



**P.O. Box 2430  
Indian Trail, North Carolina 28079**

**PLANNING AND NEIGHBORHOOD SERVICES**

**Planning Board Transmittal for the June 13, 2016 Town Council Public Hearing**

<b>Case: ZT2016-005 CCWTP Exemption</b>			
<b>Reference Name</b>	Crooked Creek Wastewater Treatment Plan Exemption		
<b>Planning Board Meeting Date</b>	April 19, 2016 and May 17, 2016		
<b>Members Present</b>	Chair Cowan <input checked="" type="checkbox"/>	Jan Brown <input checked="" type="checkbox"/>	Vice Chair Larry Miller <input checked="" type="checkbox"/>
	Samantha Towns <input checked="" type="checkbox"/>	Sidney Sandy <input type="checkbox"/>	Vacant <input type="checkbox"/>
	Alan Rosenberg <input type="checkbox"/>	Jorge Aponte <input checked="" type="checkbox"/> Alternate 1	Dennis Gay <input checked="" type="checkbox"/> Alternate 2
	Helen Killough <input type="checkbox"/> Alternate 3		
<b>Case Found Complete</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
<b>Motion</b>	Recommend approval		
<b>Member Making the Motion</b>	Chair Cowan		
<b>Second the Motion</b>	Board Member Brown		
<b>Vote</b>	6-0		

**Project Summary**

This is a request to amend Chapters 110.080 and 520.020G of the Unified Development Ordinance (UDO) to exempt existing and future onsite improvements at the Union County Crooked Creek Wastewater Treatment Plant from UDO requirements.

**Town Council Action:** Receive Planning Board Recommendation and public comments and:

1. *Concur with the findings and transmittal of the Planning Board to approve; or*
2. *Concur with the findings and approve as modified by Council; or*
3. *Do not make the findings and disapprove the amendment.*

**Analysis**

This request is initiated by the Town of Indian Trail to exempt existing and future improvements at the Union County Crooked Creek Wastewater Treatment Plant from UDO requirements. The

UDO specifies development standards and approval processes for the construction of buildings and land development. Approval of the proposed amendments will enable Union County to construct any improvements on the site without Town Planning or Engineering Department approval. The proposed amendment (if approved) would only be applicable to the 13.62 acre Union County Crooked Creek Wastewater Treatment facility located at 4015 Sardis Church Road (Tax Parcel #07066015B). No other Union County site or facility would be exempt from UDO requirements as a result of this proposed amendment.

The Town issued a mailed public notice for the proposed amendment and the associated March Planning Board meeting to property owners located within 500-ft of the plant facility. Union County previously held a community meeting regarding plans for a future plant expansion on February 16, 2016.

### **Planning Board**

The Planning Board heard this item at its April 19, 2016 and May 17, 2016 public meetings. At the April meeting, the Board engaged in an active discussion regarding future expansion plans at the facility. Questions were asked regarding the size of future storage tanks, the size of the trees surrounding the property, and other similar questions. The Board took public comments from Mr. Eugene Griggs, Mr. Bill Phipps, and Mr. Jesse Brentley who all live in the Trewyck community on Cottage Creek Lane. The citizens reiterated their concerns related to existing drainage issues in their neighborhood and the potential for the plant facility to be a part of the problem. They requested that the drainage issue be resolved prior to the Town granting any exemptions for the treatment facility. Once the public comment section was closed, the Planning Board requested additional information from staff to be presented at the May Planning Board meeting or via email prior to the meeting. This request reflected the following items: 1) An assessment of existing drainage issues in the Trewyck community (sent via email ahead of mtg), 2) A copy of meeting minutes or audio recording of the February UC community meeting (sent w/ PB May packets), and 3) Presentation by UC Public Works (UCPW) staff regarding the future plant expansion. Please see the attached meeting minutes and the Granicus link below for a complete representation of the meeting discussion. A copy of the stormwater assessment is included with the May Planning Board minutes.

The Planning Board met again on May 17<sup>th</sup> and received a presentation by UCPW representatives regarding the future plant expansion. The Planning Board members asked questions regarding the potential for impacts to adjacent properties such as odor, noise, and lighting. Board members also inquired about the potential for overflow spill onto adjacent residences and what safety protocols are in place. The plant's impact on stormwater was also discussed as well as the underlying purpose of the improvements. A question was also raised as to the impact to adjacent property values resulting from the plant expansion. Union County staff and Town staff have not sought out real property appraisal expertise to have property value impacts evaluated. There were no public comments provided at this meeting. Please see the attached meeting minutes and the Granicus link below for a complete representation of the meeting discussion.

The approved April Planning Board minutes and the draft May minutes are attached for further review and the audio recording of the meeting can be heard on [Granicus](#).

The Planning Board voted unanimously to transmit a recommendation to approve as presented by staff to the Town Council.

The following consistency statements were found:

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
  - ***Infrastructure Goal #1:*** The proposed text amendment will enable future wastewater system improvements to occur in a more expeditious manner by being exempt from local regulations and approval processes;
2. This UDO ordinance amendment is in the best interest of the public because it helps create a more efficient process to providing additional wastewater treatment capacity and services to the growing Indian Trail community.

***Staff Contact***

Rox Burhans, AICP, Planning Director  
[rburhans@planning.indiantrail.org](mailto:rburhans@planning.indiantrail.org)

Attachment 1- Planning Board Report  
Attachment 2- Draft Ordinance

Attachment 3 –Planning Board Minutes of April 19<sup>th</sup> and May 17<sup>th</sup>

**TC ATTACHMENT 1- PLANNING BOARD REPORT**



P.O. Box 2430

Indian Trail, North Carolina 28079

**PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT**

**Zoning Staff Report**

<b>Case: ZT 2016-005 Union County Crooked Creek WWTP Authorization of Exemption</b>		
<b>Reference Name</b>	Amendment of UDO Chapters 110.080 and 520.020G	
<b>Applicant</b>	Town of Indian Trail	
<b>Submittal Date</b>	March 15, 2016	
<b>Location</b>	4015 Sardis Church Road	
<b>Tax Map Number</b>	07066015B	
<b>Plan Consistency</b>	Town of Indian Trail Comprehensive Plan	Consistent With Goals of the Adopted Comprehensive Plan
<b>Recommendations &amp; Comments</b>	Planning Staff	No recommendation provided.

**Project Summary**

This is a request to amend Sections 110.080 and 520.020G of the Unified Development Ordinance (UDO) to exempt existing and future improvements at the Union County Crooked Creek Wastewater Treatment Plant from UDO requirements.

**Staff Recommendation-** No recommendation provided.

**Analysis/Overview**

This request is initiated by the Town to exempt existing and future improvements at the Union County Crooked Creek Wastewater Treatment Plant from UDO requirements. The UDO specifies development standards and approval processes for the construction of buildings and land development. Approval of the proposed amendments will enable Union County to construct any improvements on the site without Town Planning or Engineering Department approval. The proposed amendment (if approved) would only be applicable to the Union County Crooked Creek Wastewater Treatment facility located at 4015 Sardis Church Road (Tax Parcel #07066015B). No other Union County site or facility would be exempt from UDO requirements as a result of this proposed amendment.

The Town issued a mailed public notice for the proposed amendment and the associated Planning Board meeting to property owners located within 500-ft of the plant facility.

*Location*

As noted above, the treatment plant facility is located on Sardis Church Road within the Regional Business Zoning District (RBD). The facility abuts the Traewyck neighborhood to the north, the Ashe Croft neighborhood



*Proposed Amendment*

Staff offers the following modifications for the Board’s consideration. For ease of reference, proposed new text is referenced in red/underlined font and deletions are referenced in ~~strikethrough~~ font.

**110.080 Authorization of Exemption**

- A.** The Town Council may issue an “authorization of exemption” from the provisions of this Ordinance for publicly owned, tax supported facilities when the following exists:
  - 1.** a request for authorization of exemption is heard in a public meeting; and
  - 2.** the Town Council determines the provisions would result in an undue hardship for the publicly owned, tax supported facility; and
  - 3.** the exemption of the provisions would not result in a threat to the public health, safety, morals and general welfare of the residents of the Town of Indian Trail.
- B.** The following publicly owned facilities shall be deemed exempt by right from the provisions of this Ordinance without the need for any exemption request or issuance of authorization of exemption by the Town Council:
  - 1.** Union County Crooked Creek Wastewater Treatment Plant facility and any future onsite expansions to said facility located at 4015 Sardis Church Road and consisting of Tax Parcel Number 07066015B.

**UDO Section 520.020G**

**Use Table and Standards**

USE GROUP	Business and Commercial Districts						Use Standard
Use Category	CBD	NBD	GBD	RBD	O-VCD	O-DD	
Specific Use Type							
Utilities, Minor	P	P	P	P	P	P	
Utilities, Major		S	S	S			<b>See Note at Bottom of Table <u>See UDO 110.080 for Exemptions.</u></b>

**Required Consistency Findings**

The Planning Board is required to make two consistency findings, one for consistency with Town adopted plans and another regarding the benefit of the public. If the Planning Board wishes to transmit a recommendation to approve, the following findings can be made:

- 1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
  - **Infrastructure Goal #1:** The proposed text amendment will enable future wastewater

system improvements to occur in a more expeditious manner by being exempt from local regulations and approval processes;

2. This UDO ordinance amendment is in the best interest of the public because it helps create a more efficient process to providing additional wastewater treatment capacity and services to the growing Indian Trail community.

**Staff Contact**

Rox Burhans,

704-821-5401

[rburhans@planning.indiantrail.org](mailto:rburhans@planning.indiantrail.org)

Attachment 1: Draft Ordinance

Attachment 2: UC Presentation

**ATTACHMENT-APPLICATION**

# **UDO TEXT AMENDMENT APPLICATION**



## **PLANNING & NEIGHBORHOOD SERVICES**

**130 Blythe Drive**

**PO Box 2430**

**Indian Trail, NC 28079**

**Telephone (704) 821-5401**

**Fax (704) 821-9045**

## **ONLY COMPLETE APPLICATIONS ACCEPTED**

Processing Fee \$500.00

**A TECHNOLOGY FEE, 10% OF PROCESSING FEE, WILL BE APPLIED TO THE TOTAL FEE.**

---

# UDO TEXT AMENDMENT APPLICATION

---

**Subject Section of the UDO:**

Name Authorization of Exemption

Chapter: UDO 110.080 and 520.020G

Purpose: To exempt the UC Crooked Creek Wastewater Treatment Plant from UDO requirements.

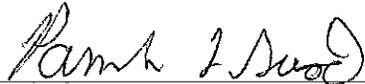
**Contact Information – Applicant**

Name                   Town of Indian Trail  
Address                PO Box 2430  
City                     Indian Trail, State: NC Zip: 28079  
Phone                  704-821-5401 Fax    704-821-9045  
Email                   sjk@engineering.indiantrail.org

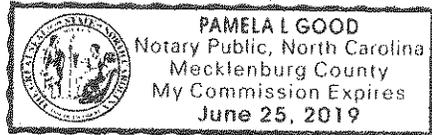
**Applicant's Certification**

Signature                                Date 4/8/16

Printed Name/Title    Scott Kaufhold, Town Manager

Signature of Notary Public                      Date 4-8-16

Notary Seal



**TOWN OF INDIAN TRAIL OFFICE USE ONLY**

CASE NUMBER: ZT 2016-005

DATE RECEIVED: 4/18/16

AMOUNT OF FEE: N/A

RECEIVED BY: 

RECEIPT #: \_\_\_\_\_

**ATTACHMENT TWO**  
**UC PRESENTATION**



*February 18, 2016*

# **CROOKED CREEK WATER RECLAMATION FACILITY**

**CDM  
Smith**

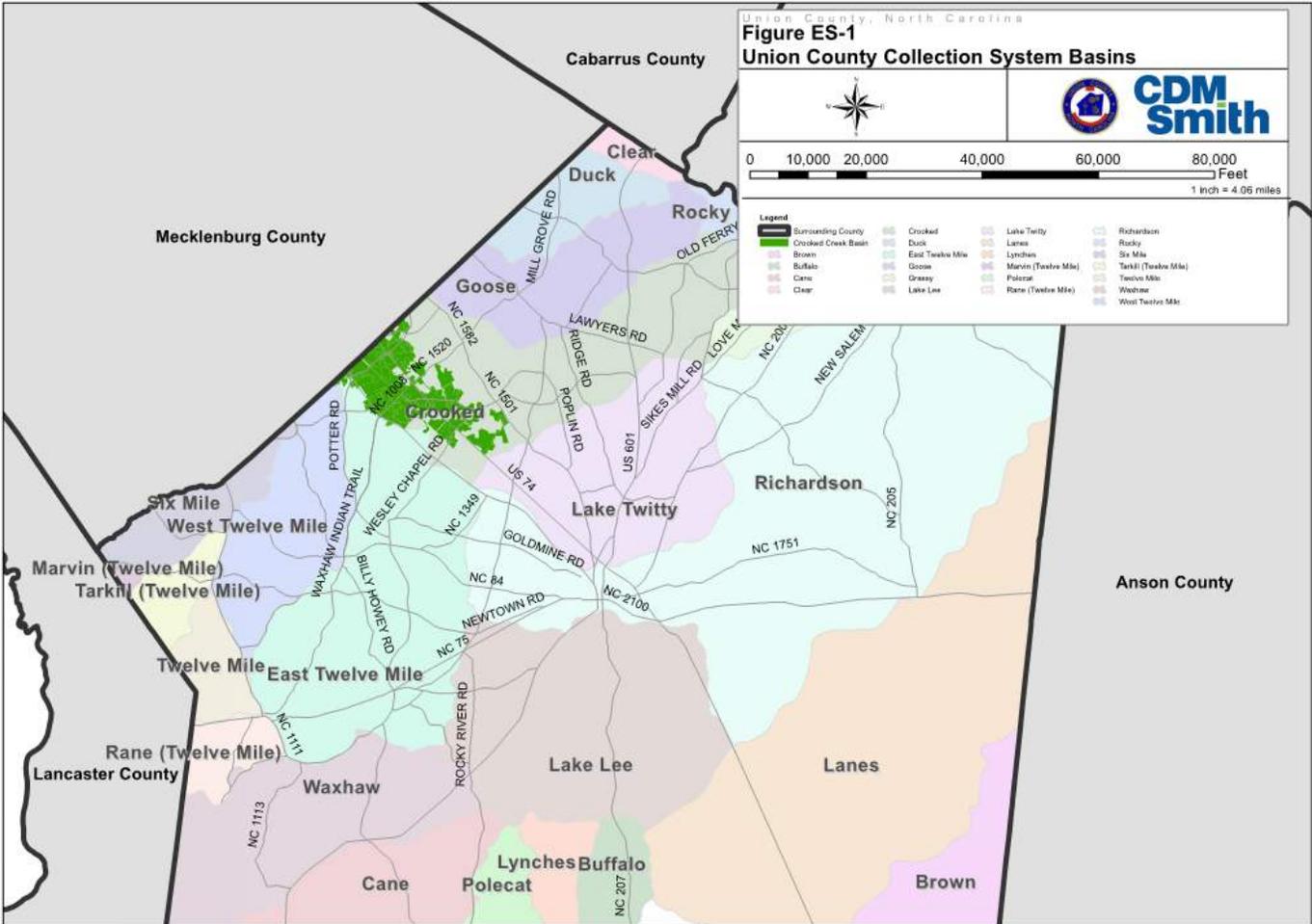
**FACILITY IMPROVEMENTS – PUBLIC MEETING**

# Agenda

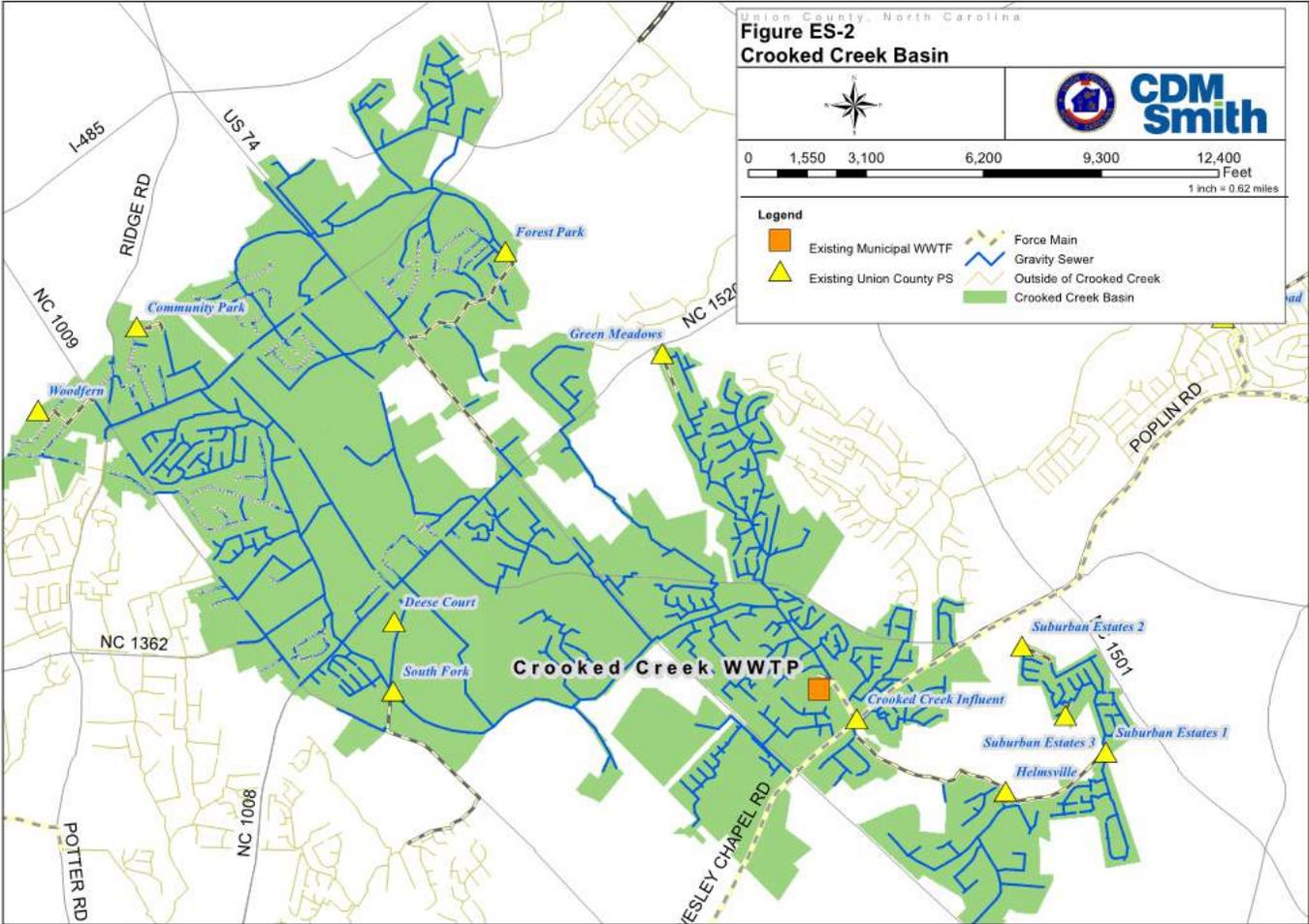
---

- Crooked Creek Sewershed
- History of the Crooked Creek Water Reclamation Facility (WRF)
- Project Need
- Proposed Project Improvements Summary
- Construction Schedule
- Questions and Discussion
- Adjourn

# Crooked Creek WRF Sewershed



# Crooked Creek WRF Sewershed



# History of the Crooked Creek WRF

- Originally Constructed in 1988
- Upgraded in 1995
- Current Rated Capacity of 1.9 Million Gallons Per Day
- Owned by Union County Public Works



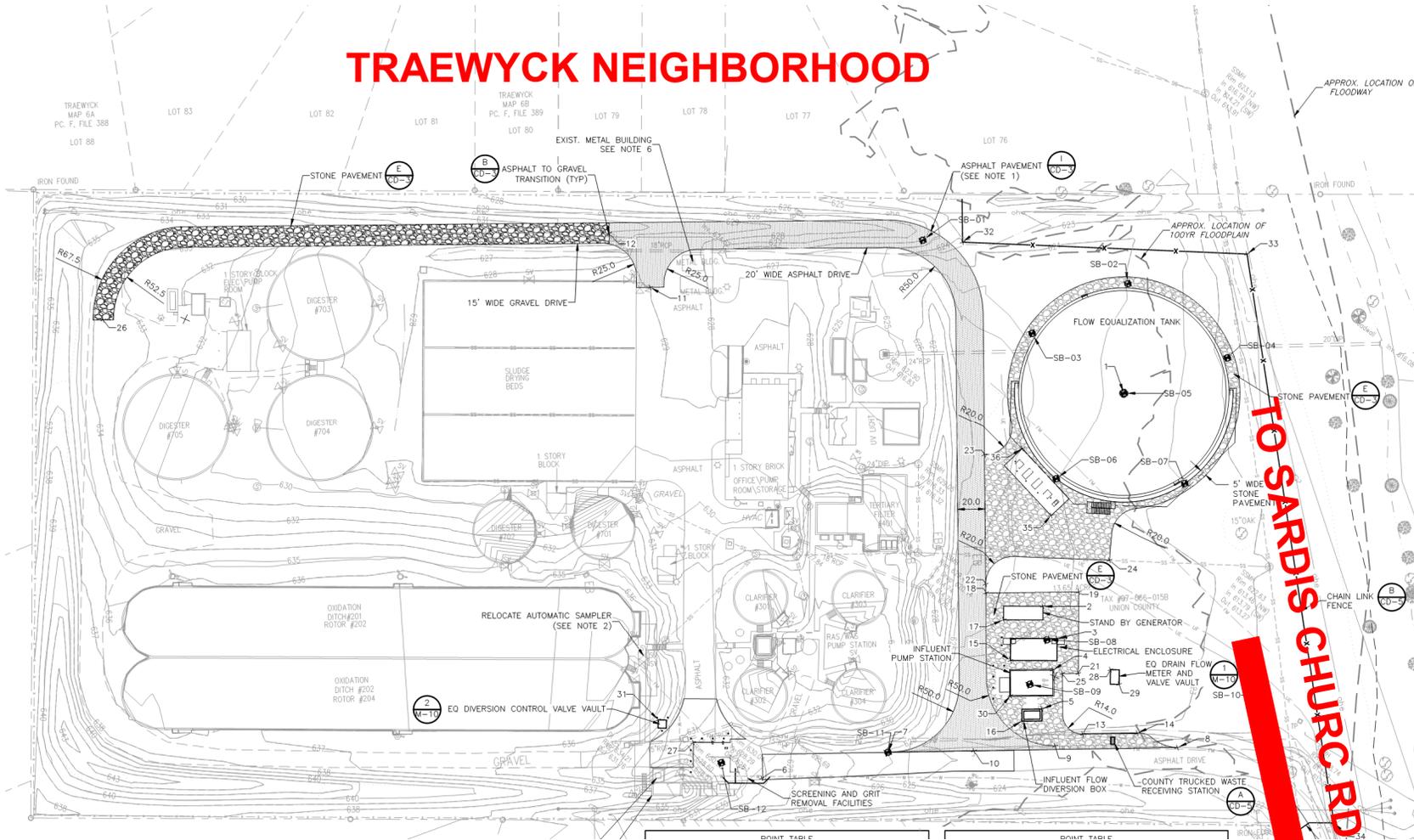
# Project Need

---

- Master Planning Identified Improvements are necessary
- Aging Infrastructure (pipes, manholes, etc.) – allow rain water to enter the system
- Increases flow rate to the WRF during rain events
- Need to be able to pump more flow to the plant to prevent spills outside the plant
- Need to be able to store flows for short periods
- Need to increase removal of trash and grit from flow
- Other improvements in the collection system under separate projects

# Project Need

## TRAEWYCK NEIGHBORHOOD



# New Influent Pump Station

- Will relocate existing facility from Sardis Church Road into the plant property
- Below ground facility
- Will increase ability to pump flow to the Crooked Creek WRF
- Reduce potential for spills in the collection system



# Screening and Grit Removal

- Will remove trash and debris from the flow to the plant
- Improves the downstream biological treatment process
- Replace the existing aged system
- Above ground facility – concrete construction



# Flow Equalization Tank

---

- Provides for storage of peak flows prior to treatment
- Typically stored for less than 72 hours following large rain events
- Above ground facility – concrete construction
- Adjacent electrical enclosure – concrete construction
- Adjacent standby generator for emergency power outages only.

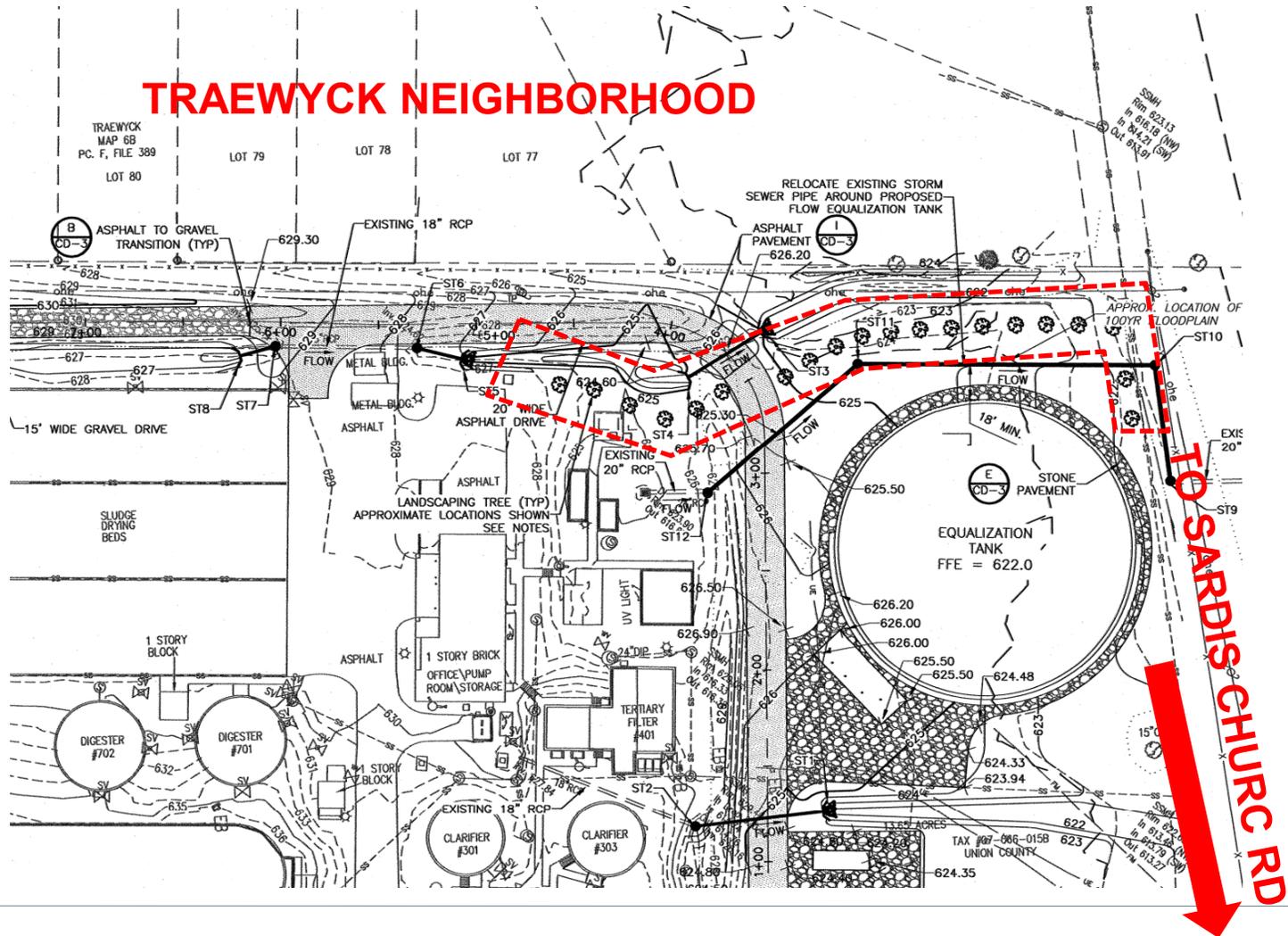
# Site Renderings



# Site Renderings



# Landscaping/Screening



# Questions?



**Duane Wingo, P.E.**

Union County Public Works  
[duane.wingo@co.union.nc.us](mailto:duane.wingo@co.union.nc.us)

**Jon Lapsley, P.E.**

CDM Smith  
[lapsleyjs@cdmsmith.com](mailto:lapsleyjs@cdmsmith.com)

**TOWN COUNCIL ATTACHMENT 2-DRAFT ORDINANCE**

STATE OF NORTH CAROLINA )

TOWN OF INDIAN TRAIL ) ORDINANCE # O160609XYZ

AN ORDINANCE AMENDING CHAPTER 110 AUTHORIZATION OF EXEMPTION and CHAPTER 520, BUSINESS AND COMMERCIAL DISTRICTS, OF THE INDIAN TRAIL UNIFIED DEVELOPMENT ORDINANCE (UDO) RELATED TO EXEMPTING THE UNION COUNTY CROOKED CREEK WASTEWATER TREATMENT PLANT FROM UDO REQUIREMENTS IN INDIAN TRAIL, NORTH CAROLINA

WHEREAS, the Town is the applicant for ZT 2016-005 requesting to amend Chapters 110 Authorization of Exemption and 520, Business and Commercial Districts of the Unified Development Ordinance (UDO) related to exempting the Union County Crooked Creek Wastewater Treatment Plan from UDO requirements; and

WHEREAS, this Zoning Amendment (ZT 2016-005) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, the amendment was heard by Planning Board on April 19, 2016 and May 17, 2016 in two public meetings; and

WHEREAS, the Planning Board after hearing the amendment and deliberations made the following findings and recommended to approve to the Town Council:

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
  - **Infrastructure Goal #1:** The proposed text amendment will enable future wastewater system improvements to occur in a more expeditious manner by being exempt from local regulations and approval processes;
2. This UDO ordinance amendment is in the best interest of the public because it helps create a more efficient process to providing additional wastewater treatment capacity and services to the growing Indian Trail community.

WHEREAS, the Town Council received the Planning Board transmittal for a recommendation to approve in the required public hearing held on June 13, 2016, and after receiving the transmittal, public comment, and deliberation, voted to approve the amendment with the required findings and amendment recommendation as transmitted by the Planning Board.

NOW THEREFORE, BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA HEREBY TAKES THE FOLLOWING ACTION:

**Section 1 – UDO CHAPTER 110 and UDO Chapter 520 is hereby approved as shown in Exhibit A of this Ordinance;**

**Section 2-** This ordinance shall be effective immediately upon adoption.

SO ORDAINED THIS 13<sup>H</sup> DAY OF JUNE, 2016. THE TOWN COUNCIL OF INDIAN TRAIL

By

Honorable Michael L. Alvarez, Mayor

Attest:

---

Kelley Southward, Town Clerk

APPROVED AS TO FORM:

---

TOWN ATTORNEY

## ZT2016-005 Ordinance Exhibit A

### 110.010 Authorization of Exemption

1. The Town Council may issue an “authorization of exemption” from the provisions of this Ordinance for publicly owned, tax supported facilities when the following exists:
  1. a request for authorization of exemption is heard in a public meeting; and
  2. the Town Council determines the provisions would result in an undue hardship for the publicly owned, tax supported facility; and
  3. the exemption of the provisions would not result in a threat to the public health, safety, morals and general welfare of the residents of the Town of Indian Trail.
2. The following publicly owned facilities shall be deemed exempt by right from the provisions of this Ordinance without the need for any exemption request or issuance of authorization of exemption by the Town Council:
  1. Union County Crooked Creek Wastewater Treatment Plant facility and any future onsite expansions to said facility located at 4015 Sardis Church Road and consisting of Tax Parcel Number 07066015B.

### UDO Section 520.020G

#### Use Table and Standards

USE GROUP	Business and Commercial Districts						Use Standard
Use Category	CBD	NBD	GBD	RBD	O-VCD	O-DD	
Specific Use Type							
Utilities, Minor	P	P	P	P	P	P	
Utilities, Major		S	S	S			<b>See Note at Bottom of Table <u>See UDO 110.080 for Exemptions.</u></b>



## Town of Indian Trail



P.O. Box 2430

Indian Trail, North Carolina 28079

Telephone 704-821-5401

Fax 704-821-9045

### PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT PLANNING BOARD MINUTES

April 19, 2016

06:30 P.M.

#### CALL TO ORDER

#### ROLL CALL

The following members of the governing body were present:

Board Members: Patricia Cowan, Jan Brown, Alan Rosenberg, Samantha Towns, and Dennis Gay,  
Helen Killough.

Members Present but none  
not Voting:

Absent: Larry Miller, Sidney Sandy, Jorge Aponte.

Staff Members: Rox Burhans-Planning Director, Gretchen Coperine- Senior Planner, and Pam Good-  
Board Secretary

SWEARING IN OF NEW MEMBERS – Samantha Towns was sworn in as a Member of the Planning Board as Seat #2 (Term 7/1/14-6/30/17). Dennis Gay was sworn in as Alternate Member #2 (Term 7/1/14-6/30/17) and Helen Killough was sworn in as Alternate Member #3 (Term 7/1/13-6/30/16).

#### APPROVAL OF MINUTES- March 15, 2016

Chair Cowan asked for clarification of the indication of a “pause” in the minutes asked Pam Good to confirm that it was a brief break and not a recess. Member Brown made a motion to approve the March minutes as written, seconded by Member Rosenberg. The vote to approve was unanimous.

#### PUBLIC ITEMS

- a. **ZT2016-002 and CPA2016-002:** Industrial Uses in Village Center Overlay: Proposed UDO text amendment and Comprehensive Plan Amendment to permit industrial uses within the Village Center Overlay district. Applicant: Moser Group

Senior Planner Gretchen Coperine presented the case to the board beginning with a brief overview of a definition of a text amendment as well as explaining that they can be initiated by staff, the Planning Board, citizens, or by Town Council.

This request was initiated by The Moser Group to permit industrial uses within the Village Center Overlay districts in the Town of Indian Trail. The intent from the Moser Group is to potentially develop a light industrial park in the Sun Valley Village Center area. The Village Centers were envisioned in the Town’s Comprehensive Plan to provide compact neighborhoods within a 10 minute walk of various activities including non-residential uses. The goal of the village center overlay is to encourage sustainable development and centers of activity with a variety of uses.

With regard to the proposed amendment, staff modified the applicant's original proposal by narrowing the list of industrial uses that would be permitted within village centers. Depending on the intensity of the use and its appropriateness within a village center, uses of a lower intensity are permitted by-right (such as commercial uses and low intensity industrial), while other more intensive uses necessitate being established through a Special Use Permit or Conditional Zoning approval. A focus was put on ensuring compatibility between light industrial uses and existing or future residential communities. Heavy industrial uses (such as junk yards) are not permitted in light of them not being appropriate under any circumstance within a village center environment.

To date, there exist a limited amount of industrial uses within the village center overlay districts which have been in existence before any UDO requirements in our current code (generally located on Waxhaw Indian Trail Road and Nagle Drive). In order to acknowledge those existing uses, language has been proposed to exempt such businesses from requirements being proposed with this amendment. In this case, said uses are grandfathered in and become legitimized. Most future parcels developing with light industrial uses will need a conditional rezoning to establish the light industrial zoning district, which is ultimately approved by Town Council.

### **Amendment Overview**

Staff Coperine provided a summary level overview of the proposed UDO amendment. Refer to Attachment 2, Ordinance: Exhibit A for the proposed amendment in its entirety.

- *UDO Chapter 530.010 Industrial Zoning Districts:* In this section of the proposed amendment, the "Village Center Overlay" is added to provide consistency with other sections of the UDO which reference the Village Center Overlay districts.
- *UDO Chapter 530.020 Allowed Uses Table:* The permitted uses table lists industrial uses which are appropriate for the village center overlays. Generally speaking, uses which are considered heavy industrial, such as junk yard and vehicle storage, have not been included in the permitted uses as they are out of character with the village center overlay districts.
- *UDO Chapter 630.010(B) Exemptions:* Language has been added to exempt existing uses within the Light Industrial zoning district in the Village Center Overlay which would otherwise not meet the requirement of the proposed amendment. These uses have been in existence before requirements of the UDO, and as such must be recognized. This proposal does not create an impact to any prior approvals, and legitimizes existing uses.
- *UDO Chapter 630.040 Development Standards:* Language has been added to allow industrial uses within the village center overlays to have less than the required 60% of the front façade to be transparent. The transparency requirement is more appropriate for commercial zones and not so for industrial uses.
- *UDO Chapter 630.050 Additional Requirements:* This section provides additional development requirements when uses involving outdoor storage are proposed or manufacturing uses proposed within proximity of low intensity areas as follow:
  1. *Separation Requirements:* Uses involving manufacturing must be a minimum of 250 feet from any residential or institutional area. Manufacturing uses may be closer than 250 feet from a residential or institutional area when a conditional rezoning is proposed. The conditional rezoning process allows staff, Planning Board and Town Council to analyze the appropriate separation for a specific site based on the specific proposal, the surrounding area character and existing development.
  2. *Outdoor Storage:* Uses which propose outdoor storage must meet landscaping requirements as well as additional screening with walls or opaque fencing in order to protect the surrounding area and its aesthetic.

3. *Nuisances*: The proposed language regarding odors, noise and other nuisances is intended to protect surrounding areas.

A Comprehensive Plan Amendment (CPA2016-002) had also been proposed with this text amendment in order to provide consistency within the Overlay districts as seen in Attachment 3.

Staff Coperine reminded the board that this amendment would be town wide and doesn't approve any specific development project. She informed that some light industrial uses would be compatible with the Village Center Overlay and those would be less intense in nature. Staff Coperine gave examples of some appropriate and inappropriate uses. Staff Coperine also provided the board with a table of possible uses that the text amendment would allow. She also gave a table of uses that would need more scrutiny and come in under a Special Use Permit as well as a list of uses that may need additional standards.

Staff Coperine stopped the presentation momentarily for board questions. Discussion followed for further clarification of what constitutes light industrial use and what roads would be used for access to industrial uses. Member Towns questioned the size of possible future light industrial projects and what they would be near. Staff Coperine clarified that this is a text amendment and future projects, except for existing Light Industrial zoned parcels in Old Hickory or Old Monroe, would need to go through rezoning process. Staff's intent in this text amendment proposal is to set the perimeters for allowing LI uses within the village center overlays. Staff Coperine proceeded to explain separation limits in the proposed text amendment.

Discussion ensued regarding the separation requirements. Member Towns stated that she felt 250 feet in separation was not adequate.

Staff Coperine explained that the amendment was prompted by an applicant that wanted to develop light industrial park within the Sun Valley area. She proceeded to give examples and pictures of desirable and undesirable examples of a light industrial park.

An accompanying Comprehensive Plan amendment to Chapter 3 was also presented in order to ensure consistency with the proposed UDO text amendment.

Staff Coperine read the required consistency findings into the record.

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:

- ***Land Use and Housing Goals #1, 4 and 5***: The proposed amendment is consistent with the Comprehensive Plan because it will enable diverse uses, and avoid potential land use incompatibilities, promote sustainable development through the use of smart growth principles, and encourage high quality design.
- ***Economic Development Goal #1***: The proposed amendment creates the opportunity for a balanced tax base by allowing the development of industrial parks within the village center overlay districts and by supporting varied employment opportunities.

2. This UDO ordinance amendment is in the best interest of the public because it seeks to concentrate more intense development within the village centers and protect the low density single-family areas as envisioned in the comprehensive plan.

Member Towns asked about outside agencies making sure all was in order when a developer begins a project. Staff Coperine answered that all applicable outside agencies are contacted in each rezoning case and asked for comments in their area of expertise.

Member Rosenberg stated his concern about light industrial use being in close proximity to residential with various factors that could affect residents. Some may fit now but could change in the future. He asked how do we control such factors in the future. Staff Coperine answered that staff is addressing this by

drafting additional standards. Staff Burhans added that the UDO table of uses would also narrow the types of uses that would be allowed. Chair Cowan mentioned that certain businesses already exist in the Village Overlay District that have offset set hours and early morning deliveries. More discussion followed involving outside noise that would not be audible in neighborhoods. Staff Coperine referenced UDO 630.050E as an example of the proposed language with regard to noise, which she read into the record. Member Rosenberg mentioned that he is also concerned about access roads for potential light industrial businesses.

Member Killough asked how the separation requirement would affect height of a building. Staff Coperine based on the zoning district. Member Killough asked if this amendment is related to the previous text amendment regarding a hotel. Staff Coperine confirmed that the two were separate amendments.

Staff Coperine stated that the purpose of the amendment is to add Village Center Overlays to the list of permitted uses in the Industrial district.

Staff Burhans addressed various concerns and suggested two possibilities to refine and add next level of protection:

- add to amendment that all outdoor mechanical equipment is inside the building or has a noise dampening box surrounding it.
- narrow the use list down further to remove anything that has outdoor activity.

Member Rosenberg mentioned that he'd like to add that access would not be through residential areas. Staff Burhans reminded the board that all specific projects will need to go through the process of rezoning, which require Planning Board recommendations and Town Council approval.

Member Gay stated that 250 feet of separation is not a large amount. Is there a muffling material to buffer the residential area from potential light industrial areas? Staff Coperine suggested massaging the language if the board would request it.

### **Public Comment**

John Ross with Eagle Engineering at 2013A Van Buren Ave. Indian Trail, NC stepped to the podium to speak. Mr. Ross mentioned that a number of businesses have left Indian Trail because of lack of space for light industrial use. He pointed out the specific site along Radiator Road that Mr. Moser would like to develop. He stated that he felt it would be a good transition from the heavy industrial use at the end of Radiator Road. He also stated that he felt the guidelines recommended by staff addressed much of the questions brought forth by the board.

Dennis Moser of 231 Post Office Dr. Indian Trail, NC stated that the intent is to rezone for light industrial use and pointed out potential sizes of lots for businesses. He mentioned that the text amendment that involves the entire town is the process he is required to go through to for the potential development on Radiator Road. The quality of product is similar to Old Hickory Industrial Park. The goal is to keep it an affordable product for businesses.

\*\*Mr. Moser stated that he would bring a copy of potential lots to the board for viewing. He also mentioned that they expect to make some improvements to Old Monroe Road if the project goes forward. He added that he thought the development would be filled with existing businesses in Indian Trail that need to expand.

Staff Coperine stated, for the record, that this text amendment would not approve any site specific projects. Site specific projects would have to go through the conditional rezoning process.

## **Closed Public Comment**

Member Brown mentioned it would be a good fit but that the text amendment needed modifications regarding sound.

Member Towns stated that it should be approved with modifications and wants to see a draft of the text amendment before it is approved.

Staff Coperine answered that the Planning Board has two options:

- staff can add additional language and take it to the Town Council or
- staff can add language and bring the modified amendment back to the Planning Board

Member Towns stated that she needed more information.

A question was raised if the Planning Board could approve the area in Sun Valley only. Staff Burhans mentioned that this text amendment would address some other present problems with present UDO language and two other villages (Old Hickory and Old Monroe).

Staff Burhans stated that this text amendment does not encourage light industrial use to have free reign for development in Village Overlay Centers. Layers of site specific reviews are in place for site specific development. The text amendment gives a process the developer can go through to make a proposal.

Discussion followed limiting language of this text amendment to the Radiator Road site only.

Chair Cowan was concerned about changing the UDO multiple times for various villages rather than town wide. Staff Burhans answered that staff recommendation would be correct the UDO on a townwide basis. Staff Burhans added that time is a factor with potential projects and if they need to go through multiple steps including a text amendment, it could be a problem.

Member Rosenberg recommended that a decision be made for the 3 specific villages that were mentioned in the meeting, then come back and look at the bigger picture. Discussion followed involving changing the application request to the three villages: Old Monroe, Old Hickory, and Sun Valley. More discussion followed regarding separation requirements. Staff Coperine stated that there is always a 50 buffer requirement.

Additional items that need to be added were noise dampening restrictions as well as access restriction,

Motion to approve ZT2016-002 and CPA2016-002 with the above additions in the three villages of Old Monroe, Old Hickory, and Sun Valley as well as noise dampening and road access restrictions by Member Rosenberg. Seconded by Member Brown. The vote to approve was unanimous.

The meeting was paused for several minutes for a small break for members to stretch. The meeting was resumed for Staff Rox Burhans to present **ZT 2016-005 Union County Crooked Creek WWTP Expansion Exemption**: Proposed text amendment to UDO Chapters 110 and 520 to exempt the Union County Crooked Creek Wastewater Treatment Plant from Town development standards and approval processes. Applicant: Town of Indian Trail.

Staff Burhans began his presentation with the location overview as well as showing the board the changes in UDO table section 520.020G. He also showed a picture of the site expansions including a 30 foot tall basin that would collect rain water that would be built as well as two other buildings that are pump stations. Staff

Burhans stated that this text amendment is being brought forward as there is a disagreement between the Town and the County on who regulates this facility. The Town is sponsoring this for this text amendment for a site specific amendment. Because of the unusual nature of this request, a public notice mailing to approximately 160 area residents was sent as well as a community meeting being held on February 18th. Staff Burhans added that this facility would have to follow state and federal guidelines, just not local approvals.

### **Required Consistency Findings**

The Planning Board is required to make two consistency findings, one for consistency with Town adopted plans and another regarding the benefit of the public. If the Planning Board wishes to transmit a recommendation to approve, the following findings can be made:

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
  - ***Infrastructure Goal #1:*** The proposed text amendment will enable future wastewater system improvements to occur in a more expeditious manner by being exempt from local regulations and approval processes;
2. This UDO ordinance amendment is in the best interest of the public because it helps create a more efficient process to providing additional wastewater treatment capacity and services to the growing Indian Trail community.

Staff Burhans stated that this doesn't affect any standards of water testing, but items such as buffering and landscaping requirements.

Member Rosenberg stated that he is concerned as there would be no restrictions for height and the effect of that on area neighborhoods. He asked how tall the trees are surrounding the area. Staff Burhans answered that he didn't know the exact height but that there were mature trees there. Staff Burhans estimated that there were approximately 3 acres involved.

Member Gay mentioned that they do have to right of eminent domain. Discussion followed as a water tower would not be a possibility because it is a water treatment facility.

### **Opened Public Comment**

Bill Phipps of 1419 Cottage Creek, Indian Trail, NC came to the podium to speak. He stated that he has lived in the Traewyck Subdivision for 17 years. He mentioned that there has been a smell from the treatment plant periodically. There was not a buffer between the water treatment plant and his subdivision. He has no water problems but neighboring homes have standing water in their yards. He feels this is caused by the treatment plant, the close proximity of the Food Lion and an apartment complex nearby. He encouraged the board to express concerns with the expansion of this facility.

Eugene Griggs of 1706 Cottage Creek Rd, Indian Trail, NC came forward to speak. He urged the board not to pass the text amendment until the water problem in Traewyck is addressed.

Jesse Brentley of 1714 Cottage Creek Rd, Indian Trail, NC pointed out his property on the screen map. He mentioned that he has had a water problem since the complex was built. Commissioner Helms, the Mayor, and I Witness News have been to his property. He urged the board to not approve unless this is fixed.

## **Closed Public Comment**

Member Brown asked if the Town has any control over the water problem. Staff Burhans stated that if one private property has drainage issues with another private property, the present ordinance is written that Town funds are not used. But, Town Council has been discussing if the Town should become more involved and expanding this policy with some of these private issues as it has a large impact on lives. Staff Burhans stated that he knew the Town and Council was aware of these issues but was unsure of the status of the investigation of the problem.

Member Towns stated that other agencies need to be involved with this and it is an intense problem.

Member Rosenberg stated that there were two issues:

- drainage problems
- text amendment for giving permission for the water treatment to make changes on their site

Member Rosenberg also stated that they need to ensure that the changes at the water treatment site would not cause additional drainage issues for area residents. He also asked where all the water to fill the basin would be coming from. He felt more clarification is needed.

Member Rosenberg requested staff from Union County Public Works to come to the next Planning Board meeting.

Board's questions that would like to be answered and information requested:

*Union Co Public Works representative-next meeting*

*Is this going to bring additional run off with site improvement*

*Where is water coming from for new basin*

*What studies have been done to see if their project will be making impact on the neighbors*

*Detailed answer from Town Manager Kaufhold regarding drainage issues and who owns the issue*

*Minutes or audio from the Feb 18<sup>th</sup> community meeting*

Motion to continue ZT2016-005 to May 17<sup>th</sup> meeting date made by Member Rosenberg, seconded by Member Towns. Vote to continue was unanimous.

## **OTHER BUSINESS-none**

## **PLANNING REPORT –**

- Town Council did approve the Grand Opening Banner change so that there will be no cost to the initial banner for a set period of time for a new business.
- The hotel/motel mixed use amendment had more discussion. Town Council also asked that the two amendments be split apart. A community meeting is scheduled for residents to voice their opinions. A large notice will be mailed to notify area residents about this meeting.
- Mayor's Tree Initiative is underway for approximately 900 children.
- Earth Day/Arbor Day festival is being held at Stallings Park April 23
- Upcoming community meetings- Church of the Redeemer
- Two residential rezonings- Virginia Trace and Hawfield

**ADJOURN** – Motion to adjourn made by Member Rosenberg. Seconded by Member Gay. Vote to adjourn was unanimous. Meeting adjourned at 9:35pm.

Date: May 17, 2016

Chairman: Patricia S. Casan

Secretary: Pamela Wood

# Town of Indian Trail



P.O. Box 2430  
Indian Trail, North Carolina 28079  
Telephone 704-821-5401  
Fax 704-821-9045

## **PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT PLANNING BOARD MINUTES**

**May 17, 2016  
06:30 P.M.**

### **CALL TO ORDER**

#### **ROLL CALL**

The following members of the governing body were present:

Board Members: Larry Miller, Patricia Cowan, Jan Brown, Samantha Towns, Jorge Aponte, and Dennis Gay.

Present but not voting: None.

Absent: Alan Rosenberg, Sidney Sandy, and Helen Killough

Staff Members: Rox Burhans-Planning Director, Gretchen Coperine- Senior Planner, and Pam Good-Board Secretary

### **APPROVAL OF MINUTES- April 19, 2016**

Motion to accept the corrections below as stated by Member Towns was made by Member Miller, seconded by Member Gay, vote to approve with the corrections was unanimous.

Corrections: Member Towns stated that the minutes should reflect her comments regarding her opinion about 250 feet of separation between residential area and light industrial area was not sufficient. Also, on page 5 Member Towns asked for the correction of approved area to be Radiator Rd, not a town wide overlay.

### **PUBLIC ITEMS**

**a. (Continuation of) ZT2016-005 Union County Crooked Creek WWTP Authorization of Exemption, a request to amend Sections 110.080 and 520.020G of the Unified Development Ordinance (UDO) to exempt existing and future improvements at the Union County Crooked Creek Wastewater Treatment Plant from UDO requirements. Applicant: Town of Indian Trail**

Staff Burhans asked any board members that were unable to attend the April board meeting if they had any questions regarding the text of the amendment. The case recap was presented by Staff Rox Burhans. He stated that there was considerable discussion regarding the case as well as residents stating their ongoing problem of area storm water issues in Traewyck homes that have shared property with the plant site. Resulting from the discussion were requests by the Planning Board to ask a staff member from Union County Public Works to explain in more detail the work planned for the site as well as to be available for further questions. The board members also asked for and received an email provided by Engineering Department (Adam McLamb) regarding the flooding issue, what staff thinks is causing the issue, and what complaints staff has received regarding the flooding issue. Staff Burhans also stated that the Town Council has initiated a storm water study by a private firm and come up with some alternatives. The study is to be completed September 2016.

The audio recording of the Union County February community meeting regarding this project was requested by two members of the board and were provided CD's of the meeting.

Chair Cowan asked if there were any questions from the board. Member Towns asked for the total acreage of the site. Staff Burhans stated that he would research the answer.

Staff Burhans introduced Mr. Scott Huneycutt, engineering manager of the project from Union County Public Works and Mr. Jonathan Lapsley of CDM Smith who was a consultant working with Union County on the proposed expansion project. Mr. Lapsley stepped forward for a brief presentation and slides of the proposed improvements for the Crooked Creek facility. He also showed a map of the area where the facility is located on Sardis Church Road, and gave a brief history of the Crooked Creek facility: built in 1988 and currently receives 1.9 million gallons per day treatment capacity, stating it does have the capacity to take on more water during heavy rains. The plant is owned by Union County Public Works. Mr. Lapsley gave an overview of facility's most recent improvements in 2012. He stated much of the proposed improvements in the Master Plan deals with an aging infrastructure what he termed "leaky pipes" which can overwhelm the ability of the treatment plant to handle rain water. He mentioned recommendations for updating this treatment plant including pumping improvements when more flow comes in, as well as the ability to store that rain water for short periods of time, typically not to exceed 72 hours. Mr. Langsley emphasized that they were not intending to expand the capacity of the plant, but providing infrastructure to handle rain driven overflow. Another improvement would be the ability to remove grit and trash from the flow. Mr. Langsley showed photos of the proposed improvements.

Member Towns asked the distance between the Traewyck subdivision and the plant. Mr. Langsley answered that the distance was 150 feet to the fence line and additional buffer on the Union County property to the facility.

Mr. Langsley showed site renderings of various upgrades including the equalization tank. The plans are to install additional screening/ trees between the facility and the Traewyck neighborhood. He stated that he doesn't anticipate having additional run-off to area neighborhoods.

Questions from board:

Member Miller asked about the pump station near Industrial Ventures and Crooked Creek Park. Mr. Langsley answered that there are going to be improvements to that pump station. Mr. Miller asked if there will be an additional pump station near Refrigerated, Inc. Mr. Langsley answered they are planning to replace that pump station. Mr. Miller asked who keeps the drainage pipe clean on the county side that crosses the state maintained roadway to the creek section. Mr. Langsley stated that the main culvert pipe is in the DOT right of way. Therefore the responsibility to maintain this would be with DOT.

Member Towns asked, in the event of failure, how long would it take someone to come to the facility to evaluate the problem. Also, Member Towns questioned how far could a spill go. Mr. Langsley answered that this plant is staffed 20 hrs per day. The plant has automated system the remainder of the time for the day. If there is a malfunction of any equipment during the other 4 hours someone is notified. He estimated that response time would be less than one hour. Also, there are requirements for redundant equipment. Mr. Langsley also stated that the equipment is designed to typically handle 2-5 year storm events. Member Gay asked if they could build a retaining wall to protect neighborhoods. Mr. Huneycutt replied that there is an existing berm already on the site.

Staff Burhans followed up to Member Town's question regarding the size is 13.619 acres on the existing property.

Chair Cowan asked to clarify that the berm is adequate as there will be no increasing of flow. Mr. Langsley answered in the affirmative.

Member Miller also clarified that if no increase in volume so the upgrade is to add tank space for sewage. Mr. Langsley answered that was correct.

Member Towns asked about the impact to the value of area properties? Staff Burhans answered that staff have not done any evaluation of the impact to adjacent properties; a real estate appraiser would need to conduct a study.

Staff Burhans read the consistency findings into the record

Opened and closed Public Comment: no one asked to speak.

Board discussion:

Mr. Gay was in favor of the upgrades. Member Towns concerned about the property being 150 feet from residences as well as there have been some complaints about odor, also concerned about property values near this type of facility, but realizes that we do need to upgrade infrastructure. Member Miller that the flooding in the neighborhoods is not the same issue as the overflow of the plant that is being addressed. He stated that the 72 hour extra storage could help with water overflow. Chair Cowan asked if there are emergency numbers posted for area residents to call, if needed. Mr. Lapsley replied that there are emergency numbers on signage on the facility property to Union County Public Works and is staffed 24 hrs/day. Mr. Gay stated that anytime infrastructure is updated is good thing. Mr. Aponte asked if they upgrade now, how long until the next upgrade. Mr. Langsley stated that there are no current plans to do any further upgrade. It will likely be 14 months until completed.

Motion by Chair Cowan to approve the ZT2016-005 expansion exemption seconded by Member Brown. Vote to recommend approval was unanimous. Union County staff stated that they will cooperate in good faith and will have multiple places for emergency signage.

- b. **CZ2016-001 Church of the Redeemer, presented by Staff Coperine who indicated that the location map current zoning is SF4. This is a request to reclassify a portion of parcel 07123001F, totaling approximately 8 acres. The rezoning is from Single Family (SF-4) to Institutional with a conditional zoning district. The intent of this request is to allow a religious assembly use to develop on the site.**

The parcel under consideration is a portion of 07123001F on the north side of Wesley Chapel Rd.

Staff Coperine described the Concept plan. The remainder of the parcel will remain SF-4. Regarding the architecture, Staff Coperine showed a rendering of the proposed project and stated that vinyl siding is prohibited.

Staff Coperine stated that with regard to the comprehensive plan, religious assembly is consistent with that land use. Outside agency feedback were:

- *North Carolina Department of Transportation (NCDOT):* NCDOT has provided the following comments: NCDOT does not have any issues with the proposed right in/right out access to the site. However, if the applicant is interested in a full movement access, the following would need to be provided:  
left turn lane, with 100 foot stacking  
500 foot sight distance in each direction  
A minimum 600 foot distance from the roundabout to the ROW line
- *Union County Public Works (UCPW):* Approval of sketch plan provided.
- *Union County Public Schools (UCPS):* No comments at this time:
- *Union County Fire Marshal (UCFM):* No issues at this time.

- *Union County Sheriff*: No issues at this time.

Two community meetings were held. In general, attendees were receptive of the building design and overall project.

Draft Conditions of Approval as recommended by staff:

1. *Subject Parcels*: Rezoning – portion of parcel 07123001F (totaling approximately 8 acres) to CZ-Institutional.
2. *Permitted Uses*: The permitted use on the subject property is religious assembly. In the event a school is to be developed in the future, such development shall be subject to Special Use Permit approval through the Board of Adjustment.
3. *Architecture*:
  - a. The building shall be built in general accordance with the elevations in Exhibit 2 and shall be constructed of brick and EIFS with no vinyl or composite siding or synthetic stucco.
4. *Front Landscape Buffer*: A 20 foot landscape buffer along the front (south side) shall be provided as generally depicted on the concept plan (Exhibit 1).
5. *Rear and Side (East) Landscape Buffer*: A 50 foot landscape buffer shall be provided along the north and east sides of the property as generally depicted on the concept plan (Exhibit 1).
6. *Side (West) Landscape Buffer*: A 25 foot landscape buffer shall be provided along the west side of the property as generally depicted on the concept plan (Exhibit 1). If in the future the remainder of parcel 07123001F is developed in conjunction with the religious assembly use subject of this amendment, the 25 foot buffer may be removed.
7. *Stormwater Management Measures*: The size of the proposed stormwater management facilities identified on the Conceptual Plan is for illustrative purposes only. The exact size shall be determined during Site Plan submittal.
8. *Wesley Chapel Road Roadway Improvements*: Prior to the issuance of Town Zoning Compliance, the developer shall be responsible for constructing the ROW improvements listed below on Wesley Chapel Road:
  - A right in/right out access to the site.
  - However, if the applicant is interested in a full movement access, the following would need to be provided:
    - Left turn lane, with 100 foot stacking
    - 500 foot sight distance in each direction
    - A minimum 600 foot distance from the roundabout to the ROW line

All required roadway improvements shall be constructed and any associated public ROW dedicated prior to the issuance of Town Zoning Compliance. All roadway improvements shall be constructed to the Town of Indian Trail and NCDOT standards.

9. *Frontage Improvements*: Frontage improvements along Wesley Chapel shall be provided and include a 6' sidewalk, and street lights and curb/gutter. All required frontage improvements shall be constructed and any associated public ROW dedicated prior to the issuance of Town Zoning Compliance for any home.
10. *Revocation*: The Town Council may act to revoke the conditional zoning district designation if the applicant fails to meet the terms of the district.

Staff Coperine read the necessary consistency findings into the record.

- *Land Use and Housing Goals #1 and 5*: The proposed project promotes compatibility of land uses between neighboring properties and residential properties within surrounding jurisdictions and proposes high quality design to promote attractive land development; and

- *Mobility and Transportation Goal #3:* The proposed development incorporates pedestrian connectivity through the use of sidewalks along Wesley Chapel Road, as well as opportunity to connect to any future development directly west of this development.

The request for this conditional zoning district (Institutional) is a reasonable request and is in the public interest because supports the goals of the adopted Comprehensive Plan and includes elements that benefit the general public in the areas of transportation and land use.

Member Towns asked if Wesley Chapel Road would the road ever been widened? Staff Coperine replied that there is room to widen the road. Member Brown asked if recreational facilities were planned. Staff Coperine answered that it is projected to provide a small playground. Member Brown also asked how many parishioners are in attendance at this time. Mr. Mike Avreal, a member of the church answered that approximately 300 persons attend in total, with the services generally accommodating about 150 people at once. Member Miller stated that he has a little concern about the entrance and exist. Staff Coperine stated no traffic impact analysis was required by NCDOT, but DOT did looked at the concept plan and stated the road was adequate for the project with the right in/ right out access. Member Gay asked how many times would the attendees gather each week as well as any kind of chimes. Mr. Averill answered that the main attendance would be Sunday morning with other smaller gatherings during the week. No chimes are planned. Member Aponte asked if 300 would attend at once and how many parking places? Staff Coperine answered that there are approximately 125 parking spots.

Opened public portion of comments.

Chris Hope, engineer of the project, spoke of the positive aspects of this project. No additional comments.

Closed public portion of comments.

Board Discussion:

Member Brown stated that the building was architecturally very pleasing. Member Towns stated that it would be an asset for the Sheridan community. Member Miller stated that extending the sewer line is good. Chair Cowan liked the rendition. Member Gay and Member Aponte felt it would be a good addition to the community.

Motion to approve CZ2016-01 by Member Towns with the findings of fact as read into the record, seconded by Member Aponte. The vote to approve was unanimous.

**c. ZT2016-006 Dumpster Enclosures: a request to amend Chapters 13130 of the Unified Development Ordinance (UDO) to create additional options in the design of dumpster enclosures for existing buildings. Applicant: Town of Indian Trail**

Staff Burhans presented this proposed amendment to the board. This amendment does not impact new construction. Proposed amendment- is there more business friendly approach for dumpster enclosures. Current regulations state that dumpster enclosures for existing and new buildings must match the primary building in material and color. The proposal is to give businesses more options.

UDO Div 1400 states dumpsters need to be added to an existing building when there are major upgrades, building expansions, when damage occurs.

Staff recommended options: arch block, synthetic stone, brick, hardie siding, and hardie panel (cement type product), EIFS/Stucco.

Other possible alternatives: vinyl/PVC fencing, metal panels

Staff Burhans read the Consistency Findings into the record.

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:  
Land Use and Housing #5 and Economic Development Goal #3: The proposed text creates additional flexibility in the design of refuse and grease trap enclosures for existing businesses, which will promote small business growth in a manner that is supportive of community aesthetics.
2. This UDO ordinance amendment is in the best interest of the public because it helps promote attractive community aesthetics in a manner that is not burdensome to the small business community.

Board Discussion:

Member Brown stated that the vinyl was susceptible to vandalism so would not recommend vinyl to be one of the choices. Member Miller didn't think vinyl was durable. Staff Burhans clarified that he was hearing from the board that metal enclosures were acceptable. Member Gay asked if an industrial setting has requirements of an enclosure, also. Staff Burhans answered that there are other requirements for industrial areas. Member Gay was concerned about some of the metal enclosures and the rusting possibility. Member Aponte asked if we are going to hold them accountable to maintain these enclosures. Staff Burhans believes that we have the authority to enforce the maintenance. Chair Cowan asked when we have a commercial structure, do we offer them trash and recycle bins? Staff Burhans answered that we only offer this service to residents at this time.

Opened Public Comment- no one signed up to speak.

Closed Public Comment.

Motion to approve ZT2016-006 (by Member Miller) with recommended arch block, synthetic stone, brick, hardie siding, and hardie panel (cement type product), EIFS/Stucco and metal panels. Vinyl was not included as a recommendation.

Seconded by Member Brown. Vote to approve was unanimous.

**OTHER BUSINESS** - none

**PLANNING REPORT**

- A community meeting is being held on May 23rd at South Piedmont Community College related to the text amendment related to hotel/motel use at 6:30pm in Salon B. 2377 notices were mailed including business parks in the area. The meeting will be facilitated by the applicant.
- Planning Board reappointments will be considered at the June 14 Town Council meeting. Staff Burhans read the openings to the board.

Member Miller asked about grading at the QT and storage facility is done. Staff Burhans replied that it will be a drive-thru carwash. Chair Cowan mentioned that Zaxby's opened yesterday. Staff Burhans explained that the delay in construction in the new Publix due to the increase in cost of construction and materials.

**ADJOURN**

Motion to adjourn Member Miller, seconded by Member Brown. Vote to adjourn was unanimous.

Meeting adjourned at 8:40pm.

Chairman:

Date: \_\_\_\_\_

\_\_\_\_\_

Secretary:

---

DRAFT

**From:** Rox Burhans  
**To:** "Alan Rosenberg"; "Dennis Gay"; Gretchen Coperine; "Helen Killough"; "Jan Brown"; "Jorge Aponte"; "Larry Miller"; "Pam Good"; "Pattie Cowan"; "Rox Burhans"; "Samantha Towns"; "Sidney Sandy"  
**Subject:** April Planning Board Meeting Follow up  
**Date:** Friday, May 06, 2016 4:18:31 PM

---

Dear Planning Board Members:

This is a follow up to the previous April 19<sup>th</sup> Planning Board meeting whereby the Planning Board requested additional information related to Zoning Text Amendment case ZT2016-005 Crooked Creek WWTP Exemption.

I have collected the requested information and have summarized it below. Please let me know if you have any questions regarding this information. Thank you.

Rox

- **PB Request #1: Would like an overview of the Crooked Creek WWTP expansion project by Union County Public Works staff.**

*Follow Up:* I have received a commitment from Scott Huneycutt, Engineering Division Director to attend the May Planning Board meeting to provide the requested overview. I have also obtained the following project update from the Union County website:

<http://www.co.union.nc.us/Portals/0/publicworks/Construction%20Company%20Selected%20for%20Crooked%20Creek.pdf>

- **PB Request #2: Would like to receive meeting minutes or audio recording of previous February 2016 CCWWTP Expansion community meeting.**

*Follow Up:* I have located an audio recording of the meeting. Unfortunately, the file is too large to email. If anyone would like to receive a CD recording of the meeting, I would be happy to deliver one with your May agenda packets. Please let me know if you would like the recording.

- **PB Request #3: Would like to have the Town Engineering Department provide a summary of the existing flooding issues in the Trewyck neighborhood.**

*Follow Up:* Adam McLamb, Engineering Project Manager has provided the following summary of existing issues:

At this time there are no qualifying stormwater complaints in our database along Cottage Creek Road. A qualifying stormwater request per the Stormwater Ordinance must consist of Water that has come off of or passed under a publicly maintained facility (i.e. road, etc.).

We have received stormwater service requests/complaints from the following address over the past 9 years along Cottage Creek Road:

- 1726 Cottage Creek Road – High water in back yard when it rains. Not a qualifying stormwater request, no public water.
- 1706 Cottage Creek Road – High water in back yard when it rains. Not a qualifying stormwater request, no public water.
- 1734 Cottage Creek Road – Storm drainage outlet pipe from the street was clogged. The Town removed the blockage and cleaned the channel to the creek. This was a qualifying stormwater request, public water from street.

At the April 12, 2016 Town Council meeting the Council approved US Infrastructure of Carolina, Inc. (USI) to complete a drainage study for Cottage Creek Road. This study will look at the area between the sewer treatment plant and Cottage Creek Road, while giving two design alternatives. A notice to proceed was given to USI on April 28, 2016 with a study completion date of September 5, 2016.

Mr. McLamb also verbally shared the following assessment regarding why Trewyck is generally experiencing flooding issues. This is just a preliminary summary (in my words) and the above noted engineering study will provide a more definitive assessment of the issues.

Water is generally coming from the adjacent unincorporated Sun Valley Business Park which lacks a stormwater management system. All of the drainage from the road is pitched/sloped towards the neighborhood versus being split evenly on both sides. Stormwater from the industrial park drains to a ditch that runs along the rear property lines of the Trewyck homes and the CCWWTP facility. This area is extremely flat and therefore holds water for extended periods. Property owners have also built fences and berms that help hold water and contribute to the rear yard flooding. All of these factors along with this being a large drainage basin contribute to the flooding issues the neighbors are experiencing.

Rox Burhans, Planning Director

Town of Indian Trail  
P.O. Box 2430  
Indian Trail, NC 28079  
704-821-5401  
[www.indiantrail.org](http://www.indiantrail.org)

STATE OF NORTH CAROLINA )

TOWN OF INDIAN TRAIL )      ORDINANCE # O160613-242

**AN ORDINANCE AMENDING CHAPTER 110 AUTHORIZATION OF EXEMPTION and CHAPTER 520, BUSINESS AND COMMERCIAL DISTRICTS, OF THE INDIAN TRAIL UNIFIED DEVELOPMENT ORDINANCE (UDO) RELATED TO EXEMPTING THE UNION COUNTY CROOKED CREEK WASTEWATER TREATMENT PLANT FROM UDO REQUIREMENTS IN INDIAN TRAIL, NORTH CAROLINA**

**WHEREAS**, the Town is the applicant for ZT 2016-005 requesting to amend Chapters 110 Authorization of Exemption and 520, Business and Commercial Districts of the Unified Development Ordinance (UDO) related to exempting the Union County Crooked Creek Wastewater Treatment Plan from UDO requirements; and

**WHEREAS**, this Zoning Amendment (ZT 2016-005) was duly noticed in compliance with North Carolina General Statutes; and

**WHEREAS**, the amendment was heard by Planning Board on April 19, 2016 and May 17, 2016 in two public meetings; and

**WHEREAS**, the Planning Board after hearing the amendment and deliberations made the following findings and recommended to approve to the Town Council:

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
  - **Infrastructure Goal #1:** The proposed text amendment will enable future wastewater system improvements to occur in a more expeditious manner by being exempt from local regulations and approval processes;
2. This UDO ordinance amendment is in the best interest of the public because it helps create a more efficient process to providing additional wastewater treatment capacity and services to the growing Indian Trail community.

**WHEREAS**, the Town Council received the Planning Board transmittal for a recommendation to approve in the required public hearing held on June 13, 2016, and after receiving the transmittal, public comment, and deliberation, voted to approve the amendment with the required findings and amendment recommendation as transmitted by the Planning Board.

NOW THEREFORE, BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL,  
NORTH CAROLINA HEREBY TAKES THE FOLLOWING ACTION:

**Section 1 – UDO CHAPTER 110 and UDO Chapter 520 is hereby approved as shown in Exhibit A  
of this Ordinance;**

**Section 2-** This ordinance shall be effective immediately upon adoption.

SO ORDAINED THIS 13<sup>H</sup> DAY OF JUNE, 2016. THE TOWN COUNCIL OF INDIAN  
TRAIL

By

\_\_\_\_\_  
Honorable Michael L. Alvarez, Mayor

Attest:

\_\_\_\_\_  
Kelley Southward, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
TOWN ATTORNEY