



**DATE:** February 19, 2019

**SUBJECT:** Special Use Permit  
Revision to self-service storage facility/mini-warehouse in a General Commercial (C-2) zoning district

**CASE:** SUP-04-18 REVISED

**APPLICANT:** Tim Niewald, Settlers Landing Development, LLC

**LOCATION:** 260 Robins Way SW  
PIN 5509-43-2579 (part of)

**AREA:** 2.07 +/- Acres

**EXISTING LAND USE:** Vacant land

**EXISTING ZONING:** C-2 (General Commercial)

**REPORT PREPARED BY:** Pam Parker, CZO  
Senior Planner

**BACKGROUND**

This item is a request to modify the previously approved building elevations for an approved self-service storage facility. The subject property was part of a large, City-initiated annexation effective in December, 1995. This property was initially zoned B-3 General Commercial upon annexation. With the adoption of the Unified Development Ordinance (now known as the CDO) and their corresponding new districts in 2000, the areas zoned B-3 became C-2 zoning. The property is part of an 85 +/- acre tract that was granted preliminary plat approval in January 2008 for a mixed use development consisting of apartments, townhomes and commercial outparcels. The Planning & Zoning Commission approved a Special Use Permit on May 15, 2018 to allow an indoor self-service storage facility at 260 Robin Way SW. Two buildings were proposed for the site, a 3-story indoor self-storage facility and a 2-story office building. The self-service storage facility and the adjacent 2-story office building elevations met the non-residential design standards outlined in Section 7.10 of the CDO. The property has since been subdivided into two parcels.

The 3-story self-service storage facility is currently under development and the applicant is requesting to eliminate the rear parapet. The applicant submits the following reasons as outlined in Exhibit A:

- The type of construction (integrated sloping metal roof, no means to attach parapet at rear of the building; integrated gutter & downspout system).
- Subject building backs up to the Food Lion Shopping Center and therefore there is not direct site-line to the roof of the building.

- There is no HVAC/mechanical equipment located on the roof; therefore no need to screen anything
- Other buildings in the immediate area (Food Lion; Work-Out Anytime) also do not have rear parapets.

The ordinance states the following as it relates to roof pitch and parapet walls:

Section 7.10 G. Roof Pitch – Flat roofs and roofs with a pitch of less than 3:12 require a parapet wall. Eaves a minimum of one (1) foot from the building face shall profile a pitched roof. Roofing for pitched roofs greater than 6:12 shall be wood, tile, slate, architectural asphalt shingles, or low-reflectivity metal (flat or matte finish). Applied mansard roofs shall not be permitted.

Section 7.10 H. Parapet Walls – Average parapet height shall not exceed 15 percent of the support wall height. Maximum parapet height shall not exceed 33 percent of the supporting wall height.

The roof pitch on the indoor self-storage facility is .25/12, which is less than 3:12. The applicant has submitted photos (Exhibit C) of the self-storage facility under construction and the visibility from different locations.

#### **PROPOSED FINDINGS OF FACT**

1. The applicant is Tim Niewald, Settlers Landing Development, LLC and the subject property is located at 260 Robins Way SW.
2. The property is owned by Settlers Landing Development, LLC.
3. The subject property is zoned C-2 (General Commercial).
4. The property consists of 2.07 acres of land currently being developed.
5. The adopted Land Use Plan designates the property as Mixed-Use Activity Center.
6. In January 2008, the Commission approved a preliminary plat for a mixed use development consisting of apartments, townhomes and commercial outparcels on an 85 +/- acre tract. This is the first commercial outparcel to be developed.
7. The Commission approved a Special Use Permit request May 15, 2018 to construct a 3-story indoor self-storage facility. The request included a site plan and supplemental building elevations for the 3-story indoor self-storage facility and a 2-story office building as indicated in Exhibit B.
8. The applicant submitted an application to modify the previously approved Special Use Permit to modify the rear building elevations for the 3-story indoor self-storage facility. (Exhibit B)
9. The ordinance states that flat roofs and roofs with a pitch of less than 3:12 require a parapet wall.
10. The applicant submitted photos of the self-storage facility under construction. (Exhibit C)

#### **APPROVAL CRITERIA (Potential Conclusions of Law)**

In accordance with CDO Article 6.2, the Commission shall permit only those uses that are part of the Special Use Permit. The following criteria shall be issued by the Commission as the basis for review and approval of the project:

- 1) **The proposed Special Use conforms to the character of the neighborhood, considering the location, type, and height of buildings or structures and the type and extent of landscaping and screening on the site.**

The previously approved self-storage facility building elevations are consistent with the non-residential design standards and the existing non-residential surrounding development. The adjacent Waterville Commons Shopping Center that includes the Food Lion and Work-Out Anytime was approved and being developed prior to the adoption of the current CDO and do not have rear parapets.

**2) Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.**

The subject property has access to Robins Way SW, which is a city-maintained roadway. No modifications are being proposed to ingress or egress to the site.

**3) The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.**

The proposed use will function similarly, or less intense than other uses located on the adjacent properties. The nature of the property, being indoor storage, lends itself to less vibration, noise, odor, dust, smoke or gas than traditional commercial or industrial properties. No modifications are being proposed that would create a noxious or offensive vibration, noise, odor dust smoke or gas.

**4) The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.**

Development of the approved use of indoor self-storage does not impede development of surrounding properties as most are already either commercially zoned or designated as mixed use. However, approval of the request to eliminate the rear parapet on the indoor self-storage facility contradicts the CDO as it relates to flat roofs requiring a parapet wall.

**5) The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.**

The approved use of an indoor self-storage facility is not detrimental to or endanger public health safety or general welfare. The request to eliminate the rear parapet on the indoor self-storage facility has no impact on the public health, safety, or general welfare of the community.

**6) Compliance with any other applicable Sections of this Ordinance.**

Based upon the previously approved elevations for the self-storage facility, the project complies with CDO requirements with respect to zoning. Removal of the rear parapet wall contradicts CDO Section 7.10.G as it relates to roof pitch.

**RECOMMENDATION AND SUGGESTED CONDITIONS**

If the Commission votes to approve the special use permit, staff recommends the Commission consider adopting of the following conditions:

- 1) Development shall be in accordance with the "Settlers Landing Offices Building 2" site plan dated 4-06-18, and the "Settlers Landing Self Storage Bldg #2" architectural elevations dated March 15, 2018.
- 2) As previously approved, all proposed activities related to the self-service storage operation shall occur indoors. Any modification to make the use more visible from the exterior, to expand the use by incorporating outdoor storage or rental of storage transport vehicles, or incorporate fencing and site-gates, shall require modification to the Special Use Permit.



Date 01.04.19

APPLICANT NAME: Tim J, Niewald COMPANY NAME: Settlers Landing Dev, LLC

APPLICANT ADDRESS: 215 Milford Circle

CITY: Mooresville STATE NC ZIP 28117

PHONE NUMBER OF APPLICANT: (910) 639-5457

OWNER OF PROPERTY (if different from applicant) Settlers Landing Development, LLC

OWNER ADDRESS: 215 Milford Circle CITY Mooresville STATE NC ZIP 28117

PROJECT ADDRESS (if an address exist): 260 Robins Way, Concord NC 28078

P.I.N.: 5509-43-2579

Area of Subject Property (in acres, or square feet): 3.5 Acres

Lot Width: \_\_\_\_\_ Lot Depth: \_\_\_\_\_

Current Zoning Classification: C-2-CU (Concord)

Existing Land Use: \_\_\_\_\_

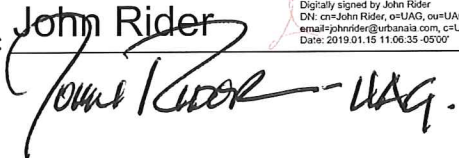
Description of Use Requested:

Previously Approved; This application is for revision to delete parapet at rear of the building.

**Certification**

I hereby acknowledge and say that the information contained herein and herewith is true, and this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the Development Services Department.

Date: 01.04.19

Applicant Signature: John Rider  


Digitally signed by John Rider  
DN: cn=John Rider, o=UAG, ou=UAG,  
email=johnrider@urbanala.com, c=US  
Date: 2019.01.15 11:06:35 -0500



**General Requirements**

The Concord Development Ordinance (CDO) imposes the following general requirements. Under each requirement, the applicant should explain, with reference to the attached plans (when applicable) how the proposed use satisfies these requirements.

- (a) The Planning and Zoning Commission must find that “the establishment, maintenance, or operation of the proposed use shall not be detrimental to, or endanger, the public health, safety or general welfare.”

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- (b) The Planning and Zoning Commission must find that the proposed use “conforms to the character of the neighborhood, considering the location, type, and height of buildings or structures, and the type and extent of landscaping and screening on the site.”

\*Please see attached summation of reasons for deleting rear parapet.

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- (c) The Planning and Zoning Commission must find that the proposed use “provides ingress and egress so designed as to minimize traffic hazards and to minimize congestion on the public roads.”

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- (d) The Planning and Zoning Commission must find that the proposed use “shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.”

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- (e) The Planning and Zoning Commission must find that “the establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.”

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**Specific Requirements**

The Concord Development Ordinance also imposes SPECIFIC REQUIREMENTS on the proposed use(s) requested by the applicant. The applicant should be prepared to demonstrate that, if the land is used in a manner consistent with the plans, specifications, and other information presented to the Planning and Zoning Commission, the proposed use(s) will comply with specific requirements concerning the following:

- (1) Nature of use(s) (type, number of units, and/or area):

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- (2) Accessory uses (if any):

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- (3) Setback provisions:

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- (4) Height provisions:

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(5) Off-street parking and loading provisions:

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(6) Sign provisions:

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(7) Provisions for screening, landscaping and buffering:

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(8) Provisions for vehicular circulation and access to streets:

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(9) Adequate and safe design for grades, paved curbs and gutters, drainage systems, and treatment or turf to handle storm water, prevent erosion, and subdue dust:

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(10) Adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading spaces, facilities for waste disposal, and illumination:

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(11) An adequate amount, and safe location of, play areas for children and other recreational uses, according to the concentration of residential occupancy:

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(12) Fences, walls, or year-round screen planting abutting residential districts, to protect residences from parking lot illumination, headlights, fumes, heat, blowing papers, and dust (to reduce the visual encroachment on privacy and residents):

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(13) Open space (including flood hazard area):

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(14) Improvements within the common open space:

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(15) Parking Areas:

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(16) Sidewalks, trails and bikeways:

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(17) Lighting and utilities:

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(18) Site furnishings:

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(19) Adequate fire, police, water and sewer services:

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Application for  
Special Use Permit

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(20) Other requirements as may be requested by the applicant or specified by the City Council for protection of the public health, safety, welfare and convenience:

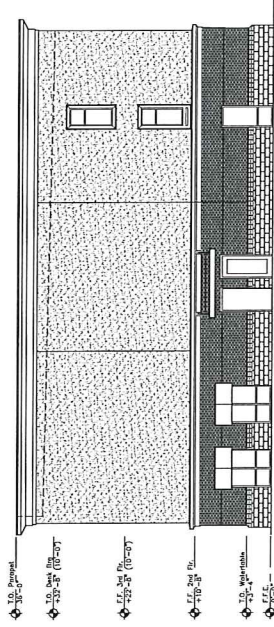
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ARCHITECTURAL GROUP  
 1000 W. ...  
 704.643.8800  
 www.urbandesign.com

Specs:



02 RIGHT SIDE ELEVATION  
 1/8" = 1'-0"

**SETTLERS LANDING  
 SELF STORAGE  
 (BLDG #2)**  
 New Construction

260 Robins Way  
 Concord, NC 28078

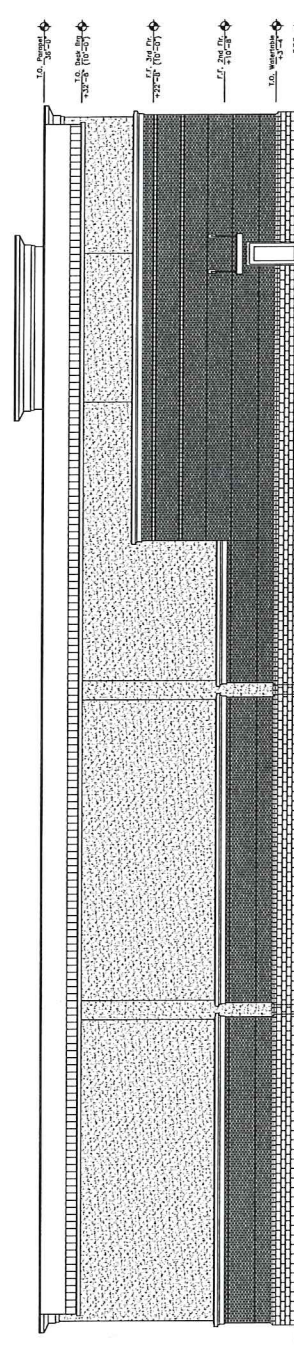
Settlers Landing Development, LLC  
 Vice President/Managing Partner  
 Timothy J. Niewald  
 General Contractor #70271  
 Red Estate Broker #110122  
 710-635-9457  
 tniewald@redmail.com

Date: March 15, 2018  
 Project Number: 2017-23  
 Issued For: Construction Only  
 Construction Only: 03.15.18

ELEVATIONS

**A2.2**

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01 REAR ELEVATION  
 1/8" = 1'-0"



## Exhibit A

Settler's Landing Self Storage  
260 Robbins Way  
Concord, NC 28078  
PRCP 2017-02069

### Special Use Permit

The Developer would like to propose an amendment to the previous SUP for the above referenced project. We would like to delete the building's rear parapet based on the following:

- Type of Construction (integrated sloping metal roof, no means to attach parapet at rear of building; integrated gutter & downspout system)
- Subject building backs up to the Food Lion Shopping Center and therefore there are no direct site-line to the roof of our building.
- There is no HVAC/ mechanical equipment located on roof; therefore no need to screen anything.
- Other buildings in the immediate area (Food Lion; Work-Out Anytime) also do not have rear parapets.





View near Concord Parkway S & Robins Way SW



Side view under construction from Robins Way SW



View from Pitts School Road SW



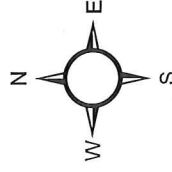
# Aerial Map

SUP-04-18  
(REVISED 2019)

Tim Niewald,  
Settler's Landing  
Development LLC.

Request to remove  
a parapet wall

260 Robbin's Way.  
(PIN 5509-43-2579)



Source: City of Concord  
Planning Department

### Disclaimer

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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



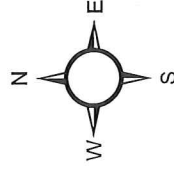
# Land Use Plan Map

SUP-04-18  
(REVISED 2019)

Tim Niewald,  
Settler's Landing  
Development LLC.

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a parapet wall

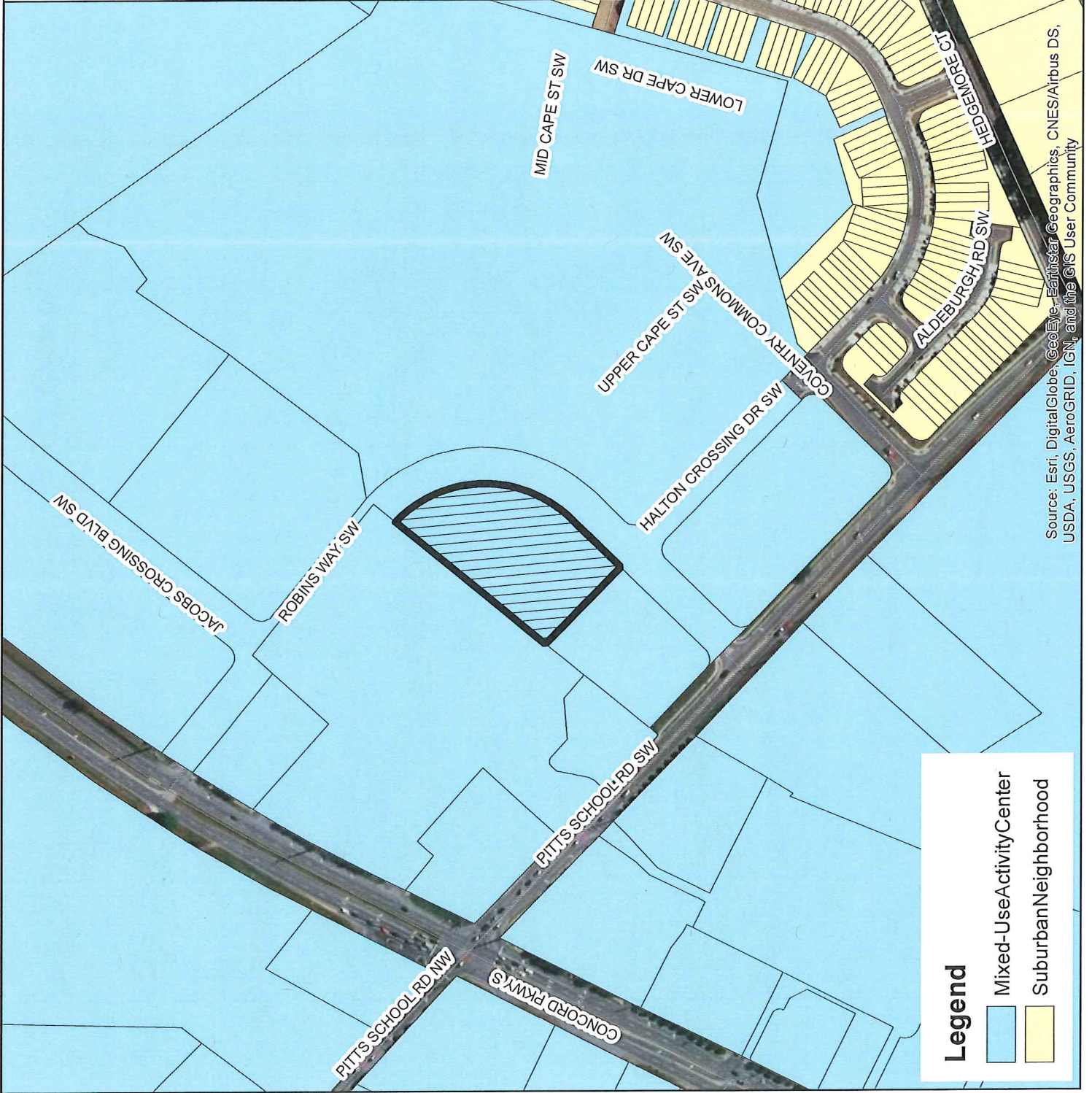
260 Robbin's Way.  
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Source: City of Concord  
Planning Department

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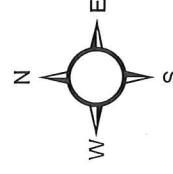
# Zoning Map

SUP-04-18  
(REVISED 2019)

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Source: City of Concord  
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