



Planning & Neighborhood Services
PO Box 2430, Indian Trail, NC 28079
704 821-5401

Memo

To: Mayor and Town Council

From: Kevin P. Icard, AICP, CZO

Date: August 6, 2015

Re: Second Reading of Ordinance for CZ2011-002M 123 Associates Lane

The Indian Trail Town Council held the public hearing for Conditional Zoning Map Amendment CZ-2011-002M on August 5, 2015. This amendment is a request to modify the existing conditionals of CZ2011-002 to allow for an Automotive Repair and Service use at 123 Associates Lane. The audio recording of the public hearing can be heard on [Granicus](#).

At the conclusion of deliberations, the Council approved the first reading (introduction) of the draft ordinance approving CZ2011-002M. Pursuant to North Carolina General Statute §160A-75, a second reading of the associated draft ordinance is required by Council to approve. The associated analysis is provided in attachment two of this report.

Required Action by Council: *Receive the report and at the conclusion of deliberations:*

- **Make the Required Findings – Draft Findings as Transmitted by Planning Board**

Land Use and Housing Goal #1:

The proposed amendment to the existing conditional zoning district will avoid potential land use conflicts and reductions to property values based on the Impact Statement prepared by a licensed real property appraiser stating that the use will not be detrimental to adjacent properties.

Economic Development Goal #1:

The proposed modification to the existing conditional zoning district will create a more balanced tax base by promoting the occupancy of a previously vacant building in an existing business park. It will also expand the list of possible business types that could locate on the large commercial development site.

The request for this modification to the existing conditional zoning district is a reasonable request and is in the public interest because it promotes the goals of the adopted Comprehensive Plan in the area of Land Use and Economic Development and is consistent with the adopted plans within the Town.

- **Motion to Approve or Disapprove CZ 2011-002M as presented in the second reading.**

Attachment 1- Draft Ordinance

Attachment 2- Town Council Transmittal

ATTACHMENT 1 – DRAFT ORDINANCE

STATE OF NORTH CAROLINA)
) ORDINANCE # 0150811-216
TOWN OF INDIAN TRAIL)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE
TOWN OF INDIAN TRAIL REZONING PARCEL 07-084-416 TO MODIFY
CZ-RBD (ORDINANCE #0110614-136) (CONDITIONAL ZONING
REGIONAL BUSINESS DISTRICT) IN THE TOWN OF INDIAN TRAIL,
UNION COUNTY, NORTH CAROLINA

WHEREAS, the applicant Mr. Jerry Roach with consent of the property owner Carolyn Stuart High, petitioned to modify the conditions of the existing conditionally zoned tax parcel 07-084-416; and

WHEREAS, this Conditional Zoning Modification (CZ2011-002M) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, two community meetings were held on May 27, 2015; and

WHEREAS, a public meeting was held by the Planning Board on June 16, 2015 to consider this modification to the previously approved conditional zoning request; and

WHEREAS, the Planning Board found the proposed modification is consistent with the following goal of the Comprehensive Plan:

Land Use and Housing Goal #1:

The proposed amendment to the existing conditional zoning district will avoid potential land use conflicts and reductions to property values based on the Impact Statement prepared by a licensed real property appraiser stating that the use will not be detrimental to adjacent properties.

Economic Development Goal #1:

The proposed modification to the existing conditional zoning district will create a more balanced tax base by promoting the occupancy of a previously vacant building in an existing business park. It will also expand the list of possible business types that could locate on the large commercial development site.

WHEREAS, the Planning Board further finds the request for this modified conditional zoning district is a reasonable request and is in the public interest because it promotes the goals of the adopted Comprehensive Plan in the area of Land Use and Economic Development and is consistent with the adopted plans within the Town.

WHEREAS, the Planning Board voted to recommend 6 to 0 to the Town Council and therefore transmits its recommendation, and

WHEREAS, the Town Council held a public hearing on August 5, 2015 to consider said request and recommendation of approval from the Planning Board; and

WHEREAS, the Town Council concurred with the Planning Board's consistency findings and the Town Council approved the first reading of the draft ordinance approving CZ2011-002M; and

WHEREAS, the Town Council held a second public meeting on August 11, 2015 to consider said request and recommendation of approval from the Planning Board; and

WHEREAS, the Town Council further concurred with and endorsed the Planning Board's consistency findings and the Town Council approved the second reading of the ordinance approving CZ2011-002M; and

NOW, THEREFORE, IT SHALL BE ORDAINED on August 11, 2015 by the Town Council of the Town of Indian Trail, North Carolina hereby takes the following action:

Section 1 - CZ 2011-002M Modification of Conditional Zoning Petition be granted and the Zoning Map shall be amended to reflect a CZ-RBD (Conditional Zoning Regional Business District) designation for 07-084-401 and 07-084-416 subject to the following conditions:

1. All conditions approved in CZ2011-002 shall continue to apply except as modified in Condition 2.c below related to Motor Vehicle Repair Shop uses at 123 Associates Lane.
2. All uses currently allowed "By Right" and "Special Use" in the Regional Business District (RBD) be allowed for the subject parcels as a CZ-RBD except for (please reference UDO 520.020G Allowed Uses Table and Standards):
 - a. Adult Use
 - b. Light Equipment Sales
 - c. Motor Vehicle Repair Shop (*140 Corporate Blvd only.*)
 - d. RV and Boat Storage
 - e. Vehicle Storage and Towing

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

AND IT IS SO ORDAINED this 11th day of August, 2015.

TOWN OF INDIAN TRAIL COUNCIL

Attest:

Town Clerk

Michael Alvarez, Mayor

APPROVED AS TO FORM:

TOWN ATTORNEY

ATTACHMENT 2 – TOWN COUNCIL TRANSMITTAL



P.O. Box 2430
Indian Trail, North Carolina 28079
Telephone (704) 821-5401
PLANNING AND NEIGHBORHOOD SERVICES

Planning Board Transmittal for the August 5, 2015 Town Council Public Hearing

Case: CZ 2011-002M			
Reference Name	123 Associates Lane Modification Conditional Zoning		
Planning Board Meeting Date	June 16, 2015		
Members Present	Chair Cowan <input type="checkbox"/>	Jan Brown <input type="checkbox"/>	Vice Chair Larry Miller <input type="checkbox"/>
	Cathi Higgins <input checked="" type="checkbox"/>	Kelly D' Onofrio <input checked="" type="checkbox"/>	Steve Long <input checked="" type="checkbox"/>
	Alan Rosenberg <input checked="" type="checkbox"/>	Jorge Aponte <input checked="" type="checkbox"/> Alternate 1	Shamir Ally <input type="checkbox"/> Alternate 2
	Sidney Sandy <input checked="" type="checkbox"/> Alternate 3		
Case Found Complete	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Motion	Recommend approval as conditioned to Town Council		
Member Making the Motion	Boardmember Alan Rosenberg		
Second the Motion	Boardmember Sidney Sandy		
Vote	6 to 0		

Purpose of the Modification to the Amendment: The subject property is 0.733 acre of land located at 123 Associates Lane currently zoned Regional Business District-Conditioned (CZ-RBD). This property was previously conditionally rezoned in 2011 (CZ2011-002) from General Business District to RBD- Conditioned. The proposed modification to the existing conditional zoning district is to remove the condition of approval prohibiting *Automobile Repair and Service* uses from operating at 123 Associates Lane.

Town Council Action: *Receive the Planning Board transmittal report and public testimony and:*

1. *Concur with the findings and transmittal of the Planning Board to*
2. *Concur with the findings and approve as modified by Council; or*
3. *Do not make the findings and disapprove the amendment.*

Proposed Modification

During the original 2011 rezoning for CZ2011-002, several uses were specifically excluded due to the subject property's proximity to the Downtown area. Automobile service and repair uses were one of the specific uses excluded. Since the approval of CZ2011-002, the owner of an existing Indian Trail auto repair shop has expressed a desire to purchase the building at 123 Associates Drive and relocate the business to the facility. Removing automobile repair and servicing from the list of prohibited uses is needed to facilitate the purchase of the building and relocation of the business. The applicant has had an Impact Statement produced by Morrison Appraisal, Inc. (a NC licensed Real Property Appraiser) to evaluate any diminishment of value the proposed auto repair use would have on surrounding properties. The report stated that the proposed auto repair and service use will not be detrimental to surrounding properties.

It is important to note that the original CZ2011-002 subject property contemplated two properties (123 Associates Lane and 140 Corporate Boulevard). This proposed modification to remove auto repair and servicing from the list of prohibited uses would only apply to 123 Associates Lane. The original rezoning approval for 170 Corporate Boulevard would remain unchanged.

Planning Board Meeting

This request was heard by the Indian Trail Planning Board on June 16, 2015. After staff presented the information the Board inquired about how the applicant would dispose of used fluids associated with this type of use. Another question arose regarding how the site would be secured (i.e. fencing, etc). The meeting discussion on this topic and others can be heard on [Granicus](#) and be reviewed in the attached PB Meeting Minutes (Attachment 3).

Three citizens provided public comments at the Board meeting, one of which was the applicant, Mr. Jerry Roach. Mr. Roach is the owner of East Carolina Automotive. He stated that his business is currently located in Indian Trail off Gribble Road and that he has been searching for a larger location to relocate his business and stay in Indian Trail. He responded to the questions asked by the Planning Board. He stated that he uses two different companies to remove the used motor oil and other fluids. As to the fencing question, he stated the rear yard will be cleaned up to enable reestablishing a previously installed fence and screening around it. The other two speakers were Mr. Tripp Melton, the real estate broker for the applicant (Mr. Roach) and Mr. Chris Wannamaker, the real estate broker for the property owner. Both individuals described how this location was appropriate for auto repair uses. They also referenced that other auto repair shops have shown interest in the property as well. Please refer to Granicus or the attached draft minutes for additional information.

Based on the discussion and deliberations, the Planning Board voted 6 to 0 to transmit a recommendation to approve as conditioned to the Town Council and made the following required findings: The project as conditioned is consistent with the goals of the Comprehensive Plan are satisfied as follows:

- ***Land Use and Housing Goal #1:***
The proposed amendment to the existing conditional zoning district will avoid potential land use conflicts and reductions to property values based on the Impact Statement prepared by a licensed real property appraiser stating that the use will not be detrimental to adjacent properties.
- ***Economic Development Goal #1:***
The proposed modification to the existing conditional zoning district will create a more balanced tax base by promoting the occupancy of a previously vacant building in an existing business park. It will also expand the list of possible business types that could locate on the large commercial development site.

The request for this modification to the existing conditional zoning district is a reasonable request and is in the public interest because it promotes the goals of the adopted Comprehensive Plan in the area of Land Use and Economic Development and is consistent with the adopted plans within the Town.

Town Council Action - Based on the transmittal, public testimony, and deliberations, the Council may take one of the following actions:

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.*

Kevin P. Icard, AICP, CZO
704 821-5401
kicard@planning.indiantrail.org

Attachment 1 – Planning Board Report
Attachment 2 – Ordinance
Attachment 3 – PB Meeting Minutes

**TC ATTACHMENT – 1
PLANNING BOARD REPORT**



P.O. Box 2430
Indian Trail, North Carolina 28079
Telephone (704) 821-5401

PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

Conditional Zoning Modification Staff Report

Case: CZ2011-002M (Modification to Existing Plan)			
Reference Name	123 Associates Lane, Indian Trail Business Park		
Request	Proposed Zoning	Conditional Zoning Regional Business District (CZ-RBD) <i>Modification</i>	
	Proposed Uses	Auto Repair	
Existing Characteristics	Site Existing Zoning	Regional Business District-Conditioned	
	Existing Uses	Vacant 8,000 SF Building	
	Site Acreage	0.733 acres	
Applicant	Jerry Roach (East Carolina Automotive) with Carolyn Stuart High approval (Nanco I LLC - Property Owner)		
Submittal Date	May 4, 2015		
Location	123 Associates Lane		
Tax Map Number(s)	07-084-416		
Plan Consistency	Comprehensive Plan	Designation	US-74 West Corridor Plan
		Consistent with Request	Yes
Recommendations & Comments	Planning Staff	Recommends approval of the amendment request to the Conditional Zoning District	

Project Summary

The subject property is 0.733 acre of land located on Associates Lane currently zoned Regional Business District-Conditioned (CZ-RBD). This property was previously conditionally rezoned in 2011 (CZ2011-002) from General Business District to RBD with conditions. The proposed modification to the existing conditional zoning district is to remove the excluded use of *Automobile Repair and Service* from the conditions set forth in the rezoning approval specifically for 123 Associates Lane.

Recommendation

Staff is of the opinion the necessary findings can be made to support a modification to the existing Conditional Zoning request to allow the change.

Background

The original 2011 rezoning request consisted of two parcels; 123 Associates Lane and 140 Corporate Boulevard. The parcels were developed in the mid-1990s under Union County regulations. The buildings were constructed in an office/warehouse manner and can accommodate a wide array of businesses. There have been a variety of current and former tenants utilizing the buildings for various sales, service, manufacturing, and distribution uses. The applicant Mr. Roach; is looking to purchase 123 Associates Lane to relocate his automotive repair business from Gribble Road to this location. This site is larger than his existing facility and he wants to keep his business in Indian Trail.

In 2010, a representative for the property owner of 140 Corporate Blvd. approached Town staff about a possible disconnect between the GBD zoning and potential tenants interested in locating in the building. A lack of permitted manufacturing and distribution type uses was cited as the key disconnect with the GBD zoning. A conditional rezoning proposal to RBD was submitted by the property owner to help expand the list of permitted uses. 123 Associates Lane (subject of this CZ modification request) was later added to the rezoning subject property area by the property owner hoping to make the site more marketable with a wider array of uses. The two sites are completely independent from each other.

In the rezoning process staff research showed that the Indian Trail Business Park had a large presence of offices and businesses associated with assembly of goods, distribution, suppliers, and manufacturing. What the research did not reveal were general retail type businesses typically found in the GBD zoning district.

The list of uses were excluded from the previous approval citing that they were too intense for the area. The applicant has provided an Impact Statement, From Morrison Appraisers, Inc. showing how the automotive repair and service use will not be detrimental to adjacent properties. Map 2 below shows similar uses in the area.

Analysis

Site Characteristics

The property is 0.733 acres located on Associates Lane. There is only one building on this parcel built in 1994. It is approximately 7,850 square feet of office and warehouse space. Parking is situated in front of the building with loading docks behind the building. The applicant has stated that he intends to fill in the sunken loading docks and make the necessary improvements to the bay doors and to bring the interior of the building up to code to meet his needs.

The business park is almost entirely developed. Many of the surrounding properties and facilities accommodate businesses engaged in similar activities. Corporate Boulevard is approximately 2,000 feet long and connects Highway 74 to Unionville Indian Trail Road. Associates Lane is approximately 570 feet long and Business Park Drive is nearly 850 feet. Both roads are cul-de-sacs and are lightly traveled.

Map 1: Zoning Map

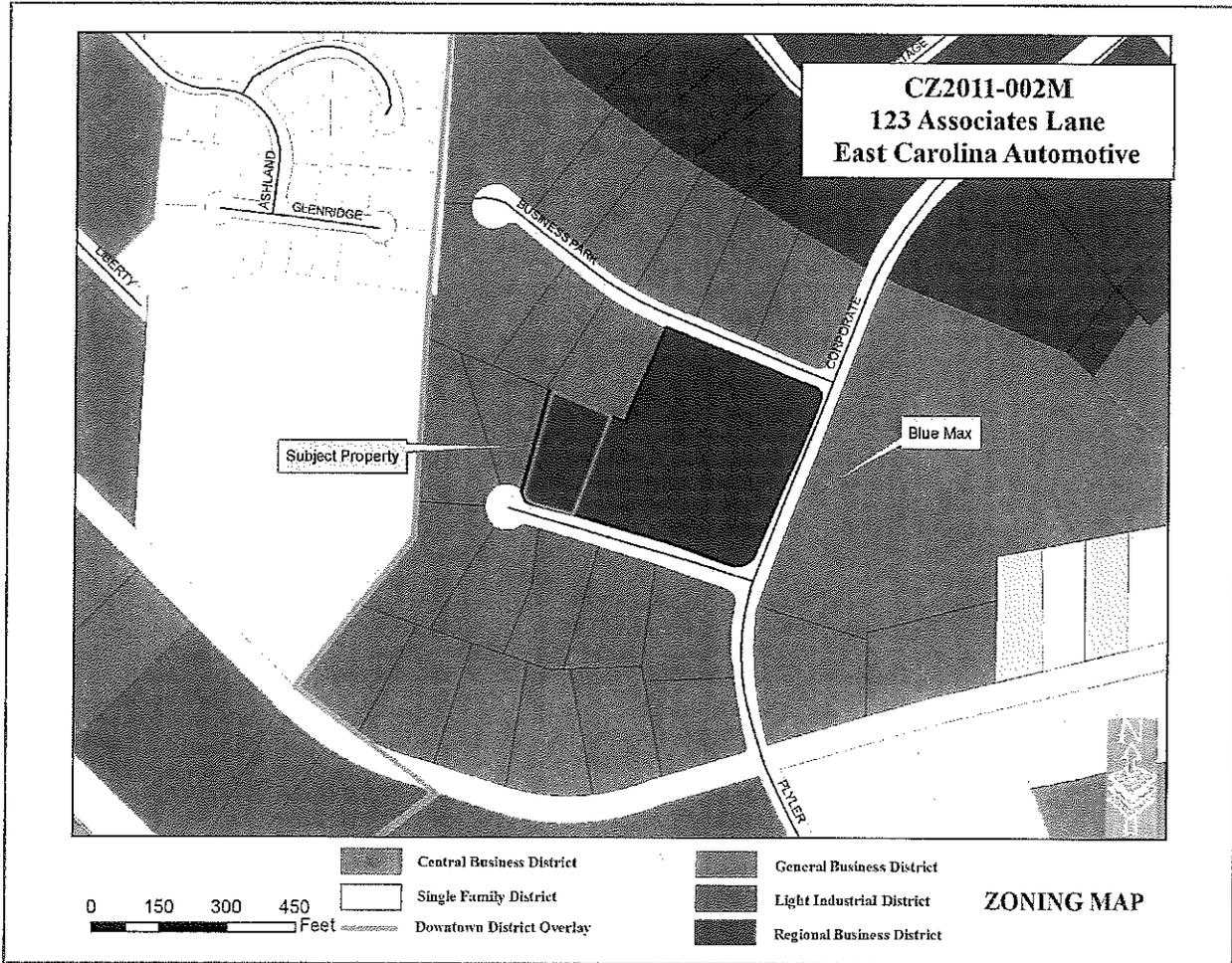
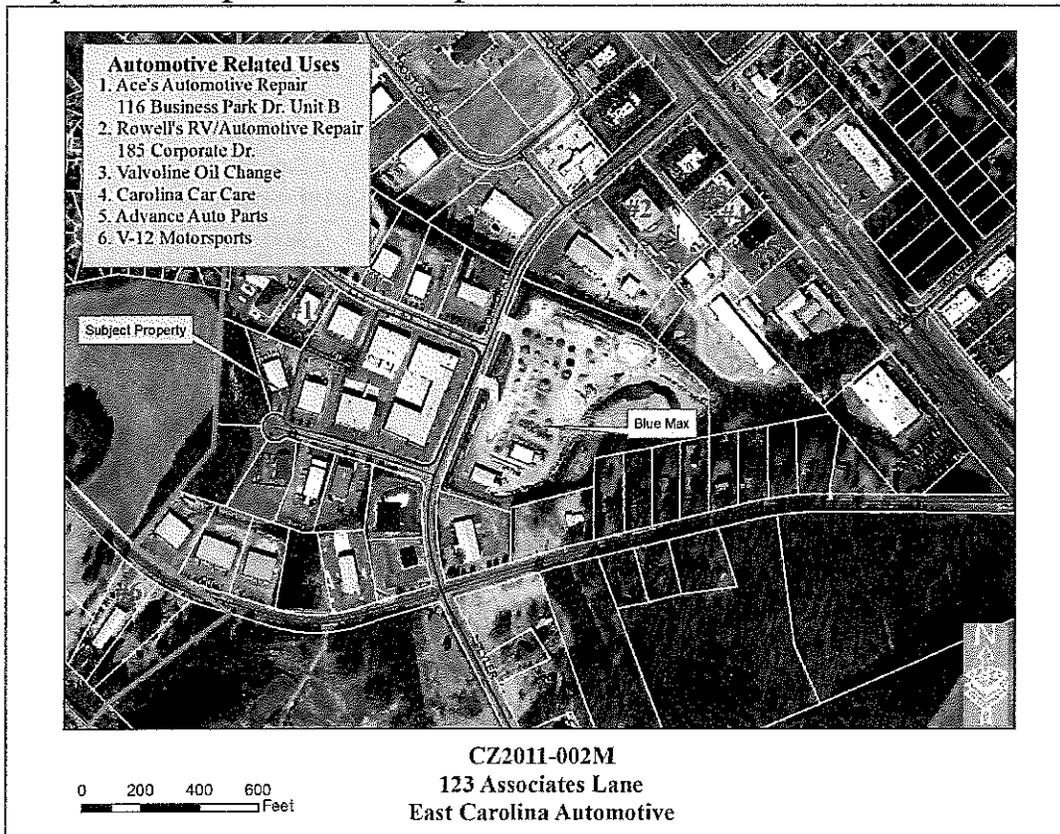


Table 1: Surrounding Uses

DIRECTION	USE
North	Ace Automotive (Permit issued in 2008)
East	140 Corp. Blvd. mix of office/warehouse
South	Freeman's (Contractor with Outside Storage)
West	E & H Electrical Contractors

Map 2: Auto Repair Location Map



Special Use Permit Requirements

Typically this use would require a special use permit in the GBD and would be allowed by right in the RBD. The applicant provided an Impact Statement (*see Attachment #3*), required with a Special Use Permit, which showed that the use of an automotive repair and service business would not injure the value of adjacent properties.

The Board of Adjustment uses the following four criteria when determining if a use should be allowed. If the Board confirms the findings they are required to approve the request:

- That the use will not endanger the public health and safety
 - *The applicant has stated that if purchased he would secure the site so that no one could enter the rear area (fence and gate)*
- That the use will not injure the value of adjacent properties
 - *An Impact Statement provided by Morrison Appraisal states that it will not injure the value*
- It will be in harmony with the area it's located
 - *Other automotive uses are located within the area, most notable is Ace Automotive, which is located immediately behind the proposed location (see Map 2 above)*
- It will conform with the Comprehensive Plan
 - *This site is part of the US-74 West Corridor which is intended to provide services and goods on a local and regional level (see Map 3 below)*

Comments from Outside Agencies

The Town routed plans to solicit comments from the Union County Fire Marshal, Union County Public Works, and North Carolina Department of Transportation. Representatives from each department have responded that they did not have any comments or concerns with the proposed rezoning request.

Community Meetings

In addition to the research gathered by the Town, the applicant held two community meetings as required by UDO Section 330.020. The purpose of the meetings was to address comments and concerns from surrounding property owners. Notices for the community meetings consisted of advertising in the newspaper, sending first class mailed notices to the property owners and surrounding properties within 500 feet, and posting signs on the site.

The first community meeting was held at the Town Cultural Arts Building on May 27, 2015 from 3:00PM-5:00PM. The second community meeting was held on the same day from 6:00PM-8:00PM. The only attendant was Mr. Roach and town planning staff; therefore there were no comments or questions from the public.

Photo 1: 123 Associates Lane

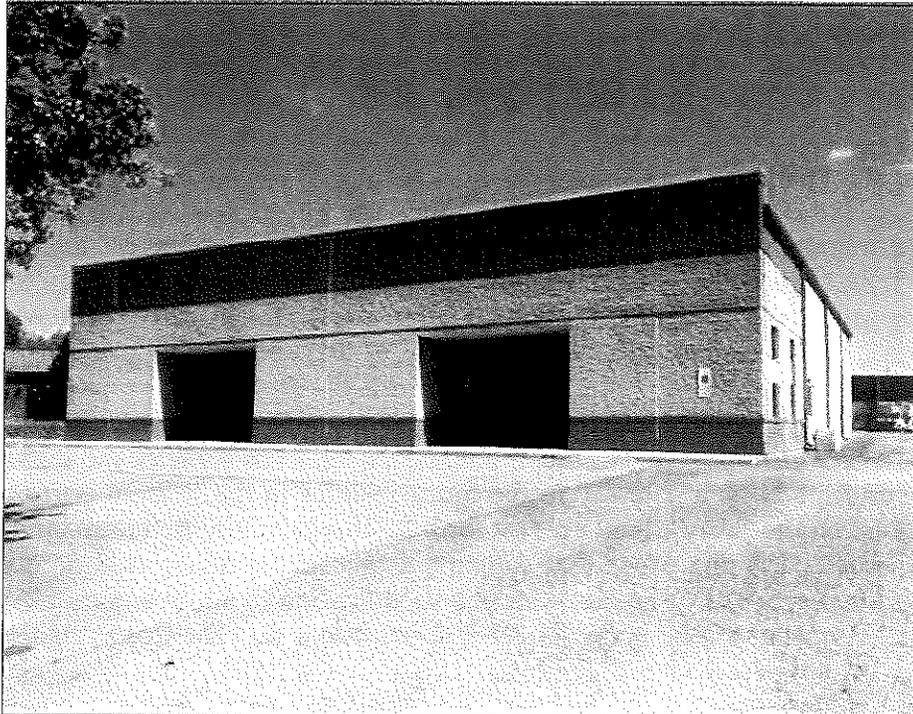
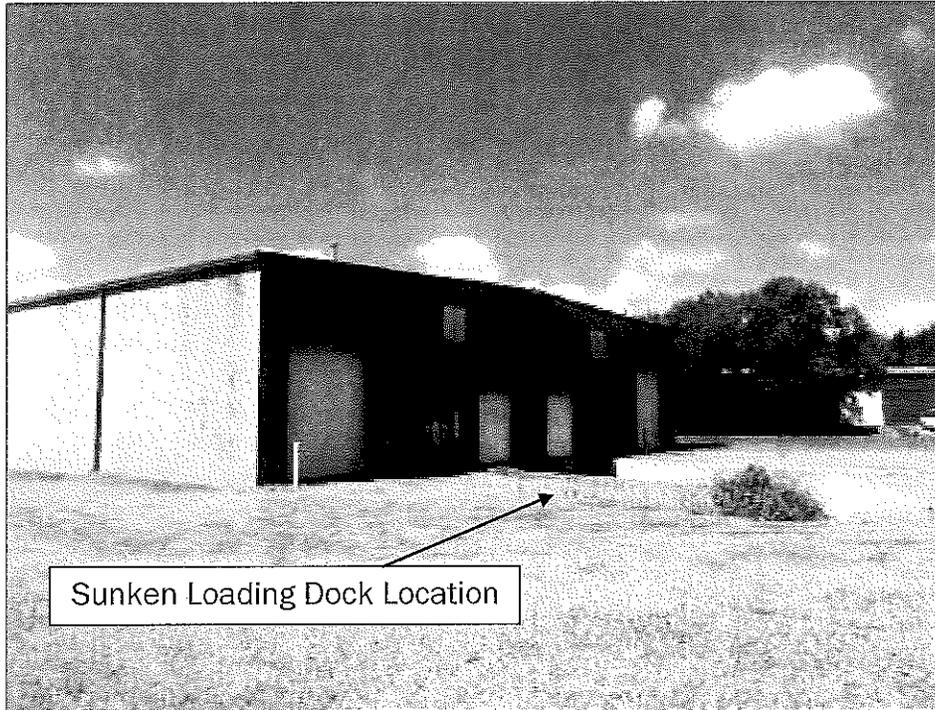


Photo 2: 123 Associates Lane Rear Loading & Bay Doors

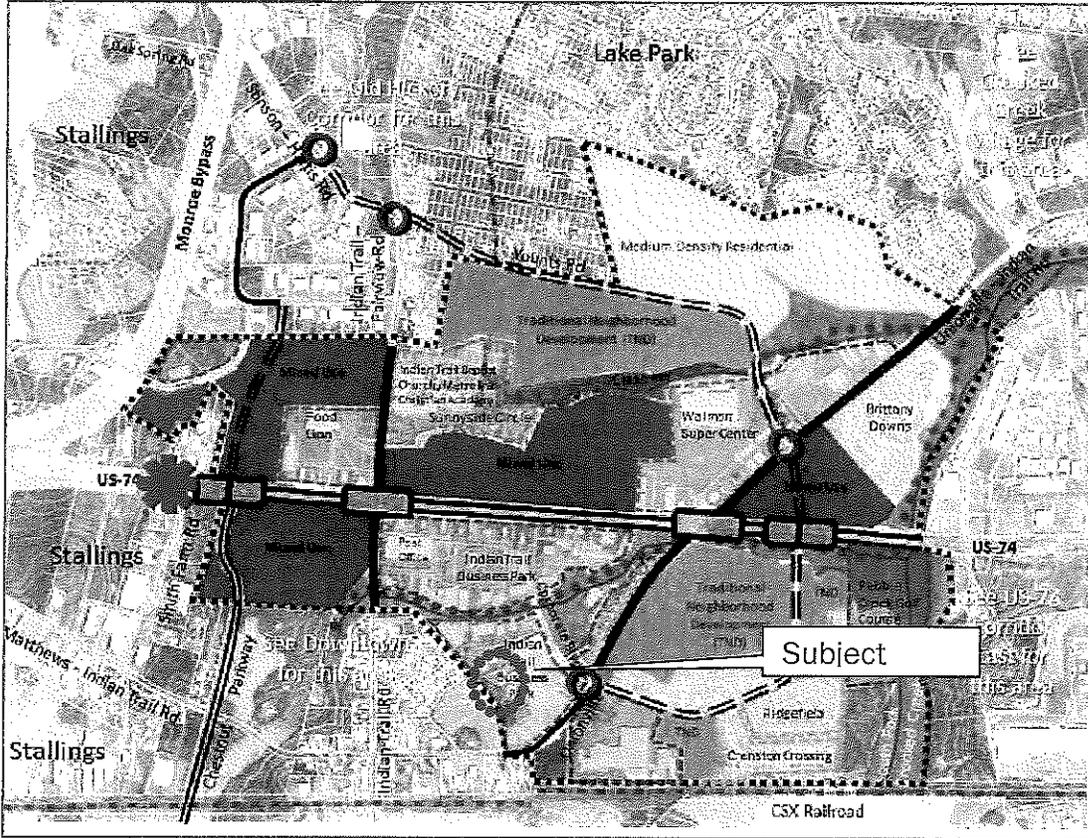


Plan Consistency

The property is located in US-74 West Corridor. The parcel is completely developed and there are no major structural alterations or site changes proposed except for; filling in the loading dock area, installing a fence around the rear of the property and improving the bay doors. For purposes of the Comprehensive Plan analysis, the property is classified existing office (which allows; retail, service, repair and flex space) and would not change as a result of the rezoning.

The US-74 West Corridor provides direct connection between some of the busiest portions of the state and serves as a gateway to the municipalities in the western portion of Union County. Based on the Town's land uses set forth for this corridor, the future land use for the subject property as existing office that supports a mixture of office, commercial uses and other supporting uses. Staff is of the opinion a modification to allow automobile repair and service at 123 Associates Lane in the CZ-RBD is consistent with the Comprehensive Plan.

Map 3: Future Land Use Plan US-74 West Corridor



US 74 West Corridor

Action Required

The Planning Board must adopt a statement of consistency and reasonableness prior to making a motion for recommendation. The finding must be made that the proposed amendment is both reasonable and consistent with the Comprehensive Plan. Staff is of the opinion the goals of the Comprehensive Plan are satisfied as follows:

Land Use and Housing Goal #1:

The proposed amendment to the existing conditional zoning district will avoid potential land use conflicts and reductions to property values based on the Impact Statement prepared by a licensed real property appraiser stating that the use will not be detrimental to adjacent properties.

Economic Development Goal #1:

The proposed modification to the existing conditional zoning district will create a more balanced tax base by promoting the occupancy of a previously vacant building in an existing business park. It will also expand the list of possible business types that could locate on the large commercial development site.

The request for this modification to the existing conditional zoning district is a reasonable request and is in the public interest because it promotes the goals of the adopted Comprehensive Plan in the area of Land Use and Economic Development and is consistent with the adopted plans within the Town.

Draft Conditions

Staff is suggesting the following conditions. Modifications to previously approved conditions are in underlined font. ;

**CZ2011-002 Conditional Zoning Regional Business District (CZ-RBD)
140 Corporate Boulevard and 123 Associates Lane
Revised Draft Conditions**

1. All conditions approved in CZ2011-002 shall continue to apply except as modified in Condition 2.c below related to Motor Vehicle Repair Shop uses at 123 Associates Lane.
2. All uses currently allowed “By Right” and “Special Use” in the Regional Business District (RBD) be allowed for the subject parcels as a CZ-RBD except for (please reference UDO 520.020G Allowed Uses Table and Standards):
 - a. Adult Use
 - b. Light Equipment Sales
 - c. Motor Vehicle Repair Shop (140 Corporate Blvd only.)
 - d. RV and Boat Storage
 - e. Vehicle Storage and Towing

Recommendation

Staff is of the opinion that the findings can be made to support a modification to the existing conditional zoning district for the subject property. The proposed modification is consistent with the town’s Comprehensive Plan.

Attachment 1 – Application

Attachment 2 – Letter of Intent

Attachment 3 – Impact Statement

Attachment 4 – Draft Resolution

Staff Contact

Kevin P. Icard, AICP, CZO

Senior Planner

(704) 821-5401 ext 238

kicard@planning.indiantrail.org

PB Attachment 1
Application

PB Attachment 2
Letter of Intent*
From Previous SUP Application

R-000606

**UDO TEXT AMENDMENT
APPLICATION**

Invoice 24020



PLANNING & NEIGHBORHOOD SERVICES

130 Blythe Drive

PO Box 2430

Indian Trail, NC 28079

Telephone (704) 821-5401

Fax (704) 821-9045

ONLY COMPLETE APPLICATIONS ACCEPTED

Processing Fee \$500.00

CZ ~~2000~~
2011-002M

5/4/15

**UDO TEXT AMENDMENT
APPLICATION**

Subject Section of the UDO:

Name Amendment to Conditional Approval

Chapter: _____

Purpose: _____

Contact Information – Applicant

Name Jerry Dale Roach

Address 7005 Plyler mill RD

City Monroe State N.C. Zip 28012

Phone 764-221-5341 Fax 764-821-5722

Email Jrood1166@yahoo.com

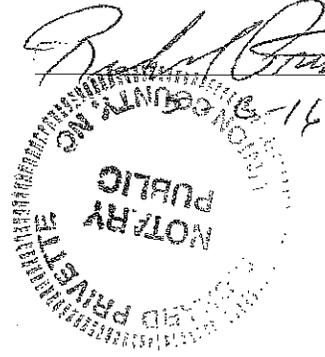
Applicant's Certification

Signature [Signature] Date 5-1-15

Printed Name/Title Jerry D. Roach

Signature of Notary Public [Signature] Date 5-1-15

Notary Seal



TOWN OF INDIAN TRAIL OFFICE USE ONLY	
CASE NUMBER: _____	
DATE RECEIVED: _____	AMOUNT OF FEE: _____
RECEIVED BY: _____	RECEIPT #: _____

5/4/15

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

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.

5/4/15

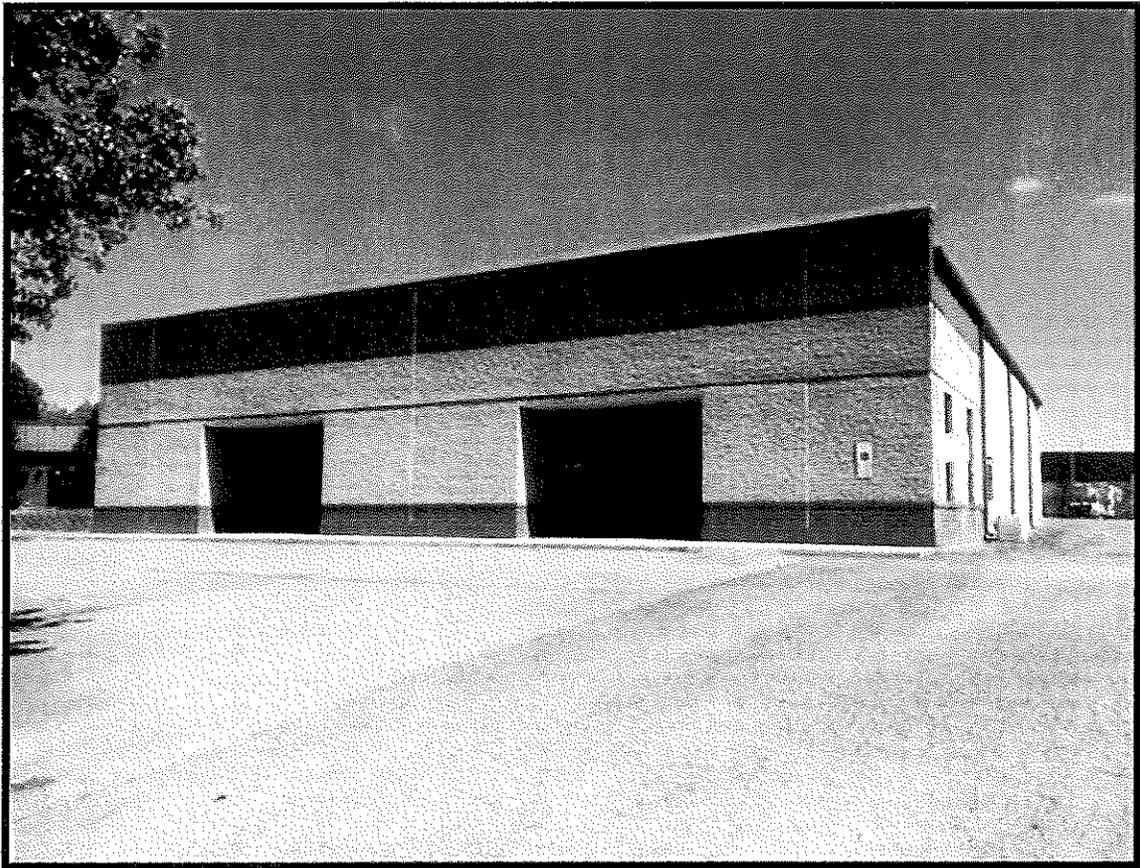
PB Attachment 3
Impact Statement*
Provided for SUP

PB Attachment 4
Draft Resolution



MORRISON APPRAISAL, INC.
RESIDENTIAL • COMMERCIAL • INDUSTRIAL

Impact Study – Jerry Roach



123 Associates Ln • Indian Trail, NC

As of: April 24, 2015

Date of Report: April 27, 2015

Client: Jerry Roach

Prepared By: Andrew G. Morrison, MAI



April 24, 2015
Indian Trail
Planning Department

To whom it may concern:

I have studied the property located at 123 Associates Ln. in Indian Trail, NC. The property is an office warehouse inside Indian Trail Business Park. The prospective buyer wants to operate an automotive repair business upon purchase which requires a special use permit under the General Business District. Sales of properties adjacent or exposed to automotive repair were reviewed as to their impact on surrounding properties.

Based on the information gathered, it is my opinion that automotive repair use will be in harmony with the neighborhood and should not adversely affect surrounding properties.

If you have any questions please let me know.

Sincerely,

Andrew G. Morrison, MAI
Morrison Appraisal, Inc.
NC Certified General
Appraisal Institute #497226





CERTIFICATION OF THE APPRAISAL

Andrew Morrison, certifies that, to the best of our knowledge and belief,

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and is our personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.
4. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
5. I have not reported a predetermined opinion or conclusion, and I am not an advocate of anything other than assignment results. I have not paid fees, commissions, etc. in connection with procurement of this assignment.
6. I have made a personal inspection of the property that is the subject of this report.
7. No one provided significant real property appraisal assistance to the person(s) signing this certification.
8. The engagement in this assignment was not contingent upon developing or reporting predetermined results.
9. The compensation for completing this assignment is not contingent upon the development or reporting of a predetermined opinion that favors the cause of the client, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this report.
10. I have performed no services, as an appraiser or in any other capacity regarding the property that is the subject of the report within the three-year period immediately preceding acceptance of this assignment.
11. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute. As of the date of this report, I have completed the Standards and Ethics education requirements of the Appraisal Institute for Members.



CONTINGENT AND LIMITING CONDITIONS

1. The appraiser obtained the information, estimates, and opinions that were expressed in the report from sources that he or she consider to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
2. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinion about the title.
3. The appraiser must provide prior consent before the client specified in the report can distribute the report (including conclusions about the opinion, the appraiser's identity and professional designations, and reference to any professional appraisal organization or the firm with which the appraiser is associated) to anyone other than the clients, consultants professional appraisal organizations: and state or federally; or any department, agency, or instrumentality of the United States for any state or the District of Columbia; except that the client may distribute the property description section of the report only to data collection or reporting services(s) without having to obtain the appraiser's proper written consent. The appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relation, news, sales, or other media.
4. The appraiser will not give testimony or appear in court, unless specific arrangements to do so have been made beforehand.
5. The appraiser has noted in the report any adverse condition (such as needed repairs, depreciation, the presence of hazardous wastes, toxic substance, etc.) observed during the inspection of the subject property or that he or she became aware of during the normal research involved in performing the study, Unless otherwise stated in the report, the appraiser has no knowledge of any hidden or unapparent condition of the property or adverse environmental conditions (the presence of hazardous wastes, toxic substance, etc.) that would make the property more or less valuable, and has assumed that there are no such condition and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. The appraiser is not qualified to detect substances such as asbestos, urea-formaldehyde foam insulation, mold, radon gas or other potentially hazardous materials that may affect the value of the surrounding properties. The opinion is predicated on the assumption that there is no such material on or in the property which would cause a loss in value. The client is urged to retain an expert in this field, if desired. Because the appraiser in not an expert in the field of environmental hazards, the report must not be considered as an environmental assessment of the property.



6. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for obtaining the engineering studies that may be required to discover them.
7. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, there are no guarantees express or implied, regarding this determination.
8. Responsible and competent property management is assumed.
9. The appraiser has not made a specific compliance survey and analysis of the subject parcel to determine whether or not it is in conformity with the various detailed requirements of the Americans with Disabilities Act ("ADA"). It is possible that a compliance survey of the property together with a detailed analysis of the requirements of the ADA could reveal that the subject parcel is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect upon the value of the property. Since the appraiser has no direct evidence relating to this issue, the appraiser did not consider possible non-compliance with the requirements of ADA in estimating the value of the subject.
10. The forecasts, projections, or operating estimates contained herein are based on current market conditions, anticipated short-term supply and demand factors, and a continued stable economy. These forecasts are, therefore, subject to changes with future conditions.
11. The appraiser will not disclose the contents of the report except as provided for in the Uniform Standards of Professional Appraisal Practice.
12. Possession of the report, or a copy thereof, does not carry with it the right of publication.
13. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.



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IMPORTANT FACTS AND CONCLUSIONS

LOCATION AND OWNERSHIP

Property Location	Associates Ln Indian Trail, NC
Map Reference	07-084-416
Owner	Nanco I, LLC

PROPERTY INFORMATION

Building Size (sqft)	8000
Total Parcel Size (acres)	.73
Zoning	GBD
Description of Improvements	Office Warehouse

REPORT INFORMATION

Purpose of Report	Impact of automotive repair on surrounding properties
Intended User	Jerry Roach
Effective Date of Value	April 24, 2015
Date of Report	April 27, 2015

CONCLUSIONS

The proposed automotive repair use is in harmony with the neighborhood and does not adversely affect the surrounding properties.



INTRODUCTION

The property being studied is an office warehouse that is under contract for purchase. The buyer, Jerry Roach, would like to operate an automotive repair business from the location. This requires a special use permit in the GBD zoning district. The property is located at 123 Associates Ln in Indian Trail, North Carolina. It is owned by Nanco I, LLC and the tax parcel is 07-084-416.

PURPOSE OF ASSIGNMENT

The purpose of this assignment is to provide an opinion of the impact of automotive repair on the market value of surrounding properties, and whether it is in harmony with the neighborhood.

INTENDED USE & INTENDED USER

It is the appraiser understands that the report will be used by Jerry Roach to present before the Indian Trail Planning Board for a special use permit. Jerry Roach ordered the report and is the intended user.

EFFECTIVE DATE OF THE APPRAISAL

The effective date of this appraisal is April 24, 2015, which is the date that Andy Morrison inspected the property. The date of the report is April 27, 2015.

SCOPE OF ASSIGNMENT

The scope of work of this assignment is based on the intended use, requirements from the client, complexity of assignment and property, the sophistication of the market, and other pertinent information.

INSPECTION

The scope of the appraisal includes an exterior inspection of the subject property and observation of the surrounding area.

DATA RESEARCH AND COLLECTION

The scope of the appraisal also includes gathering local and regional information on the subject property. Databases are used to identify other automotive repair properties adjacent properties that have sold.

DATA ANALYSIS

The study researches and analyzes the effect of automotive repair on surrounding properties. Sales or properties adjacent to properties used for automotive repair are compared to properties without exposure.

DATA REPORTING

The report is presented in a narrative format. Supporting documentation of analyses, opinions, and conclusions is stored in the workfile. The appraiser has the experience necessary to complete this assignment.

HISTORY OF PROPERTY

The current owners have owned the property since 1995 when the lot was purchased from Rushing Construction Co. The improvement were built in 1996. The property was listed on June 20, 2013 for sale or lease. Jerry Roach has plans to purchase the building and operate an automotive repair business.



SITE ANALYSIS

The site is a .73 acre parcel. The property is located on Associates Ln in Indian Trail Business Park near the rear cul-de-sac.

SITE SUMMARY	
Location	Associates Ln
Size	.73 of an acre
Shape	Rectangular
Topography	Fairly Level
Flood Area	None
Zoning	GBD
Utilities	Electric, Water, Sewer
Road Frontage (ft)/Access	124' / Average
Easements	None
Environmental	None

The site is fairly level. According to flood map 37179200607187-5408 Panel Date 2014, the subject abuts a flood area that encroaches minimally.

Access to the site is provided by Associates Ln. Access and visibility to the site appears to be average.

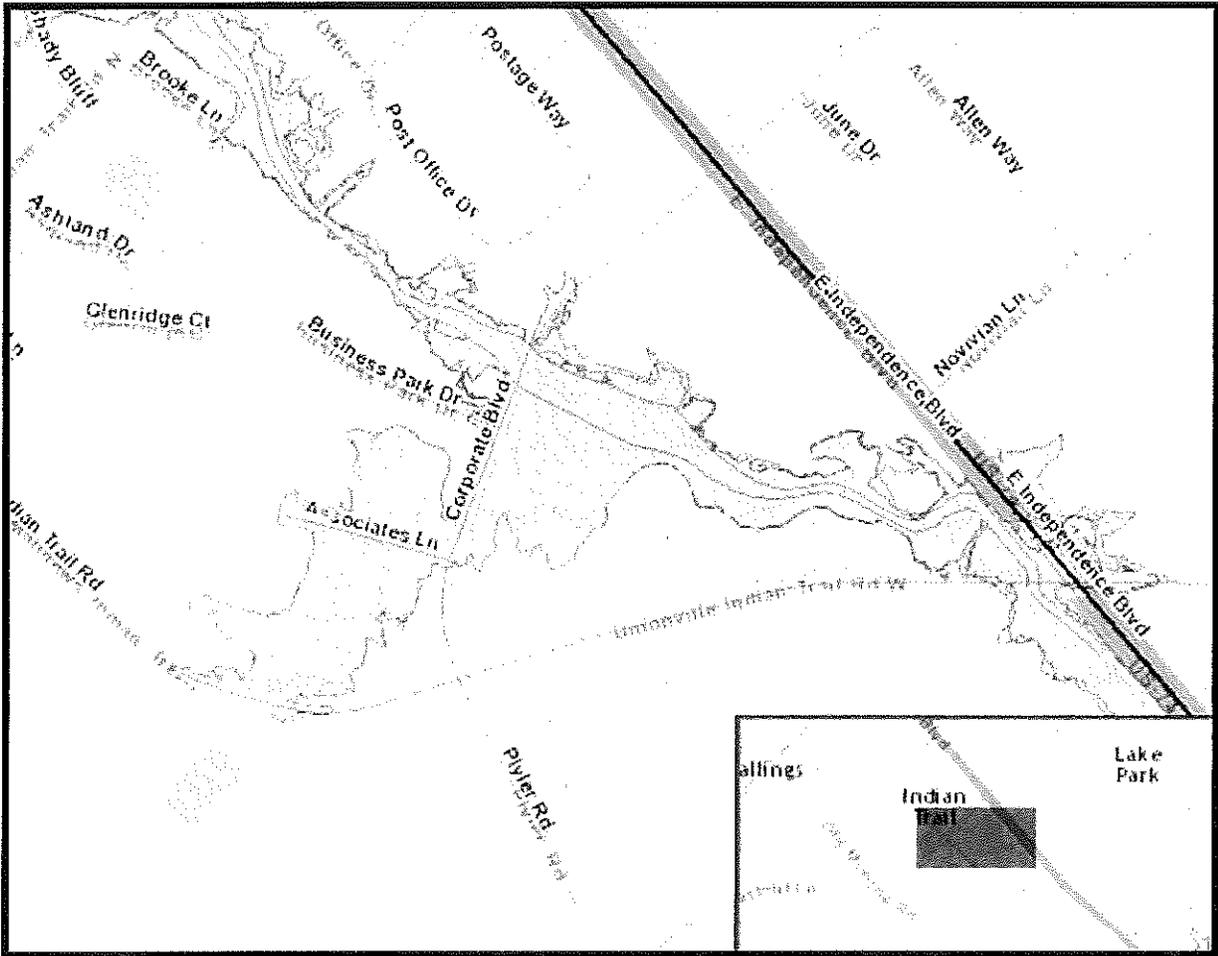
A soil analysis was not provided and it is assumed that the soil and subsoil conditions are adequate for any use of the property.

Public water and sewer is utilized by the subject site. Electrical, telephone and natural gas service are provided through the appropriate utility companies. The utilities appear to be adequate for the site.

A survey was not provided and it is assumed that there are no adverse easements, encroachments, or conditions affecting the site.

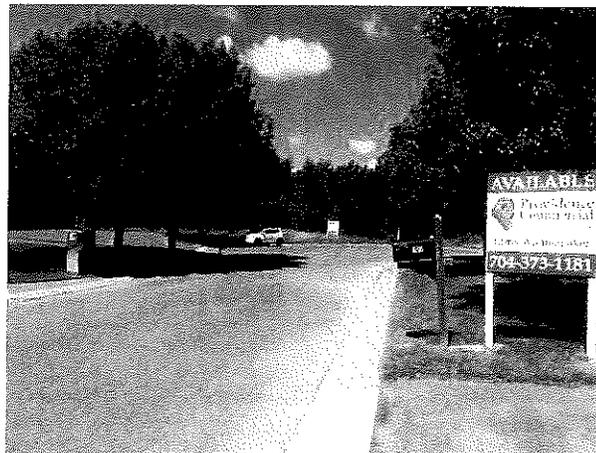
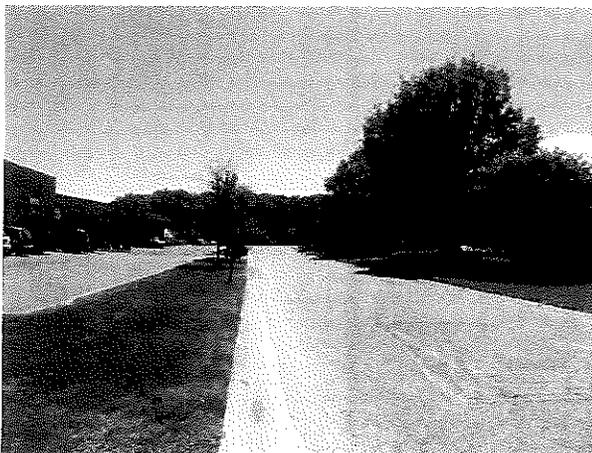
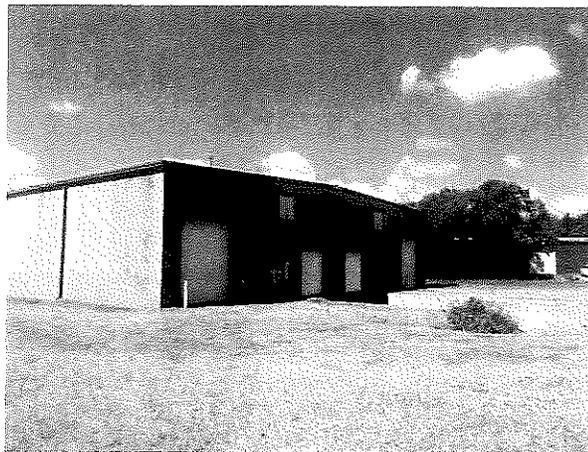
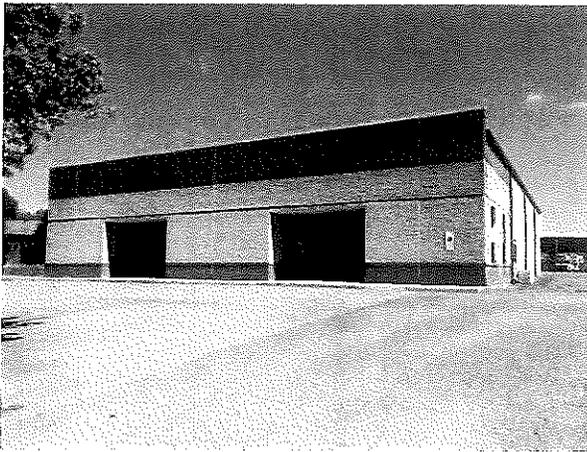


In concluding the site analysis, the appraiser is not aware of any adverse conditions that would prohibit maximum utilization of the property. The site is of adequate size and possesses the physical characteristics to support the present improvements.



IMPROVEMENTS

The subject is an 8,000sqft metal office warehouse building that was built in 1995. The building is steel frame with brick exterior. There is 2,744 sq ft of office space with two open areas, 5 private offices, conference room, break room, and restrooms. The warehouse has 17' ceiling and is clear span. There is a storage room in the warehouse behind the office space. The building has 2) 10' drive in doors and 2) 8' dock height.





ZONING

The subject is zoned GBD. The GBD, General Business District is intended to establish suitable development standards for the provision of convenience goods, groceries, and services at locations along major transportation routes to the motoring public, both local and transient. The GBD District should always be located with access directly from major or minor thoroughfares, never local residential streets

The subject property has excess construction material stored in the side yard of the building. According to the Unified Development Ordinance Table of Allowed Uses (Chapter 520.020) the subject is classified as Motor Vehicle Repair Shop not including body work, parking and commercial vehicle repair ≤ 26,000 lb, which requires a special use permit in the GBD district.



SURROUNDING PROPERTIES

The subject is located in Indian Trail Business Park. The park was developed in the mid 1990's by Leroy Rushing. The properties range from retail outparcels along Highway 74 to office condos to office warehouse in the rear. The park is mostly developed with a few vacant lots. The subject is located on Associates Ln with is made up of office condos and office warehouse properties with a variety of businesses. Aces Automotive is an repair shop behind the subject property.



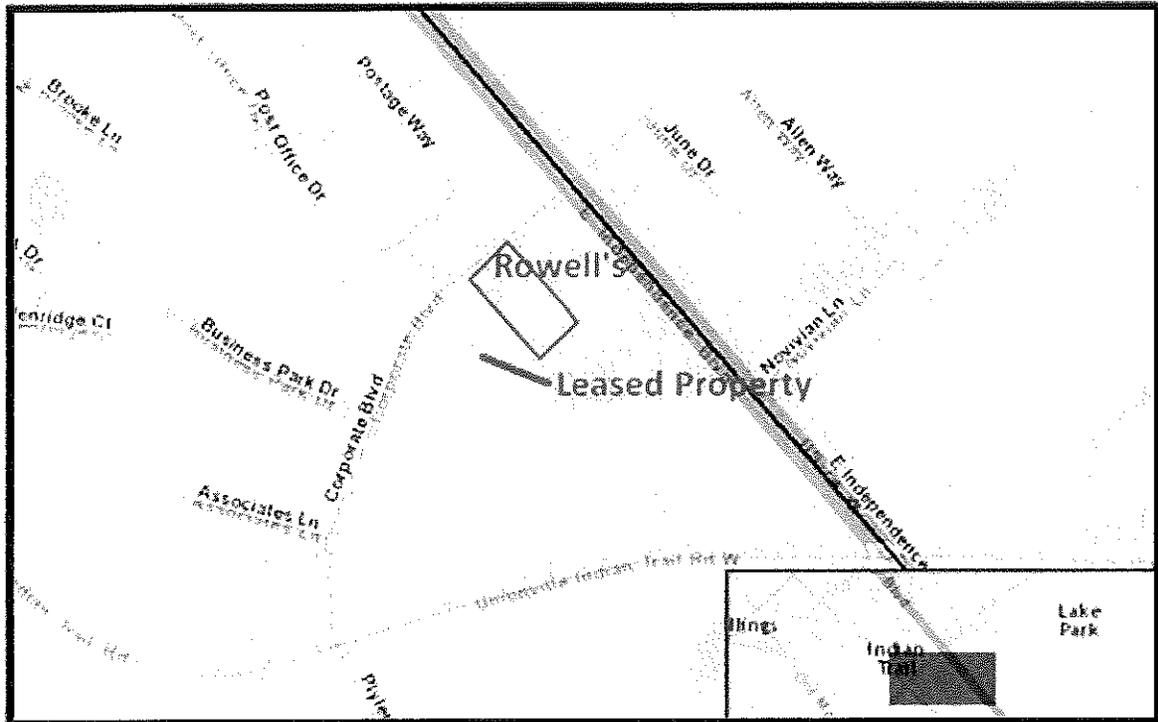


IMPACT ANALYSIS

The analysis consists of studying properties near automotive repair.

STUDY 1-

185 Corporate Drive, Indian Trail, NC – Parcel 07-084-405B

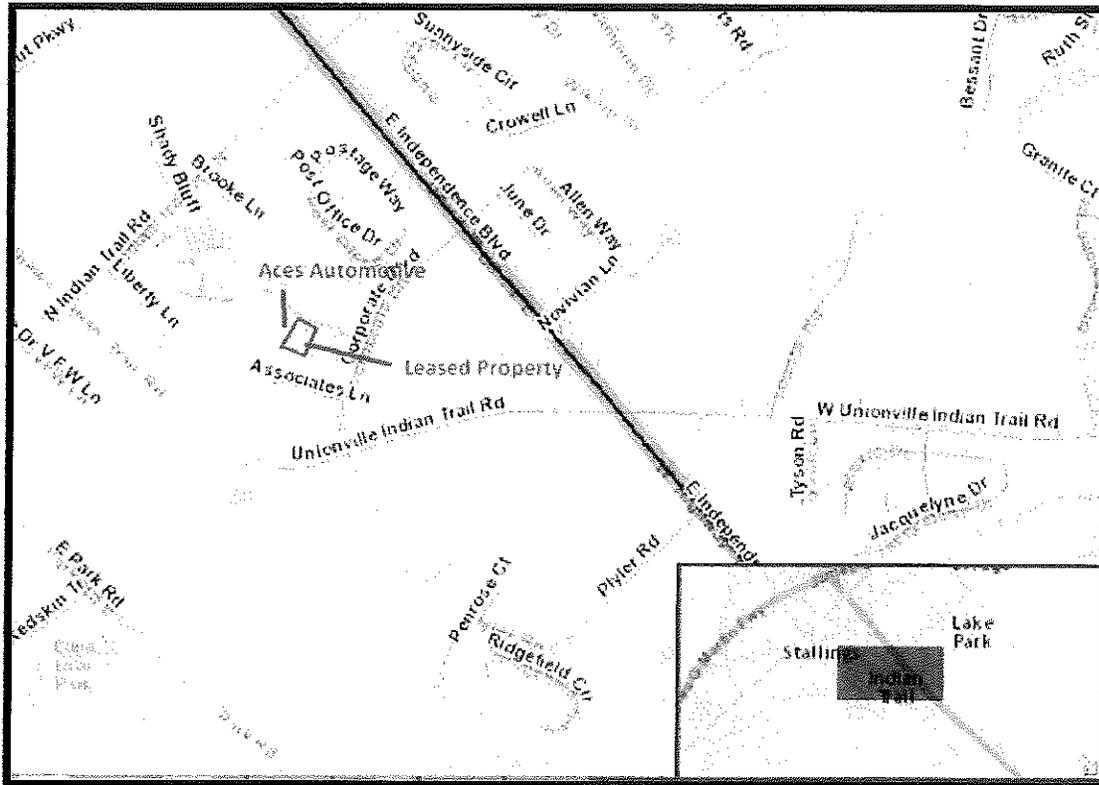


Rowell's is operated from this location and offers service, maintenance, repairs, customizing, and performance upgrades for vehicles. It is located across the street from Indian Trail Business Park. The adjacent property was leased this year to a long term lease to a national trucking company. Rowell's had no impact on the company's decision. The initial lease terms were approximately \$6.5/sqft for a 10,200 sqft building on 3 acres. The price is similar to other comparable buildings in the Indian Trail area that are not located next to automotive repairs businesses.



STUDY 2-

116 Business Park Dr Unit B, Indian Trail, NC – Parcel 07-084-415



This property is a unit in a multi-tenant office-warehouse building that is located in Indian Trail Business Park and backs up to the subject property. It contains 2,500 sq. ft. and was leased at \$6.95/sqft in August 2014. Aces Automotive is located at 118 Business Park Dr (adjacent property). The automotive repair business had no impact on the lease price.



FINAL CONCLUSION

The subject property is located in Indian Trail Business Park that is made up of a variety of retail, office, and office warehouse uses. The case studies were of properties located inside or next to the park. Properties next to automotive repair businesses were leased at typical market rent and were not adversely affected by the use.

In conclusion, it is the appraiser's opinion that using the subject property for automotive repair will not negatively affect the value of the abutting or adjoining property. Due to the wide range of business uses inside Indian Trail Business Park, automotive use would be in harmony with the neighborhood.



BIBLIOGRAPHY

The Appraisal Institute. The Appraisal of Real Estate- 14th Edition. Illinois: The Appraisal Institute, 2013.

Zoning Ordinance Town of Indian Trail, North Carolina

STDB Online "All Reports- Appraisal Version"

Carolinarealtors.com



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613 Euclid Street
Monroe, NC 28110

NC Certified General #A7253
Member of the Appraisal Institute #497226
MAI Designation

EDUCATION

BS Degree – Appalachian State University
Political Science- Pre-profession Legal Studies
Business Minor- December 2004

APPRAISAL COURSES ATTENDED AND PASSED WITH EXAM

R1 – Introduction to Real Estate Appraisal
Mingle Institute, Charlotte, NC- February 2005

R2 – Valuation Principles and Procedures
Mingle Institute, Charlotte, NC- April 2005

R3- Applied Residential Property Valuation
Mingle Institute, Charlotte, NC- May 2005

USPAP- Mingle Institute, Charlotte, NC- June 2005

G1- Introduction to Income Property Appraisal
Mingle Institute, Charlotte, NC- September 2005

G2- Advanced Income Capitalization Procedures
Mingle Institute, Charlotte, NC- October 2005

G3- Applied Income Property Valuation
Mingle Institute, Charlotte, NC- November 2005

Basic Income Capitalization
The Appraisal Institute, Greensboro, NC- May 2007

USPAP Update- Mingle Institute, Charlotte, NC- May 2007

Business Practices and Ethics-
The Appraisal Institute, Greensboro, NC- December 2007, Columbia, SC- May 2012



North Carolina General Certified Appraiser State Examination-
Passed December 2007

Report Writing and Valuation Analysis-
The Appraisal Institute, Greensboro, NC- July 2008

Advanced Income Capitalization-
The Appraisal Institute, Greensboro, NC- June 2009

USPAP Update- Mingle Institute, Charlotte, NC- July 2009

Market Analysis and Highest and Best Use-
The Appraisal Institute, Greensboro, NC- July 2009

Advanced Sales Comparison and Cost Approaches
The Appraisal Institute, Greensboro, NC- June 2010

Advanced Applications
The Appraisal Institute, Greensboro, NC- February 2011

Appraisal Institute Comprehensive Examination for the MAI Designation
Passed November 2011

USPAP Update- Erick Little & Company, Charlotte, NC- April 2012, April 2014

SEMINARS

Residential Development- Valuation Trends, Issues, and Challenges
Online- October 2009

Using Spreadsheet Programs in Real Estate Appraisals
The Appraisal Institute, Greensboro, NC- February 2010

The Appraiser and the Site To Do Business: Location, Timing and Demographics
Online-August 2010

Understanding and Using Investor Surveys Effectively
Online- January 2011

Perspectives from Commercial Review Appraisers
Online- July 2011



The Green Guide to Appraising
McKissock- May 2013

Deriving and Supporting Adjustments
McKissock- May 2013

WORK HISTORY

2005 to Dec 2009 – Morrison Appraisal, Inc.
Registered Trainee/Property Manager

Dec 2009 to Present- Morrison Appraisal, Inc.
Certified General Real Estate Appraiser

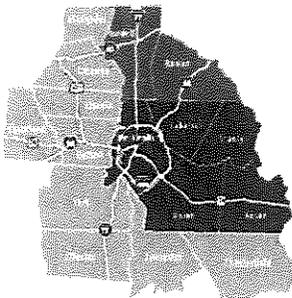
PROFESSIONAL ORGANIZATIONS

The Appraisal Institute- MAI Designated

PARTIAL CLIENT LIST

- Home Savings Bank
- Yadkin Bank
- BB&T
- Capital Bank
- Mortgage Brokers
- Municipalities
- Real Estate Brokers
- Attorneys

COUNTIES SERVED



TC ATTACHMENT – 3
PB Meeting Minutes

Town of Indian Trail



INDIAN TRAIL
north carolina

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Indian Trail, North Carolina 28079

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PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT PLANNING BOARD MINUTES

June 16, 2015

6:30 P.M.

CALL TO ORDER Acting Chair Cathi Higgins called the meeting to order at 6:30pm.

ROLL CALL The following members of the governing body were present:

Board Members: Cathi Higgins, Kelly D'Onofrio, Alan Rosenberg, Steve Long, Sidney Sandy, and Jorge Aponte.
Members Present None.

but not Voting:

Absent: Patricia Cowan, Larry Miller, Jan Brown, and Dr Shamir Ally.

Staff Members: Rox Burhans-Planning Director, Kevin Icard-Senior Planner, Gretchen Coperine- Senior Planner, Donna Cook-Associate Planner, Lindze Small-Planner/GIS Technician, Pam Good- Board Secretary

APPROVAL OF MINUTES - May 19, 2015

Motion to approve minutes by Member Long. Seconded by Member Sandy. Approval was unanimous.

PUBLIC ITEMS

A. CZ2011-002M Modification to a conditional rezoning. Staff Icard was presenting and gave the background of the request. He showed the aerial image of site which was also in the staff report. Staff Icard showed the Zoning Map to the board members. Site photographs were shown as well as a sub regional map which showed other auto related businesses in the area.

Comments from Outside Agencies The Town routed plans to solicit comments from the Union County Fire Marshal, Union County Public Works, and North Carolina Department of Transportation. Representatives from each department have responded that they did not have any comments or concerns with the proposed rezoning request. Adjacent owners were notified and no concerns were noted.

Plan Consistency

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

Land Use and Housing Goal #1:

The proposed amendment to the existing conditional zoning district will avoid potential land use conflicts and reductions to property values based on the Impact Statement prepared by a licensed real property appraiser stating that the use will not be detrimental to adjacent properties.

Economic Development Goal #1:

The proposed modification to the existing conditional zoning district will create a more balanced tax base by promoting the occupancy of a previously vacant building in an existing business park. It will also expand the list of possible business types that could locate on the large commercial development site.

The request for this modification to the existing conditional zoning district is a reasonable request and is in the public interest because it promotes the goals of the adopted Comprehensive Plan in the area of Land Use and Economic Development and is consistent with the adopted plans within the Town.

Draft Conditions

Staff is suggesting the following conditions for **CZ2011-002 Conditional Zoning Regional Business District (CZ-RBD) 140 Corporate Boulevard and 123 Associates Lane**

Revised Draft Conditions

1. All conditions approved in CZ2011-002 shall continue to apply except as modified in Condition 2.c below related to Motor Vehicle Repair Shop uses at 123 Associates Lane.
2. All uses currently allowed "By Right" and "Special Use" in the Regional Business District (RBD) be allowed for the subject parcels as a CZ-RBD except for (please reference UDO 520.020G Allowed Uses Table and Standards):
 - a) Adult Use
 - b) Light Equipment Sales
 - c) Motor Vehicle Repair Shop (*140 Corporate Blvd only.*)
 - d) RV and Boat Storage
 - e) Vehicle Storage and Towing

Staff Recommendation

Staff is of the opinion that the findings can be made to support a modification to the existing conditional zoning district for the subject property. The proposed modification is consistent with the town's Comprehensive Plan.

Board discussion:

Member Long asked how to recycle waste and anti-freeze. That question would be answered when the applicant stepped forward. Member Rosenberg asked what type of fencing will be on the site. Staff Icard replied that it could be wood or PVC, powder coated, or vinyl coated but not the typical galvanized, chain link fence or barbed wire. Member Rosenberg asked if there are requirement for any type of screening. Staff Icard answered that it is an existing site and there would be no further requirements.

Opening of Public Comments:

Jerry Roach of 3701 Gribble Rd and Owner of East Carolina Automotive stated that he has been in business for 10 yrs and has outgrown the present facility. He stated that he is planning to put screening on the inside of the fencing. He also stated that he did have the impact statement done and the use is comparable to other businesses already in the area. He mentioned his business uses a company called "Renewed Resource" that collects waste antifreeze and a company called "Crystal Clean" that collects the waste oil.

Member Sandy asked if Mr. Roach was moving his complete operation from Gribble Rd. He answered in the affirmative.

Tripp Melton of 2007 Terrapin St. who is with Syndicate Real Estate, spoke about working with the applicant and that Mr. Roach wanted to stay in Indian Trail. The building suits the applicant's needs.

Chris Wannamaker, broker for Stuart White, of 333 W. 7th St. Charlotte spoke that he has not been the only automotive business to look at the building.

Closed Public comment

Board Discussion:

Board was unanimous in positive comments about this request.

Alan Rosenberg made a motion to approve CZ2011-002M. Seconded by Sidney Sandy. Board voted unanimously in favor of the motion.

B. ZM2015-001 was a request to rezone a parcel of land (approx. 16.82 acres) to the Regional Business District. A majority of the site was annexed in 2013 from Union County. The remaining portion was originally within the Town of Indian Trail. The existing zoning is a combination of SF-1, Single Family (1.48 acres) and R-20, Union County Residential (15.34 acres). The 2013 annexation approval incorporated a deferred effective date, which is the reason this request is being brought before the Board at this time.

Staff Coperine gave the background and showed the board a map of the site property. She indicated that this is not a conceptual plan but a zoning map designation application. Staff Coperine also stated that it is consistent in use with the area around it.

Staff Coperine showed a power point of a list of possible uses for the subject property.

Acting Chair Higgins asked how far the Chestnut Square playground would be from the subject property. Staff Coperine answered approximately 500 feet.

A community meeting was held on May 14, 2015 at the Town of Indian Trail's Civic Building. No members of the public attended and no public comments were received before or after the community meeting.

Required Consistency Findings

Staff recommends the following findings be made:

Land Use and Housing Goal #1: The proposed rezoning allows businesses that would benefit the immediate area as well as neighboring communities.

Land Use and Housing Goal #4: The proposed rezoning is consistent with land uses and transportation improvements along Highway 74 that promote mixed uses in keeping with sustainable land development principles.

Mobility and Transportation Goal #5 and Economic Development Goal #1: The proposed Regional Business District (RBD) zoning designation allows businesses to develop along Highway 74 which support and foster continued economic growth along the corridor as envisioned in the U.S. 74 Corridor Revitalization Study.

Economic Development Goal #5: The subject property serves as a gateway to Downtown Indian Trail and the proposed zoning promotes business uses which would attract patrons into Downtown.

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 *Land Use and Housing*, *Mobility and Transportation*, and *Economic Development* and is consistent with the adopted plans within the Town of Indian Trail.

Staff Recommendation Staff recommends the Planning Board receive the report and recommend approval to the Town Council as presented.

Staff Coperine concluded her presentation with the statement that the applicant does have an application which was mistakenly left out of the staff report packet previously handed out to the board members.

Board questions:

Member Long asked if this was part of the Lemmon property. Staff answered yes.

Discussion about the delay in zoning and Staff explanation about the reasoning followed.

Open and close of public comments

Acting Chair Higgins mentioned the tax benefit to the Town. The change will take the tax burden from residential to commercial.

Member Long made a motion to approve ZM2015-001 as read into the record. Member Sandy seconded the motion. The vote for approval was unanimous.

C. ZM2015-002 Matthews-Indian Trail Rd-proposed rezoning for a 14.5 acre property to Institutional Zoning District.

Staff Burhans was presenting and proceeded to give a power point presentation overview of the site property.

Project Area Zoning

Staff Burhans also gave street view of site property. He showed a 1960's aerial map of the subject property which was used for agricultural purposes at that time. Staff Burhans also showed an image from the year approximately 2011 what is now Chestnut Square Park which included mix of active and passive play. This was part of a master plan. Present subject property hasn't been developed. A community center type use was envisioned. Staff Burhans showed a present plan that would include a Town Hall which would also be used as a community center.

Staff Burhans gave an Institutional District Overview. He gave examples of types of uses and stated that it is generally not commercial business such as retail stores.

The Town held a community meeting on June 2nd in which five citizens attended. A lively discussion was held on various topics, but there were no comments related to the institutional zoning district.

Comprehensive Plan The subject property is located within the Downtown area of the Indian Trail Comprehensive Plan. The Downtown Master Plan was adopted in 2006 with considerable citizen feedback and support. It is envisioned that Downtown Indian Trail could be the centerpiece of the Indian Trail and western Union County area. The Downtown Village contemplates an active mix of office, commercial, dense residential and civic/public uses. The Comprehensive Plan update specifically contemplated the future use of the rezoning subject property for civic/public uses. The rezoning of the subject property from Single Family Residential to Institutional District would be consistent with the Downtown area plan.

Staff Burhans read the draft findings into the record.

Recommendation Planning Staff believes that the findings can be made to support the petition requesting a rezone to an Institutional Zoning Classification on the subject property.

Board Questions:

Member Long asked about the option 2 plan that was on a comment sheet from the community meeting. Staff Burhans rendered a guess about the comment.

Member Long and Member Higgins stated that both recognize the present rendering as the one they remember. Member D'Onofrio asked if there were any responses from area neighbors. Staff Burhans responded that one neighboring business owner and a neighboring property owner and seemed to have positive sentiment about the changes. One person expressed concerns about the location of the Town Hall versus other potential sites.

Staff Burhans spoke about the potential opportunities for community space for public groups to use.

He also stated that the board is only approving a zoning change; not committing to a certain building on the property.

Acting Chair Higgins asked if anything on the list under industrial zoning could be built in the event of rezoning. Staff Burhans answered in the affirmative.

Staff Burhans stated that the Town is subject to the same requirements as other non-residential development plan. Acting Chair Higgins asked about the property and potential taxes. Staff Burhans replied that no taxes are paid since the Town has already purchased the property.

Opened and closed public comment.

Member Long made a motion for approve ZM2015-002 as recommended. Member Rosenberg seconded the motion. Approval was unanimous.

PLANNING REPORT

-Donna Cook, Associate Planner, was introduced.

-Grand Opening of Crooked Creek Park which was a successful event.

-Town's Website: created Public Notices link on the main page

-Design Standard's Legislation SB#25 takes away ability of local government to design standards

-Comprehensive Plan and zoning-initial discussion about general inquires as in 7103 Oak Springs Rd. which is currently zoned SF-1, a potential buyer is interested in changing zoning of property light industrial zoning.

Also, because of Monroe Bypass coming near, Staff was seeking initial thoughts about a reconsideration of zoning. Board discussion followed.

Acting Chair Higgins would rather see the zoning changed to light industrial than SF1 to SF4 or 5 where it would affect the schools for more children. Questions followed about where would someone get to the interchange, or if there were any other light industrial touching the property. Staff Burhans stated that there is no natural creek as divider. Member Rosenberg stated that rezoning as light industrial would be a good thing as value of property will increase around it. Acting Chair Higgins stated that we will never see it get developed as SF1. Member Long would be good for IT tax base. Board generally felt positive about the rezoning.

ADJOURN

Member Rosenberg made a motion to adjourn. Seconded by Member Aponte. Approval was unanimous.

Meeting adjourned at 8:30pm

Chairman:

William S. Cousar

Secretary:

Pamela J. Dore



Planning & Neighborhood Services
PO Box 2430, Indian Trail, NC 28079
704 821-5401

Memo

To: Mayor and Town Council
From: Gretchen Coperine
Date: August 6, 2015
Re: Second Reading of Ordinance for ZM2015-001

The Indian Trail Town Council held the public hearing for Zoning Map Amendment ZM2015-001 on August 5, 2015 at a Special Meeting. This amendment is a request for a voluntarily annexed property located on U.S. Highway 74, south of Smith Farm Road to change the zoning from Single Family, Low Density (SF-1; Indian Trail Town Zoning) and Residential R-20 (former Union County Zoning) to Regional Business District. The audio recording of the public hearing can be heard on [Granicus](#).

At the conclusion of deliberations, the Council approved the first reading (introduction) of the draft ordinance approving ZM2015-001. Pursuant to North Carolina General Statute §160A-75, a second reading of the associated draft ordinance is required by Council to approve it. The associated analysis is provided in attachment two of this report.

Required Action by Council: *Receive the report and at the conclusion of deliberations:*

- **Make the Required Findings – Draft Findings as Transmitted by Planning Board**
Land Use and Housing Goal #1:
The proposed rezoning allows businesses that would benefit the immediate area as well as neighboring communities.

Land Use and Housing Goal #4:
The proposed rezoning is consistent with land uses and transportation improvements along Highway 74 that promote mixed uses in keeping with sustainable land development principles.

Mobility and Transportation Goal #5 and Economic Development Goal #1:

The proposed Regional Business District (RBD) zoning designation allows businesses to develop along Highway 74 which support and foster continued economic growth along the corridor as envisioned in the U.S. 74 Corridor Revitalization Study.

Economic Development Goal #5:

The subject property serves as a gateway to Downtown Indian Trail and the proposed zoning promotes business uses which would attract patrons into Downtown.

The Planning Board further found the 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 *Land Use and Housing, Mobility and Transportation, and Economic Development* and is consistent with the adopted plans within the Town of Indian Trail.

- **Motion to Approve or Disapprove ZM2015-001 as presented in the second reading.**

Attachment 1- Draft Ordinance

Attachment 2- Planning Board Transmittal

STATE OF NORTH CAROLINA)
TOWN OF INDIAN TRAIL)

ORDINANCE # 0150805-217-US-74

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF INDIAN TRAIL REZONING PARCEL 07-105-005 LOCATED ON U.S. HIGHWAY 74, SOUTH OF SMITH FARM ROAD FROM UNION COUNTY SINGLE-FAMILY RESIDENTIAL DESIGNATION (R-20) AND INDIAN TRAIL ZONING DESIGNATION SF-1 TO AN INDIAN TRAIL ZONING DESIGNATION OF REGIONAL BUSINESS DISTRICT (RBD), IN THE TOWN OF INDIAN TRAIL, UNION COUNTY, NORTH CAROLINA

WHEREAS, the Town of Indian Trail has petitioned to rezone this parcel, a portion of which was previously annexed in 2013 (Annexation 136) to a suitable Regional Business District (RBD); and

WHEREAS, this Zoning Map Amendment (ZM2015-001) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, a community meeting was held on May 14, 2015 to discuss this zoning map amendment and no public comments were received; and

WHEREAS, a public meeting was held by the Planning Board on June 16, 2015 to consider this zoning map amendment; and

WHEREAS, the Planning Board found the proposed map amendment is consistent with the following goals of the Comprehensive Plan:

Land Use and Housing Goal #1:

The proposed rezoning allows businesses that would benefit the immediate area as well as neighboring communities.

Land Use and Housing Goal #4:

The proposed rezoning is consistent with land uses and transportation improvements along Highway 74 that promote mixed uses in keeping with sustainable land development principles.

Mobility and Transportation Goal #5 and Economic Development Goal #1:

The proposed Regional Business District (RBD) zoning designation allows businesses to develop along Highway 74 which support and foster continued economic growth along the corridor as envisioned in the U.S. 74 Corridor Revitalization Study.

Economic Development Goal #5:

The subject property serves as a gateway to Downtown Indian Trail and the proposed zoning promotes business uses which would attract patrons into Downtown.

WHEREAS, the Planning Board further found 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 *Land Use and Housing, Mobility and Transportation, and*

Economic Development and is consistent with the adopted plans within the Town of Indian Trail;
and

WHEREAS, after making the required findings, the Planning Board voted 6 to 0 to transmit a recommendation to **approve** to the Town Council; and

WHEREAS, the Town Council concurred with and endorsed the Planning Board's consistency findings and the Town Council approved the first reading of the draft ordinance approving ZM2015-001; and

WHEREAS, the Town Council held a public meeting on August 11, 2015 to consider said request and recommendation of approval from the Planning Board; and

WHEREAS, the Town Council further concurred with and endorsed the Planning Board's consistency findings and the Town Council approved the second reading of the ordinance approving ZM2015-001; and

WHEREAS, the Town Council made the required findings.

NOW, THEREFORE, IT SHALL BE ORDAINED by the Town Council of the Town of Indian Trail, North Carolina hereby takes the following action:

Section 1 – Makes the required findings as stated herein; and

Section 2 - Approves ZM 2015-001 Zoning Petition thereby granting the Zoning Map amendment to establish a Regional Business District (RBD) zoning designation on parcel 07-105-005.

Section 3 – This ordinance shall be effective immediately upon adoption.

AND IT IS SO ORDAINED this day of August, 2015.

TOWN OF INDIAN TRAIL COUNCIL

Attest:

Town Clerk

Michael L. Alvarez, Mayor

APPROVED AS TO FORM:

TOWN ATTORNEY



P.O. Box 2430
 Indian Trail, North Carolina 28079
 Telephone (704) 821-5401

PLANNING AND NEIGHBORHOOD SERVICES

Planning Board Transmittal for the August 5, 2015 Town Council Public Hearing

Case: ZM 2015-001 Zoning Map Amendment for a property located on U.S. Highway 74			
Reference Name	Highway 74 Property		
Planning Board Meeting Date	June 16, 2015		
Members Present	Chair Cowan <input type="checkbox"/>	Jan Brown <input type="checkbox"/>	Vice Chair Larry Miller <input type="checkbox"/>
	Cathi Higgins <input checked="" type="checkbox"/>	Kelly D' Onofrio <input checked="" type="checkbox"/>	Steven Long <input checked="" type="checkbox"/>
	Alan Rosenberg <input checked="" type="checkbox"/>	Jorge Aponte <input checked="" type="checkbox"/> Alternate 1	Dr. Shamir Ally <input type="checkbox"/> Alternate 2
	Sidney Sandy <input checked="" type="checkbox"/> Alternate 3		
Case Found Complete	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Motion	Recommend approval		
Member Making the Motion	Board Member Steven Long		
Second the Motion	Board Member Sidney Sandy		
Vote	6-0		

Purpose of the Amendment: A request for a Zoning Map Amendment for a voluntarily annexed property located on U.S. Highway 74, south of Smith Farm Road to change the zoning from Single Family, Low Density (SF-1; Indian Trail Town Zoning) and Residential R-20 (former Union County Zoning) to Regional Business District..

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.

Analysis

The intent of the proposed rezoning is to assign an appropriate municipal zoning designation on the portion of land zoned R-20 (formerly within Union County), and rezone the portion of land zoned SF-1 (in the Town) to Regional Business District (RBD), consistent with surrounding uses as well as with the Future Land Use designation in the Comprehensive Plan. Most of the subject property was annexed into the Town of Indian Trail in June 2013 (Annexation #136). However, a deferred effective date prohibited assigning zoning to that portion in 2013. North Carolina State law requires annexed property to undergo a Zoning Map Amendment process to establish Town zoning on the subject property.

Planning Board

The Planning Board heard this item at its June 16, 2015 public meeting. Planning Board Members asked questions regarding the delay in the property being assigned a zoning designation. The Planning Board voted unanimously to transmit a recommendation to approve to the Town Council. Please see the attached minutes for the June 16, 2015 Planning Board meeting, and link to the audio file in [Granicus](#).

The following consistency statements were found:

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

Land Use and Housing Goal #1:

The proposed rezoning allows businesses that would benefit the immediate area as well as neighboring communities.

Land Use and Housing Goal #4:

The proposed rezoning is consistent with land uses and transportation improvements along Highway 74 that promote mixed uses in keeping with sustainable land development principles.

Mobility and Transportation Goal #5 and Economic Development Goal #1:

The proposed Regional Business District (RBD) zoning designation allows businesses to develop along Highway 74 which support and foster continued economic growth along the corridor as envisioned in the U.S. 74 Corridor Revitalization Study.

Economic Development Goal #5:

The subject property serves as a gateway to Downtown Indian Trail and the proposed zoning promotes business uses which would attract patrons into Downtown.

2. This zoning reclassification 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 *Land Use and Housing, Mobility and Transportation, and Economic Development* and is consistent with the adopted plans within the Town of Indian Trail.

Staff Contact

Gretchen Coperine

gcoperine@planning.indiantrial.org

Attachment 1 - Application

Attachment 2 - Planning Board Report

Attachment 3 - Draft Ordinance

Attachment 4 - Planning Board Minutes of June 16, 2015

TC ATTACHMENT 1- APPLICATION



Planning & Neighborhood Services
P.O. Box 2430
Indian Trail, North Carolina 28079
Telephone (704) 821-5401

March 20, 2015

STATEMENT OF INTENT

**RE: ZM2015-001
ZONING MAP AMENDMENT
PARCEL: 07-105-005**

The Town of Indian Trail (Applicant) wishes to initiate a zoning map amendment to rezone Parcel 07-105-005 to the Regional Business District (RBD) zoning designation. The property is located on the west side of U.S. Highway 74, south of Smith Farm Road, and totals approximately 16.82 acres. Currently, the site is wooded and vacant.

Background

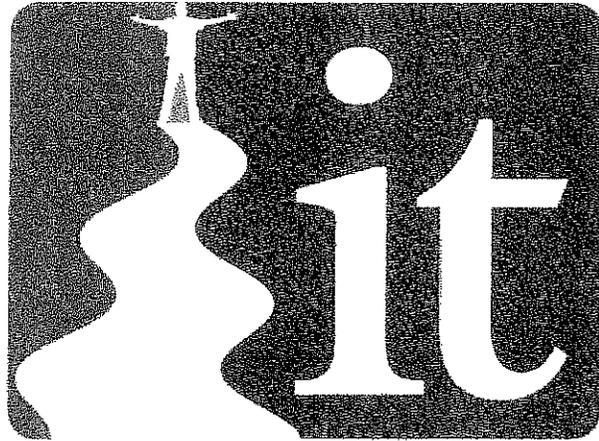
A portion of the subject property (Parcel No.: 07-105-005-90) was annexed into the Town of Indian Trail via Annexation Ordinance #136, adopted June 11, 2013. Said annexation record was filed in the Register of Deeds at Union County on July 31, 2013 under Instrument Number: 26502 (Book 6064, Pages 490-493).

Request

The Town of Indian Trail requests to rezone the subject property to the Regional Business District zoning designation. The current and proposed zoning designations for the above-mentioned parcel are as follows:

Parcel Number	Current Zoning Designation	Proposed Zoning Designation
07-105-005	SF-1 (Town of Indian Trail) R-20 (Former Union County Designation)	RBD

**ZONING MAP AMENDMENT
APPLICATION**



INDIAN TRAIL
north carolina

PLANNING & NEIGHBORHOOD SERVICES

PO Box 2430

Indian Trail, NC 28079

Telephone (704) 821-5401

Fax (704) 821-9045

DEADLINE: THE FIRST DAY OF EACH MONTH

ONLY COMPLETE APPLICATIONS ACCEPTED

Processing Fee: Less than 2 acres \$250, 2-10 acres \$600, >10 acres \$800

Notification Fee \$2.50 per adjoining property owner

ZONING MAP AMENDMENT APPLICATION

Submittal Requirements

- Completed Application
- Notarized signatures of applicant and property owner
- Letter of Intent
- Fees associated with review

General Information

Project Address _____
City Indian Trail State NC Zip 28079 07105005-80 (SF1)
Tax Parcel ID 07105005-80 and 07105005-90 Zoning Designation _____ 07105005-90 (No Town
Total Acres 16.863 Impervious Area _____ Zoning, Former Union
County Zoning: R-20)
Project Description Zoning Map Amendment for parcel Annexed Annex Ord.136

Contact Information – Applicant

Name Town of Indian Trail
Address 130 Blythe Drive
City Indian Trail State NC Zip 28079
Phone 704.821.7401 Fax _____
Email _____

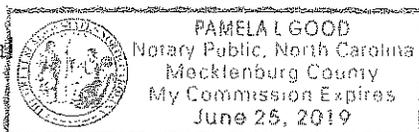
Contact Information – Property Owner

Name Allison Garner
Address 3204 Bubbling Well Road
City Matthews, NC 28105 State _____ Zip _____
Phone 704.333.1051 Fax _____
Email _____

Applicant's Certification

Signature [Signature] Date 4-29-15
Printed Name/Title Town Manager
Signature of Notary Public Pamela L Good Date 4-29-15

Notary Seal



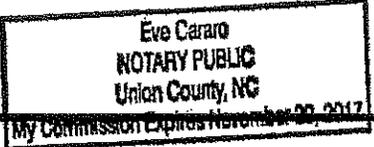
ZONING MAP AMENDMENT APPLICATION

Property Owner's Certification

Signature Allison L. Carner Date 4/24/15

Printed Name/Title Allison L. Carner, Owner

Signature of Notary Public Eve Cararo Date 4/24/15

Notary Seal 

TOWN OF INDIAN TRAIL OFFICE USE ONLY	
Case Number: _____	
Date Received: _____	Amount of Fee: _____
Received By: _____	Receipt #: _____

SCHEDULE

1. Submit Application
 - The deadline for this application is the first of the month each month.
 - Once an application is submitted it will be placed on the Planning Board Agenda for the following month.

2. Planning Board
 - Meets the 3rd Tuesday of every month.
 - Reviews application to ensure it is consistent with the Comprehensive Plan and UDO as well as all other adopted town plans. Transmits recommendation of approval or disapproval to Town Council.

3. Town Council
 - Meets 2nd and 4th Tuesday of every month.
 - Legislative action is to approve, approve with modifications, deny, or send back to the Planning Board for further study.

ZONING MAP AMENDMENT APPLICATION

Paul Aubry, Attorney at Law, LLC

150 St. Helens Street, Unit C

St. Helens, OR 97051

Property Owner's Certification

Signature

[Handwritten Signature]

(503) 329-4539 Fax: (503) 296-2142

Printed Name/Title

PAUL AUBRY, Trustee

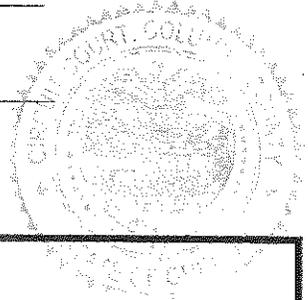
Signature of Notary Public

[Handwritten Signature]

Date 4.28.15

Notary Seal

Court Clerk



TOWN OF INDIAN TRAIL OFFICE USE ONLY

Case Number: _____

Date Received: _____ Amount of Fee: _____

Received By: _____ Receipt #: _____

SCHEDULE

1. Submit Application

- The deadline for this application is the first of the month each month.
- Once an application is submitted it will be placed on the Planning Board Agenda for the following month.

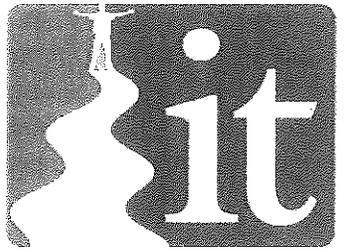
2. Planning Board

- Meets the 3rd Tuesday of every month.
- Reviews application to ensure it is consistent with the Comprehensive Plan and UDO as well as all other adopted town plans. Transmits recommendation of approval or disapproval to Town Council.

3. Town Council

- Meets 2nd and 4th Tuesday of every month.
- Legislative action is to approve, approve with modifications, deny, or send back to the Planning Board for further study.

TC ATTACHMENT 2- PLANNING BOARD REPORT



INDIAN TRAIL
north carolina
P.O. Box 2430

Indian Trail, North Carolina 28079

Telephone (704) 821-5401

Fax (704) 821-9045

PLANNING AND NEIGHBORHOOD SERVICES

Zoning Map Amendment Staff Report

Case: ZM 2015-001 Highway 74 Property		
Reference Name	Highway 74 Property	
Request	Proposed Zoning	Regional Business District (RBD)
Existing Site Characteristics	Existing Zoning	R-20 (Union County) and SF-1 (Town of Indian Trail)
	Site Acreage	16.82 acres (approx.)
Applicant	Town of Indian Trail	
Submittal Date	4.29.15	
Location	Highway 74, South of Smith Farm Road, Indian Trail	
Tax Map Number	07-105-005	
Plan Consistency	Town of Indian Trail Comprehensive Plan	Mixed Use
		Consistent with Request
Recommendations & Comments	Planning Staff	Recommends Approval for Regional Business District

Project Summary

This is a request to rezone a parcel of land (approx. 16.82 acres) to the Regional Business District. A majority of the site was annexed in 2013 from Union County. The remaining portion was originally within the Town of Indian Trail. The existing zoning is a combination of SF-1, Single Family (1.48 acres) and R-20, Union County Residential (15.34 acres). The 2013 annexation approval incorporated a deferred effective date, which is the reason this request is being brought before the Board at this time.

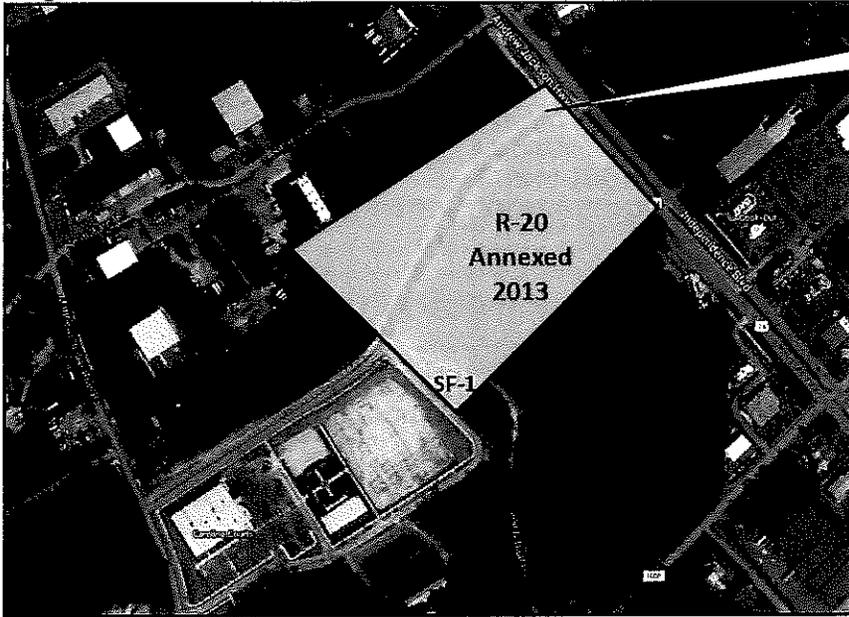
Staff Recommendation

Staff recommends, based on the guidance of the adopted plans, that the map amendment be supported by recommending its approval to Town Council.

Background

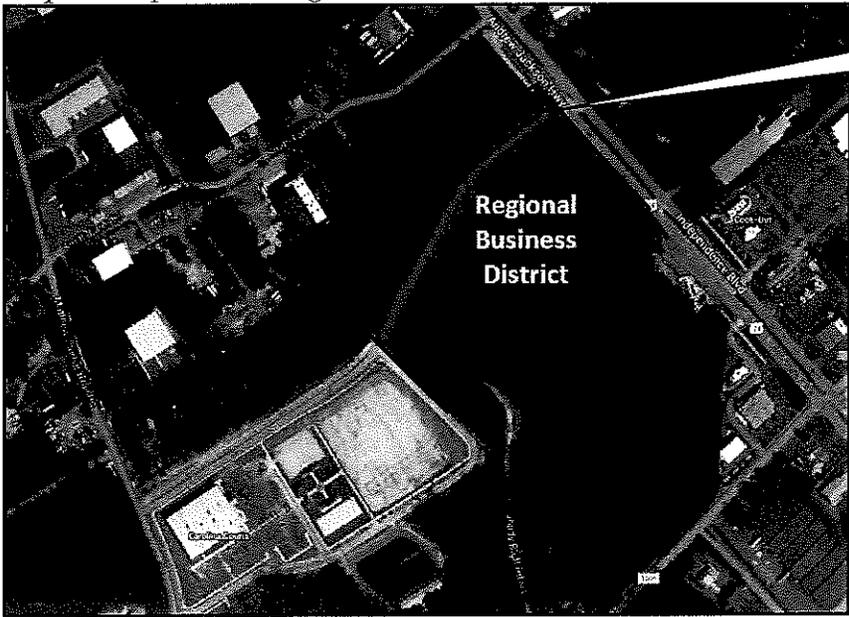
The subject property is located on the west side of Highway 74, south of Smith Farm Road, and bifurcated by Chestnut Parkway. It is currently zoned for single-family residential uses (Union County R-20 and SF-1). The intent of the proposed rezoning is to assign the property an appropriate municipal zoning designation consistent with surrounding uses as well as with the Future Land Use designation in the Comprehensive Plan. Most of the subject property was annexed into the Town of Indian Trail in June 2013 (Annexation #136). However, as noted above, a deferred effective date prohibited assigning zoning in 2013. North Carolina State law requires annexed property to undergo a Zoning Map Amendment process to establish Town zoning on the subject property. Please see the current and proposed zoning maps below:

Map 1: Current Zoning



**CHESTNUT
PARKWAY**

Map 2: Proposed Zoning



**CHESTNUT
PARKWAY**

Staff Analysis

Consistency with Surrounding Zoning

As mentioned previously, a portion of the subject property is currently zoned Residential-20 (R-20) under Union County zoning and the remainder is zoned SF-1 under Town of Indian Trail zoning. The proposal requests to rezone the subject property to Regional Business District (RBD). The residential districts are intended to create, maintain and promote a variety of housing opportunity for individual households and to maintain the desired physical character of the Town's existing neighborhoods. Table 1 below outlines the acreages associated with each section of the subject property and their respective current zoning.

Table 1: Existing Parcel Summary

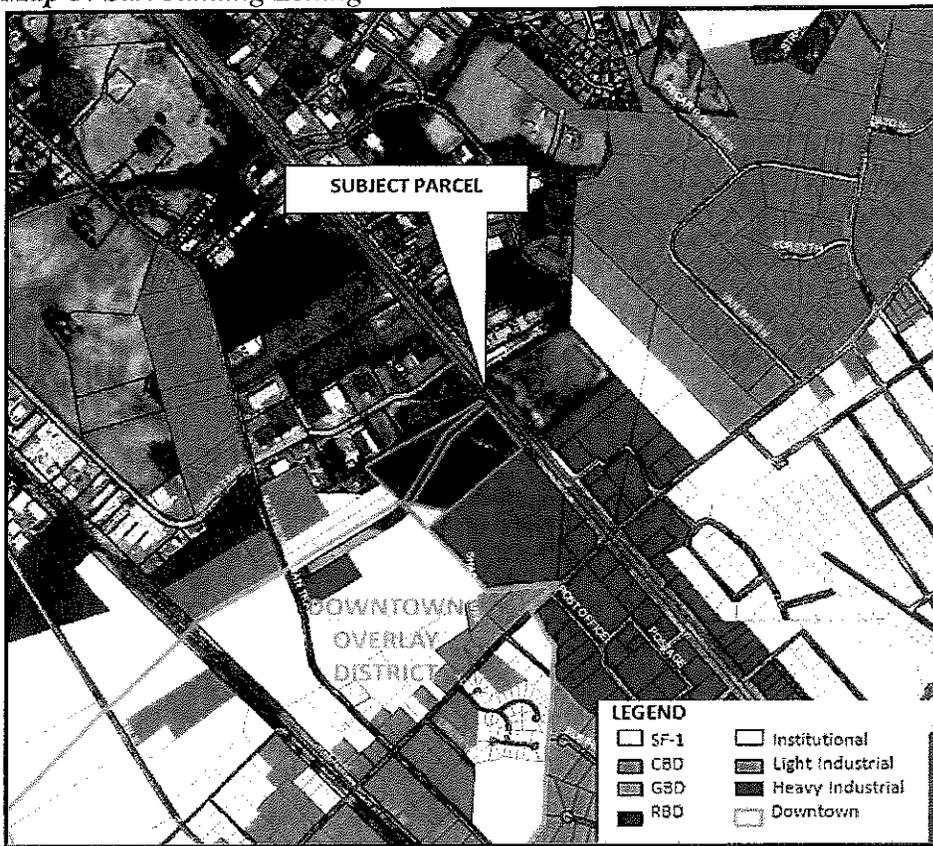
Parcel	Current Zoning	Proposed Zoning
15.34 acres annexed in 2013	R-20 Union County	Regional Business District (RBD)
1.48 acres originally within the Town of Indian Trail	SF-1, Single Family, Low Density	Regional Business District (RBD)
TOTAL: 16.82 acres		

RBD zoning districts are intended to allow development of businesses along major transportation corridors. Permitted uses include but are not limited to groceries, convenience goods stores, food and beverage establishments, offices, personal services, and general retail.

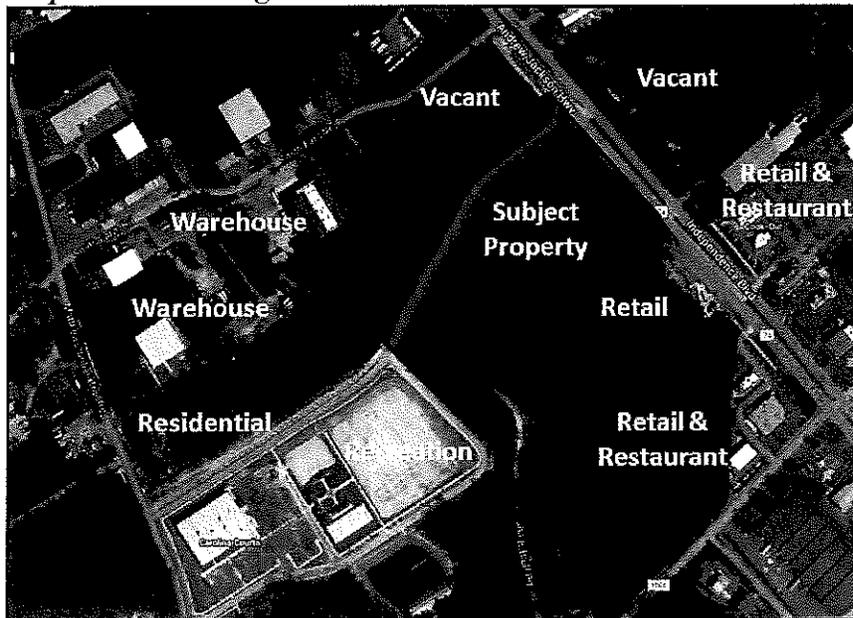
As reflected in Maps 3 and 4 below, adjacent zoning classifications and uses in the surrounding area are as follows: to the North is vacant land situated in the Town of Stallings and zoned for commercial and warehouse uses as 'Business Center'; to the South is land within the Town of Indian Trail with retail uses and zoned RBD; directly East of the subject property across Highway 74 is vacant land within Union County and zoned for commercial uses as 'Highway Corridor'; to the West are both residential and recreational uses (i.e., single family uses and Carolina Courts, respectively) and zoned SF-1 and RBD.

The proposed RBD zoning district is consistent with current retail, restaurant, warehouse, and recreation uses in the areas immediately adjacent to and nearby the subject property. This is also consistent with the existing zoning for most of the US 74 corridor located within Indian Trail. Please see the maps that follow showing the zoning designation and uses surrounding the subject property.

Map 3: Surrounding Zoning



Map 4: Surrounding Uses



Community Meeting

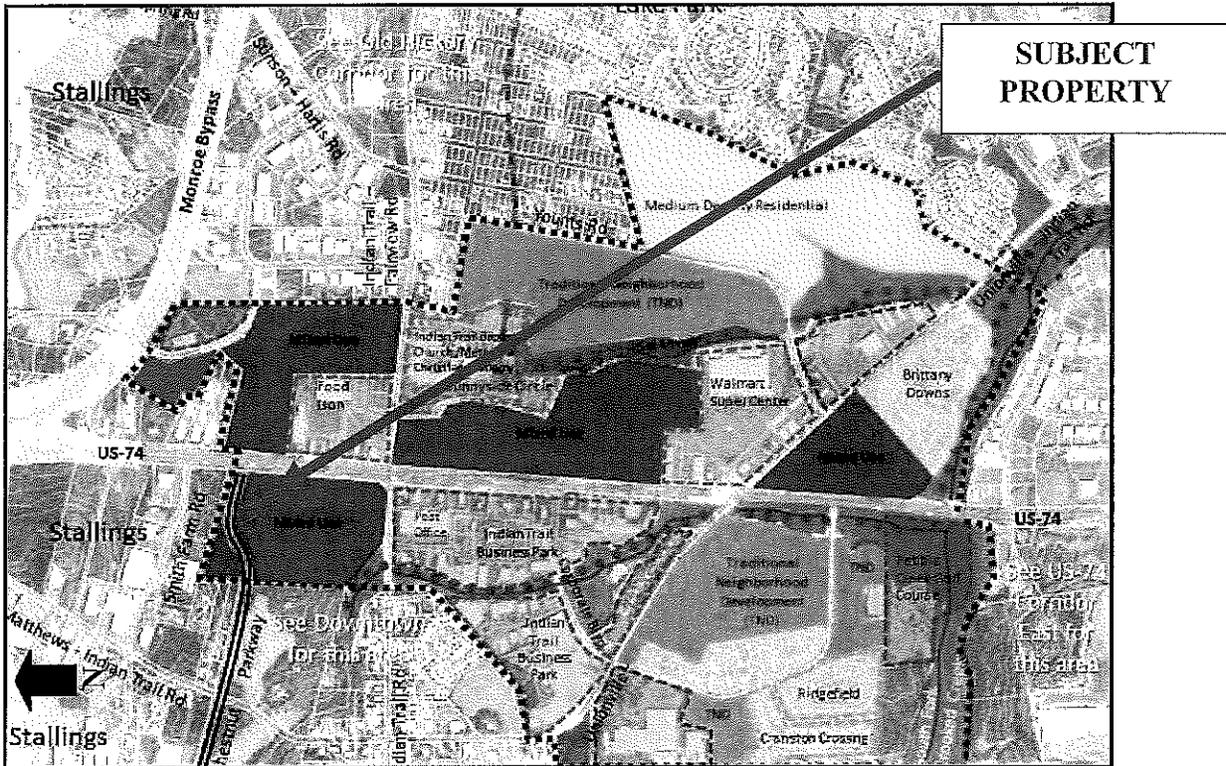
A community meeting was held on May 14, 2015 at the Town of Indian Trail's Civic Building. No members of the public attended and no public comments were received before or after the community meeting.

Consistency with the Town of Indian Trail's Comprehensive Plan and other Long-Range Plans

As mentioned previously, the subject property is located along the U.S. Highway 74 Corridor, between Smith Farm Road and Indian Trail Road and is bisected by the Chestnut Parkway. U.S. Highway 74 is a major intra-state route that runs from the mountains of North Carolina to its coast. It provides a direct connection to the busiest parts of the state and serves as an economic gateway for many municipalities. The segments of road along U.S. 74 between Smith Farm Road and Indian Trail Road is envisioned to become more urban in nature. Indian Trail's Comprehensive Plan designates the future land use for the subject property as Mixed-Use intended for commercial and other supporting uses and supports the envisioned urban development. The rezoning request for Regional Business District (RBD) is consistent with the Town of Indian Trail's Comprehensive Plan in this regard.

The subject property is also located within the U.S. 74 Corridor Revitalization Study area boundary. The findings and land use recommendations of this study were integrated into the latest Comprehensive Plan and are reflected in the plan's future land use maps. The proposed RBD rezoning is also consistent with this U.S. 74 study.

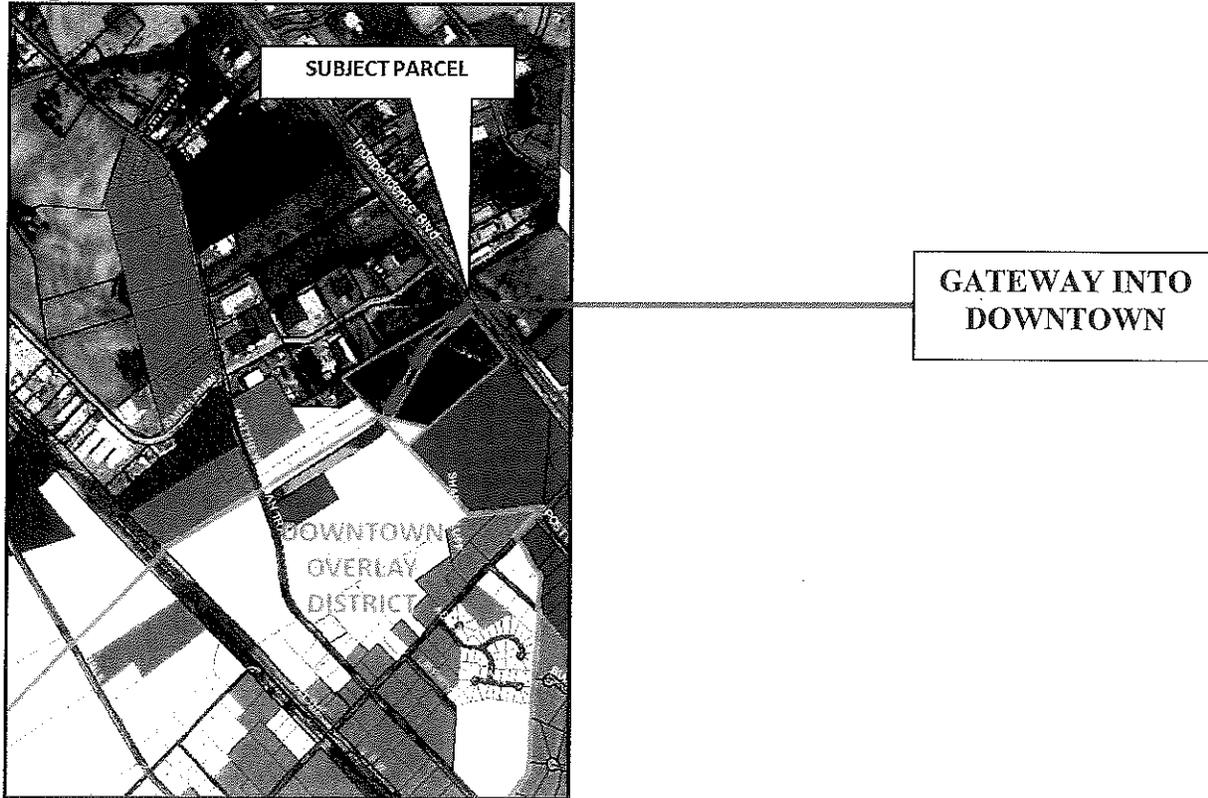
Map 5: Future Land Use for Highway 74



Gateway to Downtown Indian Trail

The location of the subject property also serves as a gateway from U.S. 74 through Chestnut Parkway into Downtown Indian Trail. The Town's Downtown Master Plan, adopted in 2005, envisions a vibrant mixed-use downtown area in which residents can live, work and play. In essence, the downtown area complements the mixed-uses envisioned for U.S. 74. The proposed Regional Business District (RBD) zoning designation fits harmoniously with the Downtown Master Plan and serves to allow appropriate development on the subject property in order to attract patrons into Downtown Indian Trail. Please see Map 6, which follows, showing connectivity from U.S. Highway 74 (Independence Blvd.) to Downtown Indian Trail through Chestnut Parkway (depicted by the red arrows).

Map 6: Connectivity to Downtown



Required Consistency Findings

The Planning Board is required to make two consistency findings: one regarding consistency with the Town's adopted plans and another regarding the benefit of the public. Staff recommends the following findings be made:

Land Use and Housing Goal #1:

The proposed rezoning allows businesses that would benefit the immediate area as well as neighboring communities.

Land Use and Housing Goal #4:

The proposed rezoning is consistent with land uses and transportation improvements along Highway 74 that promote mixed uses in keeping with sustainable land development principles.

Mobility and Transportation Goal #5 and Economic Development Goal #1:

The proposed Regional Business District (RBD) zoning designation allows businesses to develop along Highway 74 which support and foster continued economic growth along the corridor as envisioned in the U.S. 74 Corridor Revitalization Study.

Economic Development Goal #5:

The subject property serves as a gateway to Downtown Indian Trail and the proposed zoning promotes business uses which would attract patrons into Downtown.

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 *Land Use and Housing, Mobility and Transportation, and Economic Development* and is consistent with the adopted plans within the Town of Indian Trail.

Staff Recommendation

Staff recommends the Planning Board receive the report and recommend **Approval** to the Town Council as presented.

Gretchen Coperine

Senior Planner

gcooperine@planning.indiantrail.org

ATTACHMENT THREE: DRAFT ORDINANCE

STATE OF NORTH CAROLINA)
TOWN OF INDIAN TRAIL)

ORDINANCE #

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF INDIAN TRAIL REZONING PARCEL 07-105-005 LOCATED ON U.S. HIGHWAY 74, SOUTH OF SMITH FARM ROAD FROM UNION COUNTY SINGLE-FAMILY RESIDENTIAL DESIGNATION (R-20) AND INDIAN TRAIL ZONING DESIGNATION SF-1 TO AN INDIAN TRAIL ZONING DESIGNATION OF REGIONAL BUSINESS DISTRICT (RBD), IN THE TOWN OF INDIAN TRAIL, UNION COUNTY, NORTH CAROLINA

WHEREAS, the Town of Indian Trail has petitioned to rezone this parcel, a portion of which was previously annexed in 2013 (Annexation 136) to a suitable Regional Business District (RBD); and

WHEREAS, this Zoning Map Amendment (ZM2015-001) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, a community meeting was held on May 14, 2015 to discuss this zoning map amendment and no public comments were received; and

WHEREAS, a public meeting was held by the Planning Board on June 16, 2015 to consider this zoning map amendment; and

WHEREAS, the Planning Board found the proposed map amendment is consistent with the following goals of the Comprehensive Plan:

Land Use and Housing Goal #1:

The proposed rezoning allows businesses that would benefit the immediate area as well as neighboring communities.

Land Use and Housing Goal #4:

The proposed rezoning is consistent with land uses and transportation improvements along Highway 74 that promote mixed uses in keeping with sustainable land development principles.

Mobility and Transportation Goal #5 and Economic Development Goal #1:

The proposed Regional Business District (RBD) zoning designation allows businesses to develop along Highway 74 which support and foster continued economic growth along the corridor as envisioned in the U.S. 74 Corridor Revitalization Study.

Economic Development Goal #5:

The subject property serves as a gateway to Downtown Indian Trail and the proposed zoning promotes business uses which would attract patrons into Downtown.

WHEREAS, the Planning Board further found this zoning reclassification 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 *Land Use and Housing, Mobility and Transportation, and Economic Development* and is consistent with the adopted plans within the Town of Indian Trail; and

WHEREAS, after making the required findings, the Planning Board voted 6 to 0 to transmit a recommendation to **approve** to the Town Council; and

WHEREAS, the Town Council held a public hearing on August 5, 2015 to consider said request and recommendation of **approval** from the Planning Board; and

WHEREAS, the Town Council made the required findings.

NOW, THEREFORE, IT SHALL BE ORDAINED by the Town Council of the Town of Indian Trail, North Carolina hereby takes the following action:

Section 1 – Makes the required findings as stated herein; and

Section 2 - Approves ZM 2015-001 Zoning Petition thereby granting the Zoning Map amendment to establish a Regional Business District (RBD) zoning designation on parcel 07-105-005.

Section 3 – This ordinance shall be effective immediately upon adoption.

AND IT IS SO ORDAINED this day of August, 2015.

TOWN OF INDIAN TRAIL COUNCIL

Attest:

Town Clerk

Michael L. Alvarez, Mayor

APPROVED AS TO FORM:

TOWN ATTORNEY

TC ATTACHMENT 4 – PB MINUTES JUNE 16, 2015

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

June 16, 2015

6:30 P.M.

CALL TO ORDER Acting Chair Cathi Higgins called the meeting to order at 6:30pm.

ROLL CALL The following members of the governing body were present:

Board Members: Cathi Higgins, Kelly D'Onofrio, Alan Rosenberg, Steve Long, Sidney Sandy, and Jorge Aponte.

Members Present None.

but not Voting:

Absent: Patricia Cowan, Larry Miller, Jan Brown, and Dr Shamir Ally.

Staff Members: Rox Burhans-Planning Director, Kevin Icard-Senior Planner, Gretchen Coperine- Senior Planner, Donna Cook-Associate Planner, Lindze Small-Planner/GIS Technician, Pam Good- Board Secretary

APPROVAL OF MINUTES - May 19, 2015

Motion to approve minutes by Member Long. Seconded by Member Sandy. Approval was unanimous.

PUBLIC ITEMS

A. CZ2011-002M Modification to a conditional rezoning. Staff Icard was presenting and gave the background of the request. He showed the aerial image of site which was also in the staff report. Staff Icard showed the Zoning Map to the board members. Site photographs were shown as well as a sub regional map which showed other auto related businesses in the area.

Comments from Outside Agencies The Town routed plans to solicit comments from the Union County Fire Marshal, Union County Public Works, and North Carolina Department of Transportation. Representatives from each department have responded that they did not have any comments or concerns with the proposed rezoning request. Adjacent owners were notified and no concerns were noted.

Plan Consistency

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

Land Use and Housing Goal #1:

The proposed amendment to the existing conditional zoning district will avoid potential land use conflicts and reductions to property values based on the Impact Statement prepared by a licensed real property appraiser stating that the use will not be detrimental to adjacent properties.

Economic Development Goal #1:

The proposed modification to the existing conditional zoning district will create a more balanced tax base by promoting the occupancy of a previously vacant building in an existing business park. It will also expand the list of possible business types that could locate on the large commercial development site.

The request for this modification to the existing conditional zoning district is a reasonable request and is in the public interest because it promotes the goals of the adopted Comprehensive Plan in the area of Land Use and Economic Development and is consistent with the adopted plans within the Town.

Draft Conditions

Staff is suggesting the following conditions for **CZ2011-002 Conditional Zoning Regional Business District (CZ-RBD) 140 Corporate Boulevard and 123 Associates Lane**

Revised Draft Conditions

1. All conditions approved in CZ2011-002 shall continue to apply except as modified in Condition 2.c below related to Motor Vehicle Repair Shop uses at 123 Associates Lane.
2. All uses currently allowed "By Right" and "Special Use" in the Regional Business District (RBD) be allowed for the subject parcels as a CZ-RBD except for (please reference UDO 520.020G Allowed Uses Table and Standards):
 - a) Adult Use
 - b) Light Equipment Sales
 - c) Motor Vehicle Repair Shop (*140 Corporate Blvd only.*)
 - d) RV and Boat Storage
 - e) Vehicle Storage and Towing

Staff Recommendation

Staff is of the opinion that the findings can be made to support a modification to the existing conditional zoning district for the subject property. The proposed modification is consistent with the town's Comprehensive Plan.

Board discussion:

Member Long asked how to recycle waste and anti-freeze. That question would be answered when the applicant stepped forward. Member Rosenberg asked what type of fencing will be on the site. Staff Icard replied that it could be wood or PVC, powder coated, or vinyl coated but not the typical galvanized, chain link fence or barbed wire. Member Rosenberg asked if there are requirement for any type of screening. Staff Icard answered that it is an existing site and there would be no further requirements.

Opening of Public Comments:

Jerry Roach of 3701 Gribble Rd and Owner of East Carolina Automotive stated that he has been in business for 10 yrs and has outgrown the present facility. He stated that he is planning to put screening on the inside of the fencing. He also stated that he did have the impact statement done and the use is comparable to other businesses already in the area. He mentioned his business uses a company called "Renewed Resource" that collects waste antifreeze and a company called "Crystal Clean" that collects the waste oil.

Member Sandy asked if Mr. Roach was moving his complete operation from Gribble Rd. He answered in the affirmative.

Tripp Melton of 2007 Terrapin St. who is with Syndicate Real Estate, spoke about working with the applicant and that Mr. Roach wanted to stay in Indian Trail. The building suits the applicant's needs.

Chris Wannamaker, broker for Stuart White, of 333 W. 7th St. Charlotte spoke that he has not been the only automotive business to look at the building.

Closed Public comment

Board Discussion:

Board was unanimous in positive comments about this request.

Alan Rosenberg made a motion to approve CZ2011-002M. Seconded by Sidney Sandy. Board voted unanimously in favor of the motion.

B. ZM2015-001 was a request to rezone a parcel of land (approx. 16.82 acres) to the Regional Business District. A majority of the site was annexed in 2013 from Union County. The remaining portion was originally within the Town of Indian Trail. The existing zoning is a combination of SF-1, Single Family (1.48 acres) and R-20, Union County Residential (15.34 acres). The 2013 annexation approval incorporated a deferred effective date, which is the reason this request is being brought before the Board at this time.

Staff Coperine gave the background and showed the board a map of the site property. She indicated that this is not a conceptual plan but a zoning map designation application. Staff Coperine also stated that it is consistent in use with the area around it.

Staff Coperine showed a power point of a list of possible uses for the subject property.

Acting Chair Higgins asked how far the Chestnut Square playground would be from the subject property. Staff Coperine answered approximately 500 feet.

A community meeting was held on May 14, 2015 at the Town of Indian Trail's Civic Building. No members of the public attended and no public comments were received before or after the community meeting.

Required Consistency Findings

Staff recommends the following findings be made:

Land Use and Housing Goal #1: The proposed rezoning allows businesses that would benefit the immediate area as well as neighboring communities.

Land Use and Housing Goal #4: The proposed rezoning is consistent with land uses and transportation improvements along Highway 74 that promote mixed uses in keeping with sustainable land development principles.

Mobility and Transportation Goal #5 and Economic Development Goal #1: The proposed Regional Business District (RBD) zoning designation allows businesses to develop along Highway 74 which support and foster continued economic growth along the corridor as envisioned in the U.S. 74 Corridor Revitalization Study.

Economic Development Goal #5: The subject property serves as a gateway to Downtown Indian Trail and the proposed zoning promotes business uses which would attract patrons into Downtown.

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 *Land Use and Housing, Mobility and Transportation, and Economic Development* and is consistent with the adopted plans within the Town of Indian Trail.

Staff Recommendation Staff recommends the Planning Board receive the report and recommend approval to the Town Council as presented.

Staff Coperine concluded her presentation with the statement that the applicant does have an application which was mistakenly left out of the staff report packet previously handed out to the board members.

Board questions:

Member Long asked if this was part of the Lemmon property. Staff answered yes.

Discussion about the delay in zoning and Staff explanation about the reasoning followed.

Open and close of public comments

Acting Chair Higgins mentioned the tax benefit to the Town. The change will take the tax burden from residential to commercial.

Member Long made a motion to approve ZM2015-001 as read into the record. Member Sandy seconded the motion. The vote for approval was unanimous.

C. ZM2015-002 Matthews-Indian Trail Rd-proposed rezoning for a 14.5 acre property to Institutional Zoning District.

Staff Burhans was presenting and proceeded to give a power point presentation overview of the site property.

Project Area Zoning

Staff Burhans also gave street view of site property. He showed a 1960's aerial map of the subject property which was used for agricultural purposes at that time. Staff Burhans also showed an image from the year approximately 2011 what is now Chestnut Square Park which included mix of active and passive play. This was part of a master plan. Present subject property hasn't been developed. A community center type use was envisioned. Staff Burhans showed a present plan that would include a Town Hall which would also be used as a community center.

Staff Burhans gave an Institutional District Overview. He gave examples of types of uses and stated that it is generally not commercial business such as retail stores.

The Town held a community meeting on June 2nd in which five citizens attended. A lively discussion was held on various topics, but there were no comments related to the institutional zoning district.

Comprehensive Plan The subject property is located within the Downtown area of the Indian Trail Comprehensive Plan. The Downtown Master Plan was adopted in 2006 with considerable citizen feedback and support. It is envisioned that Downtown Indian Trail could be the centerpiece of the Indian Trail and western Union County area. The Downtown Village contemplates an active mix of office, commercial, dense residential and civic/public uses. The Comprehensive Plan update specifically contemplated the future use of the rezoning subject property for civic/public uses. The rezoning of the subject property from Single Family Residential to Institutional District would be consistent with the Downtown area plan.

Staff Burhans read the draft findings into the record.

Recommendation Planning Staff believes that the findings can be made to support the petition requesting a rezone to an Institutional Zoning Classification on the subject property.

Board Questions:

Member Long asked about the option 2 plan that was on a comment sheet from the community meeting. Staff Burhans rendered a guess about the comment.

Member Long and Member Higgins stated that both recognize the present rendering as the one they remember. Member D'Onofrio asked if there were any responses from area neighbors. Staff Burhans responded that one neighboring business owner and a neighboring property owner and seemed to have positive sentiment about the changes. One person expressed concerns about the location of the Town Hall versus other potential sites. Staff Burhans spoke about the potential opportunities for community space for public groups to use. He also stated that the board is only approving a zoning change; not committing to a certain building on the property.

Acting Chair Higgins asked if anything on the list under industrial zoning could be built in the event of rezoning. Staff Burhans answered in the affirmative. Staff Burhans stated that the Town is subject to the same requirements as other non-residential development plan. Acting Chair Higgins asked about the property and potential taxes. Staff Burhans replied that no taxes are paid since the Town has already purchased the property.

Opened and closed public comment.

Member Long made a motion for approve ZM2015-002 as recommended. Member Rosenberg seconded the motion. Approval was unanimous.

PLANNING REPORT

- Donna Cook, Associate Planner, was introduced.
- Grand Opening of Crooked Creek Park which was a successful event.
- Town's Website: created Public Notices link on the main page
- Design Standard's Legislation SB#25 takes away ability of local government to design standards
- Comprehensive Plan and zoning-initial discussion about general inquires as in 7103 Oak Springs Rd. which is currently zoned SF-1, a potential buyer is interested in changing zoning of property light industrial zoning. Also, because of Monroe Bypass coming near, Staff was seeking initial thoughts about a reconsideration of zoning. Board discussion followed.

Acting Chair Higgins would rather see the zoning changed to light industrial than SF1 to SF4 or 5 where it would affect the schools for more children. Questions followed about where would someone get to the interchange, or if there were any other light industrial touching the property. Staff Burhans stated that there is no natural creek as divider. Member Rosenberg stated that rezoning as light industrial would be a good thing as value of property will increase around it. Acting Chair Higgins stated that we will never see it get developed as SF1. Member Long would be good for IT tax base. Board generally felt positive about the rezoning.

ADJOURN

Member Rosenberg made a motion to adjourn. Seconded by Member Aponte. Approval was unanimous. Meeting adjourned at 8:30pm

Chairman: *Heather S. Cowan*

Secretary: *Pamela J. Wood*

