



PO Box 2430
 Indian Trail, NC 28079
 Telephone (704) 821-5401
 Fax (704) 821-9045
 PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

Special Use Permit Staff Report

Case: SUP 2013-002 Special Use Permit			
Reference Name	My Guy Towing		
	Proposed Use	Towing Business	
Existing Site Characteristics	Existing Zoning	LI (Light Industrial)	
	Existing Use	Multi-tenant building, currently being used for the towing business.	
	Site Acreage	0.0459 acres and a 2,000 SF building	
Applicant	Robert Batchelor		
Submittal Date	May 24, 2013		
Location	3840-1 Matthews-Indian Trail Road		
Tax Map Number(s)	07-105-023A01 & A02		
Plan Consistency	Town of Indian Trail Land Use Map	Designation	Downtown Indian Trail
		Consistent with Request	Yes

Project Summary

The applicant is requesting to operate a towing business at 3840-1 Matthews-Indian Trail Road. The site is currently subject to an active code violation case (#C805924) for establishing a vehicle storage and towing use without having obtained the required Special Use Permit (SUP). The Town is allowing the applicant to continue operations while the SUP application is being processed. Currently the applicant is using the 2,000 SF building for the administrative space necessary for operating the business and has installed a 40' by 40' fenced area to secure vehicles that have been towed to the facility.

Analysis

Proposed Land Use

The Unified Development Ordinance (UDO) allows for vehicle storage and towing uses in the LI district with a SUP. The LI district was established to accommodate light manufacturing, processing and assembly uses, warehousing, distribution and servicing enterprises.

Site

Existing Conditions/Location: The subject property is currently being used for the above noted towing business. Other uses in the same multi-tenant building include an off-road design and fabrication business and Budget Blinds of Charlotte. The property was designed as a multitenant type development, meaning that the overall site has a common open space for the use by all tenants/owners. Each portion of the building is subdivided and owned by multiple owners, which is

similar to a residential townhome or condominium community. Since the fenced storage area is located on the common open space area of the development the property owner has signed the application stating that they will accept having the fenced area on their property.

Site Photos

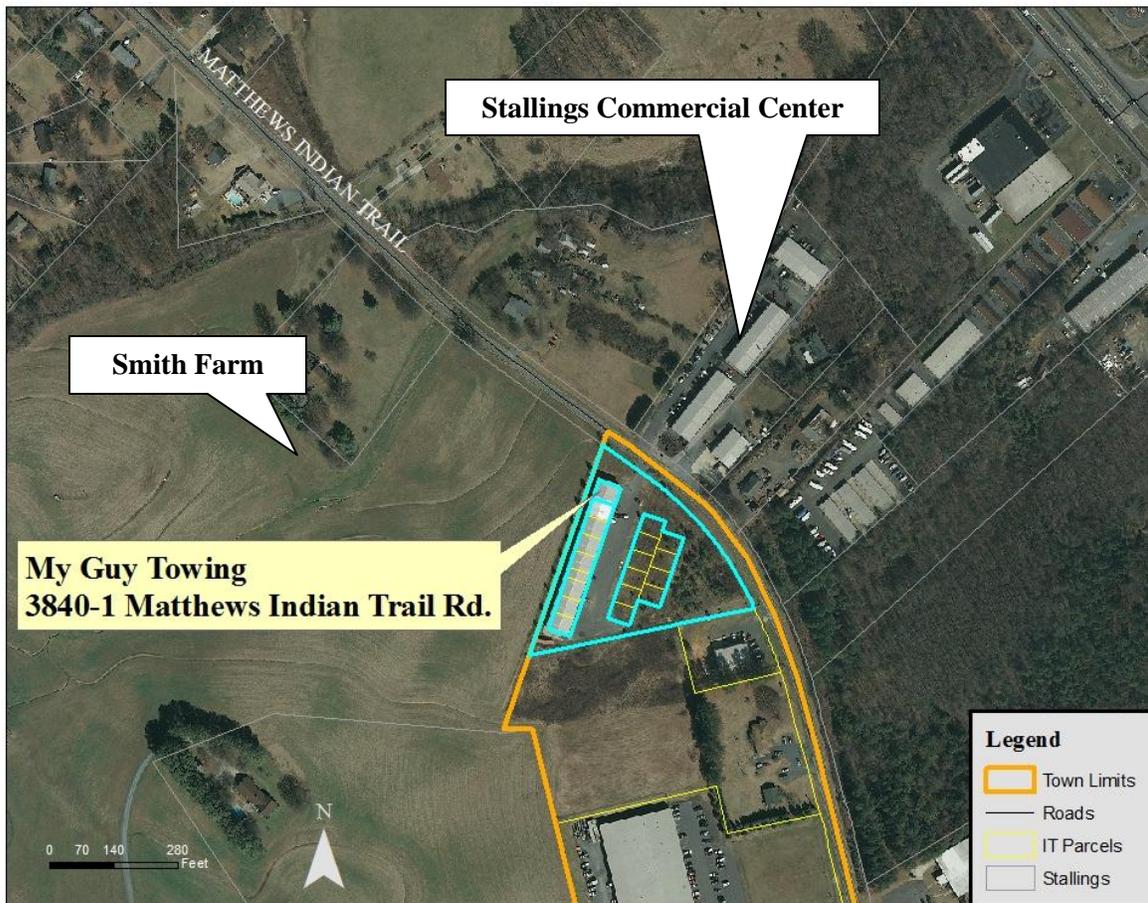


Photo 1: Street view



Photo 2: Front of business

Vicinity Map



Map is for Board of Adjustment case SUP2013-002
June 4, 2013

The site is located within the Downtown Indian Trail Village and is surrounded by similar commercial/industrial type uses as further described below:

Area	Existing Use
South	Agricultural Land (Farmland) Stallings
West	Agricultural Land (Farmland) Stallings
North	Stallings Commercial Center (includes automotive uses) Stallings
East	Single Tenant Building with Storage Yard

The property to the south and west of the subject property is zoned under the Town of Stallings UDO as R-20; the current use of the property is as a corn field associated with an adjacent farming operation. The property across Mathews-Indian Trail Road is also located in the Town of Stallings. The uses include a multi-tenant building with similar automotive uses. An HVAC repair business and an auto sales business are located in the adjacent lots. To the east there is a single-tenant building that has an outdoor storage area used for heavy machinery.

Site Layout/Improvements: The applicant has installed a six (6) foot tall chain link fence adjacent to the building for the temporary storage of vehicles. The area is roughly forty (40') feet by forty (40') feet with a double swing gate at the entrance. Five to six vehicles can be stored, double stacked in the fenced area.

The UDO requires landscape/screening improvements be made along the existing fence. Since the current chain link fence has already been installed staff would suggest the installation of an opaque fence and an appropriate amount of landscaping to mitigate the impact of the stored vehicles. The applicant has stated that he intends to install a white privacy fence, similar to what you would purchase from a home improvement store, around the exterior of the chain link fence. This should include landscaping such as small ornamental trees, evergreen/deciduous shrubs and ground cover in clusters to reduce the visibility of the storage area.

Appraisal Report

The applicant has submitted an appraisal report for the proposed use prepared on May 21, 2013 by Morrison Appraisal. The report asserts that the proposed use is not deemed to substantially injure the value of abutting or adjoining properties.

Plan Consistency

The Board must consider whether the proposed use is consistent with *Goal 1.3.2 Land Use* of the Comprehensive Plan:

“A mix of different types of land uses and the avoidance of potential land use conflicts between neighboring properties and surrounding municipalities.”

If conditioned properly, staff is of the opinion that the use of this property as a towing business is in harmony with the Comprehensive Plan for this area, which lies within the Downtown designation. Even though the property is a part of the downtown area, it is surrounded by other light industrial and agricultural uses. The properties located in the Town of Stallings that are adjacent and surrounding this property are also consistent with the light industrial classification. There are other surrounding automotive related uses including; auto inspection sites and car sales. Other uses in the area include; steel fabrication and outdoor storage.

Screening of the outdoor vehicle storage has been incorporated into the proposal helping minimize any potential land use impacts.

The Board must consider whether the proposed use is consistent with section 4.2.5 *Downtown Indian Trail, Location Criteria 7*:

“Light industrial uses are to be located in the northwest area of the village north of the future Chestnut Connector developing in a linear form adjacent to the existing thoroughfares.”

This use is consistent with location criteria 7, the use is located in an existing building that is north of the Chestnut Connector, which a portion of is currently under construction along Matthews-Indian Trail Road.

Required Findings

Pursuant to **UDO Chapter 360.080**, the Board of Adjustment, when considering whether to approve an application for a special use permit, review and evaluate the following:

1. Whether the application is complete.

Staff is of the opinion that the application for SUP2013-002 is complete.

2. The Board will consider whether the application complies with all of the applicable requirements of this ordinance.

As per the stated conditions of this special use permit, staff is of the opinion that SUP2013-002 is in compliance with the requirements set forth by the Unified Development Ordinance and meets the intent of the provisions for the establishment of Vehicle Storage and Towing business per the Unified Development Ordinance.

3. If the Board of Adjustment concludes that all such requirements are met, it will issue the permit unless it adopts a motion to deny the application for one or more of the reasons set forth in UDO Chapter 360.030. Such a motion will propose specific findings, based upon the evidence submitted, justifying such a conclusion.

Pursuant to UDO Chapter 360.030, the Board of Adjustment must make the required considerations of public health, safety and welfare. The Board of Adjustment’s authority in the review of this Special Use Permit application is broad and the Board may deny or approve with conditions if it concludes, based upon the information submitted at the hearing, that the proposed development will:

- 4. Not materially endanger the public health or safety; and**
- 5. Not substantially injure the value of adjoining or abutting property; and**
- 6. Be in harmony with the area in which it is to be located; and**
- 7. Be in general conformity with the Town of Indian Trail Comprehensive Plan and other adopted plans.**

Recommendation

If the Board is of the opinion that the above required findings can be made to approve the project, staff recommends the site be subject to the following conditions:

1. No towed vehicles can be stored outside of the fence area; and
2. Additional decorative fencing material and clustered landscaping should be installed to screen the storage area. No shrubs or trees should be planted along the rear of the fence due to existing underground utilities servicing the site, however; the screening fence shall encompass the entire enclosure area, while the landscaping should be installed on the street side of storage area. Additionally, one evergreen ornamental shrub (ex. small arborvitae) should be planted on each side of the front fence, and
3. Any future expansions of the storage area will need to be located behind the front plane of the existing building and meet the UDO's screening requirements; and
4. The business shall comply with all applicable Federal, State, and County regulations; and
5. A Town of Indian Trail Privilege License will be obtained; and
6. The parking of tow trucks will need to be outside of the ten (10) foot landscape buffer area and not located in the 35'x 35' or 10'x 70' sight triangles.

Staff Contact

Kevin Icard
Associate Planner

Attachment 1 – Application

Attachment 2 – Appraisal Report