P.O. Box 2430
Indian Trail, North Carolina 28079
Telephone (704) 821-5401
PLANNING AND NEIGHBORHOOD SERVICES

Special Use Permit Staff Report

Case: SUP 2010-002			
Reference Name	Construction Storage Yard		
Request	**Proposed Use**	Outdoor Materials Storage	
Existing Site Characteristics	**Existing Zoning**	Light Industrial (LI)	
	Existing Use	Non-Conforming Materials Yard	
	Site Acreage	5.38 acres	
Applicant	David Privette		
Submittal Date	4/1/10		
Location	2880 Gray Fox Rd.		
Tax Map Number	07048017R		
Plan Consistency	Town of Indian Trail Land Use Map	**Designation**	74 Business
		Consistent with Request	Yes

Project Summary

Request: This is a request to establish an outdoor construction materials storage yard at 2880 Gray Fox Rd.

Areas of Analysis:

1. **Subject Property:** The subject property is located within an Industrial Park. The zoning on the subject parcel is Light Industrial (LI). The proposed operations would involve an outdoor construction storage yard with an office/warehouse. The conditions proposed for this use would limit the potential impacts of noise, dust and sediment runoff.

2. **The Comprehensive Plan**: The subject property is located within the 74 Business Corridor. The proposed business is consistent with the Plan due to the site's proximity to Highway 74 and the nature of the business.

3. **Compliance:** Staff is of the opinion that the application is complete and complies with the Unified Development Ordinance (UDO) and goals of the Comprehensive Plan.

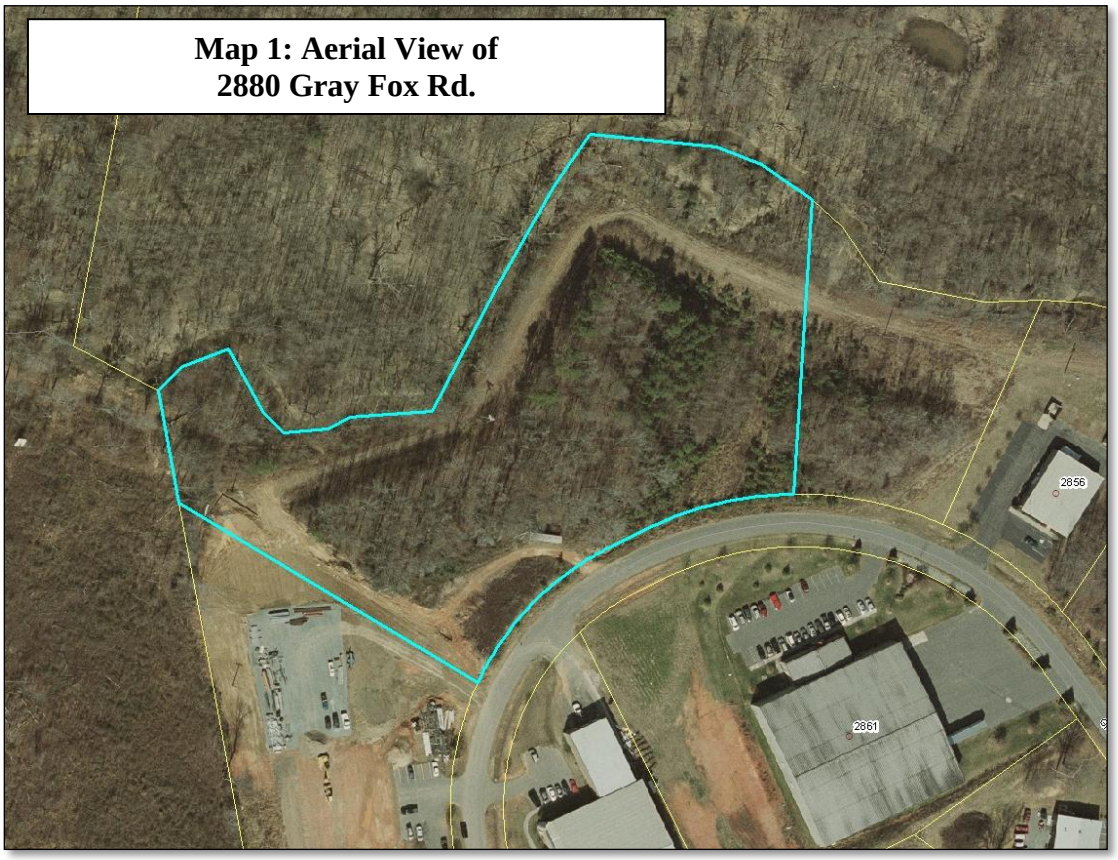
Background

The applicant has submitted a Special Use Permit (SUP) application complete with a Letter of Intent and real estate appraisal for a request to operate an outdoor materials storage yard within the Industrial Ventures Industrial Park. The 5.38 acre parcel is located at 2880 Gray Fox Rd. The proposed storage yard would operate as follows, based on information provided by the applicant and the Letter of Intent:

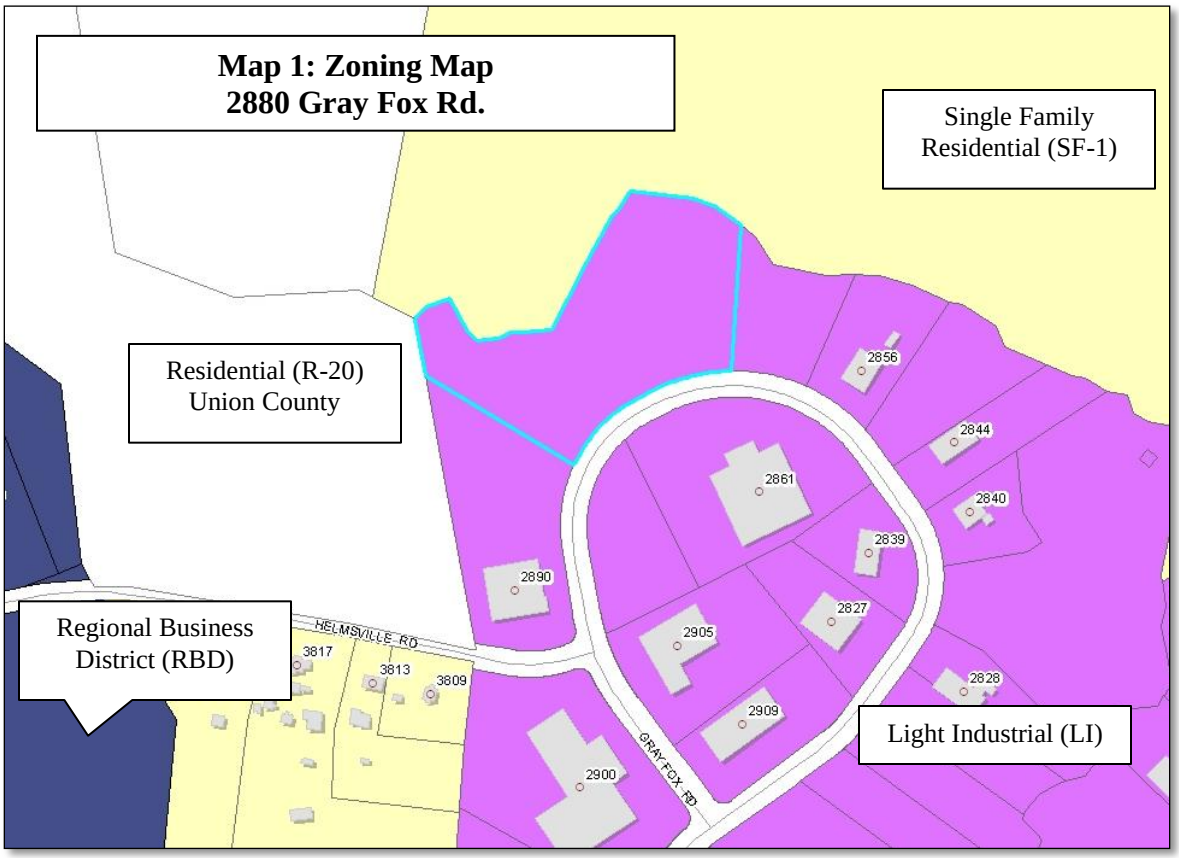
- Original site plan approval for office/warehouse building (SP2008-000) from 2008 was never constructed, due to the downturn in the economy.

- The new proposed operations would include both an office/warehouse building and construction materials yard.
    - 1,250 sq. ft. office
    - 2,750 sq. ft. warehouse

- The 21,400 sq. ft. outdoor materials yard proposes the storage of the following materials: mulch, compost, sand and stone.



Map 1: Aerial View of 2880 Gray Fox Rd.



Site and Adjacent Businesses

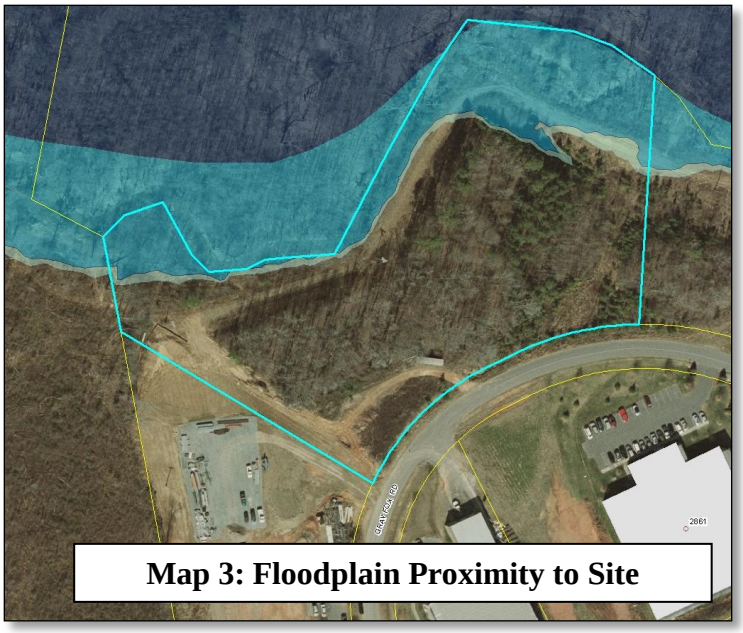
The proposed construction materials yard is situated along Gray Fox Rd, towards the rear of Industrial Ventures II. The site is adjacent to other light industrial- type operations within the Industrial Ventures Park.

Site Aspects:

- The site is bordered along the rear of the property by a tributary of the Crooked Creek. There is existing floodplain along the rear of the property as a result (see Map #3).

- A 15' sanitary sewer easement runs along the rear property line.

- The site is bordered by light industrial uses within the Industrial Ventures II park and is bordered by large, residentially-zoned properties to the north and west (143 and 23 acres, respectively).



Materials Storage

The applicant is proposing to use approximately 21,500 sq feet to store loose materials such as sand, soils, mulch, stone and compost onsite. The concept plan (attachment 2) shows access to these material piles by a gravel drive. Potential impacts for storage of such materials include airborne particles and sedimentation runoff. The applicant currently maintains a Soil Erosion and Sediment Control Plan with the NCDENR (Union-2008-064). However, to minimize potential impacts on neighboring properties as well as the environment to the maximum extent practicable, staff is recommending the use of 3-sided concrete storage bins to contain the loose material onsite. By encasing each material pile separately, the site the potential for airborne particles and sediment runoff is minimized. This is of special concern considering the site's proximity to the tributary of the Crooked Creek.

Example of 3-sided concrete storage bin

Vehicular Circulation

The proposed vehicle circulation plan for 2880 Gray Fox Rd. has been analyzed using the following distinctions:

Parking: The applicant proposes 9 parking spaces for the 4,000 sq. ft. office/warehouse flex building. UDO Section 1020 requires 1 space per 1,000 sq. ft. of warehouse area and 2 spaces per 1,000 sq. ft. be provided for flex buildings. Therefore, the applicant's proposal is sufficient.

Circulation: Per UDO 1070.040, the general vehicle circulation area must be paved with asphalt or concrete. The applicant proposes the parking area as paved, but will need to extend the paving to the rear of the flex building, as a paved circulation area must be provided for trash pickup, deliveries, and general vehicle circulation.

Gravel Access Drive: The applicant intends to access the material piles seasonally and therefore has proposed a gravel drive extending from the general vehicle circulation area to the material storage area. Pursuant to UDO 1070.040, gravel drives may be permitted if the use of such drive is one that is associated with seasonal access. The Planning Director, in conjunction with input from Engineering, has authorized the use of gravel for this drive. The determination has been made due to the fact that the piles are accessed seasonally and by heavy equipment. Engineering's analysis has concluded that curb or fencing will have to be installed, separating the gravel drive from the asphalt vehicle circulation area. This will separate the heavy seasonal equipment traffic and associated loose material from the asphalt vehicle circulation area.

Buffer Yard Requirements

The parcel is subject to both Light Industrial (LI) setbacks outlined in UDO 530.010 and the Landscape Buffer Yard requirements of UDO 810.050. The requirements are as follows:

Front and Rear Setback	**50'**
Side Setback (not abutting residential district)	**20'**
Side Setback (abutting residential district)	**25'**
Landscape Buffer Yard (Group 3 abutting Group 1 use)	**50'**

The applicant must meet all setback and buffer yard requirements set forth by the UDO. The 50' buffer yard is required along the rear of the property abutting a residential district. Per UDO 810.020, the applicant has proposed to preserve a 50' buffer yard along the rear of the property using the existing stand of trees along the rear yard as the buffer material.

Tree Save Requirements

The Tree Ordinance within the UDO clearly defines minimum tree save requirements for those properties developing under the Light Industrial zoning designation. The total amount of tree save for this site is 10% per UDO 830.040. The applicant is proposing to maintain an existing stand of trees along the rear of the property. This stand of trees accounts for 12.8% of the entire

site, therefore satisfying the minimum 10% tree save requirements and serving as the buffer yard material for the required 50 ft. buffer.

In order to maintain compliance with the tree save and buffer yard requirements, a 50' tree save easement will have to be recorded along the rear property line. This ensures that this natural area will be protected in perpetuity. More than satisfying the buffer yard and tree save requirements of the UDO, this tree save area serves as a natural filter of sediment runoff and airborne materials for the nearby creek and residentially-zoned properties.

Appraisal Report

An appraisal report is required by the UDO to ensure there is no adverse effect to surrounding property values. The appraisal report provided by the applicant was prepared by Kenilworth Appraisal Group (Attachment 3) in April 2010. Appraisal agent Edward Hamby was contacted concerning the relevancy of the appraisal report one year later. After an examination of the proposed concept plan and letter of intent, Mr. Hamby concluded that the appraisal report is still valid and that external negative factors should be minimal. The report concludes that the proposed use is not deemed to have any detrimental effect nor diminution in value to the surrounding properties.

Plan Consistency

As designated by the Comprehensive Plan, the subject site is located within the 74 Business Corridor. This Corridor provides land for intense commercial uses and larger structures along US 74 that are not appropriate for residential areas. The Special Use Permit requirement for this proposed use helps alleviate any land use conflicts by providing a public forum for input and conditions of approval before development. Staff is of the opinion the proposed outdoor materials yard is consistent with the Comprehensive Plan.

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.**
    a. Staff is of the opinion that the application for SUP2010-002 is complete.

2. **The Board will consider whether the application complies with all of the applicable requirements of this ordinance.**
    a. The project complies with the Unified Development Ordinance and consistent with adopted plans for the associated area.

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:

1. **Not materially endanger the public health or safety;**
2. **Not substantially injure the value of adjoining or abutting property;**
3. **Be in harmony with the area in which it is to be located;**
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, the staff recommends the site be subject to the following conditions:

1. The applicant shall obtain all required permits from appropriate outside agencies (Local, State & Federal if applicable) including but not limited to: Town privilege license, site plan approval and building permits.
2. Site plan approval is subject to the requirements of the Unified Development Ordinance. Points of distinction include:
    a. Paving of vehicular circulation area with the exception of the seasonal access drive.
    b. Inclusion of fencing or curbing, separating the vehicle circulation area from the seasonal access drive.
    c. Dedication of a 50' wide tree preservation easement along the rear property line.
    d. Storage of material on any and all easements is prohibited.
3. All unconsolidated material such as stone, mulch, soil, sand and compost shall be stored in 3-sided concrete storage bins sufficient enough to avoid airborne material.
4. All onsite improvements shall be maintained at all times.
5. The Town will require sign-off from Union County Public Works prior to occupancy. Public Works has requested upfit plans, plumbing plans, and sewer flow calculations prior to approval.

Staff Contact
Hillary Pace
Environmental Planner
(704) 821-5401 ext. 223
hkp@planning.indiantrail.org

Attachments

Attachment 1- Application including Letter of Intent
Attachment 2- Conceptual Site Plan
Attachment 3- Appraisal Report
Attachment 4- Site Photos

Attachment 1
Application

Attachment 2
Concept Plan

Attachment 3
Appraisal Report

Attachment 4
Site Photos

2880 Gray Fox Rd. Current Site Conditions

Adjacent Site (east)

Site across Gray Fox Rd.

Adjacent site (west)