

comprehensive plan, while also expanding the opportunities for lodging uses in a way that will benefit of Indian Trail residents and business owners.

Board Questions:

Member Rosenberg asked why are we just looking at Sun Valley at this point for Hotel/Motel uses. Director Burhans answered that staff focused areas that had the most potential commercial growth. Staff will consider looking at expanding to other villages in the future. Member Rosenberg asked if the project is a full service hotel. Staff Burhans stated that he would let the applicant explain. Discussion ensued regarding the length of stay limit as well as the limit of 20% of the building would be allowed for accessory use. Staff Burhans gave a brief explanation of studying other communities and that the applicant could apply for conditional rezoning if needed. Staff Burhans explained what would and wouldn't necessarily constitute an accessory use.

Member Rosenberg expressed his concern that there are no provisions for signs for Mixed Use Buildings. Staff Burhans answered that it would be treated like commercial buildings. Member Rosenberg also asked if this project is commercial use only on the first floor. Staff Coperine answered that no residence would be allowed on the ground floor.

Discussion followed about the topic of what type of market the hotel would be attempting to draw. Also, Member Aponte asked about the traffic impact. Staff Burhans explained that these uses would only be allowed in commercially zoned areas. If a project is a certain size, it will need a Traffic Impact Study.

Chair Cowan mentioned that she has vacationed in many areas and hotels can be built near high schools, and it works well. She stated that signage has been well used in Matthews in a Village Center area. Chair Cowan requested that staff locate a map and present it on the smart board to show the 4 villages identified to allow mixed use buildings which Staff Coperine did. Chair Cowan asked about the language regarding hotel-motel and what defines each. Staff Burhans stated that the word motel is already in the ordinance and there is no clear definition of what defines each as well the fact that other local government includes both. Chair Cowan expressed the need for a hotel in the area and liked the idea of moving hotels into the villages.

Member Miller stated that he was concerned with traffic. He was also concerned with a hotel being built in Sun Valley Center having enough business in that immediate area to support it. Member Brown stated that he liked the concept, and asked what the total number of rooms would be. Staff Burhans answered that he didn't have provisions for a room count, but the applicant could provide some information.

Dennis Moser at 231 Post Office Dr. Indian Trail, NC stepped to the podium to speak. He stated that he had been trying to attract hotel brands since 2011. In the last 6 months, a major brand is now interested. This project would have 112 rooms and a conference center. He felt that the accessory uses shouldn't be limited. He mentioned that Extreme Ice and Carolina Courts have great demand for a hotel. Mr. Moser also stated that demand is coming for mid week use for hotels in the Indian Trail area. After much studying of where to best place a hotel, Mr. Moser said that Sun Valley was the best site. Mr. Moser stated that he is concerned with the present requirement to front load this site. It puts parking places a distance from the hotel's front door. Also, with a conference center, the building needs to be higher. The proposed building would be 5 stories. He asked to approve the same height that is already there with the existing theater. Mr. Moser asked the board to consider 63 ft maximum height and no restrictions on the amount of conference space.

Member Miller asked Mr. Moser if he could divulge the name of the hotel. Mr. Moser said that it would be an Inn and Suites. Member Rosenberg asked to be shown the site on Google Earth.

Member Brown stated that he thinks a hotel will help bring in shops and restaurants. Chair Cowan asked if the property management will be the same as the Sun Valley commercial area. She also asked if Mr. Moser was the current property manager and he answered that he was.

John Ross with Eagle Engineering at 2013 Van Buren Ave, Suite A, Indian Trail, NC stated that the project is a full service hotel and that there are 3500 professional jobs around that area. He stated that there is less traffic impact with hotels than other typical commercial uses. The proposed hotel would have 112 total rooms. The users of the hotel would be professionals during the week. On the weekends the majority of use would be by families visiting relatives. Member Rosenberg asked if the meeting space exceeds the 20% limit. Mr. Moser stated that he didn't believe so. It was later confirmed that it did not. Discussion followed regarding the difference between hotels with conference rooms and a conference center and what elements make a site profitable.

The applicant mentioned that with an Inn and Suites, the 30 day limit could be an obstacle. Member Miller also mentioned that the 30 day limit could possibly be an issue. More discussion followed regarding the long term intent of this limit and to be able to have the ability to manage it in the future.

Opened and closed the public portion as there were no further comments.

Board discussion:

Member Rosenberg stated that the traffic issue doesn't concern him and much effort has gone into examining the location to know if it will be profitable. Other members stated that it would be a positive addition to the Sun Valley area.

Member Brown made a motion to approve ZT2016-001 with modifications of maximum height no higher than the existing theater as well as having staff research and add signage requirements related to mixed use buildings, seconded by Member Rosenberg. Vote to approve was unanimous.

The meeting was paused for several minutes.

ZT2016-003 Grand Opening Banners- a request to amend Chapters 940 and 970 of the Unified Development Ordinance to remove the need to obtain a permit to install grand opening banners.

Staff Burhans presented the case which was initiated by Town Council. This was a change intended to support local businesses. This amendment would allow new business to have the immediate right to display banners for up to 45 days from the time the applicant receives their approved permit. There would be no change in size standards. In the case of a delayed opening, within the first 90 days of the opening, the applicant could apply and receive a first time permit at no charge.

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

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
 - ***Economic Development Goal #2:*** The proposed Town initiated text amendment will expand marketing opportunities for new businesses and is reflective of the Town's commitment to support the Indian Trail business community; and

- **Land Use and Housing #6:** The proposed text amendment's elimination of the need for grand opening banner permits increases the predictability for new business owners in obtaining temporary signage.

2. This UDO ordinance amendment is in the best interest of the public because it helps create additional marketing opportunities for new businesses and makes the regulatory process more predictable, which will help promote job growth and ensure a more balanced tax base within the community.

Staff recommended that the Planning Board make the required consistency findings and recommend adoption of this UDO Text Amendment ZT2016-003 as presented.

Member Rosenberg asked when there are possible delays, the time may need to be longer. Staff Burhans replied that it would be staff's administrative discretion to give them an extension. The intent is giving business more rights, not take them away.

Opened public comment and closed public comment. No one had signed up to speak.

Motion by Member Rosenberg to approve ZT2016-003 with the findings as read into the record, seconded by Member Aponte, the vote to approve was unanimous.

OTHER BUSINESS- none.

PLANNING REPORT

Director Burhans gave an overview of the Town Council workshop that was held on March 5th. This included an HR report about salaries and compensations for Town Staff. Kelly Barnhardt resigned as Economic and Community Director. Other staffing changes include hiring of an Assistant Director of Finance, Branden Chopelas. Also hired are a new HR Director and Finance Director both starting in the next several weeks. There will be a closure of the Indian Trail road from June through November. Large residential rezoning projects coming in. Zaxby's and Christian Brothers are closer to completion. Framing went up at Glenn Oaks Apartments. Staff has been working on various text amendments and will likely contract out the update of the Unified Development Ordinance. Staff Burhans explained that the naming of village centers have some identification by wayfinding signs but have other ideas in the future. Mr. Miller exited the meeting at 8:35pm.

ADJOURN

Member Rosenberg made a motion to adjourn the meeting, seconded by Member Brown. The vote to adjourn was unanimous.

Chairman:

Date: _____

Secretary:

STATE OF NORTH CAROLINA)

TOWN OF INDIAN TRAIL) **ORDINANCE # 0160412-235**

AN ORDINANCE AMENDING CHAPTERS 940, SIGNS NOT REQUIRING A PERMIT AND 970 TEMPORARY SIGN REGULATIONS, OF THE INDIAN TRAIL UNIFIED DEVELOPMENT ORDINANCE (UDO) RELATED TO TEMPORARY GRAND OPENING BANNERS IN INDIAN TRAIL, NORTH CAROLINA

WHEREAS, the Town is the applicant for ZT 2016-003 requesting to amend Chapters 940 Signs Not Requiring a Permit and Chapter 970 Temporary Sign Regulations, to remove the need to obtain a permit prior to installing grand opening banners and related changes within the Temporary Sign Regulations of the Unified Development Ordinance (UDO); and

WHEREAS, this Zoning Amendment (ZT 2016-003) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, the amendment was heard by Planning Board on March 15, 2016 in a public meeting; and

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

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
 - ***Economic Development Goal #2:*** The proposed Town initiated text amendment will expand marketing opportunities for new businesses and is reflective of the Town’s commitment to support the Indian Trail business community; and
 - **Land Use and Housing #6:** The proposed text amendment’s elimination of the need for grand opening banner permits increases the predictability for new business owners in obtaining temporary signage.
2. This UDO ordinance amendment is in the best interest of the public because it helps create additional marketing opportunities for new businesses and makes the regulatory process more predictable, which will help promote job growth and ensure a more balanced tax base within the community.

WHEREAS, the Town Council received the Planning Board transmittal in the required public hearing held on April 12, 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 940 and UDO Chapter 970 is hereby Approved as shown in Exhibit A of this Ordinance;

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

SO ORDAINED THIS 12TH DAY OF APRIL, 2016. THE TOWN COUNCIL OF INDIAN
TRAIL

By _____Honorable Michael L. Alvarez, Mayor

Attest:

Kelley Southward, Town Clerk

APPROVED AS TO FORM:

TOWN ATTORNEY

ZT2016-003 EXHIBIT A

Chapter 140. Signs Not Requiring a Permit

140.080 Grand opening banners for businesses located in non-single-family residential zoning districts provided that:

1. 1 banner per-business
2. Banner size shall not exceed 32 sq. ft. in area
3. Banner shall be attached to the building façade for standalone businesses, above the business suite for multitenant commercial centers, or mounted within a Town approved banner display structure.
4. Banner shall be removed within 45-days of issuance of the Town zoning verification or building upfit permit associated with the opened business within existing buildings or issuance of a zoning compliance certificate for businesses opened in new buildings through a site plan permit.
5. Businesses that did not display a banner within the time period specified within UDO 940.080(D) may display a grand opening banner within the first three (3)-months of the business being open to the public subject to obtaining a temporary sign permit and compliance with UDO Chapter 940.080(A) through (C).

UDO Chapter 970.080(B) Permitted Types of Storefront Signs

Type	Illustration	Maximum Size/Height	Maximum Number	Location	Duration
Temporary Banner "Grand Opening*"; "Going Out of Business" <u>See UDO Chapter 940.080 for Grand Opening Banners</u>		32 square feet	1 per business but no more than one in a multi-tenant commercial center.	1. Attached to the building façade for standalone businesses. 2. Mounted <u>within a Town approved</u> banner display structure or on front façade directly above the business suite for multi-	<u>45 days Grand Opening</u> <u>30 days Going out of Business</u>

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

PLANNING AND NEIGHBORHOOD SERVICES

Planning Board Transmittal for the April 12, 2016 Town Council Public Hearing

Case: ZT2016-001 and CPA2016-001 Amendment to UDO Chapters 520, 810, 7220, 7230 and 1610 and Comprehensive Plan Chapter 3			
Reference Name	Hotel/Motel and Mixed Use Buildings Amendment of UDO Chapters 520, 810, 1010 and 1610, new Chapters 7220, 7230, and Amendment of Comprehensive Plan Chapter 3		
Planning Board Meeting Date	March 15, 2016		
Members Present	Chair Cowan <input checked="" type="checkbox"/>	Jan Brown <input checked="" type="checkbox"/>	Vice Chair Larry Miller <input checked="" type="checkbox"/>
	Cathi Higgins <input type="checkbox"/>	Sidney Sandy <input type="checkbox"/>	Vacant <input type="checkbox"/>
	Alan Rosenberg <input checked="" type="checkbox"/>	Jorge Aponte <input checked="" type="checkbox"/> Alternate 1	Vacant <input type="checkbox"/> Alternate 2
	Vacant <input type="checkbox"/> Alternate 3		
Case Found Complete	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Motion	Recommend approval		
Member Making the Motion	Vice Chair Larry Miller		
Second the Motion	Board Member Jan Brown		
Vote	5-0		

Project Summary

This is a request to amend Chapters 520, 810, 1010, 1610, and add new Chapters 7220 and 7230 to the Unified Development Ordinance (UDO), and Comprehensive Plan Chapter 3 to allow Hotel/Motel uses and Mixed Use Buildings within the General Business District's Village Center Overlay. The report analyzes the Hotel/Motel uses and Mixed Use Buildings in separate sections below. Accompanying the Mixed Use Building proposed language is a Comprehensive Plan amendment to allow for the appropriate density of mixed use buildings within the Village Center Overlay districts.

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.*

Hotel/Motel Analysis

This request is initiated by The Moser Group to permit Hotel/Motel uses within the General Business District Village Center Overlay area. Hotel/Motel uses are currently only permitted in the Regional Business District, which is predominately located along US Hwy. 74. There are currently no hotel/motel businesses located within the Town of Indian Trail. Overnight visitors to Indian Trail must utilize lodging accommodations in the neighboring communities of Charlotte, Monroe, Stallings, or Mathews.

As further described in the draft findings below, staff believes hotel/motel uses are compatible (with appropriate standards) within select Village Center Overlay areas in light of the Comprehensive Plan designating these areas as activity centers for the confluence of commercial and residential uses. In addition to providing an accommodations service to Indian Trail residents and business owners, lodging establishments have the added benefit of bringing new customers to the community to help support local retail, restaurant, and other business establishments. The Indian Trail tax base can be further balanced with the addition of a hotel/motel use.

While there are several direct benefits to having hotel/motel uses within the community, there are also potential negative attributes that should be identified. Criminal activities can be associated with hotel/motel establishments. These activities can be perpetrated by guests inside the establishments or can be committed against hotel guests. Lieutenant Chase Coble with the Union County Sherriff Office (UCSO) has expressed concerns about introducing hotel/motel uses within the village center overlay areas due to the possibility of attracting a transient population.

If the amendment is adopted, staff believes it will be important for the UCSO to be directly involved in the site plan review process to help minimize safety issues attributed to the site layout. Staff also discussed this amendment with the Union County Fire Marshall's Office. They indicated both the Stallings and Hemby Bridge Volunteer Fire Departments have 100-ft ladder trucks that could serve a mid-rise building.

Mixed Use Building Analysis

This request is initiated by the Moser Group and refined by Town Staff to allow mixed use buildings in the General Business District (GBD) Village Center Overlay area in specific villages. In general, the Village Centers were envisioned in the Town's Comprehensive Plan to provide neighborhood shopping, civic activities, and compact neighborhoods within a 10 minute walk. The goal is to encourage sustainable development, reduce environmental impacts of scattered development, reduce traffic and provide economic opportunities for businesses.

As described more fully in the staff report, mixed use buildings are considered a form of sustainable development with several benefits, including but not limited to more efficient use of available land, preservation or creation of community's sense of place, and vibrant city centers, as well as economic benefit to areas with mixed uses. Not only do mixed uses provide an opportunity to increase commercial tax revenue from the businesses located within it, but also increase foot traffic from patrons who live walking distance to those businesses.

Planning Board

The Planning Board heard this item at its March 15, 2016 public meeting. The following will briefly summarize discussion at the meeting according to the two topic areas of the proposed amendment.

Hotel/Motel Amendment

There were no public comments provided at the meeting beyond those shared by the applicant and his representatives (Dennis Moser, Moser Group and John Ross, Eagle Engineering). The Planning Board

topics of discussion included the potential location of hotels within Sun Valley and the market for them, traffic impacts, staff recommended length of stay limitations (30-days) and building height limitations (4-stories or 50-ft), staff recommended limitations on accessory uses (20% of gross floor area), and the differences between hotel and motel uses. Please see the attached minutes for the March 15, 2016 Planning Board meeting, and link to the audio file in [Granicus](#).

During the Planning Board discussion, the applicant provided a summary of his desire to build a 5-story, 112-room *Inn and Suites* type hotel. If the text amendment is approved, the hotel would likely be located fronting Old Monroe Road adjacent to the Valley Estates neighborhood. The applicant provided a broad overview of the likely market for this hotel being derived from area sports venues, travelling employees visiting nearby business parks, and guests visiting family living in Indian Trail. The applicant also outlined his desire to construct a building equally tall as the existing Stone Theater building (approx. 63-ft or 5-stories).

Mixed Use Building Amendment

Planning Board Members asked questions related to the Mixed Use Buildings amendment regarding signage requirements per non-residential standards and residential restrictions on the first floor of a mixed use building. Please see the attached minutes for the March 15, 2016 Planning Board meeting, and link to the audio file in [Granicus](#).

The Planning Board voted unanimously to transmit a recommendation to approve to the Town Council. The Planning Board amended staff's recommendation related to hotels to permit a 63-ft tall building. The Board also instructed staff to examine the applicability of commercial sign requirements for mixed use buildings.

The following consistency statements were found:

1. The proposed UDO amendment is consistent with the following goals:
 - ***Land Use and Housing Goals #1, 2, 4 and 5:*** Because it will enable diverse uses, densities and housing types, avoids potential land use incompatibilities, promotes sustainable development through the use of smart growth principles and encourages high quality design; and
 - ***Economic Development #1:*** Because it will enable infrastructure investment in the commercial areas of Indian Trail that will help foster economic development initiatives that ensure a more balanced tax base within our community.
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.

Public Comments

Staff received an April 4, 2016 email from a Brandon Oaks resident expressing concerns related to the hotel/motel use sections of the amendment. The email was also directed to Town Council members, but has been attached as a reference. Staff attempted to contact the citizen, but did not get a response.

Staff Contact

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Gretchen Coperine, AICP, Senior Planner

gcoperine@planning.indiantrial.org

Attachment 1- Planning Board Report
Attachment 2- Draft Ordinance

Attachment 3 – Draft Planning Board Minutes of March 15, 2016
Attachment 4- Public Comment on Hotel/Motel Uses

TC ATTACHMENT 1- PLANNING BOARD REPORT



P.O. Box 2430

Indian Trail, North Carolina 28079

PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

Zoning Staff Report

Case: ZT 2016-001 Hotel/Motel and Mixed Use Buildings and CPA2016-001		
Reference Name	Amendment of UDO Chapters 520, 810, 7220, 7230, 1010 and 1610 and Comprehensive Plan Chapter 3	
Applicant	Sun Valley Commons, LLC c/o Moser Group	
Submittal Date	February 23, 2016	
Location	Town-wide	
Tax Map Number	N/A	
Plan Consistency	Town of Indian Trail Comprehensive Plan	Consistent With Goals of the Adopted Comprehensive Plan
Recommendations & Comments	Planning Staff	Recommends Approval of Proposed Text Amendment.

Project Summary

This is a request to amend Chapters 520, 810, 1010, 1610, and add new Chapters 7220 and 7230 to the Unified Development Ordinance (UDO) to allow Hotel/Motel uses and Mixed Use Buildings within the General Business District’s Village Center Overlay. The report analyzes the Hotel/Motel uses and Mixed Use Buildings in separate sections below. Accompanying the Mixed Use Building proposed language is a Comprehensive Plan amendment to allow for the appropriate density of mixed use buildings within the Village Center Overlay districts.

Staff Recommendation- Staff recommends based on the guidance of the adopted plans that the text amendment be supported by recommending its approval to the Town Council

Hotel/Motel Analysis/Overview

This request is initiated by The Moser Group to permit Hotel/Motel uses within the General Business District Village Center Overlay area. Hotel/Motel uses are currently only permitted in the Regional Business District, which is predominately located along US Hwy. 74. There are currently no hotel/motel businesses located within the Town of Indian Trail. Overnight visitors to Indian Trail must utilize lodging accommodations in the neighboring communities of Charlotte, Monroe, Stallings, or Mathews.

As further described in the draft findings below, staff believes hotel/motel uses are compatible (with appropriate standards) within select Village Center Overlay areas in light of the Comprehensive

Plan designating these areas as activity centers for the confluence of commercial and residential uses. In addition to providing an accommodations service to Indian Trail residents and business owners, lodging establishments have the added benefit of bringing new customers to the community to help support local retail, restaurant, and other business establishments. The Indian Trail tax base can be further balanced with the addition of a hotel/motel use.

While there are several direct benefits to having hotel/motel uses within the community, there are also potential negative attributes that should be identified. Criminal activities can be associated with hotel/motel establishments. These activities can be perpetrated by guests inside the establishments or can be committed against hotel guests. Lieutenant Chase Coble with the Union County Sheriff Office (UCSO) has expressed concerns about introducing hotel/motel uses within the village center overlay areas due to the possibility of attracting a transient population.

If the amendment is adopted, staff believes it will be important for the UCSO to be directly involved in the site plan review process to help minimize safety issues attributed to the site layout. Staff also discussed this amendment with the Union County Fire Marshall's Office. They indicated both the Stallings and Hemby Bridge Volunteer Fire Departments have 100-ft ladder trucks that could serve a mid-rise building.

Amendment Overview

The following will provide a summary level overview of the proposed UDO amendments. Please refer to Attachment 2, Ordinance Exhibit A for the proposed amendment in its entirety.

- *UDO Chapter 520.020 Use Table:* This section of the proposed amendment identifies hotel/motel uses being permitted within the General Business District, Village Center Overlay. A reference is included to direct readers to the hotel use-specific standards section.
- *Hotel/Motel Use-Specific Standards:* The following are use-specific standards staff is proposing based on its review of the applicant's proposed ordinance amendment and other research.

1. Village Center Locations: The proposed amendment would only permit hotel/motel use within the General Business District, Village Center Overlay area of the Sun Valley Village, as identified in the Indian Trail Comprehensive Plan. Hotel/motel uses would not be permitted in any other village center area. Please refer to the enclosed Sun Valley Village Map for a location reference (Attachment 1). The village center areas identified in red as either existing Commercial or future Mixed Use would be potential locations for a hotel/motel use if the amendment is approved. In 2013, the Indian Trail Town Council identified the Sun Valley Village Center as a future "shopping and entertainment district," which further supports its appropriateness for lodging uses.

The UDO currently permits hotel/motel uses in the Regional Business District (largely along US-74), which will remain unchanged.

2. Interior Access: The amendment would require room access to occur inside the building unless there was a ground floor courtyard or pool area providing access to rooms. This is intended to create a cleaner, more attractive appearance by eliminating the "motor lodge" type design with individual, exterior doors. This will also help ensure hotel/motel guests or their visitors must pass through a "managed area" to gain entry.
3. Exterior Balcony Visibility: Hotel/motel buildings are prohibited from having exterior balconies within 200-ft of a residential property. This is intended to respect the privacy of adjacent residences.

4. Length of Stay: Individual length of stay is limited to 30-consecutive days. This is intended to help hotel/motel uses from being used for more permanent residences.
 5. Accessory Use Size Limitations: Accessory uses (conference center, restaurant, etc.) are limited to 20% of the hotel/motel establishment floor area unless a larger percentage is approved through a conditional rezoning.
 6. Pool Location: Pool facilities are prohibited from being located between the building and the street or in front of the building. Screening is also required around pool areas.
 7. Height Limitations: Additional height limitations have been put in place for hotels located within Village Center Overlay areas in light of these areas potentially having surrounding residential uses. Height is limited to 50-ft. unless a higher height is approved through a conditional rezoning process.
 8. Enhanced Landscaping: Buildings located adjacent to residential properties shall have enhanced landscaping along the perimeter. The intent is to be able to specify taller growing trees or other improvements to help screen upper story floors.
- *Housekeeping Change Related to Conference Centers*: Conference or meeting centers often accompany larger hotel uses. In researching this proposed hotel/motel amendment, staff discovered the UDO does not have a conference center parking rate. A housekeeping aspect of this amendment is to establish a minimum parking rate of 1-stall per 3-building occupants. Staff also clarified in the parking section that hotels must also provide parking for their associated accessory uses.

Mixed Use Buildings Analysis/Overview

This request is initiated by the Moser Group and refined by Town Staff to allow mixed use buildings in the General Business District (GBD) Village Center Overlay area in specific villages. In general, the Village Centers were envisioned in the Town's Comprehensive Plan to provide neighborhood shopping, civic activities, and compact neighborhoods within a 10 minute walk. The goal is to encourage sustainable development, reduce environmental impacts of scattered development, reduce traffic and provide economic opportunities for businesses. (See Town of Indian Trail's Comprehensive Plan, Chapter 1.)

Mixed use buildings are considered a form of sustainable development as they support development where people can live, work and play. Some of the benefits of mixed-uses are: more efficient use of available land, preservation or creation of community's sense of place, and vibrant city centers. There is also economic benefit to areas with mixed uses. Not only do mixed uses provide an opportunity to increase commercial tax revenue from the businesses located within it, but also increase foot traffic from patrons who live walking distance to those businesses.

Numerous studies and surveys continue to show that both millennials (those born between 1980s to the early 2000s) and baby boomers (those born between 1946 and 1964) are choosing to live closer to where they work and want to be able to walk to shopping and leisure activities as much as possible. Mixed uses provide such opportunities.

The following will provide a summary level overview of the proposed UDO amendment as it pertains to Mixed Use Buildings:

- *New Use Category*: The proposed amendment adds "Mixed Use Buildings" as a new category to be allowed in the General Business District within select Village Center Overlay areas.

- *Definition:* The definition of a mixed use building is a multi-story building that contains at least one floor devoted to nonresidential uses and at least one devoted to residential uses. Uses may generally include retail, office and apartments or condominiums.
- *New UDO Section - Development Standards:*
 1. Mixed Use Buildings will be subject to the Conditional Zoning approval process. At that time, standards such as density will be determined based on site location, overall community features, building form, as well as massing and scale. The Conditional Rezoning approval process provides Planning Board and Town Council the opportunity to determine the appropriateness of a development as a whole on a case by case basis.
 2. Commercial and office uses will be permitted on the 1st and 2nd floors, and residential on the subsequent floors. The buildings must provide separate or secured entrance access to the residential uses and shall
 3. Buildings will have limitations on the total floor area (square footage), and on the amount of residential area that may be provided.
 4. The building design will be subject to existing Architectural standards for non-residential development, balconies will need to be screened when adjacent to residential, and the height will be limited to 50 feet or 4 stories.
- *Locations:* Specific villages have been identified where mixed use buildings would be allowed. These are limited to Austin Village, Sun Valley, Rocky River, and Old Monroe Village Centers. Other restrictions include height limits, balcony locations, and landscaping and screening requirements.
- *Floor Area:* changes to UDO Chapter 520.040 to allow defined floor area square footage proposed with this amendment.

Based on staff's findings, we offer the modifications attached to the Draft Ordinance 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. The respective Hotel/Motel and Mixed Use Building proposed language is found in Attachment 2, Exhibits A and B.

In light of the unique nature of mixed use buildings and the inability to define appropriate densities at the ordinance level, a Comprehensive Plan Amendment (CPA2016-001) has also been proposed with this text amendment. See Attachment 3.

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

1. The proposed UDO amendments are consistent with the following goals of the Comprehensive Plan:
 - ***Land Use and Housing Goals #1, 2, 4 and 5:*** The proposed amendments are consistent with the Comprehensive Plan because they will enable diverse uses, densities and housing types, avoid potential land use incompatibilities, promote sustainable development through the use of smart growth principles, and encourage high quality design; and
 - ***Economic Development #1:*** The proposed amendments will also enable investment in the commercial areas of Indian Trail that will help foster economic development initiatives

that ensure a more balanced tax base within our community as well as locate residents and customers in close proximity to local businesses.

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, protect the low density single-family areas as envisioned in the comprehensive plan, while also expanding the opportunities for lodging uses in a way that will benefit of Indian Trail residents and business owners.

Staff recommends that the Planning Board make the required consistency findings and recommend adoption of this UDO Text Amendment ZT2016-001 as presented.

Staff Contact

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Attachment 1: Application

Attachment 2: Sun Valley Village Map-IT Comp Plan

Attachment 3: Draft Ordinance: Exhibit A, Draft language for Hotel/Motel Use

Exhibit B, Draft language for Mixed Use Buildings

Attachment4: Draft Resolution: CPA2016-001

PB ATTACHMENT 1
Application

**UDO TEXT AMENDMENT
APPLICATION**

ZT2016-001

R-000680

Inv 27033



PLANNING & NEIGHBORHOOD SERVICES

130 Blythe Drive

PO Box 2430

Indian Trail, NC 28079

Telephone (704) 821-5401

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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

Submittal Requirements

- Completed Application
- Notarized signature of applicant
- Letter of Intent (which has separate explanation(s) as to the text amendment(s) specifically being offered, along with the purpose of the amendment(s))
- Fees associated with review
- ****A TECHNOLOGY FEE, 10% OF FEE, WILL BE APPLIED TO THE TOTAL FEE.**

Timeline/Procedures

- The Town Council meets the 2nd and 4th Tuesday of every month; the Planning Board meets the 3rd Tuesday of every month.
- All submittal requirements must be met by the first day of the month before the UDO Text Amendment is heard. For instance, if you wanted to present your UDO Text Amendment before the 3rd Tuesday in March, then you need to have all of your materials in to us by February 1st.
- The Planning Board will meet on the 3rd Tuesday of that same month to discuss and transmit a recommendation to the Town Council at their next meeting regarding the proposed UDO Text Amendment.
- A public hearing will be called for by the Town Council at their next scheduled meeting (either the second or fourth Tuesday of the month) to discuss the proposed UDO Text Amendment.
- You must demonstrate to the Planning Board and to the Town Council that this amendment of the UDO conforms to the intent and letter of the Indian Trail Comprehensive Plan, along with being in harmony with the UDO.

**UDO TEXT AMENDMENT
APPLICATION**

Subject Section of the UDO:

Name ALLOWED USES

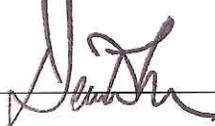
Chapter: 520.020

Purpose: PERMIT HOTEL/MOTEL AND MIXED USE IN GBD-VCO

Contact Information – Applicant

Name SUN VALLEY COMMONS, LLC c/o The MOSER GROUP
Address 231 POST OFFICE DRIVE, SUITE B-8
City INDIAN TRAIL State NC Zip 28079
Phone (704) 882-1700 Fax (704) 882-2220
Email dmoser@themosergroupinc.com

Applicant's Certification

Signature  Date 2-19-16

Printed Name/Title Dennis W Moser

Signature of Notary Public Mary Marmillion Date 2-19-16

Notary Seal

Mary Marmillion
Notary Public - North Carolina
Mecklenburg County
Commission No. 201510500146
My commission expires 4-12-2020

TOWN OF INDIAN TRAIL OFFICE USE ONLY

CASE NUMBER: IT 2016-001

DATE RECEIVED: 2-22-16

AMOUNT OF FEE: 9550

RECEIVED BY: 

RECEIPT #: /



February 19, 2016

Mr. Rox Burhans
Director of Planning
Town of Indian Trail
130 Blythe Drive
Indian Trail, NC 28079

Re: Letter of Intent
Text Amendment to Unified Development Ordinance
Indian Trail, North Carolina

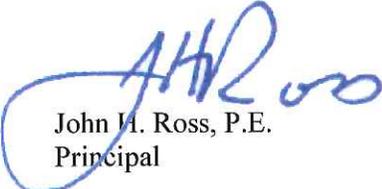
Dear Mr. Burhans:

On behalf of our client, Sun Valley Commons, LLC., it is our intent and our formal request to amend the text of the Town of Indian Trail Unified Development Ordinance. To expand, it is our request that Chapter 520.020 and any other pertinent sections be amended to permit the development of hotel and motel uses, and the development of mixed use facilities, within the General Business District - Village Center Overlay districts.

Included herein is a complete application package in support of this request. Should you have any questions or require additional information, please feel free to call at your convenience. Thank you in advance for your consideration.

Sincerely,

EAGLE ENGINEERING, INC.



John H. Ross, P.E.
Principal

Attachments
cc: SVC, LLC; file 4257

Atlanta
PO Box 551
Alpharetta, GA 30004
Ph 678 339 0640
Fax 678 339 0534

www.eagleonline.net

Charlotte
2013-A Van Buren Avenue
Indian Trail, NC 28079
Ph 704 882 4222
Fax 704 882 4232

02-22-16 A10:45 IN



Elaine F. Marshall
Secretary

North Carolina

**DEPARTMENT OF THE
SECRETARY OF STATE**

PO Box 29622 Raleigh, NC 27626-0622 (919)807-2000

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[Print a Pre-Populated Annual Report form](#)

Corporate Names

Prev Legal: DENNIS W. MOSER & ASSOCIATES, INC.
Legal: The Moser Group, Inc.

Business Corporation Information

SosId: 0371509
Status: Current-Active
Annual Report Status: Current
Citizenship: Domestic
Date Formed: 6/15/1995
Fiscal Month: December
State of Incorporation: NC
Registered Agent: Moser, Dennis

Corporate Addresses

Mailing: 231 Post Office Dr Ste B8
Indian Trail, NC 28079
Principal Office: 231 Post Office Dr Ste B8
Indian Trail, NC 28079
Reg Office: 231 Post Office Dr Ste B8
Indian Trail, NC 28079
Reg Mailing: 231 Post Office Dr Ste B8
Indian Trail, NC 28079

Officers

President: Dennis Moser
231 Post Office Dr Ste B8
Indian Trail NC 28079

Stock

Class: Common Non Voting
Shares: 100
No Par Value: Yes
Class: Common Voting
Shares: 9900
No Par Value: Yes

PB ATTACHMENT 2
Sun Valley Map

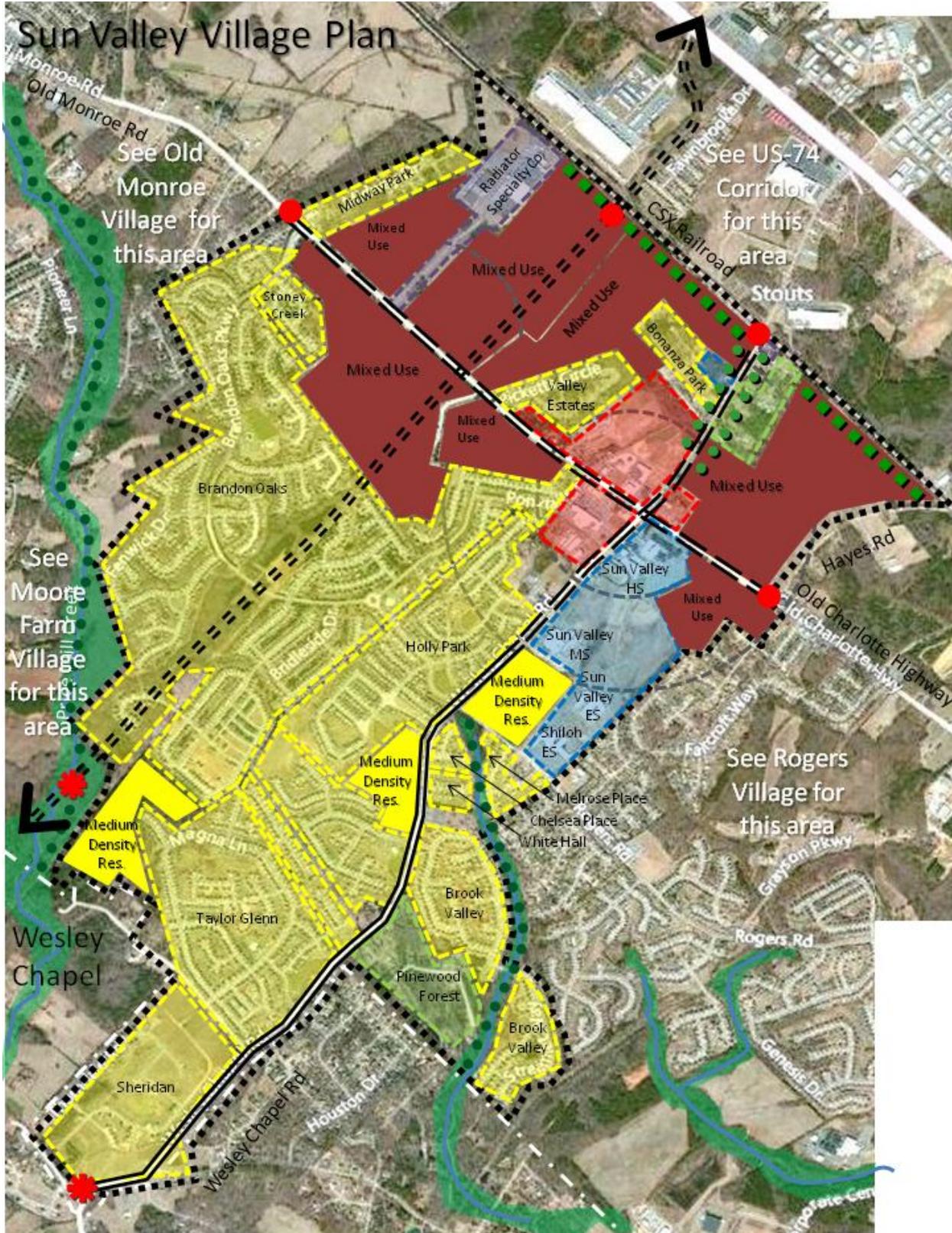


Fig. 5.1.66 Sun Valley Village Plan

PB ATTACHMENTS 3 and 4
Draft Ordinance and Resolution

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SEE TC ATTACHMENT 2 FOR DRAFT ORDINANCE AND RESOLUTION

STATE OF NORTH CAROLINA)

) ORDINANCE #DRAFT

TOWN OF INDIAN TRAIL)

AN ORDINANCE AMENDING CHAPTERS 520, BUSINESS AND COMMERCIAL ZONING DISTRICTS; 810, BUFFER YARDS, PARKING LOTS AND STREET FRONTAGE; 1010, OFFSTREET PARKING AND LOADING GENERAL REQUIREMENTS; 1610, USE GROUP AND CATEGORIES; AND CREATING NEW CHAPTERS 7220, HOTEL-MOTEL AND 7230, MIXED USE BUILDINGS, OF THE INDIAN TRAIL UNIFIED DEVELOPMENT ORDINANCE (UDO) RELATED TO HOTEL/MOTEL USES AND MIXED USE BUILDINGS IN INDIAN TRAIL, NORTH CAROLINA

WHEREAS, the Town is the applicant for ZT 2016-001 requesting to amend Chapters 520, Business and Commercial Zoning Districts; 810, Buffer Yards, Parking Lots and Street Frontage; 1010, Off-Street Parking and Loading General Requirement; 1610, Use Group and Categories; and creating new Chapters 7220, Hotel-Motel 7230, Mixed Use Building, to permit hotel/motel uses and mixed use buildings in select business and commercial zoning districts within select village overlay centers; establish design standards; and general housekeeping modifications within the UDO; and

WHEREAS, this Zoning Amendment (ZT 2016-001) was duly noticed in compliance with
North Carolina General Statutes; and

WHEREAS, the amendment was heard by Planning Board on March 15, 2016 in a public meeting; and

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

1. The proposed UDO amendment is consistent with the following goals:
 - **Land Use and Housing Goals #1, 2, 4 and 5:** Because it will enable diverse uses, densities and housing types, avoids potential land use incompatibilities, promotes sustainable development through the use of smart growth principles and encourages high quality design; and
 - **Economic Development #1:** Because it will enable infrastructure investment in the commercial areas of Indian Trail that will help foster economic development initiatives that ensure a more balanced tax base within our community.
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.

WHEREAS, the Town Council received the Planning Board transmittal for a recommendation to approve in the required public hearing held on April 12, 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 Chapters 520, Business and Commercial Zoning Districts; 810, Buffer Yards, Parking Lots and Street Frontage; 1010, Offstreet Parking and Loading General Requirement; 1610, Use Group and Categories; and new Chapters 7220, Hotel-Motel 7230, Mixed Use Building, are hereby Approved as shown in Exhibits A and B of this Ordinance; and

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

SO ORDAINED THIS 12th DAY OF APRIL

2016. THE TOWN COUNCIL OF INDIAN

TRAIL

By _____
Honorable Michael L. Alvarez, Mayor

Attest:

Kelley Southward, Town Clerk

APPROVED AS TO FORM:

TOWN ATTORNEY

ZT2016-001 EXHIBIT A

Hotel-Motel Amendment 1:

Chapter 520. Business and Commercial Zoning Districts

520.020. Allowed Uses

USE GROUP	Business and Commercial Districts						Use Standard
Use Category	CBD	NBD	GBD	RBD	O-VCD	O-DD	
Specific Use Type							
Liquor Sales (accessory to hotel, motel, country club)				P			
Fortune Telling Service	-	-	-	S	-	-	
Funeral and Internment Service							
Cemetery, mausoleum, columbarium	P	P	P	P	P	P	
Cremating	-	-	S	S	-	-	
Undertaking	S	S	P	P	S	-	
Gas Stations	-	-	P	P	S	-	
Lodging							
Bed and Breakfast	P	-	P	P	P	P	
Hotel/Motel	-	-	<u>P*</u>	<u>P*</u>	<u>P*</u>	-	<u>*Only permitted in select Village Center locations within GBD. See UDO Chapter 7220 for use standards and Village Center locations.</u>
Medical Services							
Government-operated health center	-	-	-	P	-	-	
Health maintenance organizations	-	-	-	P	-	-	
Medical/Dental Labs	P	P	P	P	P	P/S*	*If 0-1,500 sq. ft., then permitted by-right; if greater than 1,500 sq. ft., SUP is required.
Medical/Dental Offices	P	P	P	P	P	P	
Offices							

Hotel-Motel Amendment 2:

Chapter 7220. Hotels-Motels

The following regulations shall apply to all Hotel-Motel uses as described in UDO Section 1610.080.

- A. Hotel-Motel uses within the General Business District (GBD) shall only be permitted within the Sun Valley village center overlay, as identified within the Indian Trail Comprehensive Plan. Hotel-motel uses are not permitted outside the identified village center.
- B. All units shall be accessed from an interior hallway, except for first floor units which may have direct access from an interior courtyard or swimming pool area instead of, or in addition to, hallway access.
- C. Exterior balconies shall not be allowed within two hundred (200) feet of any single-family residentially zoned or occupied property or street unless they are located in an interior courtyard or are physically separated or screened from the residentially zoned property or street by another building or portion of a building.
- D. The total length of stay for a patron shall not exceed thirty (30) consecutive days during any single visit.
- E. Areas devoted to non-living quarter accessory uses (i.e. restaurants, retail sales, conference/meeting facilities, etc.) shall be limited to 20% of the total gross floor area of the building unless a larger percentage is permitted as part of a conditional rezoning approval. With the exception of restaurant uses, accessory uses shall be accessed from the interior of the hotel-motel.
- F. Pool facilities shall not be located between the building and the street or in front of the building within the GBD-VC overlay district. Pool facilities shall incorporate screening to minimize offsite views in all zoning districts.
- G. In addition to height limitations specified in UDO Chapter 520.030(A) and (B) within the GBD-VC overlay district, building height shall be further limited to 63-ft unless a taller height is permitted as part of a conditional rezoning approval.
- H. Buildings located adjacent to single-family residential zoning districts or uses shall have enhanced landscaping to help minimize the visibility of upper story floors.

Hotel-Motel Amendment 3:

UDO Chapter 1010.010 Parking Ratios

Use Category	Specific Use	Requirement
Overnight Accommodations	Bed and Breakfast	1 space per rented room plus parking for any permanent residents consistent with the other requirements of this table.
	Extended Stay Facility	1 space per room plus 1 space for every 2 employees on the maximum shift
	Hotel/ Motel	1 space per room plus 1 space for every 2 employees on the maximum shift <u>and the required parking for accessory uses</u>
Entertainment	<u>Conference or Meeting Center</u>	1-space for every 3 occupants.

ZT2016-001 EXHIBIT B

Mixed Use Buildings Amendment 1:

UDO 520.040, Floor Area Limits for Commercial Establishments When Applicable

E. Village Center Overlay

Commercial establishments in the O-VCD district may not include more than 15,000 square feet of gross area. Food stores (groceries), lodging accommodations, Mixed Use Buildings and theaters are not subject to this floor area limit.

Mixed Use Buildings Amendment 2: Next Page

UDO Chapter 520.020(G), Use Table and Standards

USE GROUP	Business and Commercial Districts						Use Standard
Use Category	CBD	NBD	GBD	RBD	O-VCD	O-DD	
Lodging							
Bed and Breakfast	P	-	P	P	P	P	
Hotel/Motel	-	-	-	P	-	-	PROPOSED CHANGES UNDER REVIEW VIA ZT2016-001
<u>Mixed Uses</u>							
<u>Mixed Use Building</u>	=	=	<u>P*</u>	=	<u>P*</u>	=	<u>*Requires Conditional Rezoning approval to establish use. Only permitted in select Village Center locations within GBD. See UDO Chapter 7230 for use standards and Village Center locations.</u>
Medical Services							
Government-operated Health Center	-	-	-	P	-	-	
Health Maintenance Organizations	-	-	-	P	-	-	
Medical and Dental Labs	P	P	P	P	P	P/S*	*If 0-1,500 sf. Then permitted by right; if greater than 1,500 sf, SUP is required.
Medical/Dental Offices	P	P	P	P	P	P	

Mixed Use Buildings Amendment 3:

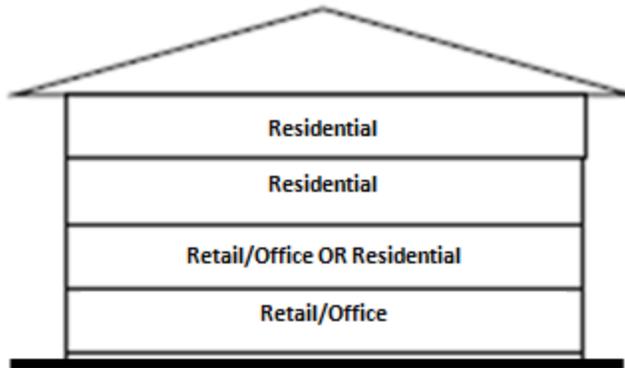
UDO Chapter 7230 Mixed Use Buildings

A. Applicability

Mixed Use Buildings are intended to provide two (2) or more complementary uses within the same building structure. A Mixed Use Building is a multi-story building that contains at least one floor devoted to nonresidential uses and at least one devoted to residential uses. Uses shall generally include retail, office and apartments or condominiums.

B. Standards

1. Mixed Use Buildings shall require a Conditional Rezoning approval process to establish the appropriate use mix allowed for each site per UDO Chapter 330, Conditional Zoning Districts, based on building form, massing and scale.
2. Mixed Use Buildings within the General Business District (GBD) shall only be permitted within the village center overlay areas of the following villages: Austin Village, Sun Valley, Rocky River, and Old Monroe Village Centers, as identified within the Indian Trail Comprehensive Plan. Mixed Use Buildings are not permitted outside the identified village centers.
3. Building Use: The mix of uses within a Mixed Use Building shall consist of the following:
 - a) Commercial or office uses on the ground.
 - b) Multi-family residential or commercial uses on the upper floors. Multi-family uses shall be limited to 75% of total floor area in a mixed use building.
 - c) The mix of residential and non-residential uses shall not alternate on upper floors. Non-residential uses may be provided on the ground and 2nd floors. However, any subsequent floors providing residential uses shall not alternate between residential and non-residential uses.
 - d) There shall be no residential and commercial uses on the same floor.



4. Lot and Building Standards

Unless specified herein, the Lot and Building Standards shall meet the requirements of UDO Chapter 520.030, Lot and Building Standards.

5. Density and Intensity

Density: The maximum density shall be determined through the Conditional Rezoning approval process for each site, based on site location, building form, massing and scale.

Intensity: The maximum floor area for non-residential uses shall be as follows:

2 story	28,000 square feet
3 story	33,000 square feet
4 story	36,000 square feet

6. Design

Architecture: the design for mixed use buildings shall comply with UDO Chapter 630, Village Center Overlay Zone and Chapter 1320, Nonresidential Design Standards. Additionally, the following standards shall apply:

- a) Each building shall be designed with harmonious architectural elements as a single structure.
- b) Exterior balconies shall not be allowed within two hundred (200) feet of any single-family residentially zoned or occupied property unless they are located in an interior courtyard or are physically separated or screened from the residentially zoned property by another building or portion of a building.
- c) Entrances for the residential and non-residential uses shall be separate and/or through a common courtyard. Where it is not feasible to provide a separate

entrance to the residential uses, access to same shall be restricted to residents only via controlled access mechanism.

- d) In addition to height limitations specified in UDO Chapter 520.030(A) and (B) within the GBD-OVCD overlay district, building height shall be limited to 50-ft or 4-stories (whichever is greater) unless a taller height is permitted as part of a conditional rezoning approval.
7. Land Use Group: Mixed Use Buildings shall be classified as a Group 2, per UDO Chapter 810.050, Land Use Groups. Landscaping shall be subject to non-residential landscape requirements per UDO Chapter 800. Additional landscaping, open space and or amenities may be required based on site location, building form, massing and scale. Such requirements shall be determined as part of the conditional rezoning approval.
8. Sign Requirements: Mixed use Buildings shall be subject to non-residential sign requirements as specified in UDO Chapter 800.

Mixed Use Buildings Amendment 4:

UDO Chapter 810.050, Land Use Groups

Land Use Group Designation	
Group 2	
Retail	Services
Bicycle Sales	Animal Hospital/Veterinary Clinic
Commercial Vehicle Sales	General
Convenience Goods	Small Animal
Domestic Sales	Large Animal
Gas Station	Automatic Teller
General Merchandise	Bank
Liquor Store	Business Services
Lumber and Oil Building Materials	Financial Services
Mail Order Delivery/Pickup Facility	Health Services
Manufactured Home Sales	Health Practitioner's Office
<u>Mixed Use Buildings</u>	Medical and Dental Laboratories
Motor Vehicle Sales	
Service Station	
Used Merchandise Sales	

Mixed Use Buildings Amendment 5:

UDO Chapter 1610.100 Use Groups and Categories: Other Use Group

D. Outdoor Advertising

The use of a site for the placement of off-premise signs.

E. Mixed Use Building

A Mixed Use Building is a multi-story building that contains at least one floor devoted to nonresidential uses and at least one devoted to residential uses. Uses shall generally include retail, office and apartments or condominiums.

F. Taproom or Taste Room

An area maintained predominately for the purpose of tasting, selling and consumption of the alcohol beverages manufactured on the premises or at a production facility of an associated use, including the sale of take home containers such as kegs, bottles and cans as may be allowed under Federal, State and County Law.

G. ~~F.~~ Wireless Communication Antenna and Tower

Facilities related to the use of the radio spectrum for the purposes of transmitting or receiving radio signals, and may include, but are not limited to radio towers, television towers, telephone exchanges, micro-wave relay towers, telephone transmission equipment buildings, and commercial mobile radio service facilities. The wireless communication antenna and tower category includes all associated equipment unless the written context clearly indicates otherwise. The term associated equipment may include, but is not limited to equipment shelter or platform, lighting, monopole tower, mounting hardware, and supporting electrical or mechanical equipment.

STATE OF NORTH CAROLINA)

)

RESOLUTION #DRAFT

TOWN OF INDIAN TRAIL)

**A RESOLUTION AMENDING THE OFFICIAL
INDIAN TRAIL COMPREHENSIVE PLAN IN THE TOWN OF INDIAN TRAIL,
UNION COUNTY, NORTH CAROLINA**

WHEREAS, the Town recognized the need to update Section 3.2 of the Indian Trail Comprehensive Plan as it relates to density of mixed uses within the Village Overlay Centers; and

WHEREAS, this Comprehensive Plan Amendment (CPA2016-001) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, the Planning Board has considered the evidence and public testimony presented at the public hearing and finds it supports the request to modify the subject section of the Comprehensive Plan; and

WHEREAS, the Planning Board voted 5 to 0 to recommend approval of the Comprehensive Plan Amendment on March 15, 2016; and

WHEREAS, the Town Council has considered the evidence, public testimony and Planning Board’s recommendation; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Indian Trail, North Carolina approves the modification of Section 3.2 of the Indian Trail Comprehensive Plan as shown in Exhibit“**A**”.

NOW THEREFORE, BE IT RESOLVED by the Town Council of Indian Trail, North Carolina hereby takes the following actions:

Section 1 – Approves CPA 2016-001 Comprehensive Plan Amendment:

Amend the Town of Indian Trail Official Comprehensive Plan to reflect additional language regarding density of specific mixed uses within the Village Overlay Centers.

Section 2 – This resolution shall be effective immediately upon adoption.

AND IT IS SO ORDAINED this 12th day of April 2016

TOWN OF INDIAN TRAIL COUNCIL

Attest:

Kelley Southward, Town Clerk

Michael Alvarez, Mayor

APPROVED AS TO FORM:

TOWN ATTORNEY

CPA2016-001 EXHIBIT A

Comprehensive Plan: Chapter 3, Framework Plan

Since adoption of the 2005 Plan, Indian Trail has continued to grow, to the extent that the land use character of many of the Villages has been essentially set, with relatively small areas left to be developed or planned. Additionally, other plans, such as “Pathways to Progress”, the US-74 Corridor Revitalization Plan, and the Downtown Plan have established more specific land use goals for several of the Corridors and Villages. For those Villages and Corridors, a recommended land use mix is more appropriate.

A recommended land use mix with a flexibility factor is incorporated into the village and corridor types which still have relatively large amounts of undeveloped land. This flexibility factor allows for the exact land use mix to be market sensitive, while still adhering to overall land use goals, thus avoiding the need to amend the plan in response to market fluctuations. While flexibility factors are based on generalized planning standards, Village Center and Neighborhood Center developments should be able to demonstrate market support for their proposed size and mix of uses, and demonstrate that their proposed size and mix will not preclude development of other Village or Neighborhood Centers, particularly for Centers whose anticipated market support area extends beyond the Planning Area.

In order to designate more identifiable land use Villages and Corridors, name designations were suggested to fit the area within which the Village or Corridor is located. Therefore, although the description of each Village or Corridor’s components and character is still categorized by land use, Plate 3.2 has these areas defined by their community locales with the colors representing the predominant land use.

As a further refinement to the more general Framework Plan, some adjustments were made in the 2008 Comprehensive Plan Update to the Villages and Corridors Plan that reflect issues and opportunities identified as part of the framework plan and market conditions. These modifications are retained in this Comprehensive Plan, and are listed below:

- The preservation of land for agriculture and forest land in appropriate locations
- The addition of an “Interchange Mix” land use category that promotes higher density development along the Sardis Church Road/Unionville Indian Trail Road corridor
- The addition of a multi-family land use category in order to distinguish between detached and attached housing inventory
- Based on market feasibility and Urban Land Institute ratios/ trends, a reduction in the amount of commercial and institutional development for build-out
- Lodging was combined with the retail category
- Public Facilities was separated into two categories: Parks/Open Space and Institutional; in most cases, parks/open space was combined with agriculture/forest

Residential densities in all land use types are based on the gross density approximations shown below. For proposed developments with a density on the periphery of a residential land use category, the final determination of its appropriate category will be based on site/proposal specific elements such as the

overall community layout, housing type and architectural design, open space layout and programming, and other similar elements. It is recognized that mixed use development in urban settings typically provide a higher density than that contemplated in Table 3.2.1 below. For mixed use development with a density higher than allowed under the Village Center/Multifamily Residential land use category, the final determination of appropriate density shall be determined for each site based on the overall community layout, building form, massing and scale.

Table 3.2.1 Base Residential Land Use Densities

Approximate Base Residential Land Use Densities	
Land Use	Residential Density (du/ac)
Low Medium Single Family	Less than 2
Medium Density Single Family	2 to 4
High Density Single Family	4 to 6
Village Center/Multifamily Residential	12 to 15

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

March 15, 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, Alan Rosenberg, and Jorge Aponte.

Members Present but None.

not Voting:

Absent: Cathi Higgins, and Sidney Sandy.

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

APPROVAL OF MINUTES- February 16, 2016

Member Miller made a motion to approve the minutes as written, seconded by Member Brown. Vote to approve was unanimous.

PUBLIC ITEMS- ZT 2016-001 Hotel/Motel Mixed Use Buildings and CPA2016-001: UDO Text Amendment to permit hotel-motel uses and mixed-use buildings within the Village Center Overlay within the General Business District. Applicant: The Moser Group

Planning Director Rox Burhans began the presentation with the hotel request overview.

Hotel Amended Sections

Amend UDO Sections:

- 520.020 Table of uses
- 7220 Use Specific standards
- 810.050 Landscaping
- 1010.010 Parking standards

Intent: Applicant has potential sites in Sun Valley Village for a national hotel chain

Director Burhans researched various areas with the following results:

- ❖ Concord: Permitted outright
- ❖ Kannapolis: Permitted outright
- ❖ Huntersville Permitted outright
- ❖ Mathews: Permitted outright
- ❖ Mooresville: Conditional zoning only
- ❖ Rock Hill: Permitted outright and via SUP

Staff Burhans recommended the focus of such a development would be in the Sun Valley Village area only. He presented various proposed development standards for the board's consideration. He also mentioned the proposed text amendment would require some housekeeping changes (as seen in the Staff Report) in the present Unified Development Ordinance.

Sr. Planner Gretchen Coperine continued the presentation with the Mixed Use Buildings Request and gave a definition of a Mixed Use Building.

Mixed Use Buildings Request

Amend Sections

UDO 520.020(G) Permitted Uses Table

UDO 520.040 Floor Area

New UDO 7230 Standards

UDO 810.050 Land Use Groups

UDO 1610.100 Definitions

Intent

Allow mixed use buildings within specific Village Centers and provide development standards

UDO 1610.100 Definition

- Multi-story building with at least 1 floor of residential and 1 floor of non-residential uses
- Retail, office, apartments, condos

UDO 520.020(G) Permitted Uses

- Permitted under General Business District in specific Village Overlay

UDO 7230 Standards

- Must be approved through Conditional Zoning
- Allowed only in Austin Village, Sun Valley, Old Monroe, Rocky River
- Must have commercial/office on ground level
- Can have up to 75% of floor area as residential
- Individual floors are limited to either residential or non-residential
- Once residential level is established, no alternating allowed
- Intensity limits
- Design
- **New: Landscaping**

Staff Coperine read into the record additional language to proposed changes for section UDO 810.050 Land Use Groups with regard to landscape requirements for mixed use buildings. She then showed slides of an example of mixed use in Matthews called 'North End'.

The Staff Recommendation was read into the record that the findings were consistent with the Town's comprehensive plan regarding land use and housing and the economic development and would be in the best interest of the public.

1. The proposed UDO amendments are consistent with the following goals of the Comprehensive Plan:

- **Land Use and Housing Goals #1, 2, 4 and 5:** The proposed amendments are consistent with the Comprehensive Plan because they will enable diverse uses, densities and housing types, avoid potential land use incompatibilities, promote sustainable development through the use of smart growth principles, and encourage high quality design; and
- **Economic Development #1:** The proposed amendments will also enable investment in the commercial areas of Indian Trail that will help foster economic development initiatives that ensure a more balanced tax base within our community as well as locate residents and customers in close proximity to local businesses.

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, protect the low density single-family areas as envisioned in the comprehensive plan, while also expanding the opportunities for lodging uses in a way that will benefit of Indian Trail residents and business owners.

Board Questions:

Member Rosenberg asked why are we just looking at Sun Valley at this point for Hotel/Motel uses. Director Burhans answered that staff focused areas that had the most potential commercial growth. Staff will consider looking at expanding to other villages in the future. Member Rosenberg asked if the project is a full service hotel. Staff Burhans stated that he would let the applicant explain. Discussion ensued regarding the length of stay limit as well as the limit of 20% of the building would be allowed for accessory use. Staff Burhans gave a brief explanation of studying other communities and that the applicant could apply for conditional rezoning if needed. Staff Burhans explained what would and wouldn't necessarily constitute an accessory use.

Member Rosenberg expressed his concern that there are no provisions for signs for Mixed Use Buildings. Staff Burhans answered that it would be treated like commercial buildings. Member Rosenberg also asked if this project is commercial use only on the first floor. Staff Coperine answered that no residence would be allowed on the ground floor.

Discussion followed about the topic of what type of market the hotel would be attempting to draw. Also, Member Aponte asked about the traffic impact. Staff Burhans explained that these uses would only be allowed in commercially zoned areas. If a project is a certain size, it will need a Traffic Impact Study.

Chair Cowan mentioned that she has vacationed in many areas and hotels can be built near high schools, and it works well. She stated that signage has been well used in Matthews in a Village Center area. Chair Cowan requested that staff locate a map and present it on the smart board to show the 4 villages identified to allow mixed use buildings which Staff Coperine did. Chair Cowan asked about the language regarding hotel-motel and what defines each. Staff Burhans stated that the word motel is already in the ordinance and there is no clear definition of what defines each as well the fact that other local government includes both. Chair Cowan expressed the need for a hotel in the area and liked the idea of moving hotels into the villages.

Member Miller stated that he was concerned with traffic. He was also concerned with a hotel being built in Sun Valley Center having enough business in that immediate area to support it. Member Brown stated that he liked the concept, and asked what the total number of rooms would be. Staff Burhans answered that he didn't have provisions for a room count, but the applicant could provide some information.

Dennis Moser at 231 Post Office Dr. Indian Trail, NC stepped to the podium to speak. He stated that he had been trying to attract hotel brands since 2011. In the last 6 months, a major brand is now interested. This project would have 112 rooms and a conference center. He felt that the accessory uses shouldn't be limited. He mentioned that Extreme Ice and Carolina Courts have great demand for a hotel. Mr. Moser also stated that demand is coming for mid week use for hotels in the Indian Trail area. After much studying of where to best place a hotel, Mr. Moser said that Sun Valley was the best site. Mr. Moser stated that he is concerned with the present requirement to front load this site. It puts parking places a distance from the hotel's front door. Also, with a conference center, the building needs to be higher. The proposed building would be 5 stories. He asked to approve the same height that is already there with the existing theater. Mr. Moser asked the board to consider 63 ft maximum height and no restrictions on the amount of conference space.

Member Miller asked Mr. Moser if he could divulge the name of the hotel. Mr. Moser said that it would be an Inn and Suites. Member Rosenberg asked to be shown the site on Google Earth.

Member Brown stated that he thinks a hotel will help bring in shops and restaurants. Chair Cowan asked if the property management will be the same as the Sun Valley commercial area. She also asked if Mr. Moser was the current property manager and he answered that he was.

John Ross with Eagle Engineering at 2013 Van Buren Ave, Suite A, Indian Trail, NC stated that the project is a full service hotel and that there are 3500 professional jobs around that area. He stated that there is less traffic impact with hotels than other typical commercial uses. The proposed hotel would have 112 total rooms. The users of the hotel would be professionals during the week. On the weekends the majority of use would be by families visiting relatives. Member Rosenberg asked if the meeting space exceeds the 20% limit. Mr. Moser stated that he didn't believe so. It was later confirmed that it did not. Discussion followed regarding the difference between hotels with conference rooms and a conference center and what elements make a site profitable.

The applicant mentioned that with an Inn and Suites, the 30 day limit could be an obstacle. Member Miller also mentioned that the 30 day limit could possibly be an issue. More discussion followed regarding the long term intent of this limit and to be able to have the ability to manage it in the future.

Opened and closed the public portion as there were no further comments.

Board discussion:

Member Rosenberg stated that the traffic issue doesn't concern him and much effort has gone into examining the location to know if it will be profitable. Other members stated that it would be a positive addition to the Sun Valley area.

Member Brown made a motion to approve ZT2016-001 with modifications of maximum height no higher than the existing theater as well as having staff research and add signage requirements related to mixed use buildings, seconded by Member Rosenberg. Vote to approve was unanimous.

The meeting was paused for several minutes.

ZT2016-003 Grand Opening Banners- a request to amend Chapters 940 and 970 of the Unified Development Ordinance to remove the need to obtain a permit to install grand opening banners.

Staff Burhans presented the case which was initiated by Town Council. This was a change intended to support local businesses. This amendment would allow new business to have the immediate right to display banners for up to 45 days from the time the applicant receives their approved permit. There would be no change in size standards. In the case of a delayed opening, within the first 90 days of the opening, the applicant could apply and receive a first time permit at no charge.

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

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

- **Economic Development Goal #2:** The proposed Town initiated text amendment will expand marketing opportunities for new businesses and is reflective of the Town’s commitment to support the Indian Trail business community; and
- **Land Use and Housing #6:** The proposed text amendment’s elimination of the need for grand opening banner permits increases the predictability for new business owners in obtaining temporary signage.

2. This UDO ordinance amendment is in the best interest of the public because it helps create additional marketing opportunities for new businesses and makes the regulatory process more predictable, which will help promote job growth and ensure a more balanced tax base within the community.

Staff recommended that the Planning Board make the required consistency findings and recommend adoption of this UDO Text Amendment ZT2016-003 as presented.

Member Rosenberg asked when there are possible delays, the time may need to be longer. Staff Burhans replied that it would be staff’s administrative discretion to give them an extension. The intent is giving business more rights, not take them away.

Opened public comment and closed public comment. No one had signed up to speak.

Motion by Member Rosenberg to approve ZT2016-003 with the findings as read into the record, seconded by Member Aponte, the vote to approve was unanimous.

OTHER BUSINESS- none.

PLANNING REPORT

Director Burhans gave an overview of the Town Council workshop that was held on March 5th. This included an HR report about salaries and compensations for Town Staff. Kelly Barnhardt resigned as Economic and Community Director. Other staffing changes include hiring of an Assistant Director of Finance, Branden Chopelas. Also hired are a new HR Director and Finance Director both starting in the next several weeks. There will be a closure of the Indian Trail road from June through November. Large residential rezoning projects coming in. Zaxby's and Christian Brothers are closer to completion. Framing went up at Glenn Oaks Apartments. Staff has been working on various text amendments and will likely contract out the update of the Unified Development Ordinance. Staff Burhans explained that the naming of village centers have some identification by wayfinding signs but have other ideas in the future.

Mr. Miller exited the meeting at 8:35pm.

ADJOURN

Member Rosenberg made a motion to adjourn the meeting, seconded by Member Brown. The vote to adjourn was unanimous.

Chairman:

Date: _____

Secretary:

From: Charles Ogwyn [<mailto:cogwyn@mimp.us>]

Sent: Monday, April 04, 2016 9:21 AM

To: Gretchen Coperine; Mark Wireman; Michael Alvarez; Dave Cohn; Gordon Daniels; Gary Savoie; Amy Stanton

Subject: Re: Zoning Amendment 2016-001

Hello,

As a resident of Indian Trail (Brandon Oaks), I would like to voice my opposition to this zoning amendment.

This amendment is worded in such a way that there is no control on the quality of the proposed hotel. In other words nice hotels like Holiday Inn, Marriott, etc. be allowed but there is nothing to prohibit low budget motels from setting up shop in our community.

Additionally, do we really want hotels setup across the street from our schools? I think not. There should be some sort of restriction on the proximity of hotels/motels and schools.

I'm all in favor of growth and development in our community, but I believe that in order to preserve the qualities that make this a great area to live and work, we need to ensure that the growth and development is managed with a view to the future.

Thank you for considering my perspective.

Charles Ogwyn

2010 Linstead Dr., Indian Trail, NC 28079
704-737-8945

###

Project ID : 2016-001

Project Type : Zoning Text Amendments

Title : Hotel/Motel and Mixed Use Buildings within the Village Overlay Districts

Description :

Proposed text amendment to the Unified Development Ordinance to permit hotel-motel uses and mixed-use buildings within the Village Center overlay districts. Applicant: Moser Group.

###

STATE OF NORTH CAROLINA)

) ORDINANCE #0160412-236

TOWN OF INDIAN TRAIL)

AN ORDINANCE AMENDING CHAPTERS 520, BUSINESS AND COMMERCIAL ZONING DISTRICTS; 810, BUFFER YARDS, PARKING LOTS AND STREET FRONTAGE; 1010, OFFSTREET PARKING AND LOADING GENERAL REQUIREMENTS; 1610, USE GROUP AND CATEGORIES; AND CREATING NEW CHAPTERS 7220, HOTEL-MOTEL AND 7230, MIXED USE BUILDINGS, OF THE INDIAN TRAIL UNIFIED DEVELOPMENT ORDINANCE (UDO) RELATED TO HOTEL/MOTEL USES AND MIXED USE BUILDINGS IN INDIAN TRAIL, NORTH CAROLINA

WHEREAS, the Town is the applicant for ZT 2016-001 requesting to amend Chapters 520, Business and Commercial Zoning Districts; 810, Buffer Yards, Parking Lots and Street Frontage; 1010, Off-Street Parking and Loading General Requirement; 1610, Use Group and Categories; and creating new Chapters 7220, Hotel-Motel 7230, Mixed Use Building, to permit hotel/motel uses and mixed use buildings in select business and commercial zoning districts within select village overlay centers; establish design standards; and general housekeeping modifications within the UDO; and

WHEREAS, this Zoning Amendment (ZT 2016-001) was duly noticed in compliance with
North Carolina General Statutes; and

WHEREAS, the amendment was heard by Planning Board on March 15, 2016 in a public meeting; and

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

1. The proposed UDO amendment is consistent with the following goals:
 - **Land Use and Housing Goals #1, 2, 4 and 5:** Because it will enable diverse uses, densities and housing types, avoids potential land use incompatibilities, promotes sustainable development through the use of smart growth principles and encourages high quality design; and
 - **Economic Development #1:** Because it will enable infrastructure investment in the commercial areas of Indian Trail that will help foster economic development initiatives that ensure a more balanced tax base within our community.
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.

WHEREAS, the Town Council received the Planning Board transmittal for a recommendation to approve in the required public hearing held on April 12, 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 Chapters 520, Business and Commercial Zoning Districts; 810, Buffer Yards, Parking Lots and Street Frontage; 1010, Off street Parking and Loading General Requirement; 1610, Use Group and Categories; and new Chapters 7220, Hotel-Motel 7230, Mixed Use Building, are hereby Approved as shown in Exhibits A and B of this Ordinance; and

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

SO ORDAINED THIS 12th DAY OF APRIL

2016. THE TOWN COUNCIL OF INDIAN

TRAIL

By _____
Honorable Michael L. Alvarez, Mayor

Attest:

Kelley Southward, Town Clerk

APPROVED AS TO FORM:

TOWN ATTORNEY

ZT2016-001 EXHIBIT A

Hotel-Motel Amendment 1:

Chapter 520. Business and Commercial Zoning Districts

520.020. Allowed Uses

USE GROUP	Business and Commercial Districts						Use Standard
Use Category	CBD	NBD	GBD	RBD	O-VCD	O-DD	
Specific Use Type							
Liquor Sales (accessory to hotel, motel, country club)				P			
Fortune Telling Service	-	-	-	S	-	-	
Funeral and Internment Service							
Cemetery, mausoleum, columbarium	P	P	P	P	P	P	
Cremating	-	-	S	S	-	-	
Undertaking	S	S	P	P	S	-	
Gas Stations	-	-	P	P	S	-	
Lodging							
Bed and Breakfast	P	-	P	P	P	P	
Hotel/Motel	-	-	<u>P*</u>	<u>P*</u>	<u>P*</u>	-	<u>*Only permitted in select Village Center locations within GBD. See UDO Chapter 7220 for use standards and Village Center locations.</u>
Medical Services							
Government-operated health center	-	-	-	P	-	-	
Health maintenance organizations	-	-	-	P	-	-	
Medical/Dental Labs	P	P	P	P	P	P/S*	*If 0-1,500 sq. ft., then permitted by-right; if greater than 1,500 sq. ft., SUP is required.
Medical/Dental Offices	P	P	P	P	P	P	
Offices							