



PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

PLANNING BOARD MINUTES

June 19, 2012

6:30 P.M.

The following members of the governing body were present:

Patricia Cowan-Vice Chair, Larry Miller, Sidney Sandy, Russell Whitehurst, Robert Rollins, Kathy Broom, Gary Vaughn and alternates Cathi Higgins and Jan Brown

Staff Members: Shelley DeHart, Rox Burhans, Helen Boich

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

Roll Call: All members and alternate members were present.

Approval of Minutes: May 15, 2012-**Approved**

Public Items:

ZM2012-002 Brandon Oaks Phase 9: A request to rezone two-parcels from R-20 Residential District to SF-4 Single-Family District with a Pre-Existing Development Overlay (PED Overlay 1). Applicant: Town of Indian Trail; Location: Portion of Brandon Oaks Phase 9 annexed by Annexation #131

Senior Planner Rox Burhans presented the request involving 2 parcels totaling approximately 1/3rd of an acre in size, rezoning these parcels from R-20 in Union County to SF-4 in Indian Trail with a pre existing development overlay. The SF-4 is a medium density zoning classification and the PED overlay is intended to accommodate the previously approved Smart Development Standards that approved by Union County when this subdivision originally developed. The reason this case is being brought before the Planning Board is that the two properties were recently annexed into the Town of Indian Trail on June 1st. State law requires a rezoning of annexed properties to apply Town zoning to these properties. The properties are located at 2010 Canopy Drive and 6005 Sipes Place. Both properties are developed with occupied homes. SF-4 is the predominate surrounding zoning. The properties are located in the Sun Valley Suburban Mix Land Use area, intended for a neighborhood setting of single family detached homes.

Mr Burhans stated staff is of the opinion the Planning Board can develop Findings in support of this rezoning as it relates to Comprehensive Plan,

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.

Chairman Whitehurst asked how many parcels were originally annexed. Mr. Burhans replied 91 and this adds 2 more.

Chairman Whitehurst asked what the zoning is for the unincorporated parcels that were not annexed into the Town. Mr. Burhans replied the 4 remaining parcels are R-20. The overlay will allow the development to build out as it was intended.

Member Miller asked if there are any other surrounding County parcels that could possibly be annexed into the Town. He expressed his concern for piece milling. He asked if the remaining 4 could be brought in automatically. Mr. Burhans replied annexation is entirely guided by State law. The Town is responding to a voluntary annexation, where the property owners approach the Town and asked to be annexed into the community. If the other property owners were interested in being annexed they would need to request the process. The Town policy is to waive the annexation fees to encourage the open door policy of annexation.

Chairman Whitehurst asked if there are any other services the remaining 4 are not receiving other than trash service. Mr. Burhans replied it is trash service, the enhanced law enforcement service, that is a bit of a gray area given the proximity. Ms DeHart stated they miss out on the Town's regulations regarding property maintenance; it is all

the services the Town offers. Member Brown stated they are not able to vote on Town issues.

Member Sandy asked what will happen with the new construction and the different setback requirements.

Mr. Burhans replied the Town is fortunate to have the Pre-development overlays. What it allows the Town to do, in this particular instance, is to be able to zone previously developed properties that developed under a different setback scheme or a different master plan and allows the Town to ensure that the development continues out as it was originally intended as opposed to have some oddball lots that are set much further back or much further forward. In terms of a regulatory standpoint the setbacks that apply to those properties, because they are under the overlay, are the setbacks that are reflected in the staff report, the previously Smart Growth Standards. They would not have to seek out variances to maintain compliance with the Town's ordinance. The Town has obtained copies of all the final plats that apply to these lots so that when new homes come in it is known exactly what setbacks to apply.

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

There was no further discussion.

Member Broom motioned to approve ZM 2012-002.

Member Cowan seconded the motion.

All members voted in favor.

Other Business

Rezone Public Participation Discussion-Discuss changes to the UDO related to mandated community meetings and public noticing.

Planning Director Shelley DeHart stated residents have voiced a concern regarding the Town's notification standards related to a standard rezone applications.

Standard rezones can often have a larger impact to adjacent properties when changing land use classifications from residential to commercial. Staff has conducted research with other municipalities for comparison purposes and provides the following for your consideration

Resident concerns regarding mail out notices that they can be hard for some residents to understand and that a larger area should be notified in the area of issue.

Ms DeHart stated residents asked which paper was the notice advertized in. They were concerned it may not be a paper that had a large circulation. She stated the Charlotte Observer only recently has begun publishing a Union Section. It was also asked why there was not a requirement for the developer to have to meet with the property owner.

Ms DeHart read into the record the State Statute that guides the Town in the process.

N.C. § 160A-384 Noticing Requirements for Rezone.

Property owners of subject property and of abutting properties as shown of County Tax Listing shall be mailed a notice of a public hearing on the proposed amendment by first class mail at the last addresses listed for such owners on the county tax abstracts.

This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing.

When a zoning map amendment is proposed, the city shall prominently post a notice of the public hearing on the site proposed for rezoning or on an adjacent public street or highway right-of-way.

NC § 160A-364

The public notice must be published in a newspaper of general circulation within the project area once a week for two successive calendar weeks, the first time not less than 10 days but not more than 25 days before the public hearing.

Ms DeHart stated the standards for the Town are to post the property or area when application is deemed complete with the Town phone number, the project number and the Town's website address. The website contains information regarding current projects with year, project type, application, comments and site plans.

Ms DeHart stated the site is posted when the planner has concluded the application is complete. The mail out is done for the Planning Board level as well as the Town Council level. The new public notice now will include a definition and more information of the case. The advertizing has been switched from the Enquirer Journal to the Wednesday Union Section of the Charlotte Observer which has a larger circulation. A meeting with the developer have been coordinated if they have been requested by the residents.

Ms DeHart stated research of other jurisdictions was done regarding the process of notifications for a standard rezone. (table below)



Research

Rezone Notification Requirements

Jurisdiction	Signs	HOA	Newspaper	Mail Out Notice	Additional Requirements
Indian Trail	Yes	No	Yes	Adjacent Properties	
Monroe	Yes	No	Yes	150 ft	Notification extends at discretion.
Waxhaw	Yes	No	Yes	300 ft.	Ordinance only requires adjacent.
City of Charlotte	Yes	Yes-those that are registered with the City	Yes	300 ft. With a registered HOA the notification is extended to 1 mile	Courtesy mailing 3 weeks after application. This notification included the date of an Open House Forum with staff. Legal by State req. ETJ.
Stallings	Yes	No	Yes	500 ft	
Mint Hill	Yes	No	Yes	Adjacent Properties	
Cary	Yes	No	Yes	400 ft	Ordinance only requires 100 ft Neighborhood mtg
City of Greensboro	Yes	No	Yes	600 ft	
Boone	Yes		Yes		
Rock Hill	Yes	Yes	Yes	300 ft	
Pineville	Yes	No	Yes	Adjacent Properties	
Weddington	Yes	No	Yes	300 ft	
Huntersville	Yes	No	Yes	250 ft	
Davidson	Yes	No	Yes	Adjacent and adjoining +100 ft	

Ms DeHart stated she would like to add a section that would give authority to both staff and the board to expand the notification if it is determined to be warranted as well as require community meetings.

Member Vaughn asked if there was once a 500 ft notification requirement. Ms DeHart replied there is a 500 ft for a conditional zoning.

Member Brown stated it would be constant to keep it 500 ft across the board.

Member Sandy asked who pays for the mail outs. Ms DeHart replied the developer or property owner. He suggested the fees might need to go up. Ms DeHart stated some home occupations require a Special Use permit and they would be included in the 500 feet unless the Board would like them to be an exemption.

Member Cowan asked about the language of abutting and neighboring. Ms DeHart stated if the distance is modified it would be from the property line of the parcel at issue in all directions. Sometimes it is odd shaped but it works.

Ms DeHart stated she needs a consensus about distance and the authority of discretion to add more if deemed necessary.

Members Broom and Brown stated they are in favor of 500 ft across the board. Member Vaughn agreed and stated then no one can come back and say they had not been notified.

Chairman Whitehurst stated the cost should be considered. Ms DeHart informed the members the cost is \$2.50 per notice.

Member Broom stated she would rather have more residents notified.

Ms DeHart stated she will bring back a draft with the 500 feet with alternates and exemptions in certain cases. She stated she will make comparisons of previous cases for examples.

Member Broom commented the more properties the more for a potential impact.

Chairman Whitehurst stated it makes sense to have the discretion being many situations are different.

Ms DeHart suggested the baseline be 300 ft and with authorized discretion it could go up to 500 ft. and have a community meeting. She stated she will write the draft both ways.

Member Miller stated he is concerned with legal ramifications with discretion. Ms DeHart stated she will consult the Town attorney. For legal purposes there should be a cap and a baseline.

Buffer Discussion- Discuss changes to the UDO related to required buffers between land-uses.

Ms DeHart stated the Town requires a 15, 25 or 50 feet in width of a buffer depending on the classification going next to each other.

Ms DeHart stated there are options for 25-foot buffer:

- Trees – small, medium, or large; 30' OC
- Row of Evergreen Shrubs – 3' apart; 6' within 2 years
- Solid wall – minimum is 5' in height
- Berm (min. 3') with planting combination needs to reach 6ft in height within 2 years.

The most intense classification is the 50 foot buffer. An option is picked from the 25 foot requirements and more to that option is added. The question came up is the 50 foot buffer enough for example in a light industrial area with just landscaping. This district could have more of an impact on the neighboring residential properties, if adjacent. The question also included if the options should be removed. Comparisons were researched. (table below)

Buffer Research

Jurisdiction	Buffer Range	Based	Options	Base Requirement	Other Standards
City of Charlotte	10' to 100'	Use and Acreage of site	25% Reductions if wall, fence or berm (except for industrial adjacent to residential)	Landscaping (reduction if wall or berm is provided.)	No shrubs required if fence or wall is built. Berms minimum 4-feet
Monroe	10' to 50'	Land Use Type	No	Berm & Landscaping	
Waxhaw	10' to 75'	Use and Acreage of site		Landscaping (reduction if wall or berm is provided.)	Limited grading and existing vegetation must be preserved
Rock Hill	10' to 70'	Land Use Type	Buffer split if adj. property is vacant; Fence, wall, or berm allows a 10' width reduction and landscape material reduction	Landscaping	
Garner	15-65	Land Use Type		Landscaping	
Cary	20' to 80'	Land Use Type	Yes- if adj. parcel vacant then 1/2 buffer may be installed	Landscaping - Berm or Wall may be installed	Existing vegetation must be preserved
Hickory	15' to 65'	Land Use Type	Yes- if adj. parcel vacant a smaller buffer is required; Director has some discretion	Landscaping-Berm or Wall may be installed	Limited grading and existing vegetation must be preserved
Indian Trail	15' to 50'	Land Use Type	Reductions go to P T & G	Mix - Landscaping & Wall	



crossing paths

Ms DeHart stated the ordinance needs to be looked at and expand the minimum widths of buffers. She asked for direction. She stated she would like to have it written in the ordinance that the Planning Director have the authority to require the berm wall for fence or a combination there of if there is a potential for impact. The regulations are general and cannot be applied to every situation. She stated she would like to have that discretion to require a berm in certain cases. The Board can recommend the Park, Tree and Greenway committee hear the issue or the decision can be directly made at the Planning Department level.

Member Sandy asked if they will be given a reduction in the setback if a berm is required. Ms DeHart replied it can definitely go in that direction. It can be stated if a wall or a berm is done a percentage can be given as a credit.

Chairman Whitehurst suggested a minimum percentage of reduction be set.

Ms DeHart stated there is a credit given to landscaping requirements on Hwy 74.

Member Brown stated he would like to see a standard height of 6 feet for a fence. Ms DeHart replied it is established a minimum of 6 ft.

Member Brown suggested it be 25 to 75 feet.

Chairman Whitehurst commented on a buffer in the town that has heritage trees and that it is very effective. Ms DeHart stated maybe a credit can be given for heritage trees saved in a buffer.

Member Brown suggested 15%. Member Cowan stated she likes the 50 foot. She likes the fact the residents can have a say and expressed concern regarding giving selective credit but is in favor if trees are going to be saved. Member Brown stated one buffered zone does not fit every application.

Ms DeHart stated most of the buffer requirements she has researched are based off the land use type. There are few that combine the land use type with the size of the property. She asked if the Board would like something like that brought back as an example.

Chairman Whitehurst stated with a flexible buffer the size of the property must be taken into consideration.

Member Miller stated he is not in favor of expanding the buffers. Ms DeHart stated the ordinance is written that even if the buffer number was expanded a process is in place for an applicant can request an alternative buffer plan. This request goes before the Park, Tree and Greenway Committee stating their case for the reasoning of an alternative plan. A recommendation is then made to the Planning Director.

Ms DeHart stated she will come back with a draft for the noticing and the buffers. Member Higgins stated she is favor of the 25 to 75 foot with the option of the alternative plan being taken to the PTG committee. There will be flexibility written into the drafts.

Member Sandy asked about chain link fences. Ms DeHart stated they are not allowed but a vinyl fence can be appropriate in some cases involving light industrial where a smaller buffer is needed.

Member Brown stated 15% credit is a negotiating tool.

Member Broom stated 75 ft should be established in case there is a need.

Ms DeHart stated she will come back with drafts.

Planning Report:

Ms DeHart stated the permit has been issued for Chick fil a. The anticipated opening could be early 2013. Member Vaughn asked about the intersection. Ms DeHart replied the design will move the driveway farther from the corner and there will be great connectivity.

Member Sandy asked about 74 Restaurant. Ms DeHart replied they have not given the department any information as to where they might relocate.

Member Broom expressed concern regarding the traffic at the Aldi store. Ms DeHart stated Aldi's has built a road behind the store. The company worked out the design with NCDOT. They are looking at restriping on Sardis Road to add a turn lane from Sardis Road onto Hwy 74.

Ms DeHart recognized out going members Russell Whitehurst, Kathy Broom and Gary Vaughn thanking them for their service.

Adjourn

**Town of Indian Trail
Planning Board**

_____ **Chairman** _____ **Date**

_____ **Secretary**