



PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

PLANNING BOARD MINUTES

December 18, 2012

6:30 P.M.

The following members of the governing body were present:

Patricia Cowan, Cathi Higgins, Larry Miller, Robert Rollins, Cheryl Mimy, Kelly D'Onofrio, Jan Brown and Alan Rosenberg.

Present but not seated: Robert Rollins, Chip Long, alternate.

Staff Members:

Shelley DeHart, Kelly Barnhart, Helen Boich

Call to Order: Chair Patricia Cowan called the meeting to order.

Roll Call Sidney Sandy was absent.

Approval of Minutes- September 18th and October 16th- APPROVED

Public Items

ZM 2012-004 Gulley Property: A request to rezone a newly annexed vacant 23.39 acre parcel from Union County Residential R-20 to SF-1. Applicant: Town of Indian Trail; Location: Helmsville Road across from 3809-3827 Helmsville Rd.

Planning Director Shelley DeHart presented the request. Ms DeHart stated, pursuant to State Statutes, once a property the Town has 60 days to apply a zoning designation. The property is vacant and undisturbed. The property owner has requested to establish a Single-Family residential zoning which is SF-1. This would replace the prior zoning which was Union County Residential R-20. This is a low to medium residential classification. The minimum acreage size would be 20 thousand square feet in area.

Ms DeHart stated the property adjoins the future park property. The property is located within the Hwy 74 Business Corridor providing a significant amount of opportunities for retail, office, entertainment, and lodging however also provides for a residential population to support the commercial uses locally. Based on the Village criteria it is consistent with the Comprehensive Plan. Staff is of the opinion the findings can be made to support the request. Ms DeHart read the findings into the record.

Goal 1.3.1 Quality of Life: Because the proposed zoning classification provides for low- to medium residential density therefore supporting a diverse range of housing options, including varying densities of single family, multifamily, traditional neighborhood development (TND), and mixed-use communities in order to provide affordable living opportunities for a wide range of residents.

The request for this zoning reclassification is a reasonable request and is in the public interest because it establishes a zoning classification consistent with the existing Union County zoning classification and it promotes the goals of the adopted Indian Trail Comprehensive Plan.

Staff recommends transmitting a recommendation of approval to Town Council.

Member Rosenberg asked if the adjoining industrial park is in Indian Trail. Ms DeHart replied yes. Mr. Rosenberg asked if there would be any impact to the businesses that back up to the property when that piece is developed. Ms DeHart replied it is unclear at this point how that property might develop. The property owner requested the single family zoning classification just to be consistent with how the property is currently zoned and taxed at this time. There is opportunity for someone to come back and rezone. There is no planned development. This request is to comply with State Law.

Member Miller stated he knows the owners and thinks they have wanted to sell part of the property. Being the Industrial Park is in Indian Trail and the Gulley property is in Union County there was no ability to promote any sale because there have been so many problems. If this goes through the property that is next to it is in need of additional acreage, otherwise the company might need to move out of Indian Trail. This is just general information.

Public session was opened and closed with no one signed up to speak.

Member Higgins motioned to recommend approval to Town Council.

Member Mimy seconded the motion.

All members voted in favor.

ZM2012-005 Brandon Oaks Phase 9: A request to rezone two-parcels from R-20 Residential District to SF-4 Single-Family District with a Pre-Existing Development Overlay (PED Overlay). Applicant: Town of Indian Trail; Location: Portion of Brandon Oaks Phase 9 annexed by Annexation #133

Ms DeHart presented the request to rezone two properties that were recently annexed into Indian Trail. The request is to rezone to SF-4, a moderately intense single family detached zoning designation. This is similar to what is already in place in the Brandon Oaks area. An overlay is also being requested to account for the previously approved dimensional requirements that do not correspond to the SF-4 district.

Ms DeHart stated staff is of the opinion the findings can be made and read them into the record.

Goal 1.3.1 Quality of Life: A more sustainable quality of life to the residents of Indian Trail by establishing a greater sense of community and promoting a unique identity within the Town of Indian Trail for all residents.

The proposed rezoning to SF-4 with a PED Overlay 1 will help to promote a better quality of life for our residents by ensuring the continuation of the unique identity and residential character of the Brandon Oaks community.

Goal 1.3.1 Quality of Life: A diverse range of housing options, including varying densities of single family, multifamily, traditional neighborhood development (TND), and mixed-use communities in order to provide affordable living opportunities for a wide range of residents.

The proposed rezoning to SF-4 with a PED Overlay 1 will help provide a diverse range of housing opportunities in Indian Trail by providing additional medium density housing within an overall planned development community with varying housing sizes and densities.

The request for this zoning reclassification is a reasonable request and is in the public interest because it promotes the goals of the adopted Indian Trail Comprehensive Plan in the areas of *Quality of Life* and is consistent with the adopted plans within the Town of Indian Trail.

Staff recommends a transmittal of approval to Town Council.

Member D'Onofrio asked how often does this come up to rezone properties that are already built. Ms DeHart replied this is a final area of Brandon Oaks that has been voluntarily annexed and as required by State Statute a zoning designation must be applied to the parcels within 60 days of annexation. There are only two parcels remaining in Brandon Oaks that need to be annexed into the Town.

Ms D'Onofrio expressed concern this could be a way to skate around Town regulations. Ms DeHart stated the Town regulations still apply; the overlay recognizes there are certain rights as related to house placement and/or setbacks which are consistent with the entire area. If a property owner wanted to do an addition the Town would recognize their setbacks they were built under and let them build to those setbacks.

Public session was opened and closed with no one signing up to speak.

Member Miller motioned to recommend approval to Town Council.

Member Brown seconded the motion.

All members voted in favor.

CZ 2012-002 Carolina Courts: a request to rezone a 3-acre portion of a 51-acre lot from SF-1 to a Conditional Regional Business Zoning District for the purpose of developing the lot as an indoor/outdoor recreation facility known as Carolina Courts. Applicant: Partners in Hoops; Location: 304 Matthews-Indian Trail Road.

Ms DeHart presented the request and stated a Conditional Zoning is basically a rezone with customized classification. It is started with a base classification; the applicant is requesting a Regional Business District classification. The request is being customized based on their proposed use and site plan therefore the conditions placed on will mold to the customized classification. This is a request to rezone 3 acres of an existing 51 acre parcel. The intent of the rezoning is to allow for the development of an indoor/outdoor recreation facility, Carolina Courts. The present location is being displaced by the Monroe bypass project. NCDOT has purchased their property; they are currently leasing the location back until the new facility is available. Carolina Courts has worked in partnership with the Town to keep the facility in the Town of Indian Trail; this includes 1500 hours annually of court time for residents of Indian Trail and the ability to the Town to host up to eight events in the new facility.

Ms DeHart stated the location is in one of the two parks that were included in the park bond referendum which was passed in November of 2012. The park and facility have been designed together to take in shared parking, access, pedestrian connections and infrastructure. The primary use is an indoor basketball and volleyball facility with proposed accessory uses to be an outdoor volleyball court, a restaurant, retail shopping with a gift shop, commercial entertainment such as concerts and town events. There will also be afterschool athletic instruction, fitness services. All of these uses are allowed uses in the Regional Business District zoning.

Ms DeHart stated, based on the applicant's letter of intent, the operation will be 7 days a week with 5 full time and 30 part time employees with anticipation of hosting over 40 events/tournaments per year that will generate between 150,000 and 200,000 visitors to the park. The restaurant is anticipated to be 2,400+ square feet and will service the facility patrons, park uses, residents, as well as the daytime business community. The restaurant has been designed to include outdoor plaza and patio dining. Some of what is to be phased in.

Ms DeHart stated as required to obtain a Conditional Zoning two neighborhood meetings must be held. The first was held on December 5th at the Indian Trail Civic Building and the second on December 6th at the project site on Matthews Indian Trail Rd. These meetings were advertised in compliance with the UDO. A mail out notice was sent out to those 500 feet from the property line of the project. There were no attendees other than the Town staff and the applicant's development team.

Ms DeHart stated the subject property is located within the Downtown Village of the Comprehensive Plan. It identifies the planning needs for this area as:

- Attractive urban design to attract new residents and business
- Create a community gathering place and regional destination
- Economic Development is vital
- The area needs to become more pedestrian friendly
- Public facilities such as parks/open space, civic uses etc. are needed.

Staff is of the opinion that the proposed project, in partnership with the Town's public park, meets all of the needs listed above. It further meets the general "Smart Growth Principles" applicable to the Downtown Village which are;

- Provide a variety of uses that enhance the quality of life and meet the needs of current and future residents;
- Take advantage of compact building design – this would include things such as shared infrastructure;
- Foster distinctive, attractive communities with a strong sense of place;
- Connect schools, parks, downtown existing open spaces and outdoor recreation areas.

Staff is of the opinion the goals of the Comprehensive Plan are satisfied as follows:

Goal 1.3.1 Quality of Life - The proposed conditional zoning district will meet this goal by:

- *Providing common urban design elements in coordination with the Town in the Downtown area; and*
- *Assisting in the implementation of the Town's park system in order to provide a better sense of community for Indian Trail Residents;*

Goal 1.3.2 Land Use - the proposed rezone project provides a mix of uses within the Downtown Village and promotes a more balanced tax base by relocating a new commercial business; and

Goal 1.3.4 Downtown Revitalization – the proposed project promotes the downtown area as a focal point by including the opportunity for a gathering place for community events, while at the same time serving as a business and cultural destination for the local and regional population.

Ms DeHart stated the request for this Conditional Zoning District is a reasonable request and is in the public interest because it is consistent with the Downtown Master Plan, the Indian Trail Comprehensive Plan, the Parks and Greenway Master Plan, and provides recreational opportunities for our Town residents.

Ms DeHart stated staff has proposed draft conditions and read them into the record:

1. The proposed development shall be designed generally consistent with the associated site plan and elevations as incorporated herein as attachment two.
2. Any change in the principle use (recreational/spectator entertainment use) or major change in the conceptual plan, shall require Town Council consideration as a new rezone request.
3. The applicant shall submit for approval a phasing plan (if needed) for the plaza and/or outdoor dining patio area prior to construction.
4. All street/plaza furniture such as benches and trash receptacles, bike racks, pedestrian lighting, other incidental site features shall be approved by the Town.
5. The three acre area shall be subdivided from the 51-acre tract prior to certificate of occupancy.
6. All conditions shall be met within two years of the establishment of the Conditional Zoning District unless authorized herein. The Town Council may act to revoke the conditional zoning district designation if the applicant fails to meet the terms of the

district. (Ms DeHart stated this is standard language from the UDO and must be included in the request.)

Ms DeHart presented, to each of the members, a written request for a phasing plan for some of the improvements. She stated the applicant has indicated, in the request, a time line and the phasing for the porte-cochere.

Member Miller stated his concern regarding traffic downtown. He asked if there has been a traffic study. Ms DeHart replied there has been a traffic study done by the Engineering Department for the park as a whole. The traffic cannot be considered for Carolina Courts alone, all development must be taken into consideration. Traffic will be considering in the design of other outlets from the park.

Member D'Onofrio asked what would happen if the applicant decided to sell the property in a few years. Ms DeHart replied this scenario is exactly why it is a Conditional Zoning. A Regional Business district allows for a wide range of uses. If approved, this Conditional zoning request will only allow the uses that are proposed tonight. If the use was to change it would have to go back through the same process as a new rezone. This request can only be used as an indoor/outdoor recreational facility with the accessory uses. UDO gives the department the ability to make some administration modifications. With that authority the department has the right to bring any request for modification back to the Planning Board for final decision by the Town Council.

Member Higgins asked if there will be adequate parking. Ms DeHart stated it is shared parking with the Town with proposed additional parking in the downtown area, phased in as the park is. It will start with 301 parking spaces in the initial design.

Member Cowan asked what percentage will be assessable handicapped parking. Ms DeHart stated there are State and Federal regulations any development must meet.

Member Cowan expressed her concern the porte-co is not on both renditions.

Member Miller asked if the town buildings connect to the park. Ms DeHart replied yes and indicated the path.

Member Rosenberg asked about the phasing of the park. Kelly Barnhart, Economic Development, replied there has been no direction from Town Council as to what would be built. She stated the Town is in the process of doing an RFQ to interview full service firms to assist in the design and building. Council will make the determination as to the phasing order. This will be for both parks.

Public session is opened.

Scott Chitwood, owner of Carolina Courts, came before the board and stated a second facility has just been completed in joint partnership with Concord. He stated in this process they have learned there are many difference in the scope of business for each town. The request for the

phasing of the porte-cochere and the plaza is a request for time to determine what will best fit the business model and the Indian Trail residents. The restaurant may or may not need outdoor dining. Mr Chitwood stated there is a turn lane at the front entrance with an island in the middle. He stated they are asking for time to figure out what type of porte-cochere would work best before they invest money in it.

Member Rosenberg asked what the problem is in Concord. Mr. Chitwood replied the site is very small and it would have taken away parking spots and it would have been included in the overall size of the building.

Mr Chitwood stated there are 9 handicapped parking spaces for the site. The rest of the parking is still in conceptual design. There will be more spaces closer to the ball field. He stated there are parking marshals in Concord and that is something definitely they would do in Indian Trail.

Member Higgins stated she is very excited about the partnership. Ms Higgins asked about the exterior building materials. She stated she is of the understanding it is going to be a metal shell with stucco and brick in the front. Mr. Chitwood replied it is. Ms Higgins suggested and asked if they would be agreeable to that being stated as a condition. The Town has had a recent situation where the project was approved based on a site plan that the Town thought it would be built the way it looked and it was not because it was not part of the conditions.

Ms DeHart stated the language (building materials) could be added to condition 1.

Member Higgins commented the building is going to be in a corner, as indicated on the site plan. Two sides are going to be street facing that will just be blank walls. She asked if the logo, *live, play, learn* could be on both of those sides. Ms DeHart stated the plan is, based on the UDO, to reestablish a tree line that is out there now. This would be used for screening. There will be a planting plan that will accommodate screening. There will also be gateway signage at that location, for the park and the facility. The applicant stated they will work with the Town to attach any type of branding.

Member Miller stated the trees on the berm that was established near his home have grown very quickly. He is of the opinion it will be a waste of money to do the branding as the trees will grow faster than you think. Mr. Chitwood stated there are ways to attach banners to the building that are not permanent.

Member Rosenberg asked how the current building compares in size to the proposed building. Mr. Chitwood stated it is about 4000 sq feet more.

Member Rosenberg expressed concern for parking because of the phasing in of the park, not all of the parking on the plan is going to be there. He asked if the trail to the other parking will be available. Ms DeHart stated it is her understanding the 301 spaces are part of the initial phase in. She commented on the Moving Wall event and that the two events were successful in regards to parking.

Member Rosenberg asked about the garbage dumpster and what will the material be. Ms DeHart stated the Town has a standard requirement for trash enclosure. They are to match the material of the primary structure.

Member Rosenberg asked if there is a time frame for the Shady Bluff connector. Ms DeHart replied she is not aware of a time line for that. The only part is the 1st portion of the Chestnut Parkway. When asked if that connects to Hwy 74 Ms DeHart stated it goes to the property where a service road will come into the park. The Town has been in contact with adjacent property owners about a future development which will in turn help with the design.

Sam Kleter, general contractor for Carolina Courts, stated there are 9 handicapped spaces but that could be adjusted to a higher percentage. Temporary spaces can be designated can be established as needed for certain events. Regarding the porte-cochere the entrance is designed for safety the only difference is the actual covering.

Mr. Chitwood, stated Concord is given a 6 month plan of events with traffic expectation. Parking information is given to any team that uses the facility. This will also be provided to Indian Trail.

Public session was closed.

Ms DeHart stated the Town has a Request for Qualification out to bring in a consultant to provide expert advice on the structure and management of the parks and their facilities.

Ms Barnhart the Town has discussed overflow parking in different areas. The situation will approve over time. Fencing will direct pedestrian traffic. The possibility of lowering of the speed limit has also been discussed.

Member Mimi asked about safety signs. Ms Barnhart stated there will be wayfaring signs and roadway safety signs will be used.

Member Cowan asked about the Thread Trail connectivity. Ms DeHart stated the trails in this park definitely feed into the Town's adopted Park, Greenway Master Plan system. The Thread Trail does not specifically go through this section but the Town's interconnection system does. The closest connection to the Thread Trail is Old Monroe Rd. It is connected by sidewalks and the Town greenway plan.

Member Higgins asked for a consensus in adding the building material language to Condition 1. All members were in favor.

Member Rosenberg expressed his concern regarding the phasing of the porte-cochere. He stated he does not understand why this should be a 10 year plan and would like to see it be a shorter time frame as well as a shorter time for the 3-5 year plan for the outside volleyball courts.

Ms DeHart stated it is not unusual for an applicant to request a phasing in plan. The applicant knows their timeline but it is certainly in the Planning Boards authority to make a

recommendation on the phasing plan, but it will ultimately be the final decision of the Town Council.

Member Miller stated a porte-cochere is necessary in all seasons.

Member Brown stated it makes the building more attractive.

Ms DeHart stated within a motion the modification can be recommended.

Chair Cowan asked Mr. Chitwood to respond to this issue.

Mr. Chitwood stated they are not opposed, there is not one in Concord and that was not by choice but by the size of the property. It is an expensive add on, if asked to do it they will have to go back and look at it budgetary wise. He stated they would have the design and the footings so when they understand the scope of it and the budget to do it they can authorize it and build it.

Member Brown asked if it is a game breaker if the porte-cochere is not built. Mr. Chitwood replied no they are just going to have to get very creative in the budget. He stated he wants to make sure the money they invest is used properly. There are a lot of things that should have been done differently in the first two buildings.

Member Higgins stated besides being more welcoming and inviting the cover would be more accommodating in adverse weather. Mr. Chitwood stated if the design could be modified it could be more cost effective. Member Brown stated without it the building looks like a warehouse.

Mr. Chitwood stated it is not a deal breaker and he will have to revisit it with the ownership group.

Chair Cowan suggested the item be tabled until next month.

Mr. Chitwood stated a porte-cochere can definitely be done, it is a budget issue. If the time frame is going to be changed to 6 months it might as well be done now.

Member D'Onofrio stated this is the Boards first big project, their names are on the building and they just want it to look top notch.

Mr. Chitwood stated they must put an order in for the building next week. It could cause delay in building and the lease at the present site will be up this summer. Having to shut the doors for a couple of months would be devastating.

Ms DeHart asked the Board, if they are willing to except a phasing plan, what would be the maximum time line.

Member Miller stated the applicant stated it is not impossible; they will have to crunch some numbers so there is no need to delay the construction of the porte-cochere.

Chair Cowan stated the Board would like to require this in the language along with the building materials now. There will be no phase in for the porte-cochere.

Ms DeHart asked if there could be a phasing of the building materials around the pillars initially. Members agreed to phase the plaza area for 10 years, the phasing of the building materials for the pillars for 3 years and the porte-cochere to be built now.

Member Miller motioned to recommend approve to Town Council with the agreed modifications as listed above and the recommended conditions.

Member Mimi seconded the motion.

All members voted in favor.

Ms DeHart stated the items heard tonight will be forwarded to Town Council with a recommendation to approve. The Council will meet January 8th at 6:30 pm.

Other Business-Next year's schedule was approved.

Planning Report-none

Adjourn

**Town of Indian Trail
Planning Board**

_____ **Chair** _____ **Date**

_____ **Secretary**