



**PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT**

**PLANNING BOARD MINUTES**

**April 17, 2012**

**6:30 P.M.**

The following members of the governing body were present:

Russell Whitehurst-Chairman, Gary Vaughn, Larry Miller, alternates  
Cathi Higgins and Jan Brown

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

**Call to Order:** Chairman Whitehurst called the meeting to order.

**Roll Call:** Robert Rollins, Patricia Cowan, Sidney Sandy and Kathy Broom were absent.

**Approval of Minutes:** February 21, 2012 **Approved**

**Public Items**

**ZM 2011-004 Industrial Ventures:** A request to rezone two parcels within the Industrial Ventures Park from Regional Business District (RBD) to Light Industrial (LI) to be consistent with other parcels in Industrial Ventures. Location: 4900 Starcrest Drive and 2807 Chamber Drive; Applicant: Town of Indian Trail.

Planning Director Shelley DeHart presented the request to rezone two parcels that were not included in the previous rezoning of parcels in the Industrial Park by error. The intention is to make the zoning consistent with the other parcels within the Park. The district is devoted to light manufacturing, processing and assembly, warehousing, servicing enterprises and office uses. This request is consistent with what is established in the Park at this time and the intent of the Park. .

The property is located within the 74 Business Corridor of the Indian Trail Comprehensive Plan. This corridor provides for a mix of uses both nonresidential and higher density residential. For the purpose of this request only the nonresidential land uses were examined.

Land Use	Current Base	Percent Base	Flexibility Factor	Proposed Base
Retail	41.6%	40%	-10	40.6%
Industrial	18.8%	15%	+/-5	19.8%

The rezone request would remove approximately 2.44 acres from the retail category and place it within the industrial category. This change will bring the retail closer to its intended percentage and increase the industrial percentage by 1% which is still within the flexibility factor area.

Ms DeHart stated with any rezoning there are findings that must be made. The request must be consistent with the Comprehensive Plan. Staff is of the opinion the goals of the Comprehensive Plan are satisfied as follows:

**Goal 1.3.2 Land Use:** The proposed rezone provides a mix of different types of land uses and avoids potential land use conflicts between neighboring properties because it will change the zoning classification to Light Industrial which is consistent with the zoning on adjacent properties and consistent with land uses within the Industrial Ventures.

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

The Planning Staff believes that the findings can be made to support the petition requesting a rezone to Light Industrial (LI) classification for the subject properties.

Member Vaughn asked if this is the last of the properties to be rezoned in the Park. Ms DeHart replied yes.

Member Higgins asked if all adjoining properties were notified. Ms DeHart replied yes.

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

Member Higgins motioned to recommend approval to Town Council.

Member Vaughn seconded the motion.

All members voted in favor.

**ZM2012-001 Brandon Oaks Rezoning:** A request to rezone ninety-one-parcels (approx. 28.112 acres) from R-20 Residential District to SF-4 Single-Family District with a Pre-Existing Development Overlay (PED Overlay 1). Applicant: Town of Indian Trail; Location: Portion of Brandon Oaks Phase 9 annexed by Annexation #130

Senior Planner Rox Burhans presented the request to rezone the ninety-one parcels that were recently annexed into the Town of Indian Trail. Mr. Burhans stated staff is recommending a Pre-Existing Development Overlay classification be added. This would account for the previously approved dimensional requirements (setbacks, etc.) that do not correspond to the SF-4 district. This will allow for the remaining properties to develop out as a revision. Mr. Burhans stated State law requires annexed properties to undergo a Zoning Map Amendment process to establish Town zoning.

Mr. Burhans stated there are 6 parcels located within the area of the request for rezoning that are not included in the request. These parcel owners were not available for signatures required for the process. They will remain unincorporated. Staff is working on a future annexation of these properties.

Mr. Burhans stated the proposed uses allowed by right and by Special Use Permit as well as the consistency of the Comprehensive Plan must be considered for a rezone. The property is located within the Sun Valley Suburban Mix Village land use area of the Indian Trail Comprehensive Plan. A Suburban Mix Village consists of land uses that promote a neighborhood setting with single-family detached houses as its primary development type. The single-family residential component characterizes this village, with retail development (predominately within village centers) providing convenient access to daily goods and services.

Mr. Burhans stated staff is of the opinion the findings can be made to support the petition requesting a rezone to Single-Family Residential-4 with a PED 1 Overlay for the subject property as it relates to:

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

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

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

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

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

Mr. Burhans stated staff recommends an approval transmittal to Town Council for the rezone request.

Member Brown asked to be recused being he lives in the development and is on the HOA committee. Members voted to accept Mr. Brown's request. All remaining members voted in favor.

Member Miller asked if the parcels are consistent, size wise and street wise, with the other homes that are in Brandon Oaks. Mr. Burhans replied the homes, as they relate to the dimensional requirements are consistent with the other homes in Phase 9. Each part of Brandon Oaks is developed differently taking into account the various needs of the residents or potential buyers. The Pre-Existing Overlay is to ensure the remaining parcels are developed consistent with the development scheme as it relates to setbacks. The difference without the overlay would be a slight difference in setbacks. In regards to the roads that was part of the decision with the original annexation, this request is for the rezoning of the approved annexation.

Member Vaughn asked what percentage of homes are built out. Mr. Burhans replied 62 of the 91 parcels have been built on.

Member Vaughn asked who initiated the annexation. Ms DeHart replied it was a voluntary annexation; all the property owners signed the annexation petition. Mr. Vaughn asked about the area adjacent to the subject parcels. Ms. DeHart replied that is the Shiloh Trace subdivision in county jurisdiction. Access is from Wesley Chapel. Mr. Vaughn asked why there are so many loopholes and why has this not been annexed. Ms DeHart stated the Town would welcome a petition from the subdivision for a voluntary annexation. There have been calls from some of the residents but there has been no signed petition. Mr. Vaughn asked if this is something the HOA can do. Ms DeHart replied a petition must come from the property owners; the HOA cannot do it on their behalf. Mr. Vaughn asked what percentage of property owners need to request for annexation. Ms DeHart replied every property owner must sign the petition. In the case of the subject annexation many of the homes were for sale or under foreclosure and the owners could not be found. Ms DeHart stated two of the 6 have signed a petition to be annexed in a future process.

Mr. Burhans stated Town Council has waived the fees as an incentive to be annexed.

Member Higgins stated she was of the understanding the property owners knew at the time of purchase that they would be annexed into the Town. Ms DeHart stated the builders did inform their buyers of the annexation but many had signed a form that was not acceptable by the State so signatures were needed again.

Member Higgins commented this should have not been a surprise. Ms DeHart replied the Town cannot speak for the builders. She stated the developer told the Town the builders were informing all the new buyers but this cannot be verified.

Chairman Whitehurst asked of the 6 was there anyone who refused to sign. Ms DeHart replied there was one property owner that wrote 'no' next to his name. Chairman Whitehurst asked if the unsigned properties have trash service. Ms DeHart replied in the unincorporated areas of the county the property owners have to contract privately for trash service, for Indian Trail residents the Town covers their trash service. It was found that most of the property owners recently annexed were already in contract with Waste Pro, the company that services Indian Trail. The Town has just taken over their charges once they have been annexed into the Town.

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

Member Vaughn motioned to recommend approval to Town Council.  
Member Cowan seconded the motion.  
All members voted in favor.

### **Other Business**

Ms DeHart stated UDO sections regarding buffers between land uses and rezoning are in need of some modifications in order to provide options for buffers and language to refer cases to the Parks, Tree and Greenway Committee. In regards to rezoning at this time a standard rezone cannot be conditioned. If staff had a choice they would like to have all rezones be conditional rezones. State law requires the property owners signature is required to for a conditional rezoning. IF they do not want to go through the conditional rezoning they have the right to go through a standard rezone. Ms DeHart stated, in evaluating State law, various options were considered. If a standard rezone is brought forth maybe a mandate for community meetings with adjacent properties can be established. Staff will be reviewing various ordinances and options, referencing State law for authority of options. A wider public notice may be considered, State law currently states, at a minimum, the requirement is to notify adjacent property owners. Potential impact regarding land use change may occur for properties that are not adjacent. Information will be brought before the Planning Board for guidance.

Member Vaughn asked if the buffer section is for Sun Valley Commons. Ms DeHart replied this section would apply to all developments. The difficulty in applying the ordinance was discovered in the process of the Sun Valley project.

Member Miller stated the Board has turned down rezoning because conditions could not be made. This would make it easier on the petitioner and the Board.

Ms DeHart stated the benefits of a Conditional Rezone is the fact conditions can be placed for protection and 2 community meetings are required for resident input.

Member Higgins stated she believes for any rezone there should be a neighborhood meeting.

Ms DeHart stated this issue will be brought back to the Board.

Ms DeHart informed the members the request for proposals to update the Comprehensive Plan has resulted in 7 submittals. The last date for submittals was April 16<sup>th</sup>. Staff is in the process of reviewing the proposals and will select the top 3 firms. The Planning Board will be provided copies of the submittals for their review and interview the top 3 firms on Thursday May 3<sup>rd</sup>. A recommendation will then be forwarded to Town Council for the final selection. Members Whitehurst, Vaughn, Higgins and Miller indicated they will be available for this meeting.

Member Brown stated he will not. Absent members will be contacted for availability for the May 3<sup>rd</sup> date.

Chairman Whitehurst asked at what point does the recommendation go to Council. Ms DeHart replied a decision can be made following the interviews and forwarded to Council on the May 22<sup>nd</sup> meeting.

Ms DeHart discussed the grand opening of Quik Trip and Firestone. Aldi's is under construction. Member Vaughn asked about the sidewalks in front of Aldi's. Ms DeHart stated there will be 10 foot sidewalks and it will be connected all the way up, it is actually called a multi use path, cyclist can use it as well as pedestrians.

Member Miller asked about the animal hospital. Ms DeHart replied she does not know the timing but they have been approved by the Board of Adjustment. They will be located behind the Quik Trip. This will be a multi condo structure with a possible car wash.

Member Brown asked about the Chick fil a. Mr Burhans stated plans have come in. There will also be 10 foot sidewalks on 74 and a 6 foot sidewalk on the cross street. Member Miller asked if 74 East will be torn down. Mr. Burhans replied as part of the redevelopment process the restaurant and the building next to it will be demolished.

Member Vaughn asked if Aldi's will have access from Hwy 74 or will it be from Sardis Church Rd. Ms DeHart replied there will be a curb, guttered and sidewalked road behind the store as access as well as an access off of Sardis Church Rd.

**There was no further discussion.**

**Adjournment**

**Town of Indian Trail**

**Planning Board**

\_\_\_\_\_ **Chairman** \_\_\_\_\_ **Date**

\_\_\_\_\_ **Secretary**