



Town of INDIAN TRAIL north carolina

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

Special Use Permit Staff Report

Case: SUP 2012-006		Special Use Permit	
Reference Name	Cahill Office Expansion		
	Proposed Use	Garage with Offices on second floor	
Existing Site Characteristics	Existing Zoning	Central Business District (CBD) within Downtown Overlay	
	Existing Use	Office	
	Site Acreage	0.816 acres	
Applicant	Todd Cahill		
Submittal Date	April 20, 2012		
Location	120 Unionville Indian Trail Road		
Tax Map Number(s)	07-111-006		
Plan Consistency	Town of Indian Trail Land Use Map	Designation	Downtown Indian Trail
		Consistent with Request	Yes

Project Summary

The applicant is requesting a Special Use Permit (SUP) for permission to construct a large accessory structure to the rear of the property. The proposed structure is approximately 3,500 square feet. It would be located behind the existing building that was recently converted from a residence to a 1,800 square foot office. Section 710.030 of the Unified Development Ordinance (UDO) requires Special Use Permit approval for an accessory structure that exceeds 60% of the floor area of the primary structure.

Analysis

Proposed Land Use

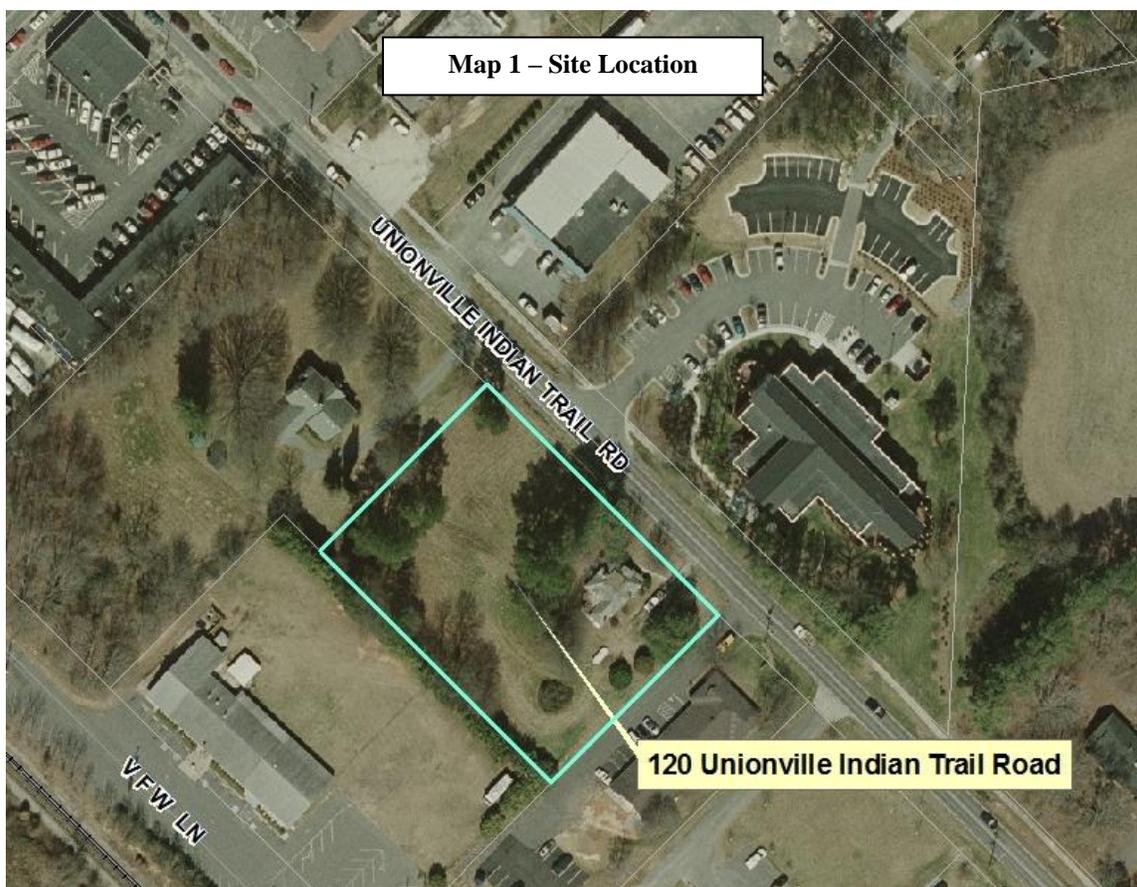
The applicant is in the process of converting the existing structure from a residence to an office. As the building is nearing completion, there are certain aspects of the site that need to be completed. The site plan review process is underway and is close to being approved. One item under review is the paving of the driveway and traffic circulation area. The applicant approached staff about the possibility of including a building pad for a future accessory building as part of the paving process. Considering the size and scope of the building pad, the UDO states the approval must come from the Board.

Proposed Site

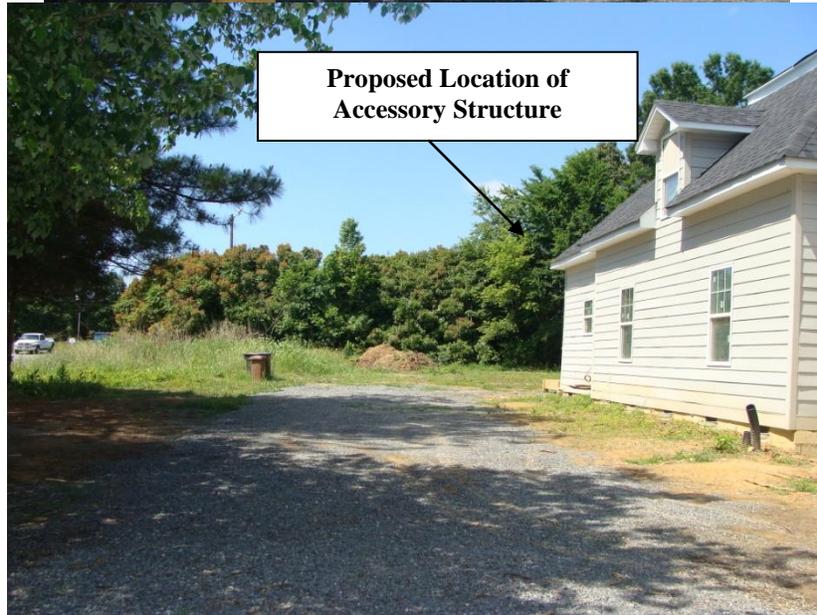
The parcel consists of 0.816 acres of land. The primary structure is approximately 1,800 square feet divided into two separate offices with their own entrances. The applicant has performed extensive rehab work to convert the former residence to an office building. The Town issued an upfit for the related work in August 2011.

Since that time, the applicant has worked with the Town to finalize site plans addressing the parking lot and landscaping required for Phase 1. Staff has been working with the applicant since November 2011 to review the original design and a couple of re-designs. In April 2012, a revised site plan was submitted that included a large building pad for an accessory garage. Although the accessory structure may be built at a later date as part of Phase 2 for the site, the applicant's rationale was to pave the pad at the same time as the parking lot. It was at this time Town staff advised the applicant a Special Use Permit would be required based on the size of the structure in relation to the primary building.

The property remains in an unfinished state pending the outcome of the Special Use hearing.



The building footprint for the accessory structure would be approximately 3,500 square feet. It would consist of a garage on the first floor with some office space on the second floor. The applicant may occupy some of the available office space for his painting company, with the remainder available to lease. The garage area would be utilized to park some vehicles used for the business, or depending on the lessee, rent some of the garage area to them.



The adjacent uses are as follows:

Parcel	Address	Use
Northwest	112 Unionville IT Road	Residential
Northeast	123 Unionville IT Road	Library
Southeast	124 Unionville IT Road	Office
Southwest	100 VFW Lane	VFW Memorial Post

Parking

The required parking calculations for Phase 1 of this site equate to 7 spaces for the 1,800 square foot primary structure. Phase 2 could potentially add 2,800 to 3,000 square feet of office space, increasing the need to a total of 17 spaces.

The applicant has submitted a concept plan (Attachment 3) delineating 19 paved spaces for Phase 1, complete with curb and gutter. For Phase 2, four parallel spaces in front of the accessory structure would likely be eliminated, but additional parking would be available in the

garage area. If the site were to ever expand beyond what is proposed, parking would again be reviewed during the site plan process. Staff is of the opinion the parking requirement will be met.

Landscaping

Many of the trees have been removed as part of the redevelopment of the site. Staff has informed the applicant that by removing one heritage oak and three pine trees, additional trees will need to be installed. The tree mitigation procedure requires five additional trees for the oak and 4 for each pine, resulting in 17 trees required. The proposed plans include 10 crepe myrtles and 7 maples, as well as an assortment of bushes and shrubs. Staff is of the opinion the landscaping requirement will be met.

Trash Enclosure

The applicant has submitted plans to construct a trash enclosure for roll out bins. Staff recommends the permanent enclosure include landscaping to screen the structure from view, as well as building materials should match the principal structure.

Real Estate Appraisal Report (Attachment 2)

The Town requires a real estate appraisal report to be submitted as part of SUP application (UDO Section 360.010). The purpose is to determine whether or not there will be a substantial negative impact on neighboring property values as a result of the proposed structure. The applicant has submitted such a report as part of his application prepared by William R. Morgan Company. The findings in the report state the accessory structure is not deemed to have any detrimental effect nor diminution in value to the surrounding properties.

Outside Agency Comments

Comments were received from the following Agencies:

- **Union County Fire Marshal:** The Fire Marshal had no concerns about the project.
- **Union County Public Works:** Public Works mentioned there is only one water and one sewer tap available for this parcel. The project will need to be coordinated with them during the site plan review process.
- **North Carolina Department of Transportation:** DOT approved a driveway permit for this site in January 2012. The approved design does not reflect a one way drive aisle in front of the building. DOT does not approve of the latest submittal as the one way drive aisle is too close to Unionville Indian Trail Road design. The applicant is aware of this requirement and is in the process of redesigning the plans.

Plan Consistency

The subject property is located within the Downtown Village of the Comprehensive Plan. Based on analysis of this use, staff is of the opinion that the proposed use is consistent with the intent of the downtown area as follows:

- **Goal 1.3.1** – Quality of Life: Properly conditioned, the proposed project would be required to adhere to certain architectural guidelines and would implement common urban design in a key area of town.

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

1. **Whether the application is complete.**
 - a. Staff is of the opinion that the application for SUP2012-006 is complete.

2. **The Board will consider whether the application complies with all of the applicable requirements of this ordinance.**
 - a. As per the stated conditions of this special use permit, staff is of the opinion that SUP 2012-006 is in compliance with the requirements set forth by the Unified Development Ordinance (UDO).
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 Section 360.030. Such a motion will propose specific findings, based upon the evidence submitted, justifying such a conclusion.**

Under **UDO Section 360.030**, the Board of Adjustment must make these 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 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.**

If one of these findings cannot be made, then the Board must move to deny the special use permit request, stating for the record why the Board has decided to do so.

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, along with the Board's approval of the special use permit:

1. The building footprint of the accessory building shall not exceed two times the footprint of the primary building.
2. The accessory building shall not exceed the height of the primary building.
3. The accessory building shall be constructed behind the primary building.
4. The accessory building shall be situated such that a minimum 10 foot side and rear setback is established. This area shall be a grassed or vegetative strip.
5. The accessory building shall be constructed of similar materials and colors as the primary building.
6. The trash enclosure shall be constructed of similar materials and colors as the primary building and be consistent with UDO Section 13130.
7. The garage area of the accessory building shall be used for vehicle storage, equipment storage, paint supplies, and similar materials.
8. Storage of hazardous materials is prohibited.
9. Outdoor storage of materials is prohibited.
10. The land uses shall comply with permissible uses listed in UDO Section 520.020(G).
The following uses are not allowed:
 - a. Industrial
 - b. Manufacturing
 - c. Warehousing
 - d. Recycling operations

11. All tenants are required to obtain all Town, County, and State permits to legally register their business operations.
12. Architectural renderings of the accessory building shall be submitted to Town staff for review. The renderings must be approved prior to construction.

Attachment 1 – Application with Letter of Intent

Attachment 2 – Real Estate Appraisal Report

Attachment 3 – Concept Plan

Staff Contact

Craig Thomas

Junior Planner

ATTACHMENT 1
Application with Letter of Intent

ATTACHMENT 2
Real Estate Appraisal

ATTACHMENT 3
SUP Concept Plan