



PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

PLANNING BOARD MINUTES

February 21, 2012

6:30 P.M.

The following members of the governing body were present:

Patricia Cowan-Vice Chair, Kathy Broom, Gary Vaughn, Robert Rollins,
alternates Cathi Higgins and Jan Brown

Staff Members: Shelley DeHart, Rox Burhans, Susan Didier and Helen Boich

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

Roll Call: Russell Whitehurst, Sidney Sandy and Larry Miller were absent.

Approval of Minutes: January 17, 2012 **Approved**

Public Items

ZT2012-001 Sign Ordinance Amendment: a request to amend Division 900 to allow for LED Static Message Board signage for institutional uses. Location: Town-wide; Applicant: Town of Indian Trail.

Planning Director Shelley DeHart presented the request. Ms DeHart stated this is specifically to allow LED message board signs for institutional uses, examples being schools, churches, museums, government facilities, such as a fire department or library all which can be classified as public uses, displaying public messages or events. There is some general housekeeping in the form of corrections to include the multi-tenant center free standing sign allocation as it pertains to the Hwy 74 corridor.

Ms DeHart stated Section 540.010 is the design standards for Union County Public schools. This was generated by Indian Trail elementary school. They requested to change their bulletin board from a manual to an LED. There have been others who have made this request. Section 540 was specifically written to standardize school regulations. The section being requested to amend is Section O. The amendment will change the language to incorporate the term changeable copy signs. It can be a manual or an LED message board type. This section was inconsistent with another table (9140.040 C, D and E Sign Tables). Indian Trail Elementary school is replacing their logo from an Indian to a timber wolf paw. The mascot was changed

years ago. They are updating their sign to have changeable copy to inform parents and residents of events and fundraisers. Section 9140 addresses all of the use tables, residential, institutional and commercial. Because institutional uses are allowed in all districts, all of the tables are in need of amending. Within the table any use indicated by an asterisk is allowed to utilize manual changeable copy signage or an LED Static Message Board. The commercial section has been simplified by referring to permitted signs in the Institutional Use Table 9140.040D.

Ms DeHart stated in applying the UDO to free standing sign allocations in multi tenant centers, specifically the Hwy 74 corridor, there was an equity issue. In the last couple of years there has been an amendment to allow for more signage on Hwy 74. By doing this it further restricted the multi tenant centers. The amendment was based on two criteria, a single user greater than 40,000 square feet and properties greater than five acres. If the property did not qualify they would refer back to a single tenant chart getting the same amount as a single user on an individual lot. This was not equitable, applied Town wide. It was learned that sign allocation should be based on the width of the right of way and travel speed. These two factors determine what size lettering should be for easier site, travelling at the faster speed. In the last amendment of the UDO the amount of signage was reduced for multi tenants on smaller parcels on Hwy 74, although they have the widest right of way and the fastest speed. The proposed amendment would remove the language for property that does not meet criteria from either table and add categories of less than 1 acre.

Size (acres) sign area (sq ft) height (ft)

<i>Less than 1</i>	<i>75</i>	<i>20</i>
<i>1.00 to 2.99</i>	<i>100</i>	<i>20</i>
<i>3.00 to 4.99</i>	<i>125</i>	<i>25</i>

Ms DeHart stated, in regards to housekeeping, when adding the ability to use LED signage in the Hwy 74 corridor there was a large discussion on how often the message could change. Town Council authorized a 10 minute delay between message changes. It was incorporated into the definition for changeable copy signs but in another section it did not get changed and still referred back to the original 3 second change. In Section 9140.040 there is a need for spelling corrections and there is a need to add a cross reference with regard to multi tenant centers to refer back to Chapter 990.

In summary Ms DeHart stated this request is adding the ability to use LED changeable copy signs for institutional uses in all districts, doing some housekeeping, and make the multi tenant free standing sign allocation more equitable. Ms DeHart stated staff believes the findings can be made and they were read into the record.

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.

1. The proposed UDO amendment is consistent with the following goals:
 - 1.3.1 of the Comprehensive Plan – Quality of Life; the proposed UDO ordinance amendments will provide opportunity to communicate important messages to the general public associated with institutional uses; and

2. This UDO ordinance amendment is in the best interest of the public because it establishes regulations facilitating real-time communication opportunities to benefit the general public related to institutional events and possible emergency situations.

Staff recommends that the Planning Board make the required consistency findings and recommend approval of this Zoning Text Amendment as presented to the Town Council.

Member Broom asked who cannot have an LED sign. Ms DeHart replied the General Commercial Businesses outside the Hwy 74 corridor or an institutional use. There are some outstanding businesses that have been there before the sign ordinance.

Member Rollins asked if there is anything that would address a business not on the corridor that would want to advertise on Hwy 74 such as a movie theater. Ms DeHart stated there was a text amendment to allow large entertainment or convention facilities to have an off premise sign. They are required to prove they have a volume of a certain size. Ms Broom asked if they have to prove this every year. Ms DeHart replied that is not required in the ordinance. Once the sign is up even if they fell out it would be a non conforming. The UDO states, if a business leaves they have 30 days to remove their signage. Ms Broom stated she is asking if they are still in business but are not drawing the volume. Ms DeHart replied there is nothing in the ordinance that they have to prove volume, they only have to prove it once, when they go to establish the sign. Ms DeHart stated she will go back and review the ordinance and bring it back to the Board or email the members.

Member Vaughn motioned to recommend approval of ZT 2012-001 to Town Council.

Member Rollins seconded the motion.

All members with the exception of Member Broom voted in favor.

ZT2012-002 Day Care Definitions: a request to amend the UDO related to throughout the UDO as applicable to refine the subcategories of the term *Day Care*. Location: Town-wide; Applicant: Town of Indian Trail.

Planning Director Shelley DeHart presented the request stating at the previous Planning Board meeting Member Higgins recommended the definition be consistent with the State statute definition.

This amendment proposes to amend the following Chapters and Sections of the UDO:

1. **1610- Definitions for Use Groups and Categories**
2. **510.020-Allowed Uses – Residential Districts**
3. **520.020-Allowed Uses Business & Commercial Districts**
4. **530.020-Allowed Uses Industrial Zoning Districts**
5. **540.010-Allowed Uses Institutional District**

This would separate out the adult use and child use facilities.

Family Child Care Home

The first amendment of the UDO will correct the definition for home-based day care. Currently, the ordinance states that such operation allows for up to five children or adults who are not

related to the day care provider. Upon further research, the North Carolina State Statutes and the North Carolina Department of Health and Human Services Division of Child Development have detailed requirements as it relates to ages and quantity of children for home-based day care:

NCGS § 110-86 (3)(b) A family child care home is a child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care.

NCGS § 110-91(7)(b) Family Child Care Home Capacity – Of the children present at any one time in a family child care home, no more than five children shall be preschool-age, including the operator's own preschool-age children.

Child Care Center

The second amendment will correct the criteria for day care centers to match the NC General Statutes:

NCGS § 110-86(3)(a) A child care center is an arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care.

Adult Day Care

The third amendment will add a section concerning adult day care requirements.

NCGS § 131D-6 (b) As used in this section "adult day care program" means the provision of group care and supervision in a place other than their usual place of abode on a less than 24-hour basis to adults who may be physically or mentally disabled.

Ms DeHart stated this will be carried out in the use table, adding the above definitions to UDO Section 1610 Day Care. Day Care title was changed to the specific care.

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. Staff is of the opinion the following findings can be made:

1. The proposed UDO amendment is consistent with the following goals:
 - 1.3.1 of the Comprehensive Plan – Quality of Life; the proposed UDO ordinance amendments will help to make the UDO consistent with state, federal and other regulatory standards for day care facilities, and allow for the promotion of a greater quality of life for the citizens of the Town Indian Trail by preserving the general process for review of such facilities.
 - 1.3.2 of the Comprehensive Plan – Land Use; the proposed UDO ordinance amendments will help to promote a quality mix of different land uses while avoiding land use conflicts with neighboring properties and surrounding municipalities through a streamlined process of review.
2. This UDO ordinance amendment is in the best interest of the public because it establishes use definitions consistent with their governing authorities providing clear guidance for their operators within our ordinances.

Staff recommends that the Planning Board make the required consistency findings and recommend approval of this Zoning Text Amendment as presented to the Town Council.

Member Higgins thanked Ms DeHart for addressing this issue so promptly.

Member Higgins motioned to recommend approval of ZT 2012-002 to Town Council.

Member Vaughn seconded the motion.

All members voted in favor.

Other Business-

Ms DeHart stated that one of the members of the Town Council has requested a bypass subcommittee be formed, made up of a couple of Planning Board members to review special issues as it relates to the Monroe Bypass. The final alignment is moving forward and the Town is working on pedestrian connections, and other issues of land use. Members would meet as needed as the issues start arising.

Gary Vaughn, Patty Cowan and Jan Brown volunteered for the subcommittee.

Member Cowan asked if there would be any others joining the committee. Ms DeHart replied it would consist only of Planning Board members. The Council has the authority and that is part of the task allowed by the Planning Board, they can ask that you look at special studies or focus groups, that is what they have requested.

Member Vaughn stated he is aware they are beginning to purchase properties and coming through and talking to residents, it started last week. He stated where he lives on his crossroad four or five people have been contacted.

Member Cowan asked about the home that is being used as an information office. Mr. Vaughn stated it is on Indian Trail Fairview Rd.

Member Vaughn stated when he spoke to a man in the office he was told none of this is definite, lines may move, they are not sure of easements and right of ways, they will get back to him. Mr. Vaughn stated 10 years and they are still not sure where the road is going. They have an idea but they still don't know what to do.

Member Cowan asked Ms DeHart if she has any information on the sign that she is seeing in town and around for the 485, some of them look like they are folded up, the off road detour signs and different directional signs. They are mostly on the other side of town and on 485. She stated she is not sure if this is for future detour, or what. Ms DeHart replied she is not sure and will replay the question to the Engineering department, they would be aware of roadway work if it is tied to the bypass or other work going on.

Member Vaughn asked Ms DeHart for any information regarding the intersection at Faith Church Rd and Secrest Shortcut, it is all staked out, is it going to be a round about? Ms DeHart

replied she does not know but will ask the Town Engineer and have him send an email to the Planning Board. Member Vaughn stated it is a bad intersection.

Ms DeHart asked Ms Cowan where the directional signs are. Ms Cowan replied they are on Secrest Shortcut, coming from 485, the Stevens Mills intersection, pointing left to the 485. They look like the interstate signs, the red, white and blue. Some of them are even folded up, temporary type. She has had many inquiries where she works.

Member Cowan asked what is being constructed at the corner of 74 and Sardis Church Rd. Ms DeHart replied an Aldi's Food store is under construction. She stated she will email the members with the opening date. Member Vaughn commented the intersection is a mess. Member Broom asked about the Chick fil a. Ms DeHart replied it is still in a sketch plan submittal format. The department has been working on the architecture and they are continuing in their due diligence on the site, refining their design. There is no indication to the Town that it won't be submitted in a formal site plan review. If it moves forward it is going to be very nice. It is going to be located where East 74 restaurant is and one of the benefits is that the dilapidated buildings on the site will be demolished. They are pretty far in the sketch plan review process and the department anticipates a formal application coming in.

Member Cowan asked if East 74 will be taken over. Ms DeHart replied the whole site will be demolished and redeveloped. They are doing their typical building style; it will be double laned as far as ordering boxes. They anticipate a really good demand for their product at that corner and they have worked very hard on the architecture and other site design, to be a very nice added feature to that intersection.

Member Cowan asked if this will be inclusive of the shopping center behind that. Ms DeHart replied the shopping center is still behind it and they have worked very hard trying to ensure there is pedestrian connectivity between the site and working with the signage for the existing building to have good signage up front so they are working very well. Ms Cowan asked if East 74 will be relocating. Ms DeHart replied she does not have that information and she does not know what their plans are.

Planning Report-none

Adjournment

**Town of Indian Trail
Planning Board**

_____Chair_____Date

_____Secretary