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 PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

Special Use Permit Staff Report

Case: SUP 2013-003 Special Use Permit			
Reference Name	Howliday Inn Animal Kennel		
	Proposed Use	Animal Boarding Kennel	
Existing Site Characteristics	Existing Zoning	LI (Light Industrial)/Village Center Overlay	
	Existing Use	Warehouse/Storage	
	Site Acreage	5.51 (0.7 Acre Subject Property)	
Applicant	Kimberly Deal		
Submittal Date	June 4, 2013		
Location	4209 Nagel Drive		
Tax Map Number	07-114-038K		
Plan Consistency	Town of Indian Trail Land Use Map	Designation	Old Monroe Suburban Mix Land Use Village
		Consistent with Request	Yes

Project Summary

The applicant proposes to operate an animal boarding kennel within an existing warehouse building at 4209 Nagel Drive. The property is zoned Light Industrial (LI). The use requires a Special Use Permit (SUP) within the LI district. The business would include approximately 25 indoor kennels and a fenced outdoor exercise/play area. Future expansion plans contemplate an additional 20 kennels.

Analysis

Proposed Land Use

As mentioned above, the proposed use would be for an indoor animal kennel/boarding facility (primarily dogs). The facility would be staffed by at least two people during the daytime business hours. Dogs would be let outside to play/exercise periodically during the day, but sleeping quarters will remain inside the building. Potential future expansion plans contemplate an additional 20 kennels that would also be within the existing structure.

The underlying zoning for the subject property is LI, which allows for animal kennels by SUP. However, the parcel is also located within a Village Center Overlay (VC-O), which does not allow for many of the use types that are allowed in the LI district, including animal kennels. The building

is currently being used for storage, which is allowed in the underlying LI district but not within a VC-O. Therefore, the proposed use of the property for an animal kennel would be a substitution of one nonconforming use for another, as outlined in Unified Development Ordinance (UDO) Section 1420.010 *Change of Use* and described below.

Use Substitution:

Pursuant to UDO Chapter 1420.010, the Board of Adjustment is authorized to approve a use substitution allowing one nonconforming use to be changed to another nonconforming use through the SUP process. In order to approve a use substitution, the Board of Adjustment must determine that the substituted use will have fewer adverse impacts on the surrounding area than the previous use. In making such a determination, the Board of Adjustment must consider all of the following factors:

- a. Hours of operation,
- b. Vehicular traffic,
- c. The number of employees, customers and guests expected to be attracted to the use; and
- d. Other factors (e.g. light, noise, pedestrian traffic) likely to affect the neighborhood in which it is located.

In reviewing the above factors, the Board should consider that the proposed animal kennel use is anticipated to operate during business hours of 6:00 a.m. to 7:00 p.m. The animal kennel use is anticipated to generate relatively minor traffic throughout the day with slight peaks during the morning drop off or evening pick up hours. The business will have approximately three staff on site at any given time and it is not anticipated to have regular customer traffic throughout the day. Other factors such as noise from the proposed use will be minimized as a result of the site location within an industrial sector, and the proposed conditions of approval that manage outdoor activities.

Site

Existing Conditions/Location: The 5.5 acre site was developed in 1985 with a building that has been largely utilized for vehicle repair activities and most recently for storage/warehousing. The applicant would only be using approximately 0.7 acres for the animal kennel business. The remainder of the property is undeveloped with the exception of a wireless communication tower. The vicinity map and photographs below will provide a location overview.

Site Photos



Front of building



Rear of building (fenced area)

Vicinity Map



With the exception of two large lot residential neighborhoods to the north and west, the primary uses surrounding the subject property are light industrial or service in nature, as described in the table below. The nearest residential home is approximately 460 feet away from the subject property.

Area	Existing Use
North	Vacant lot zoned General Business District (GBD)
South	Ready Mix Cement Plant
East	Automotive repair (Hartis Automotive)
West	Residential (Woodland & Indian Brook Communities)

Layout/Improvements:

The applicant is proposing to make improvements to the premises as follows:

- Repaint building exterior; and
- Replace the existing chain link fence at the driveway entrance and on either side of the building with a white privacy fence; and
- Upfit the building's interior for the new use; and
- Stripe 10 parking spaces in accord with the UDO; and
- Place potted plants in front of building; and
- Remove vegetative overgrowth along the fence and general clean-up/maintenance of the property.

The UDO requires 5 spaces per 1,000 square feet of gross floor area for animal kennels, with an allowance for a 25% reduction within a VC-O. The minimum number of required off-street parking spaces is 10. As reflected in the enclosed concept plan, the existing paved parking/circulation area is currently not striped and pavement markings will need to be installed as part of the SUP approval. There is sufficient paved space to meet UDO parking requirements.

Appraisal Report

To satisfy the SUP application submittal requirements, an Impact Study was performed on May 22, 2013 by Morrison Appraisal, Inc. The report concludes that the use of the property for a dog kennel is not deemed to injure the value of adjoining or abutting 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 for an animal kennel is in harmony with the Comprehensive Plan because it will be a less intensive use than the surrounding industrial and service uses. The proposed conditions of approval will also help minimize any impacts to surrounding property owners by managing the outdoor animal activities. The animal kennel use will provide convenient access to pet-boarding services for residents and business owners within the Old Monroe Village Center and to surrounding neighborhoods.

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 SUP2013-003 is complete.

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

If conditioned properly, staff is of the opinion that the application for SUP2013-003 complies with applicable requirements of the ordinance and meets the UDO Use Substitution provisions.

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 SUP 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:

- 1. Not materially endanger the public health or safety; and**
- 2. Not substantially injure the value of adjoining or abutting property; and**
- 3. Be in harmony with the area in which it is to be located; and**
- 4. 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. All animal boarding/sleeping facilities shall be within the enclosed building; and
2. Open use of the outdoor area by boarded animals shall be limited to daytime hours only; and
3. Outdoor activities are generally limited to the fence enclosure area. Any future interior expansions of the use shall require a Town zoning permit; and
4. The parking lot in front of the building shall be striped with a minimum of ten (10) parking stalls within the paved area including one ADA compliant space; and
5. Bicycle parking meeting UDO requirements shall also be provided; and
6. The dumpster shall be screened meeting UDO requirements; and
7. The overgrowth of weeds and vines along the existing fence shall be removed; and
8. Comply with relevant Federal, State, and/or County animal welfare/safety regulations; and
9. Obtain a Town Privilege License.

Staff Contact

Keith Sorensen
Planning Technician

Attachment 1 – Application/Concept Plan

Attachment 2 – Impact Study

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Attachment 2 – Impact Study