitigation needed be committed to by the applicants.
2. The design criteria notes (“flexibility notes”) are refined to keep the general arrangements of structures and features as shown on the submitted plan.
3. Tree save requirements are verified as conforming to the ordinance.
4. All remaining site plan comments from planning and transportation are addressed.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board meeting is scheduled for September 26, 2017.

PART 8: CONSISTENCY STATEMENT - R 17-06: Phoenix Montessori Academy

Planning Department	Planning Board	Board of Commissioners
<p>Approval: In considering the proposed rezoning of Petition R17-06, the Phoenix Montessori Academy on Mt. Holly Huntersville Road, the Planning Staff finds that the rezoning is consistent with Policy CD-2 and T-6 of the Town of Huntersville 2030 Community Plan. Planning staff recommends approving the conditional rezoning plan for the Phoenix Montessori Academy as shown in the R17-06 rezoning plan. It is reasonable and in the public interest to rezone this property because the unique nature of the property makes it difficult to develop CB uses, the CI district currently exists in other nearby areas, and the conditions added ensures compliance with the Huntersville Zoning Ordinance.</p>	<p>APPROVAL: In considering the proposed rezoning of Petition R17-06, the Phoenix Montessori Academy on Mt. Holly Huntersville 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 Phoenix Montessori School as shown in Petition R17-06. It is reasonable and in the public interest to rezone this property because...(explain)</p>	<p>APPROVAL: In considering the proposed rezoning of Petition R17-06, the Phoenix Montessori Academy on Mt. Holly Huntersville Road, the Town 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 Phoenix Montessori School as shown in Petition R17-06. It is reasonable and in the public interest to rezone this property because...(explain)</p>
<p>DENIAL: N/A</p>	<p>DENIAL: In considering the proposed rezoning of Petition R17-06 the Phoenix Montessori Academy on Mt Holly Huntersville 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 R17-06. It is not reasonable and not in the public interest to rezone this property because..... (Explain)</p>	<p>DENIAL: In considering the proposed rezoning of Petition R17-06 the Phoenix Montessori Academy on Mt Holly Huntersville 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 R17-06. It is not reasonable and not in the public interest to rezone this property because..... (Explain)</p>