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 Planning and Neighborhood Services Department

Special Use Permit Staff Report

Case: SUP 2016-003 Special Use Permit			
Reference Name	Kindness Kennels		
	Proposed Use	Animal Boarding Kennel	
Existing Site Characteristics	Existing Zoning	RBD	
	Existing Use	Vacant office/warehouse	
	Site Acreage	9.32	
Applicant	Richard O'Connell		
Submittal Date	June 23, 2016		
Location	3602-B Wesley Chapel Stouts Road		
Tax Map Number	07069019		
Plan Consistency	Town of Indian Trail Land Use Map	Designation	US-74 Corridor East Village
		Consistent with Request	Yes

Project Summary

The applicant proposes to operate an animal boarding kennel within an existing vacant warehouse building at 3602-B Wesley Chapel Stouts Road. The property is zoning Regional Business District (RBD). The use requires a Special Use Permit (SUP) within the RBD district. The business would include indoor kennels in an existing 40 ft by 100 ft brick and mortar building with a 30 ft by 130 ft outdoor exercise yard fenced with a six foot chain link fence with fabric privacy screening.

Analysis

Proposed Land Use

The proposed use would be for an indoor animal kennel/boarding facility for dogs and cats, also including daycare and grooming services. Daytime business hours are 7am until 6pm, closing for lunch and kennel maintenance between the hours of noon and 3pm, Monday through Saturday. The business hours on Sunday will be 8am until 11am and 4pm until 6pm. The applicant is proposing an outdoor exercise yard in addition to the indoor kennels.

The underlying zoning for the subject property is Regional Business District, which allows for animal kennels by SUP. This parcel is not located within a village overlay. The building is currently vacant but was previously used as unpermitted residence and flea market. Therefore, the proposed use of the property for an animal kennel would replace a nonconforming use with a special use that may be allowed if reviewed and approved in accordance with the special use procedures of UDO Chapter 360.

Site

Existing Conditions/Location: The 9.32 acre site was developed in 1979. The current owner has owned the property where the proposed use will be located for over six years. The property has been in the same family for more than twenty years. The property contains an existing commercial building of 4,870 square feet, of which the applicant proposes using 3,800 square feet. The remaining square footage of the building will continue to be used as storage for the property owner.

Site Photos



Street frontage



View from entry onto property. Building at left.

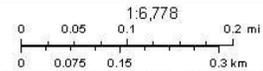
Vicinity Map

GoMaps



July 14, 2016

- Address Points
- Parcels
- Parcel Hooks
- Highways
- - Parcel Easements
- Roads



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Geomatics, Aergrid, IGN, IGP, Swiretopo, and the GIS User Community
 Esri, HERE, DeLorme, Mapbox, OpenStreetMap

This property is zoned on all sides as Regional Business District and the primary uses vary from commercial to some single family homes. The nearest residential home is 240 feet away from the subject property and is separated from the subject property by a vegetative buffer. The table below describes the existing uses surrounding the subject property.

Area	Existing Use
North	2.68 acre single family residential property zoning Regional Business District
South	Berry Tri-Plas Corporation
East	45 acre vacant lot zoned Regional Business District
West	Two large vacant lots zoned Regional Business District

Layout/Improvements:

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

- Install six foot chain link fence with fabric wind screen for privacy
- Install 7' wide landscaping in front of building and along road frontage
- Install new gravel parking with post and rope parking stalls
- Upfit the building's interior for the new use

Appraisal Report

To satisfy the SUP application submittal requirements, an Impact Study was performed on June 20, 2016 by Morrison Appraisal, Inc (Appraiser certification #A400). 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

Outside Agency Comment

There were no comments received from outside agencies.

Plan Consistency

The Board must consider whether the proposed use, located within the US-74 Corridor East Village, 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.

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 commercial/retail 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 US HWY 74 Corridor 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 SUP2016-003 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 SUP2016-003 complies with applicable requirements of the ordinance and meets the UDO 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 animal activities are limited to the fence enclosure area; and
4. Bicycle parking meeting UDO requirements shall be provided; and
5. The dumpster shall be screened meeting UDO requirements; and
6. The parking lot for the use shall be post and rope parking stalls and shall include ADA compliant space; and
7. The debris and junk accumulated adjacent to the building shall be cleaned up; and
8. Comply with relevant Federal, State, and/or County animal welfare/safety regulations.

Attachment 1 – Application with Letter of Intent

Attachment 2 – Real Estate Appraisal Report

Attachment 3 – Renderings & Site Plan

Staff Contact

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