



## Legislation Text

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File #: 18-200, Version: 1

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**TO:** Mayor and Members of City Council

**THRU:** Jay Reinstein, Assistant City Manager

**FROM:** Craig M. Harmon, AICP, CZO - Senior Planner

**DATE:** June 25, 2018

**RE:**  
**P18-18F the issuing of a Special Use Permit to allow outdoor display, storage and bed-liner installations by Leonard Buildings and Truck Accessories in the area zoned LC on property located at 6324 Raeford Rd (0407-30-5808) near the intersection of Raeford Road and Little Drive, and being the property of DOHERTY HOLDINGS LLC.**

**COUNCIL DISTRICT(S):**

7

**Relationship To Strategic Plan:**

Growth and Development

**Executive Summary:**

This property was formally a used car lot, but it now sits vacant. This property is split zoned. The front portion is zoned Limited Commercial (LC) and the back half, or portion to the north, is zoned SF -10. The requested Special Use Permit (SUP) would be limited to the area zoned as LC.

**Background:**

Owner: DOHERTY HOLDINGS LLC  
Applicant: James Germann  
Requested Action: SUP  
Property Address: 6324 Raeford Rd  
Council District: 7  
Status of Property: Vacant car sales lot  
Size: Approximately 1.2 of 2.25 acres +/-  
Adjoining Land Use & Zoning:  
North - SF-10 - Single Family and Multi-Family  
South - LC - Commercial  
West - LC - Commercial - vacant  
East - LC - Commercial  
Letters Mailed: 36

Land Use Plan: Heavy Commercial

Additional Reviews:

Technical Review Committee (TRC) - No preliminary review was conducted on this site, since it is already developed.

**Issues/Analysis:**

The owner of this property wishes to allow the display and sales of utility building and trailers on this property. The request includes the ability to install truck bed-liners inside the repair facility that is part of the existing building. In 2013, the current owner and a previous tenant of this property applied for a rezoning to convert the entire property to LC zoning. That request was denied by the City Council. Currently 1.2 acres of 2.25 total acres is zoned Limited Commercial (LC), the remainder of the lot is zoned Single Family 10 (SF-10). Only the part zoned LC is covered by this SUP application.

The SUP must meet the following findings of fact.

- (1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards; [Yes, see the attached site plan.]
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning districts(s) of surrounding lands; [Yes, The uses on three sides of this property are very similar to what is proposed.]
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; [Yes, the proposed site plan demonstrates how this property meets the requirements of the UDO.]
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; [Yes, the proposed site plan demonstrates how this property meets the requirements of the UDO.]
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources; [Yes, this property is already developed and the proposed site plan demonstrates how this property meets the requirements of the UDO.]
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site; [Yes, this property is already fully developed and the proposed site plan demonstrates how this property meets the requirements of the UDO.]
- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and [Yes, no documentation has been submitted showing that property values would be negatively affected.]
- (8) The Special use complies with all other relevant City, State, and Federal laws and regulations. [Yes, the applicant will be required to meet all applicable standards.]

Conditions recommended by the Zoning Commission and staff.

1. Compliance with the attached site plan, with final review and approval by the TRC.
2. Maintain the existing privacy fence to the north that separates the commercial and residential sections of this property.

On May 8, 2018 the Zoning Commission held a public hearing regarding this case. There were two speakers in favor and none in opposition. The commission voted 5-0 to recommend approval.

Notes from the Zoning Commission Hearing.

Speaking in favor:

Michael Pack, CEO, Mount Airy, NC

- Leonard Building and Truck Accessories has been in business since 1963
- 56 locations and the Bragg Blvd location is most successful for retail of truck accessories
- 110 employees that build the buildings in Mount Airy, NC
- Future investments involve new locations as on Raeford Road; this is an exceptional opportunity

James German, Stellar, NC

- Real estate manager for Leonard
- Company has been upgrading and growing since 1963
- I have an extensive background in real estate, management and safety
- Raeford Road provides high visibility
- The existing building on land will allow for four installs inside at a time and the showroom is the exact size they need as they do not stock a large inventory due to the desire of colors and such
- Understand the concerns of neighbors regarding noise. We do not make a lot of noise like the previous tenants as we install bed liners, visors etc. and not stereo equipment.
- The back acre of the lot will not be occupied by Leonard

The Zoning Commission and City staff recommends Approval of the proposed SUP based on:

1. This proposal is in keeping with the surrounding properties.
2. This proposal meets all of the applicable standards of the City.
3. The conditions listed above.
4. The proposal meets all eight findings of fact.
5. The City's land use plan calls for heavy commercial.
6. Reuse of a currently vacant commercial property.

### **Budget Impact:**

This action would result in an increase in City services that will be offset by the revenue the City will collect in property taxes.

### **Options:**

- 1) Approval of the SUP with any conditions listed above (Recommended).
- 2) Approval of the SUP with additional conditions.
- 3) Approval of the SUP without conditions.
- 4) Denial of the SUP

### **Recommended Action:**

OPTION 1

I move to APPROVE the Special Use Permit (SUP) to allow outdoor display, storage and bed-liner installations on the portion of the subject property that is currently part of an LC Zoning District, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application is consistent with applicable plans because: (1) the development is located in a Limited Commercial district and (2) that this use complies with the

findings listed below and (3) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area.

[Applicable to Motion to Approve] If approved, this Special Use Permit shall become effective ten days after its approval by the City Council, which is July 5, 2018. The SUP shall expire one year from its effective date if a building permit is not issued within that time.

\*For a motion to approve, all eight findings below must be met.

(1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards; [insert supporting facts]

(2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; [insert supporting facts]

(3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; [insert supporting facts]

(4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; [insert supporting facts].

(5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources; [insert supporting facts]

(6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site; [insert supporting facts].

(7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; [insert supporting facts]

(8) The special use complies with all other relevant City, State, and Federal laws and regulations. [insert supporting facts]

## OPTION 2

I move to DISAPPROVE the Special Use Permit (SUP) to allow outdoor display, storage and bed-liner installations on the subject property, as presented by staff, based on the standards of the City's development code and the evidence presented during this public hearing. And that the application does not meet the finding(s) of fact listed below. More specifically finding(s) #\_\_\_\_\_.]

[Applicable to Motion to Deny] If denied this action shall become effective ten days after its denial by the City Council, which is July 5, 2018.

\* For a motion to deny only one of the findings shown below needs to not apply.

(1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards; [insert supporting facts]

(2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; [insert supporting facts]

(3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; [insert supporting facts]

(4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; [insert supporting facts].

(5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources; [insert supporting facts]

(6) The special use maintains safe ingress and egress onto the site and safe road conditions around

the site; [insert supporting facts].

(7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; [insert supporting facts]

(8) The special use complies with all other relevant City, State, and Federal laws and regulations.  
[insert supporting facts]

**Attachments:**

Zoning Map

Current Land Use Map

Land Use Plan Map

Application

Site Photos

Site Plan