




STAFF REPORT COVER SHEET

July 6, 2020

Addresses:	223-241 Mill Street NE	Case Number:	PF-48-19
Public Meeting Date:	7/6/2020	Applicant:	Jason Iannotti of Bruno Clay on behalf of Cap City Management
Board/Commission:	Town Council	Owners:	Mill Street Development One, LLC c/o Cap City Management
Existing Zoning:	CM Limited Industrial	Existing Land Use:	Industrial
Brief Summary of Request:	Request for a wall waiver. Request for modifications of requirements. Request for approval of a landscape plan.		
Site Improvements:	Demolition of existing building and development of self-storage facility.		
Size of Property:	54,705 square feet/1.26 acres		
	Written notice of wall waiver and modification of requirement requests by registered or certified mail of meeting to property owners of subject site and property owners abutting and immediately across from subject site.	9 certified postcards were sent on to adjacent, abutting and immediately across the street property owners and subject property owners notifying them of the Town Council meeting.	
		Sign posted in front site on June 26, 2020 as courtesy.	
Brief Analysis			
PROPERTY HISTORY The subject site consists of an existing 1-story, 22,400 square foot commercial/light industrial building and associated parking.			
COMPATIBILITY WITH THE COMPREHENSIVE PLAN The Comprehensive Plan Future Land Use Plan designates the subject site as an industrial land use.			
COMPATIBILITY WITH THE ZONING ORDINANCE The proposed self-storage building is allowed in the CM Limited Industrial Zoning District. Approval of modifications of requirements are required for loading space. Approval by Town Council is also needed for a waiver of a required masonry wall in the back of the site. Approval by Town Council is required for the landscape plan.			
Attachments:	Site Plan and Landscape Plan <input checked="" type="checkbox"/> Proposed Elevations <input checked="" type="checkbox"/> Modification and Waiver Request <input checked="" type="checkbox"/>		
Author: Michael D'Orazio, AICP, Deputy Director of Planning and Zoning			

Request for the waiver of a masonry wall required at the rear of the building, located at 223-241 Mill Street NE, in the CM Limited Industrial zoning district.

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Request for modification of requirement related to the size of the loading space, located at 223-241 Mill Street NE, in the CM Limited Industrial zoning district.

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Request for approval of a landscape plan associated with the proposed new self-storage building, located at 223-241 Mill Street NE, in the CM Limited Industrial zoning district.

Introductory Comments & Background:



Figure 1 - Aerial photograph of existing building and site

The subject site includes an existing one-story commercial/light industrial building. The building, formally known as the Bassford Warehouse, was built in 1964 and has served various light industrial and commercial tenants. Parking is located in the front of the building (which is partially located on the Town right-of-way), and on the sides and rear of the building. The site is surrounded by commercial and industrial buildings across and along Mill Street NE on its southern, eastern, and western boundary lines, and by single-family detached residential properties on its northern property line.

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The site is zoned CM Limited Commercial and includes two parcels, which will be consolidated into one parcel prior to construction. The one parcel, which is only 10 feet wide, is considerably smaller than the other parcel, which is 395 feet wide.

Topographically, the site slopes up from Mill Street NE towards the back of the site, with an elevation of 346 feet near the front of the property line and an elevation of 354 feet near the rear property line (a difference of eight feet).

In terms of landscaping and existing trees, the site is fairly sparse with either and is mostly covered with the building and asphalt paving.

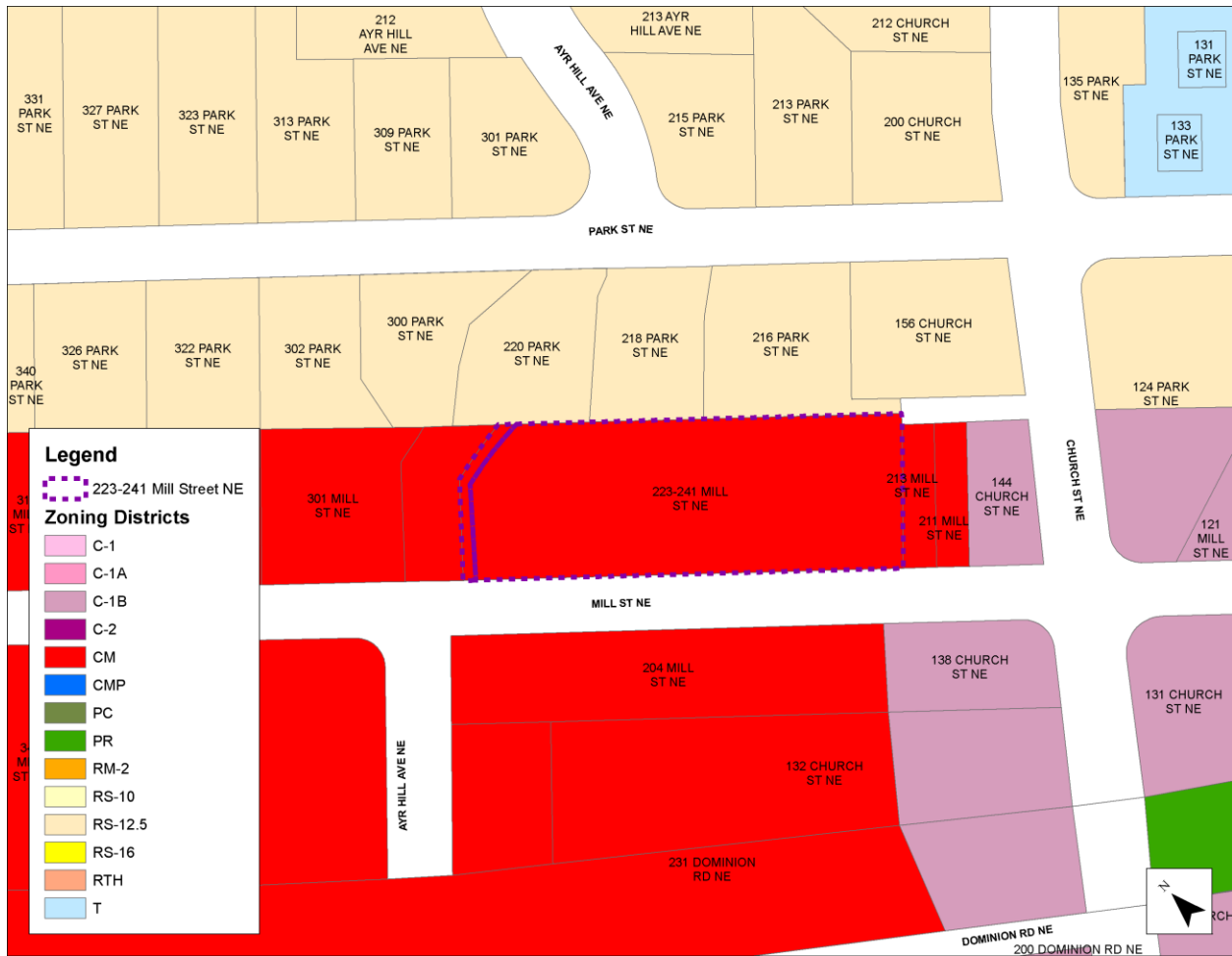


Figure 2 - Zoning map with location of subject site outlined in purple

Current Proposal:



Figure 3 - Rendering of proposed self-storage building

The applicant is proposing a four-story self-storage facility with 131,084 square feet of gross floor area, including a 1,168 square foot office area. The applicants anticipate 1,150 storage units, to be located on all four floors. There will be one employee working at the building during maximum shift. The self-storage facility will be operated by CubeSmart Self Storage.

In addition to the building, the applicant is proposing 17 standard parking spaces and two loading spaces. The majority of the spaces, including the ADA and loading spaces, will be located on the southeastern side of the site, near the office area. Although not counted towards required parking, 11 on-street parking spaces are also proposed in the right-of-way.

Landscaping is proposed in the front of the site and to the sides, mainly consisting of Willow oaks and London Planetrees, along with a mix of native pollinator grasses and shrubs. A native seed mix is proposed to the rear of the building.

Zoning Requirements

The proposed plan meets all CM Limited Industrial zoning requirements, with the exception of the loading space requirements and the masonry wall along the rear property line. Setback, height,

parking, and tree canopy coverage requirements are all met. A table below includes the area requirements and how they are met with this project.

Table 1 - Zoning Requirements		
	Required	Proposed
Setback from Mill Street NE	Minimum 15' from property line	16.5'
Setback from Interior Side Property Lines	No required side yard setbacks	12.26' / 64.74'
Setback from Rear Property Line	Minimum 10' from property line	10.11'
Tree Canopy Coverage	Minimum 10% for 20 year growth	10.05%
Building Height	Maximum 45' from average front grade	45'
Height above 45' for Roof Structure Screening (per Sec. 18-164)	-	5'
Parking Spaces	1 space per 3 employees on maximum shift (industrial building standard)	17
Loading Space Dimensions	89.31' x 25' (six 15' x 25' spaces)	30' x 25' (two 15' x 25' spaces)

Required Commission/Board approvals:

The Town Council, per Section 18-172 of the Town Code, is tasked with considering the request for a waiver of the required masonry wall along the property line abutting residential properties. The Planning Commission recommended approval of the wall waiver on an 8-0 vote.

The Town Council, per Section 18-256 and 18-257 of the Town Code, is tasked with considering the requests for modifications of requirements, related to loading space requirements. The Planning Commission recommended approval of the modification of requirement for loading spaces on an 8-0 vote.

The Town Council, per Section 18-120 of the Town Code, is tasked with considering the approval of the landscape plan. The Planning Commission recommend approval of the landscape plan on a 7-1 vote. The Board of Architectural Review recommended approval of landscape plan on a 5-0 vote.

Relevant Regulations:

Town Code

Sec. 18-172. - Wall required between certain zones.

A. All transitional parking lots and all parking lots in transitional zones shall be screened from all adjacent property in any residential zone, and all land zoned C-1, C-1A, C-2, RM-2, RTH or CM on which any industrial, commercial, townhouse or multifamily housing use is conducted

shall be screened from all adjacent property in any detached residential zones. Further, all land zoned C-1, C-1A, C-2 or CM on which any industrial or commercial use is conducted shall be likewise screened from all adjacent property in any RM-2 zone. Such screening shall be by a masonry wall constructed of brick or other ornamental masonry of equal acceptable aesthetic quality which does not require painting and shall be maintained at all times. Said wall shall be located on that land so used for that less restrictive but more intense and higher density use along the boundary line separating such land from that adjacent land used for the less dense, less intense residential use and said wall shall be erected to a minimum height of six feet above that grade of the residential side of the wall.

B. Where any land on which an ornamental masonry wall is required by this section abuts an alley, or where dedication of such alley is required from such land upon development thereof, the required six foot high masonry wall shall be constructed and maintained on the commercial land along the inside boundary line between such land and such alley when that land located directly on the opposite side of such alley and abutting thereon is zoned RS-16, RS-12.5, or RS-10. Where any land on which an ornamental masonry wall is required by this section abuts a public utility easement or right-of-way, or where dedication of such public utility easement or right-of-way is required from such land upon development thereof, the required six-foot-high ornamental masonry wall shall be constructed and maintained in said public utility easement or right-of-way along the inside boundary line between such utility easement or right-of-way and that land located directly on the opposite side of such public utility easement or right-of-way and abutting thereon which is zoned RS-16, RS-12.5 or RS-10. Provided, however, that the Town Council may waive or modify the requirement for any masonry wall or walls required by this section if in the judgment of the council such wall or walls would not protect the residential property against loss of privacy, trespass by persons or vehicles, or intrusion of noise or trash, attributable to activities conducted on any adjacent transitional parking lot, parking lot in a transitional zone or on adjacent land zoned C-1, C-1A, C-2 RM-2, RTH or CM; or in the judgment of the council, equivalent protection of such adjacent or nearby residential property against loss of privacy, trespass and intrusion of noise and trash can be achieved by evergreen planting, fencing or a combination of such planting and fencing; and provided further, that prior to the meeting at which such waiver of any masonry wall is to be considered, the planning commission and the council shall give written notice of same to the occupants of all property adjacent to and across the street from the property to which such waiver would apply.

C. All walls or evergreen screening required by this section shall be shown on all site plans required by article 25 of this chapter.

Sec. 18-256. - Modification of requirements.

Where an applicant for a building permit subject to the requirements of this article can demonstrate to the council that the most practical, efficient or aesthetic development of the site involved cannot be achieved within the requirements of this chapter, the council, after receiving the recommendation of the planning commission, or not less than 30 days after requesting such recommendation in writing, may modify such requirements upon a finding that the integrity of this chapter and the health, safety and morals of the Town will not be thereby impaired. Such modifications may apply to yard, lot area, lot coverage, parking, number of units, unit floor area, screening, frontage, and similar requirements, but this section shall not be construed to permit

any modifications of the uses permitted in any zone or of the maximum building height permitted for any building.

Sec. 18-257. - Procedure for requesting modification.

- A. Requests for modifications authorized under section 18-256 shall be submitted to the director of public works in writing and shall be accompanied by a written statement setting forth the reasons therefor. Each such request shall also be accompanied by a site plan, including thereon all of the information required by this article shown to indicate the development as modified or building as it is proposed for construction by the applicant. The granting or denial of any such modification shall be discretionary with the council and this article shall not be deemed to create any right to any such modification.
- B. Prior to the Town Council granting or denying any such modification, notification letters by certified mail to adjoining property owners and those abutting across a public street shall be sent not less than five days prior to council's consideration of the request for modification.
- C. Approval by the Town Council of any such modified site plan, shall constitute authority for the director of public works to issue the necessary building permits therefor, provided other applicable provisions of law have been complied with.

Sec. 18-120. - Area requirements.

The area requirements for the CM zone are the same as those specified for the C-2 zone.

Sec. 18-90. - Area requirements.

The following area requirements apply in the C-2 zone:

- F. At least 25 percent of the front yard shall be landscaped.
 - 1. Landscaping shall be in accordance with a plan approved by the Town Council after receiving reports and recommendations from the planning commission and the Board of Architectural Review. Landscape maintenance shall be subject to the provisions as set forth in section 18-173.14.
 - 2. An approved landscape plan may be revised with the approval of the Board of Architectural Review.

Staff Analysis:

Wall Waiver Request

Per Section 18-172 of the Town Code, applicants are required to build a masonry wall, at least 6 feet tall, along property lines of commercially or industrially zoned sites that abut residential zoning districts. In this case, the subject site, zoned CM Limited Industrial, abuts residential properties in the rear. Section 18-172 allows applicants to request a waiver of the requirement from the Town Council. Section 18-172 states the following:

“Provided, however, that the Town Council may waive or modify the requirement for any masonry wall or walls required by this section if in the judgment of the council such wall or walls would not protect the residential property against loss of privacy, trespass by persons or vehicles, or intrusion of noise or trash, attributable to activities conducted on any adjacent transitional parking lot, parking lot in a transitional zone or on adjacent land zoned C-1, C-1A, C-2 RM-2, RTH or CM;”

The applicant has requested the waiver due to concerns about mature trees located on the neighboring residential properties. The applicant, in the request (reference applicant waiver and modification request letter), states the following:

“A masonry screen wall is required by the Zoning Ordinance along rear property line of the application. The construction of the wall as codified requires the installation of a frost footer which may damage the root structure of the adjacent, offsite mature trees and vegetation. It is our intent to ensure this existing vegetation remains in excellent condition.”

There are also concerns about planting trees in the space between the building and the property line due to the limited amount of space and potential harm to the existing trees located nearby.

Modifications of Requirements

The applicant is requesting a modification of requirement for the required loading space. Modifications may be granted when “the most practical, efficient or aesthetic development of the site involved cannot be achieved within the requirements of this chapter.”

Loading Space

Per Section 18-132, loading spaces are required for industrial buildings. It states the following:

“Every hospital, institution, commercial or industrial building hereafter erected shall provide indoor or outdoor space for the loading and unloading of goods and materials. Such space shall be at least 25 feet in depth; such space, if located within a building, shall be at least 15 feet in height; such space also shall have a width of at least 15 feet for every 50 feet or fraction thereof of building width.”

The applicant is proposing two loading spaces, with a total width of 30 feet and a depth of 25 feet. Per Code, they are required to provide the number of loading spaces based on the width of the building. The proposed building is 297.7 feet wide. Based on the width, they are required to provide loading areas that equate to 89.31 feet width with a depth of 25 feet, essentially six 15 feet by 25 feet loading spaces.

The applicant has stated the following in their request for the modification:

“The existing condition of the application boasts no existing loading spaces. As the primary function of the building will serve as self storage it is anticipated that the large vehicle traffic will consist of smaller box trucks in lieu of large delivery vehicles at the site.”

Landscape Plan

Per Section 18-120, and by reference Section 18-90, Town Council must approve landscape plans for new developments in the CM zoning district, after receiving a recommendation from the Planning Commission and Board of Zoning Appeals. Both the Planning Commission and Board of Architectural Review recommended approval of the landscape plan. The Board of Architectural Review also voted to approve the proposed building design.

The applicant is proposing landscaping in the front of the building, to the sides, and in the rear. The landscaping proposed meets the code requirement that at least 25% of the front yard be landscaped (46% of the front yard is proposed to be landscaped) and the tree canopy coverage requirement of 10% of the entire site (10.05% tree canopy coverage is proposed). Landscaping primarily consists of Red maples, London planetrees, and Willow Oaks, along with native pollinator shrubs and grasses.