



Town of
INDIAN TRAIL
north carolina

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Indian Trail, North Carolina 28079

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PLANNING AND NEIGHBORHOOD SERVICES

Special Use Permit Staff Report

Case: SUP 2011-007			
Reference Name	Top Automotive		
Request	Proposed Use	Vehicle Repair/ Retail Sales	
Existing Site Characteristics	Existing Zoning	Regional Business District (RBD)	
	Existing Use	Vehicle Repair Shop	
	Site Acreage	4.0 acres	
Applicant	Nick Kalashnik		
Submittal Date	7/22/11		
Location	4824 Unionville-Indian Trail Rd.		
Tax Map Number	07084313E		
Plan Consistency	Town of Indian Trail Land Use Map	Designation	74 Business
		Consistent with Request	Yes

Project Summary

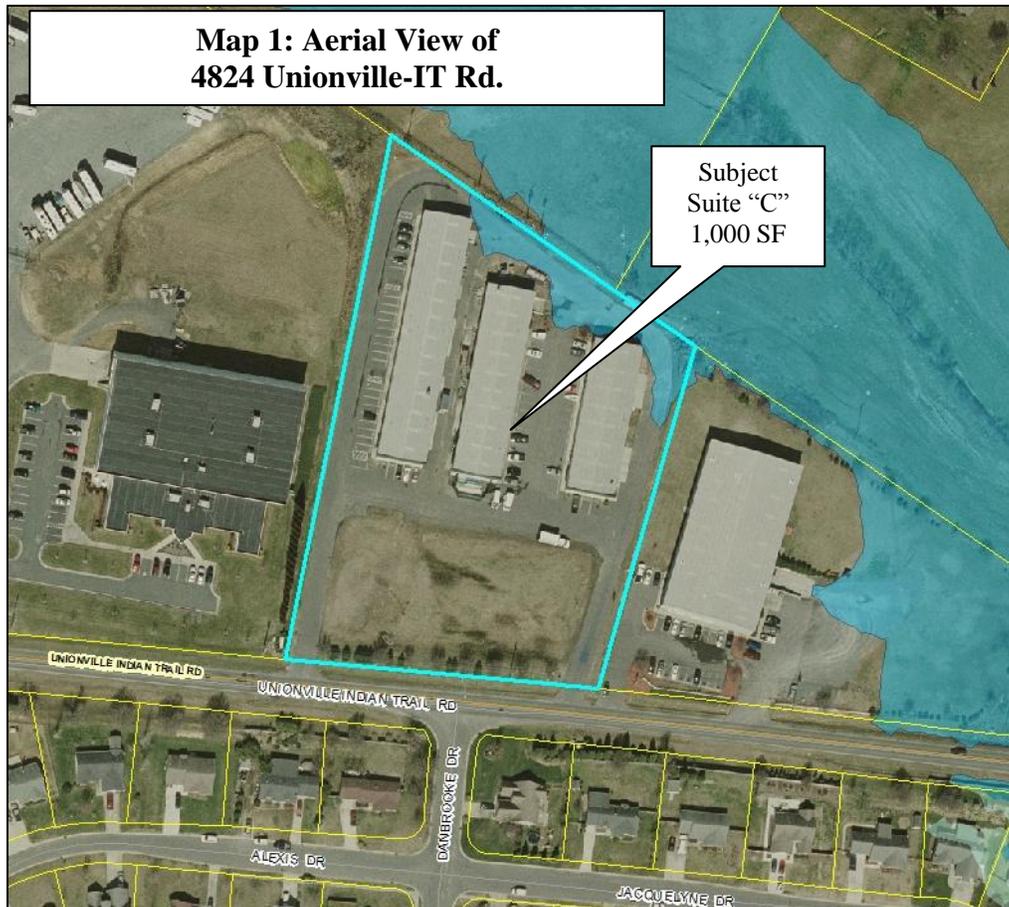
Request: This is a request to establish a small-scale vehicle repair and retail sales operation at 4824 Unionville-Indian Trail Rd. A special use permit is required for vehicle sales lots in order to mitigate the potential adverse impacts related to the operation.

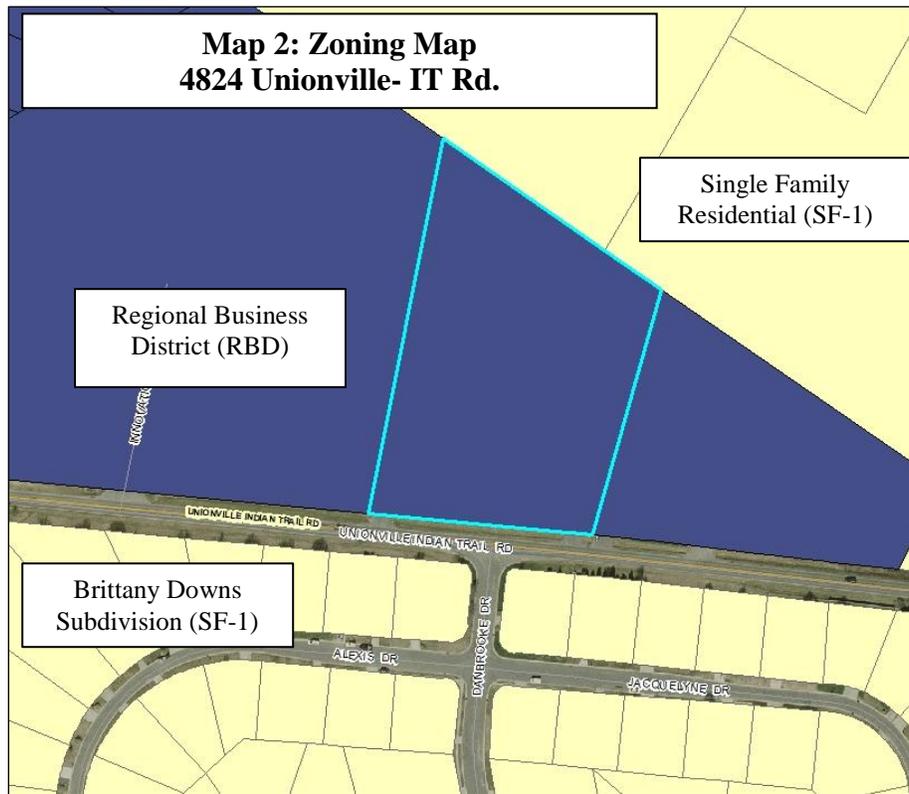
Background

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 a vehicle repair/retail business at 4824 Unionville-Indian Trail Rd. The proposed business would operate as follows, based on information provided by the applicant and the Letter of Intent:

- The proposed hours of operation are Monday- Friday 8:30-6:00 p.m. and Saturday 10:00-5:00 p.m.
- Proposed vehicle storage at any given time would include 3 cars internally in the suite and 5 designated parking spaces immediately in front of the business; to be used for both employee parking and temporary vehicle storage.
 - The applicant proposes to use an offsite warehouse for any additional storage of vehicles.

- The applicant proposes a maximum 4 employees for the business operating at full capacity. Currently, the business currently has 2 employees, one of which does bookkeeping from home.
- Vehicles are acquired through dealer auctions and sold to the public. If a vehicle requires minor exterior and interior repairs, the applicant performs the work on premise. The applicant states that the average turnaround time for a vehicle sale is one week.





Site and Adjacent Businesses

The proposed vehicle repair/retail business is situated along Unionville-Indian Trail Rd, in the middle building of an already developed multitenant commercial site. The site is adjacent to other commercial operations within the area.

Site Aspects:

- The site is a preexisting multitenant commercial center, comprised of three individual buildings, located on 4 acres.
- The site is bordered by floodplain to the north, not affecting the subject suite or parking area (see map 1).
- The site is screened largely from view from the public right-of-way (Unionville-Indian Trail Rd.) due to tall tree plantings atop a small berm that spans the length of the property (please see attachment #4).
 - The applicant's multitenant structure site approximately 200' from public right-of-way.

Outdoor Storage

The applicant proposes no outdoor storage of materials or vehicles other than the use of 5 designated parking stalls directly in front of the subject suite. The applicant states within the Letter of Intent that the designated spots will serve both for employees and the temporary storage/display of vehicles. The applicant is looking to secure an offsite warehouse which will serve as a storage facility for any additional repair/retail vehicles.

Parking

Per the letter of intent (attachment 1), the applicant proposes to use 5 parking spaces immediately in front of the suite for both employee parking and temporary storage/display of vehicles. The subject site exists within an already-developed multitenant office/warehouse center. As originally approved, the commercial site provided adequate parking; 2-3 spaces per unit. In view of the current requirements of the UDO, the required parking would be 2 spaces per suite.

The current uses in the commercial center include those of light traffic generation such as an HVAC repair shop, machine shop, and general storage, with some of moderate traffic generation such as a physical trainer's office. In the context of the present uses of the commercial center, this proposed extra parking allotment for the vehicle repair/retail operation may not burden the total parking for the site. However, as uses change, as allowed by the present Regional Business District zoning designation, this extra parking provided for the vehicle repair/retail operation may eventually impact the total site parking.

The appraisal report (attachment 3), suggests that the parking spaces the applicant proposes to use will be used solely for vehicles for sale. The report further mentions that the applicant has made this request for assigned parking to the landlord, which is assumed to be permissible. In light of the conflict between the letter of intent and the appraisal report in terms of the use of the spaces, staff is proposing additional conditions of approval. The conditions proposed would:

- Require the applicant to provide a copy of written permission from the landlord regarding adequate designated parking for both employees and vehicles for sale; and
- For the applicant to provide verification that an offsite storage warehouse has been secured for extra vehicles.

Vehicle Sales Ordinance

Pursuant to UDO Chapter 7150, vehicle sales lots must conform to the following standards:

- **Minimum lot size of 2 acres:** Although located within a multitenant commercial development, the subject property size is 4.0 acres.
- **Required paving and striping of parking spaces:** The proposed business is situated within a preexisting development that is complete with striped parking spaces; including wheelstops (please see attachment #2 for the Concept Plan).
- **Wheelstops, Curbs and Bollards:** The ordinance requires wheelstops, curb, or bollards along the exterior parking display spaces in order to prevent parking of vehicles within required landscaped areas or public right-of-way. The proposed business exists internally to a commercial center, not fronting public right-of-way or required landscaping buffers (please see attachment #4 for site photos). However, staff proposes a condition restricting the display of motor vehicles in landscaped areas, public right-of-way and areas other than the reserved parking spaces.

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 William R. Morgan Company (Attachment 3) on July 20, 2011. 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 and adjacent roadways 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 vehicle retail/repair business 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 SUP2011-007 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.

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 of Indian Trail Privilege License and NC DMV Vehicle Retail License.
2. The storage and display of vehicles for purchase may not exceed the designated 5 parking spaces directly in front of the subject suite. Any additional storage of vehicles or materials must be kept interior to the subject suite or at an offsite storage facility.

3. The provided parking stalls must be delineated separately for employee parking and for vehicle display.
4. Storage and display of vehicles is limited to vehicles that are fully operational and licensed. Vehicles that are not operational shall be stored indoors.
5. No vehicle display is permitted in any landscaped area or public right-of-way.
6. The applicant must provide a copy of a written permission from the landlord regarding the allotment of employee parking and display vehicles. The agreement must provide adequate parking for both uses.
7. The applicant must provide verification that an offsite vehicle storage warehouse has been secured prior to zoning approval. Such warehouse is subject to Fire Marshall review and approval.
8. All on-site improvements shall be maintained at all times.

Staff Contact

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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

View of Development from Entrance



Subject Suite



Rear View of Suite



View from Site to Unionville-Indian Trail Rd.

