

**MAYOR**  
Michael L Alvarez

**MAYOR PRO TEM**  
David L. Cohn

**TOWN MANAGER**  
Scott J. Kaufhold, P.E.



**TOWN COUNCIL**

Gordon B. Daniels  
Gary M. Savoie  
Amy R. Stanton  
Mark A. Wireman

**Indian Trail Town Council  
Regular Meeting  
Tuesday, November 15, 2016  
Civic Building—6:30 PM**

**AGENDA**

1. **CALL MEETING TO ORDER & PLEDGE OF ALLEGIANCE**
2. **MOMENT OF SILENCE**
3. **AGENDA ADDITIONS & DELETIONS** **Action**
4. **MOTION TO APPROVE AGENDA** **Action**
5. **PRESENTATIONS**
  - a) Woolpert-Presentation of Phase II updates for Crooked Creek Park
6. **PUBLIC COMMENTS**
7. **LAW ENFORCEMENT UPDATE**
8. **CONSENT AGENDA** **Action**
  - a) Approve Draft Minutes October 25, 2016 Regular Town Council Meeting
  - b) Approve Budget Amendments #629 & #630
  - c) Approve Tax Month End Report for October 2016
  - d) Approve Town Clerk's Certificate of Sufficiency for Annexation #144 (Annexation of Parcel #07090761, related to conditional rezoning application CZ2016-002. A voluntary annexation of 0.68 acres located on Mustang Drive)
  - e) Approve the Resolution Fixing the Date of the Public Hearing for Annexation #144 for Tuesday, December 13, 2016 6:30 PM at the Civic Building. (Resolution #R161115-01)
9. **PUBLIC HEARINGS** **Action**
  - a) **ZT2016-009 Car Wash within the Village Center Overlays:** This is a proposed amendment to the Unified Development Ordinance (UDO) Chapter 520 and add new Chapter 7220 to make existing car wash uses within the Old Monroe Village Center overlay district a permitted use. Applicant: Charles A. Howard, II. (Local Ordinance #0161115-249)

- b) **ZM2016-002 Autobell Car Wash:** This is a request to rezone a parcel approximately 0.89 acres from single family residential (SF-1) to General Business District (GBD), within the Village Center Overlay. The parcel is located at 4332 Old Monroe Road. Parcel 07114018. Applicant Charles Howard, II. (Local Ordinance #0161115-250)
- c) **ZM2016-001 & CPA2016-003 Rail distribution:** This is a Zoning Map Amendment to rezone from Regional Business District (RBD) to Light Industrial (L-1). The parcels included are parcel numbers 07069122A and 07069122 totaling approximately 5.82 acres. The parcels are located on the west side of Wesley Chapel Stouts Road. Applicant: Richard Roskind Jr. (Local Ordinance #0161115-251)
- d) **ZT2016-008 Food Vendors:** Proposed UDO text amendment to allow food vendors on Town of Indian Trail property, as long as they have a signed contract with the Town. Applicant: Town of Indian Trail. (Local Ordinance #0161115-252)

**10. OLD BUSINESS ITEMS**

**Action**

- a) Council to consider moving forward with the Attorney RFP process either select from the proposals received or direct staff to schedule interviews. (Mr. Kaufhold)
- b) Council to consider approving the Municipal Agreement with Monroe Union County Economic Development (MUCED). (Mr. Kaufhold)
- c) Council to consider amending the Phase II agreement to provide additional funding for the Operational and Fiscal Review with Barker & Jones. (Mr. Kaufhold)

**11. NEW BUSINESS ITEMS**

**Action**

- a) Council to consider an appointment to the Transportation Advisory Committee: Dr. Charles R. Pettit, Sr. to fill Seat #1, an unexpired 3-year term ending June 30, 2019. (Ms. Southward)
- b) Council to consider two appointments to the Parks, Arts, Recreation and Culture Committee: Mr. Alexander Sayre to fill Seat #1, an expired 3-year term ending June 30, 2019 and Mr. Steve Dotson to fill Seat #2 and unexpired 3-year term ending June 30, 2017. (Ms. Southward)
- c) Council to consider approving a Budget Amendment transferring funds between accounts in excess of \$5,000 for the purchase of a cargo van. (Mr. Wojtowicz)
- d) Council to consider approving the Crooked Creek Park Connect NC Grant Application. (Mr. Tryon)
- e) Council to consider awarding bid for the construction of a maintenance shed at Crooked Creek Park. (Mr. Sadek & Mr. Tryon)

**12. DISCUSSION ITEMS**

- a) Council to discuss the draft ordinance for On-Street Parking. (Mr. Kaufhold & Mr. Sadek)
- b) Council to discuss drafting an ordinance to enact a 10-month moratorium for development in order to review and amend the UDO. (Councilman Daniels)
- c) Council to discuss creating districts for Indian Trail and increasing the size of Town Council. (Councilman Daniels)

**13. UPDATES**

- a) Manager's Update: Scott Kaufhold, Town Manager

**14. COUNCIL COMMENTS**

**15. CLOSED SESSION**

**Action**

**16. ADJOURN**

**Action**

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**Indian Trail Town Council  
Regular Meeting  
Tuesday, October 25, 2016  
Civic Building—6:30 PM**

**MINUTES**

The Indian Trail Town Council held a Regular Meeting on Tuesday, October 25, 2016, 6:30 PM in the Council's Chambers at the Civic Building, 100 Navajo Trail, Indian Trail, NC.

**The following members of Town Council were present:**

Mayor Michael Alvarez  
Council Member Gordon Daniels  
Council Member Amy R. Stanton  
Council Member Gary Savoie  
Mayor Pro Tem David Cohn

**Members Participating Remotely:** Council Member Mark Wireman was present via Skype from London at the start of the meeting; the point at which he was able to begin participating in the meeting is noted in the body of these minutes (Agenda Item #3).

**Members Absent:** none

**The following members of staff were present:**

Town Manager Scott Kaufhold, Interim Town Attorney Chris Duggan, Town Clerk Kelley Southward, Director of Planning and Neighborhood Services Rox Burhans, Director of Finance Jim Wojtowicz, Director of Engineering and Public Works Patrick Sadek, Executive Assistant to Town Manager/Special Projects Coordinator Vicky Watts, Senior Planner Gretchen Coperine, Senior Planner Meade Bradshaw, Communications/Community Engagement Coordinator Mike Parks and Engineering Project Manager Adam McLamb.

**Guests:** there were approximately 65 guests in the audience.

- 1. CALL MEETING TO ORDER & PLEDGE OF ALLEGIANCE:** Mayor Alvarez called the meeting to order at 6:30 PM and Captain Coble led everyone in the Pledge of Allegiance to the Flag.
- 2. MOMENT OF SILENCE:** After the Pledge everyone remained standing for a moment of silence.
- 3. ACTION ITEM: Council Consideration to Approve a Remote Participation Policy by Adopting Resolution #R161025-01 (Mayor Alvarez)**

Mayor Alvarez said he added this item to the agenda because it has been discussed many times in the past and is in use by other municipalities and other public bodies throughout the state. After extensive research the UNC School of Government recommends that local governments adopt a policy allowing remote participation before partaking in such. Councilman Daniels asked how far away someone could be. Mayor Alvarez noted that Councilman Wireman is in London on business and would like to participate this evening; he could be seen and heard via Skype on the SmartBoard.

*Councilman Savoie moved to adopt the remote participation policy by way of approving Resolution #R161025-01 and discussion ensued.*

Councilman Cohn said that he is in favor of this policy but doesn't want to see it abused. He would like to limit the use to twice per year, per member. Additionally, he felt that it should only be utilized when there is a very important matter on the agenda that all Council needs to be present for. Mayor Alvarez agreed that use should be limited but felt that it should not go beyond 50% of scheduled meetings. Mayor Alvarez said he is not in favor of allowing the Mayor (or whomever is chairing the meeting) to participate remotely. Ms. Southward noted that such language is included in the policy; the Chair cannot run the meeting remotely-- they could listen in remotely though.

Councilwoman Stanton agreed with Councilman Cohn in that any single member could only remote in twice per year. Further, she wanted to adjust the policy to mandate that both audio and visual were required in order to vote on items (as presented the policy would allow for simple audio remote-in too). Councilwoman Stanton asked how it would be addressed if two Council Members wanted to participate remotely; she would like to limit it to one per meeting. Councilman Savoie felt a situation may arise where two members may truly need to participate remotely at the same meeting and didn't see the harm in such. He felt if the policy began to be abused then Council could amend the policy at a later date. Councilwoman Stanton felt it was important to shore-up the policy before there is an opportunity to abuse. Mayor Alvarez suggested that if two members wanted to remote-in for a meeting that the first to ask be permitted to participate and the second only be permitted to watch/listen in remotely without participating. Councilman Daniels agreed with Councilman Savoie in that Council Members are all adults and if two members want to use one of their two times per year on the same night then they should be able to do so. Mayor Alvarez felt that his point was valid.

Councilman Cohn said just because a member cannot attend a meeting does not mean that they have to participate in the meeting remotely. He said he had to miss the last meeting but there were not any vital items on the agenda. He also asked if the screen could be split to allow two members to participate by Skype at the same time; staff noted that such should be possible.

Mayor Alvarez summarized the points he heard from Council to add to the proposed policy: 1-each Council Member can only remote in a maximum of 2 times per year; 2-two Council Members can remote in and participate to the same meeting (which is already permitted by the policy) but both must be visually and audibly represented and 3-the Mayor cannot run meetings remotely (already in the policy).

*It was noted that Councilman Savoie had provided a motion to approve the policy as presented in the packets and Councilman Savoie was not interested in amending his motion. To that end, Mayor Alvarez called for a vote and the vote resulted in a tie with Councilmen Savoie and Daniels voting in the affirmative and Council Members Stanton and Cohn voting in the opposition. Mayor Alvarez broke the tie by voting in the opposition; the motion failed.*

*Councilman Cohn then moved to amend the proposed Remote Participation Policy to include a limit that each Council Member can only attend remotely a maximum of two times per calendar year (January to December) and that if two members are participating remotely at the same time then both need to Skype in (i.e. both need*

to be seen and heard). The motion carried by a vote of three (3) to one (1) with Councilman Savoie voting in the opposition.

It was noted at 6:43 PM that Councilman Mark Wireman was now able to participate in the meeting as he was able to be seen on the SmartBoard by all and heard by all via Skype from London, England. Councilman Wireman thanked Council for approving the Remote Participation Policy.

#### **4. AGENDA ADDITIONS & DELETIONS**

#### **Action**

- Councilman Daniels requested to add to Discussion Item: 13b-Request that the Miracle League Make a Quarterly Report to Council on the Progress for Funding and Bringing the Project to Reality; the motion carried by a vote of four (4) to one (1) with Councilman Cohn opposing.
- Councilman Daniels requested to move Consent Agenda 9b Budget Amendment #628 to New Business 12c; it was moved.
- Councilman Cohn moved to add to New Business 12d The Town to Contribute \$250 to the VFW "Blue Dinner" (providing a meal to law enforcement officers current or retired and their families) on October 28th to show appreciation for their service; the motion carried unanimously.
- Councilman Wireman moved to remove Discussion Item 13a from the agenda; the motion carried unanimously.

#### **5. MOTION TO APPROVE AGENDA**

#### **Action**

Councilman Savoie moved to approve the agenda, as amended and the motion carried unanimously.

#### **6. PRESENTATIONS: none**

#### **7. PUBLIC COMMENTS**

- Ms. Cathi Higgins of 3004 Clover Hill Road addressed Council first regarding the State's decision to take away municipal authority to regulate design standards. She was on the Planning Board the first time that the State tried to take away this authority and even penned the letter that the Planning Board sent to the State urging them not to change the law. However, the State has taken design standard regulations away from municipal authority. She is concerned that the developer (of Hawfield/Heritage) is negotiating for higher density by threatening to build a lesser quality neighborhood. On one hand she thinks that well, this is what the State has done. However, Ms. Higgins said that she has been involved in planning and zoning from a citizen level for 25 years and that mindset is not good for the Town. Ms. Higgins said that she doesn't know what the answer is but she does not like it. She urged Council to make sure that the information they have received is accurate. Ms. Higgins said that she has had a problem with the Hawfield/Heritage Project since the beginning. She believes the information received from the developer to be evasive and deceptive. She said that she would be happy to explain two instances but Council would have to ask her as it would go beyond what is left of her 3 minutes. She also suggested that Council consider the stakeholders (people directly affected by the project). Ms. Higgins said that she is not directly affected by the project but some of her neighbors would be as their properties are adjacent to the project and they have concerns. However, Ms. Higgins said that she is a stakeholder as a resident of Indian Trail and is concerned that this project could have 200 more homes because of the State's decision to take design standard regulations away from local governments. An additional 200 more homes is more cars on the road and more children in our schools.

#### **8. LAW ENFORCEMENT UPDATE**

Captain Coble said that his department is working on several things with the Town otherwise things are business as usual. Mayor Alvarez thanked the Sheriff's Department for their assistance with the Trunk or

Treat/Candy Crawl last Friday; it has been estimated that 7,000 people attended. Councilman Daniels thanked Captain Coble for the UCSO Crime Prevention luncheon today.

## 9. CONSENT AGENDA

### Action

- a) Approve Draft Minutes October 11, 2016 Regular Town Council Meeting
- ~~b) Approve Budget Amendment #628~~ (this item was moved to New Business during Agenda Additions/Deletions)
- c) Approve Crismark Street Acceptance
- d) Approve written copy of the Public Safety Committee amended By-Laws (reducing membership amount to 7 as approved by Council 10-11-16)
- e) Approve Union County Sheriff's Office Agreement Amendment #3 (adding Lieutenant position)

*Councilman Savoie moved to approve the Consent Agenda as amended during Additions/Deletions; the motion carried unanimously.*

## 10. PUBLIC HEARINGS

### Action

- a) **The Hawfield/Heritage Annexation and Conditional Zoning:**

#### Staff Presentation:

Gretchen Coperine, Senior Planner, addressed Council noting that her presentation this evening would be brief and address both the annexation and conditional zoning applications. Then, the applicant (who is the same for both matters) has a presentation as well. As for the annexation, that request is to bring two parcels totaling about 8.26 acres into the municipal limits by voluntary annexation of the property owners. The 8.26 acres is part of the conditional zoning request of approximately 163 acres. The 8.26 acres currently located in unincorporated Union County are zoned R-40 by Union County. The remaining acreage (three parcels) that are located in Indian Trail are zoned R-SF (a rural single family designation) and SF-4 (a single family designation). The total 163 acres are located off of Wesley Chapel Road on Hawfield Road. According to State Statutes any property annexed by a municipality must be assigned a municipal zoning designation; that is why the zoning and annexation applications are made concurrently.

A portion of the proposed project (subdivision) would be age-restricted according to the Housing for Older Persons Act (HOPA). The project is would be located in the municipal limits of Wesley Chapel and Indian Trail with the greater number of homes located in Indian Trail. In total the project proposes 435 lots: 119 units/lots in Wesley Chapel and 316 units/lots in Indian Trail. Of the proposed 316 units in Indian Trail the project proposes to age-restrict 214 units in accordance with HOPA.

The public process has been extensive for this proposed project. The 2 UDO required community meetings were both held in June. Then there were between 5 and 10 additional community meetings held that were not required by the UDO. Finally, on October 17th another community meeting was held at the behest of Town Council after a recommendation made at the September Planning Board Meeting. This matter was heard before the Planning Board on August 16th and September 20, 2016. Community concerns include traffic, connectivity through Downing Court, school impacts and buffering. The resolution for traffic is that the Traffic Improvements Analysis includes improvements to reduce traffic and a condition of approval is that such improvements must be made before the first Certificate of Occupancy will be issued. The resolve for the connectivity to Downing Court is to not require the connection by a condition of approval that Downing Court is to be a cul de sac on the subject property at the expense of the developer. The McKibben Report regarding impact to schools shows a reduced impact on schools. The resolution for the buffering concern is that in order to reduce visibility to the subject property from adjacent properties that the developer will be required to add

supplemental plantings and increase the periphery buffer to 25 feet and is actually exceeded to nearly 40-feet in certain locations.

Ms. Coperine noted that staff is very sensitive to the concerns of residents on Downing Court who do not want vehicular connectivity; the cul de sac has been recommended. However, staff feels that some sort of connectivity is important; pedestrian connectivity at a minimum. Currently the modified plan and conditions of approval do not include any kind of connectivity from the subject neighborhood to the adjacent subdivision. Ms. Coperine just wanted to state for the record on behalf of Planning and Engineering staff that they believe some form of connectivity is a good planning practice but certainly respect the concerns from adjacent property owners and the action of Council.

Councilman Cohn asked if the conditional zoning request is denied and the by-right plan was developed would the Town still have the authority to stop the connectivity to Downing Court by approving a cul de sac for the by-right plan. Ms. Coperine noted that the UDO requires connectivity. So, staff would have to ensure that the developer was meeting the requirements of the UDO for the by-right plan (i.e. mandate that the connection be made from the subject property to Downing Court). Councilman Cohn wanted it to be noted for the record that the connectivity could be stopped under either plan. He doesn't want people to think that if this plan is not approved it would be the only way to get the cul de sac on Downing Court. It was noted that a UDO text amendment could be made to change the connectivity requirement. However, it was also noted that until any text amendment was officially approved (going through the UDO text amendment process which can take several months) any development application received prior to an official amendment falls subject to the version of the UDO that was in full force and effect the time that the application was submitted. Councilman Daniels opined that Council should focus on amending the UDO. He would like Council to have the same flexibility with the by-right plan as they would have with conditional zoning. He wants Council to be able to vote on the by-right plan too. Ms. Coperine noted that as recommended by the Planning Board, the request before Council this evening does not provide for connectivity but rather includes a cul de sac for Downing Court. Councilwoman Stanton asked what the proposed plan looks like on the other side of Downing Court. Ms. Coperine noted that it abuts vacant land.

Ms. Coperine continued noting that the School Impact Study shows a reduced impact on schools based upon the number of age-restricted lots. The buffering was increased to 25-feet in some areas based upon visibility impacts to current developed, neighboring properties. The condition of a 25-foot buffer in specific areas requires that the buffer stay as natural as possible and where such is not possible (due to construction activity) supplemental plantings must be installed to achieve an acceptable capacity level. Councilwoman Stanton asked what types of plantings will be required. Ms. Coperine noted that Leland Cypress and Evergreens, which grow dense and tall, are typical. Additionally, some understory plantings would be required. Upon query Ms. Coperine said no certain tree height was required at the installation of vegetation rather just a capacity level must be reached. Councilwoman Stanton asked if they took down 18-foot trees for construction then the developer could potentially replace with a six-foot tree. Typically, Ms. Coperine said that something tall, like an evergreen, as well as something shorter, like Leland Cypress, in order to create a staggered effect, is required. Upon query from Councilman Daniels, Ms. Coperine noted that the 25-foot buffer is the minimum for the entire project. However, there are some areas where the buffer exceeds 25-feet. The area adjacent to Downing Court for instance has a buffer that is increased to almost 40 feet.

On September 20th the Planning Board voted to recommend approval of the project (annexation and conditional zoning) with modifications. The Downing Court cul de sac modification was one recommendation and the conceptual plan has been updated to reflect the recommendation. A traffic calming study was also recommended and such is on-going and included as a condition of approval. The buffering issue has been updated as a condition of approval to provide buffering with specific

plant species. Finally, the Planning Board had recommended an additional community meeting which took place on October 17th. On September 20th the Planning Board voted to approve the application for the conditional zoning with the aforementioned modifications; the Planning Board vote was unanimous.

Councilman Daniels asked if the conditions of approval include language to the effect that if trees/vegetation within the buffer die within a certain period of time that the developer would be required to replant. Ms. Coperine relayed that such language has not been included but if Council wanted to add such language to the conditions of approval that could be done. The developer said that no Leland Cypress would be planted as they are sensitive. Councilman Daniels suggested that if any plantings die within 5 years that the developer be required to replant.

**Ms. Coperine read the following consistency findings with the Comprehensive Plan from the Planning Board into the record:** 1) Land Use and Housing Goals #1, 2 & 5: The proposed project promotes compatibility of land uses between neighboring properties and surrounding municipalities, provides a range of housing options, and proposes high quality design to promote attractive land development; the proposed project also provides buffering between adjacent uses and preserves naturally sensitive areas within the floodplain; and 2) Mobility and Transportation Goal #3: The proposed development incorporates pedestrian amenities by way of 0.66 miles of Carolina Thread Trail and 0.81 miles of walking trail, and provides vehicular and pedestrian connectivity both within the community and for area residents. The request for this conditional zoning district (CZ-SF-4) is a reasonable request and is in the public interest because it supports the goals of the adopted Comprehensive Plan and includes elements that benefit the general public in the areas of transportation, land use and housing.

Ms. Coperine noted that the development is split between the Sun Valley and the Moore Farm villages and the land use is medium density. The overall density is 1.9 units per acre which is consistent with medium density which allows 2-4 units per acre.

To that end, staff requests that Council receive this information and public comments; then, make a motion regarding the annexation (approve or disapprove); then, if the annexation is approved, make a motion to approve/deny the consistency findings as read into the record; and finally reach a final decision for the conditional zoning (CZ-SF-4) request by either approving as presented (with Planning Board modifications), approve with modifications, deny the request or request more information. If the annexation is not approved, no further action would be relevant.

**Developer Presentation:**

Brian Jenest of Cole, Jenest & Stone of Charlotte addressed Council noting that he is a landscape architect and land planner; Colter, the development team is also present this evening and may add to his presentation. Mr. Jenest said that between the Village of Wesley Chapel and the Town of Indian Trail there has been no less than 20 meetings held related to this project. The project is a combination of age-restricted and traditional lots; he showed the location of both on a site plan map. There is a total of 276 acres for the project which span both municipalities. The overall project density is 1.79 units per acre. He relayed that Taylor Glenn has a density of 2.4; Brandon Oaks 2.35; and Sheridan 2.5.

Mr. Jenest said that the open space required in Indian Trail is only 9 acres and the proposed open space for this development is 61 acres. In Wesley Chapel the required open space is three acres and the development would have 65 in their jurisdiction. The proposed total open space is 126 acres; 45% of the total property. He also noted that 99 acres (roughly 36% of the total site) of existing trees will be saved; Indian Trail's requirement would be 24 acres according to Mr. Jenest. He pointed out

the Carolina Thread Trail that runs through the community. In total there are about 1.5 miles of trails provided throughout the development. Mr. Jenest pointed out the buffers along adjacent Indian Trail neighborhoods noting that they range from 20-feet to almost 50-feet. He noted that seem buffers appear larger because other neighborhoods have existing buffers, like Taylor Glenn for instance.

Mr. Jenest noted in the updated plan that includes the Planning Board's recommendation, the cul de sac at Downing Court will actually be constructed and contained on the subject property because there is no additional space on the Taylor Glenn property. He noted that there will be buffer around the cul de sac. Currently Downing Court stubs out at the Taylor Glenn property so the Heritage developer has agreed to provide the cul de sac on their own property.

Mr. Jenest said that the state has taken away a lot of the design requirements. However, with this zoning request some design standards have been volunteered by the developer. There will be no vinyl siding; all exteriors will be hardy plank, stone or brick. There will be porches but not on every unit as to provide for variety. Most of the age-restricted units will be single story and the traditional lots will have two story homes. They will also provide for special lighting. These volunteered design standards can be enforced because they were volunteered. The amenities will be located in the Indian Trail portion of the development. There will be a clubhouse with social director, workout facility, pool, pickle-ball, bocce ball and an event lawn.

Mr. Jenest showed a chart that compares the requested conditional zoning to the by-right plan. In short lot sizes would be reduced significantly in the conditional zoning plan which of course means that the number of units increases from 188 in the by-right plan to 316 in the proposed conditional zoning plan. Required open space is 5.7 acres in the by-right plan and required 9.5 acres of open space in the conditional plan (of course Mr. Jenest noted about that they are proposing 61 acres of open space in Indian Trail). The Carolina Thread Trail would be encouraged but not required in the by-right plan and no amenities would be required. Mr. Jenest said that no buffering is required in the by-right plan whereas a 25-foot buffer would be provided in the proposed plan. Connectivity would be required in the by-right to stub streets the conditional zoning allows Council to alter that UDO requirement and have a cul de sac at Downing Court. The by-right plan has no architectural standards but the conditional zoning plan includes the volunteered design standards aforementioned. The by-right plan would have no age-restricted units and the 68% (214 units) of the conditional plan would be age-restricted.

Councilwoman Stanton asked if the buffer along the area directly adjacent to Canopy Drive could be increased to 30 feet. Mr. Jenest said that the buffer on the Heritage property could not be increased an additional 5-feet. However, they had talked with some of the property owners on Canopy Drive and what the developer is willing to do in order to create the same effect is to add plantings to their properties on Canopy Drive. Councilwoman Stanton said that their developer had told them one thing and unfortunately they are not getting what they were told. She would like to see a 30-foot buffer in that area added to the conditions of approval. Councilman Daniels asked Ms. Coperine to show any areas that exceed the 25-foot buffer; she did and Canopy Drive did not appear to exceed the 25 foot buffer. Mr. Jenest said that the buffers would be a mix of Holly, Magnolias and Evergreens things that take well and have long lives in this region. Additionally, some areas have the ability to have a berm with plantings. As mentioned before, some areas will simply require supplemental vegetation to enhance existing vegetation while other areas will need to be fully vegetated.

Councilman Cohn asked the traffic study consultant how there is proposed to be 200 more homes in this area and less traffic is to be generated. The traffic consultant said that traffic engineers have gathered real world data for different land uses to provide a manual used to assist with traffic impact analysis. For the traffic analysis of this property the numbers for age-restricted communities were

applied from the manual to determine trip generation. The traffic consultant is hired by the developer and the study has to be approved by the Town and NC DOT; the traffic analysis for this project has been approved by both those entities as well as the Village of Wesley Chapel.

Councilman Wireman asked about the buffer; it was confirmed that the buffer is from the project's periphery property line to the individual lots' property lines. So, when you look from house to house (one from a back yard in the subject property to the rear of a house in a neighboring property) what is the distance. Mr. Jenest said that with individual rear setbacks and the buffer the distance house to house could be 85 to 90 feet dependant on the buffers and setbacks. Councilman Wireman asked how high the berm would be. Mr. Jenest said they have proposed a 6-foot berm with plantings on top.

**1) Annexation Ordinance #143 Hawfield/Heritage: a voluntary annexation request to annex two (2) parcels of land into the corporate limits of Indian Trail; Tax Parcel ID numbers 07120005 90 and 07120008, located on Hawfield Road and totaling approximately 8.26 acres. Applicant: Queen City Land LLC**

Mayor Alvarez opened the public hearing for public comments related to Annexation Ordinance #143. As no speakers had signed up, Mayor Alvarez closed the public comments. However, two gentleman requested to make comment so Mayor Alvarez reopened the public hearing, public comments for Annexation Ordinance #143.

- Mr. Dixon Yard of 1009 Brandon Court addressed Council noting he has lived here for 20 years. He can remember when Taylor Glenn was undeveloped land. Development of Taylor Glenn has prevented the use of ingress/egress of Tanglewood in his community. He said that Hawfield Road is only about 75 feet from the only ingress/egress from his community. Mr. Yard said that Wesley Chapel Road is a country road and Hawfield is located at the top of a rolling hill. Further, Sun Valley High School heading toward Wesley Chapel you have the sun directly in your eyes in the afternoon. He said that a number of accidents have occurred in the vicinity of Hawfield Road. He is concerned that no one has mentioned this elevation and the traffic dangers in the area. Hawfield Road has historically been an access for one home and Mr. Yard is very concerned about it becoming a main access to such a large community. Mr. Yard takes issue with the traffic study that has been conducted.
- Mike Como, Council Member for the Village of Wesley Chapel, addressed Council. He feels it is important for the two municipalities to work together on this project since it is proposed to be located in both jurisdictions. He relayed that Wesley Chapel has contacted NC DOT about reducing the speed limit on Wesley Chapel Road from 45 MPH to 35 MPH. He hopes that Indian Trail would be supportive of a speed reduction as well.

Mayor Alvarez closed the public comments portion for Annexation Ordinance #143.

**2) CZ2016-005 Hawfield/Heritage: this is a rezoning request to establish a Conditional Zoning Single Family (CZ SF-4) district for 316 single family detached units on parcels 0720005 90, 07120008, 07120003, 07120005A and 0712300IJ, totaling approximately 163 acres. the parcels are located on the north side of Wesley Chapel Road. Applicant: Queen City Land, LLC**

Mayor Alvarez opened the public hearing, public comments for CZ2016-005 Hawfield Heritage--rezoning request for Conditional Zoning Single Family (CZ-SF-4) district.

- Mr. Larry Dukes of 5001 Magna Lane addressed Council noting his property is located on the corner of Downing Court. He had his neighbors present (approximately 25) raise their hands. During all of the meetings related to this matter they have been told that there are two options for the development of the subject property: option #1 the requested conditional zoning and option #2 the by-right plan. He believes that since option #1 includes the age-restricted lots that there will be two HOAs to manage the community. The advantage to option #1 is that Council will have more control over the design of the development as we've heard this evening. Mr. Dukes requested that Downing Court be made into a permanent cul de sac. To that end of the two options (they have been told that there are only these two options) the conditional zoning is favored by him and his neighbors because it does provide for the cul de sac to be constructed at the cost of the developer on the developer's land (as recommended by the Planning Board and presented this evening). He said that the families on Downing Court are very close and acts like a cul de sac today.
- Mr. Richard Herman of 1002 Downing Court addressed Council about the connectivity of his road to the proposed neighborhood. Mr. Herman is also in favor of cul de sac for Downing Court. Downing Court is a very quiet street and believes that connecting his street to another neighborhood will be detrimental to his street and neighborhood as a whole. He requested Council to keep such in mind when rendering their decision on this matter. In addition to approving a cul de sac for Downing Court he asked that other adjacent property owners are kept in mind and that buffers are maximized. If what has been relayed regarding the two options is correct then he is in favor of the proposed conditional rezoning with the recommendations from the Planning Board as such provides for the cul de sac and increased buffers. He thanked Council for their time in careful consideration of this matter.
- Mrs. Emily Herman of 1002 Downing Court addressed Council noting that when house hunting their main goal was to find a home located on a safe and quiet street preferably a cul de sac. Downing Court has been a great street to live on. They are able to play outside with their children and neighbors. Currently there are 13 homes on Downing Court with 15 children. If Downing Court were to connect with the Heritage development then this safe haven would become a dangerous main thoroughfare. They have signed a petition requesting that Downing Court not be connected. Mrs. Herman noted that she is a Registered Nurse and has worked in many emergency rooms. She has seen firsthand the devastation of both children and adults having been hit by cars. Not only would connecting Downing Court be used by these two communities but others would use the street as a cut-through to Brandon Oaks and Waxhaw-Indian Trail Road. At this point it seems the only way to ensure that Downing Court becomes a cul de sac is to approve the conditional zoning request. She also urged Council to review the UDO and consider amending the connectivity requirement that would mandate the road connection if the by-right plan were developed. The disbursement of traffic through neighborhoods is unsafe for children and residents of Indian Trail. In summary she requested Council vote in favor of the conditional zoning plan so that the cul de sac can come fruition and buffers will be provided. Mrs. Herman thanked Council for their time and consideration.
- Mr. Walter Hoehn of 1009 Downing Court said that the residents of Downing Court learned about the Heritage project back in May and it has been a tough journey for them. They have learned something new about the development at each meeting attended; he is not sure that they have learned everything about it even yet. As discussed by the last few speakers safety is a major concern for Downing Court; they do not want the road to connect to Heritage. There is no doubt that connecting the two developments will be detrimental to public safety.

He feels as though everyone is stuck between a rock and hard place. Option #1 (proposed conditional zoning) means more homes but enhanced buffers. For Downing Court, option #1 seems to be the only way to save their street. He believes that the developer has done a good job in working with adjacent property owners to address their concerns. He urged Council to ask all pertinent questions before making a final decision on this important matter.

- Mrs. Pat Mower of 2022 Canopy Drive addressed Council noting that over the past several months she has spoke in opposition to approving this conditional zoning request for multiple reasons. Her objective was to prevent additional development until our infrastructure was upgraded. However, in recent weeks the public has learned that there are plans to develop the subject property now with or without the conditional rezoning. As Mrs. Mower understands it, there is not an option to prevent the development of this property. So, the question is what version do we want. Obviously each will bring more traffic to our overcrowded roads and more students to our overcrowded schools; to what degree is arguable. Which option will provide the least amount of (negative) impact to adjacent property owners. After long and careful consideration Mrs. Mower said that she has come to the conclusion that the conditional rezoning plan is the better of the two options. It will allow Council to establish modifications that will have less of an impact to adjacent property owners. She urged Council to approve the conditional zoning request with the modifications, especially the buffering, recommended by the Planning Board. She asked that a minimum 25 foot buffer of existing trees (not a berm) be required around the development and that supplemental plantings be added to provide a year-round screening between communities. Additionally, she requested Council add a condition of approval that lots in Heritage abutting Canopy Drive not be clear-cut to the property but would maintain a portion of existing trees at the back of the lots adjoining the buffer. And, if legally possible, a "no clear-cut" clause be included in their covenants and restrictions.
- Mrs. Mary Milano who lives on Fountainbrook Drive in Brandon Oaks addressed Council stating that the traffic in Brandon Oaks is terrible. She opined that part of the traffic problem is because a lot of Taylor Glenn residents cut through Brandon Oaks. She asked if the proposed development would have access to Brandon Oaks' streets and if so, it will be a highway. She said that speed bumps have not worked on Fountainbrook Drive. She has only lived here a year and is very disappointed with the connected neighborhoods and does not understand why the neighborhoods have to connect. Mrs. Milano said that she has to be creative in scheduling doctor appointments to not be trying to leave her home before 8am and to ensure that she is back home by 4pm or she'll be stuck in traffic. She opined that connecting another neighborhood to Brandon Oaks would be a terrible thing.
- Mr. Rob Davis of 1013 Stoney Ford Lane said that he shares a lot of the same concerns already expressed. He has lived here for 25/30 years and has seen the tremendous growth. Traffic is terrible in Brandon Oaks. He said most of everyone here tonight is looking at the better of the two options for developing the subject property. He agrees with previous speakers that the conditional zoning is the better of the two options for all the reasons previously stated.
- Kathy Miller of 1106 Alyssum Lane said that she would like Council to vote against the conditional rezoning. The current UDO was set up with a vision for Indian Trail and the rezoning request changes that vision. Sun Valley schools are out-dated with no plans for new schools anytime soon. Our roads are overcrowded. The widening of Monroe Road won't be done until 2022-2024 at best. She took issue with the traffic study noting issues experienced

today; how will traffic be lessened with the addition of over 300 homes? Additionally, Ms. Miller said she does not believe that the age group of 55 and older generates less trips per day. She said that she falls in that category and she left her home three different times today. She said it is mind-boggling to think that people over 55 just stay home and don't use the infrastructure. A few weeks ago Council voted against the Virginia Trace project; a 92 lot subdivision. She noted that part of Council's reasoning for voting against that project is because traffic is already a nightmare. Ms. Miller said this project will be a traffic nightmare for everyone in Sun Valley not just those who abut the property. Ms. Miller said that Wesley Chapel has put a stop on any future age-restricted community rezoning. Since all of the homes in Heritage are not age-restricted, Ms. Miller said it will not be possible to enforce the age-restriction on the lots that are supposed to be age-restricted during resale of a home. Indian Trail will be left with homes on patio-sized lots which does not conform to surrounding neighborhoods or the current UDO. She urged Council to vote no to this rezoning and noted several age-restricted communities in Indian Trail and surrounding municipalities that are already developed or approved.

- Mr. Mike Mower of 2022 Canopy Drive addressed Council recognizing the traffic and school issues. Growth will happen. He said that approving the conditional rezoning request will allow Council to have a say in the growth of this particular neighborhood. Although he has been against the rezoning from the beginning in light of recent information he is currently in favor of the conditional rezoning request.
- Mayor Alvarez called on Mr. Reymond Moore who elected not to speak noting that his concerns have been addressed.
- Mr. Ryan Smith of 301 Braxton Drive addressed Council said he shares many of the opinions already expressed. He said that like many of the communities surrounding Charlotte we are growing at a much faster rate than our infrastructure can handle and it is affecting the quality of life for our residents. He noted that in addition to vehicular traffic there is quite a bit of pedestrian traffic on Wesley Chapel Road and Monroe Road; many students walk to school. He said that he has reviewed and prepared many traffic studies and numbers can be manipulated. It is just common sense to know that 300 plus more homes is going to bring more traffic. He said that individual tax payers are held responsible to pay for infrastructure upgrades (through taxes) when developers should have to pay impact fees sufficient to assist in these necessary upgrades to our infrastructure. He said that Union County water and sewer rates are expected to double by 2020 (from 2015). As a tax payer, Mr. Smith said that he is tired of being held accountable for infrastructure upgrades that developers should be responsible for. Mr. Smith said that quality of life is important to Indian Trail residents and we should continue to protect the established standards.
- Ms. Lauren Law of 2003 Cloverhill Road in the Sheridan neighborhood addressed Council stating that her home would be directly affected as her property abuts the proposed subject development. She has two young daughters and was highly opposed to the project when she first heard about it. However, she attended the last meeting and was impressed by how the developer took the time to individually review the project and address her concerns. It seems as though the developer is really trying to work with adjacent property owners to address their issues. Indian Trail is a sought after community and we are going to grow no matter what. So the traffic and schools are going to continue to have issues. Ms. Law said she would prefer the option that will have nice tree-lined streets and enhanced buffering. She urged Council to approve the conditional rezoning. Ms. Law noted that there have been some

issues with the vacant property; recently there was a fire that was quite scary. She felt that having the land developed might minimize some of the loitering that has taken place in the woods.

- Mr. Brian Iagremma declined to speak upon being called.
- Mrs. Cathi Higgins of 3004 Clover Hill Road addressed Council stating that the developer did not define age-restricted and said that seniors are not restricted to the community; children could live in every single unit in the development. Age-restricted is one person at least 55 years of age has to live in at least 80% of the homes in the age-restricted part of the development. She noted that there is a lot going on in the development: traditional homes, age restricted homes, Indian Trail, Wesley Chapel, two HOAs and that the traditional home residents cannot use amenities that were shown. Further, Mrs. Higgins noted that Wesley Chapel's tax rate is slightly more than 1.5 cents per \$100 of assessed value while Indian Trail's tax rate is 18.5 cents per \$100 of assessed value. There will be two different law enforcement agencies providing service to the neighborhood. Councilwoman Stanton said it herself earlier about another neighborhood's developer: the developer had promised one thing and did not follow through. These are developers and we can't believe that they will make good on everything they say. Mrs. Higgins opined that the spreadsheet shared at the last community meeting showing all of these differences mentioned should be put in the conditions of approval that it should be presented to every perspective buyer so that they know what municipality they are in, what their taxes will be, if they are in a traditional section or an age restricted section and so on. She said that the residents will come back and complain to Council that the developers promised one thing and they got another.
- Mayor Alvarez read an email into the record on behalf of Mrs. Deb Perry who were unable to attend. Mrs. Perry's email is attached hereto and made a part of these official minutes. In part the email encouraged council to approve the rezoning with the modifications recommended by the Planning Board. Additionally, she asked that the buffer exceed 25 feet and that lot sizes be increased.
- Mr. Steve Starnes, Attorney from Monroe, spoke on behalf of his clients Jill and Mark Ramige of 6309 Hawfield Road. Although his client's 4-acre property where there home is located in Wesley Chapel and not in Indian Trail the proposed project will directly impact their property. Mr. Starnes said the proposed project will negatively affect his client's property. In regards to continuity of use his client's 4-acre property has been there for years and to build a high-density subdivision adjacent to what was an R-40 home is not compatible. His clients have secured an impact study that notes a 15%-24% loss in value to their property if the proposed development is approved. Last year's County tax re-evaluation assigned a value of just over \$501,000 to his client's property. Based upon the impact study they stand to lose somewhere between \$75,000 to \$125,000 in their property value. Mr. Starnes again noted that his client's property is in Wesley Chapel but that such a loss bares consideration by this Council as well. He asked if there were conditions to lessen the negative impacts to his client's property that Council consider applying such conditions. Council Member Stanton asked if his clients were asking for anything specifically; more buffering or what? Mr. Starnes said that more buffering would be better than less but his clients are in a bad situation. He said that they had talked with Wesley Chapel about purchase or a (monetary) figure. He also relayed that a monetary figure was given to Wesley Chapel but they've not heard back from the municipality. He said they are open to a purchase or a payment for compensation of remedial damages. Mr. Starnes said undoubtedly there will be a loss to his

client's if the project is developed as shown by the impact study. Councilman Wireman asked if the house owned by his clients has been on the market to sell for several years. Mr. Starnes said he believes it was taken off the market recently; it is not currently for sale. Additionally, he did not believe that the property had been on the market for several years; not that long. Councilman Wireman asked if the property had been on the market when the real estate market tanked across the county and the nation. He asked if the impact analysis included that loss. Mr. Starnes said the impact study gave two analysis based upon the current tax value which was assigned last year. Mr. Starnes said that the impact analysis has been provided to the developer, the Wesley Chapel Town Council and now Indian Trail Town Council. Mr. Starnes confirmed that his client's property is located in the Village of Wesley Chapel. Councilman Daniels asked what he and his clients have requested of Wesley Chapel and what, if anything, has Wesley Chapel agreed to do for his clients. Mr. Starnes relayed that the Wesley Chapel Council asked if they had spoken with the developer; they have and there was no offer of compensation or offer of purchase.

Mayor Alvarez closed the public comment portion of the public hearing for the conditional rezoning application.

**Council Action:**

*Councilman Savoie moved to approve Annexation Ordinance #143, as presented, the motion carried by way of a unanimous vote of Council.*

*Councilman Savoie moved to approve the consistency findings as read into the record by Ms. Coperine; the motion carried by way of a unanimous vote of Council.*

*Councilman Savoie moved to approve CZ2016-005 to establish a Conditional Zoning Single Family (CZ SF-4) district for 316 single family detached units on parcels 072000590, 07120008, 07120003, 0712005A and 07123001J totaling approximately 163 acres with the consistency findings and modifications as recommended by the Planning Board and presented by staff this evening (local Ordinance #0161025-248) and there was discussion.*

Councilwoman Stanton wanted to add modifications/conditions to the ordinance in addition to those recommended by the Planning Board. First, she requested to add language that the buffering is required and there is to be no clear-cutting (i.e. don't go cutting down all the trees). Also, Councilwoman Stanton wanted the age requirements expressly included in the ordinance with the conditions. She understands that it is to be 55 and older but she wants more information included. Ms. Coperine noted that there is a federal regulation governing age-restricted communities: the Housing for Older Persons Act (HOPA). Ms. Coperine noted two points of order: #1-the motion on the table is to approve as recommended by Planning Board and if Council is going to add modifications that motion would need to be submitted after withdraw of the motion on the table or the original motion amended to include Council modifications and point of order #2-the developer would have to agree with the Council modifications before Council could approve.

Councilwoman Stanton asked the Developer how the 55 and older would be regulated. The developer said that part of their commitment to the community would be to make an annual report to Council or to Town Staff (both Indian Trail and Wesley Chapel) to show that they are meeting the zoning requirements imposed by each jurisdiction and the HOPA. The report would basically be an audit of the neighborhood to insure the age-restricted areas are meeting the requirements established by HOPA. Councilwoman Stanton asked what would happen if they find from their own "audit" that they are not in compliance. The developer said that they would

then be non-compliant with the zoning. Ms. Coperine noted that the Town's recourse from non-zoning compliance is that the Town would stop issuing permits until they rectify the compliancy issue. The Town has no age-restrictions of its own so the Town would have to refer to the regulations of the HOPA. The conditions included in the ordinance state that a percentage of the homes within the development have to be age-restricted. Councilwoman Stanton had nothing further.

Councilman Daniels asked Ms. Coperine if it were possible to take the best parts of option 1 and option 2 and combine them to make the ideal neighborhood. Ms. Coperine asked if he meant from a design standpoint. Councilman Daniels said that it was from a design standpoint as well as other elements such as traffic. There may be components from option 2 that would be beneficial to our residents. He said that 80% of option 1 may be beneficial and 20% of option 2 beneficial; can they be combined into a third option? Ms. Coperine said that right now Council is voting on what has been proposed; a different plan would require a separate application and the process would have to begin again. Councilman Cohn said the two options have separate builders; Council has to choose one or the other. The developer said when you review the comparison chart that they presented they believe option 1 (the conditional rezoning as it is being referred to this evening) is clearly the better of the two. The only thing that may not be better is that the density of option 1 is higher. The developer noted that both options utilize the same builder.

Councilman Cohn said that he has attended many meetings and his main concern is for the residents. He believes this developer to have done a wonderful job in working with our residents and trying to address all of their concerns. Councilman Cohn said that he appreciates that they have held 20 meetings regarding this project. Councilman Cohn said that honestly he is not in favor of either option; he would prefer that the land remain undeveloped. However, one option or the other will be developed as option 2 was approved by a previous Council a long time ago. So, now this Council has to make a decision as to which option is best. He said that he didn't make up his mind until hearing from the residents this evening. As best that he has been able to determine the conditional zoning will include nicer homes, an age-restricted percentage of homes, more buffering, there will be amenities, more open space, less students, berms will be provided and Downing Court will definitely be a cul de sac. As much as Councilman Cohn hates to see more housing developed in Indian Trail right now because of the traffic, the conditional zoning is the better of these two options. He said that he appreciates everyone that came out to speak this evening on this matter.

Councilwoman Stanton said that she has met with Taylor Glenn residents and representatives from the developer and it has all been great. She will vote yes and make sure that Downing Court is a cul de sac and that there will be buffers. She too believes that the conditional zoning is the better of the options.

Councilman Wireman appreciated the unity of Downing Court. He feels it is a great thing that so many folks came out to share their thoughts. He noted that traffic in Town is an issue; congestion is high. This Council is trying to address some of the traffic issues. He thanked the developers and opined that they have gone above and beyond and that shows that they truly care about the community and our residents. He believed that the residents have been very professional in the way in which they have expressed their desires. He too will support the conditional rezoning.

Councilman Daniels said that he too would support the conditional zoning plan; between the two options it is clearly the better choice. He pointed out that Councils today all across our state are faced with a unique problem because a lot of two-lane roads built 20 years ago should have been

built as four lane roads. Municipalities can't do much until NCDOT addresses their roads. Another problem is that in order to get a commercial base here that will help our community they want to see roof tops. So, it is a quandary: we need the homes to attract businesses but our roads cannot support the added homes. He believes that Publix has been waiting to see what would happen in the area. He too has been impressed with these developers; they've never said no rather they try to accommodate suggestions such as the increased buffering. He knows that this decision is not going to make everyone happy but does believe this to be better for our residents in Taylor Glenn and Brandon Oaks.

*Councilman Savoie rescinded his motion to approve as presented this evening with the Planning Board modifications.*

*Councilman Savoie moved to approve the conditional zoning application for the previously stated parcels for CZ SF-4 with the modifications recommended by the Planning Board and Council modification of no clear cutting of existing vegetation (the Developer agreed to the additional modification); the motion carried by way of a unanimous vote of Council.*

Mayor Alvarez called for a brief 5 minute recess. After approximately 5 minutes, Mayor Alvarez called the meeting back to order.

#### 11. OLD BUSINESS ITEMS

#### Action

- a) **Council to consider adopting the Honorary Citizen/Business/Organization Program. (formally referred to as "Person of the Month"-tabled item originally brought forth by Mayor Pro Tem Cohn)**

*Councilman Cohn moved to approve the Honorary Citizen/Business/Organization Program, as presented; the motion carried unanimously.*

#### 12. NEW BUSINESS ITEMS

#### Action

- a) **Council to consider approving amendments to the Rules of Procedures/Bylaws for the Transportation Advisory Committee and Parks, Art, Recreation and Culture (PARC) Committee; primary changes include reducing the membership number to five (5) for each committee in order be more effective at reaching a quorum. (Mr. Kaufhold)**

*Councilman Daniels moved to approve the amended Bylaws for the TAC and PARC Committees, as presented; the motion carried unanimously.*

- b) **Council to consider allocating funds from the Governing Body's budget to provide a holiday luncheon for staff at a restaurant. (Mayor Pro Tem Cohn)**

*Councilman Cohn moved that Council pay for a holiday luncheon for staff at a restaurant out of the Governing Body Budget (no monetary limit was set); the motion carried unanimously.*

- c) **Council to consider contributing \$250 to the VFW's "Blue Dinner" (Mayor Alvarez)**

Mayor Alvarez noted that the Indian Trail VFW will be hosting a "Blue Dinner" for all active, on-duty, off-duty and retired law enforcement officers local or non-local to a dinner on October 28th at 6pm to be recognized, fed and spoiled. Mayor Alvarez asked that the Council consider contributing \$250 to the VFW to go toward the cost of the meal. He also suggested if Council is able to volunteer to help cook and/or serve at the event.

*Councilwoman Stanton moved to approve contributing \$250 to the VFW for the "Blue Dinner"; the motion carried unanimously.*

- d) **Council to consider approving Budget Amendment #628 (this item was removed from the Consent Agenda at the request of Councilman Daniels during Agenda Additions and Deletions).**

*Councilwoman Stanton moved to approve Budget Amendment #628 and the motion carried by a vote of four (4) to one (1) with Councilman Daniels voting in the opposition.*

### 13. DISCUSSION ITEMS

- a) ~~Council to discuss the draft ordinance amendment establishing an agenda setting committee and, if Council is ready to move forward, schedule a public hearing for Tuesday, November 15, 2016, 6:30 PM at the Civic Building—100 Navajo Trail, Indian Trail, NC for Amendments to Council's Rules of Procedures contained in Section 30.02 of the Code of Ordinances. (Mr. Kaufhold)~~

This item was removed during Agenda Additions and Deletions.

- b) **Miracle League of Indian Trail to make a quarterly report to Council (Councilman Daniels)**  
Councilman Daniels said he doesn't want to lose touch with the Miracle League in their efforts to construct a field and playground at Crooked Creek Park because the Town has agreed to make substantial contributions to bring these elements to fruition. Since the Town's budget will be affected he would like to see the Miracle League representatives provide an update on their progress to Council quarterly.

*Councilman Daniels moved that the principals of the Miracle League come before Council to provide an update on a quarterly basis; and there was a brief discussion.*

Councilman Cohn said he believed there was a two-year time limit put on the Miracle League to raise their funds and felt it did not matter whether or not an update is provided quarterly. Although he said it would be nice to receive an update it just doesn't change the fact that they have two years. He also stated that basically all the Town has done to this point is donate the land they will need. Mayor Alvarez felt a quarterly report would be a great thing so that when the public asks Council Members what is going on with the Miracle League they can have up to date information to relay. Councilman Wireman said he understood that the Miracle League was going to begin meeting with Parks and Recreation staff soon after Council approved them to move forward. Additionally, he understood that they were going to ask the Town to contribute funds to build the bathrooms and possibly portions of other elements. Mr. Kaufhold said that he and Parks & Rec staff meet monthly with Miracle League representatives. In November Woolpert will be presenting an update for Crooked Creek Park master plan. If Council would like, they can ask the Miracle League to attend too. Councilman Wireman said since there is a team effort in this venture perhaps the Miracle League and the Parks & Rec Department can take turns providing the quarterly updates.

*Mayor Alvarez called for a vote to the motion on the floor (Councilman Daniels clarified his motion noting it was for the Miracle League representatives to come before Council on a quarterly basis-- not Parks & Rec staff); the motion carried unanimously.*

### 14. UPDATES

- a) Manager's Update: Scott Kaufhold, Town Manager: there was no report.

### 15. COUNCIL COMMENTS

- Councilman Cohn thanked everyone for coming and for a good meeting.
- Mayor Alvarez began by thanking Councilman Daniels for keeping his word after a conversation they had several weeks ago about working together. Then Mayor Alvarez said that Council Members may not agree with each other but they take time out of their lives and make a commitment to the

community to come to these meetings and make tough decisions. He said each member of this Council has a good heart and serve because they love the town. He said that there is no underhandedness. Mayor Alvarez also noted that Town staff does a wonderful job. He said that sometimes there are miserable people out there who even when they get what they want they remain miserable. He said that no matter what you do some people are just never satisfied and will criticize every action Council makes. He said that the social media accusations are getting ridiculous. Council members are good, hard working people that give their time to serve our community and they don't deserve to be mistreated. He said that people should stop hiding in the shadows and stop being so childish. He said that it is time for the nonsense to stop. He challenged people to get out and do something positive for the community. On a personal note, Mayor Alvarez said that last week he was diagnosed with a rare cancer. He is hopeful that the cancer is treatable and he will persevere.

- Councilman Savoie asked everyone to be safe on Halloween; be mindful of the children on the roads. He thanked staff for their hard work and another wonderful presentation by Ms. Coperine.
- Councilman Daniels asked everyone to vote and if they are able to vote early. He said campaigning is a tough job. He also opined that school board officials have a very difficult job; the most difficult of local elected officials.
- Councilwoman Stanton noticed a new face at the staff table. Mr. Burhans introduced the new Senior Planner, Meade Bradshaw. Councilwoman Stanton welcomed Mr. Bradshaw to the team and stated we have a wonderful staff. She thanked everyone for coming out and wished everyone a safe Halloween.
- Councilman Wireman thanked Council for approving the Remote Participation Policy. He thanked staff for all their efforts especially those that were involved with the Heritage/Hawfield Project. He echoed Mayor Alvarez in the comments about angry and disgruntled people using social media to criticize those trying to make a difference in our community.

Mayor Alvarez said that he will not be able to attend the November 15th meeting.

#### 16. CLOSED SESSION

#### Action

It was noted that Councilman Wireman could not participate in the Closed Session; Councilman Wireman noted that he was excusing himself from the remainder of the meeting

*Councilwoman Stanton moved that Council enter into Closed Session pursuant to N.C.G.S 143-318.11(a)(3) to protect the attorney-client privilege and to consider and give instruction concerning a potential or actual claim, administrative procedure, or judicial action; the motion carried unanimously.*

*Upon returning from Closed Session Councilman Savoie moved to enter Regular Session. There was no action to take after the Closed Session.*

#### 17. ADJOURN

#### Action

*Councilman Savoie moved to adjourn; the motion carried unanimously.*

(SEAL)

\_\_\_\_\_  
Michael L. Alvarez, Mayor

Attest:

\_\_\_\_\_  
Kelley Southward, Town Clerk





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Batch Id: AGADDY    Batch Date: 10/28/16    Batch Type: Standard

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Account No. Account Description	Type	Entry Description	Amount	Seq
10-40-4911-121-000 Salaries	Transfer Out	To allocate funds for contract services	7,500.00	1
10-40-4911-397-000 Contract Services	Transfer In	To allocate funds for contract services	7,500.00	2

TOWN OF INDIAN TRAIL  
Expenditure Entry Verification Listing

Fund Description	Fund	Expenditures	Reimbursements	Transfer In	Transfer Out	cancel	Encumbrances
General Fund	10	0.00	0.00	7,500.00	7,500.00	0.00	0.00
Total of All Funds:		0.00	0.00	7,500.00	7,500.00	0.00	0.00

	Entries	Amount
Expenditures:	0	0.00
Reimbursements:	0	0.00
Transfer In:	1	7,500.00
Transfer Out:	1	7,500.00
Cancel:	0	0.00
Encumbrance:	0	0.00
Total:	2	15,000.00

There are NO errors in this listing.

October 28, 2016  
08:27 AM

TOWN OF INDIAN TRAIL  
Expenditure Batch Update/Posting Report

Page No: 1

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	Updated Entries	Updated Amount		
Reimbursements:	0	0.00		
Expenditures:	0	0.00		
Transfer In:	1	7,500.00		
Transfer Out:	1	7,500.00		
Cancel:	0	0.00		
Encumbrances:	0	0.00		
Batch: AGADDY	Updated Entries: 2	Updated Amount: 15,000.00	Ref Num: 629	

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	Updated Entries	Updated Amount			
Reimbursements:	0	0.00			
Expenditures:	0	0.00			
Transfer In:	1	1,000.00			
Transfer Out:	1	1,000.00			
Cancel:	0	0.00			
Encumbrances:	0	0.00			
Batch: BWC	Updated Entries: 2	Updated Amount: 2,000.00	Ref Num:	630	

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Batch Id: BWC      Batch Date: 10/28/16      Batch Type: Standard

Account No. Account Description	Type	Entry Description	Amount	Seq
10-00-4110-499-001 Staff Events	Transfer In	Fund new Account	1,000.00	1
10-00-4110-231-000 Citizens Academy	Transfer Out	Fund new Account	1,000.00	2

TOWN OF INDIAN TRAIL  
Expenditure Entry Verification Listing

Fund Description	Fund	Expenditures	Reimbursements	Transfer In	Transfer Out	Cancel	Encumbrances
General Fund	10	0.00	0.00	1,000.00	1,000.00	0.00	0.00
Total of All Funds:		0.00	0.00	1,000.00	1,000.00	0.00	0.00

	Entries	Amount
Expenditures:	0	0.00
Reimbursements:	0	0.00
Transfer In:	1	1,000.00
Transfer Out:	1	1,000.00
Cancel:	0	0.00
Encumbrance:	0	0.00
Total:	2	2,000.00

There are NO errors in this listing.

## Branden Chopelas

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**From:** Finance Director  
**Sent:** Wednesday, October 19, 2016 12:03 PM  
**To:** Branden Chopelas  
**Subject:** good morning

Could you please set up a new account in Governing Body:

10-00-4110-499-001- Staff Events

Can we then transfer \$1,000 into said, coming out of 10-00-4110-231-000 ( Citizens Academy)

*Jim Wojtowicz, CPA*  
*Finance Director*

P.O. Box 2430  
130 Blythe Drive  
Indian Trail, NC 28079  
704-821-5401  
finance.director@admin.indiantrail.org



## Town of Indian Trail

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# Memo

**TO:** Mayor and Town Council

**FROM:** Alicia Massey

**CC:** Scott Kaufhold

**DATE:** November 15, 2016

**SUBJECT:** Month End October 2016



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According to GS 105-350(7) it is the duty of the tax collector to submit to the governing body at each of its regular meetings a report of the amount he/she has collected on each year's taxes with which he is charged, the amount remaining uncollected, and the steps he/she is taking to encourage or enforce payment of uncollected taxes.

Attached is the month end report for October 2016 collections. The tax department is using all collection remedies as provided by general statute to collect delinquent taxes including but not limited to garnishments, attachments and NC Debt Setoff.

Description	Count	Principal			Penalty	Total
		Arrears/Other	2016	2017		
Billing	32591	2,889.53-	7,390,251.11	0.00	0.00	7,387,361.58
Deductions	0	0.00	0.00	0.00	0.00	0.00
Payments	5681	24,848.02-	1,119,911.13-	0.00	0.00	1,147,699.95-
Reversals	11	10.18	1,096.56	0.00	0.00	1,109.24
Adjustments	1856	25.66	2,198.24-	0.00	0.00	3,013.29-
Ref Overpay	14	786.80	0.00	0.00	0.00	786.80
Penalty	<u>8402</u>				<u>3,585.51</u>	<u>3,585.51</u>
Totals	<u>48555</u>	<u>26,914.91-</u>	<u>6,269,238.30</u>	<u>0.00</u>	<u>193.50-</u>	<u>6,242,129.89</u>

**CERTIFICATE OF SUFFICIENCY**  
**ANNEXATION PETITION #144 FOR PARCEL 07090761**

**To the Town Council of the Town of Indian Trail, North Carolina:**

I, Kelley Southward, Town Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

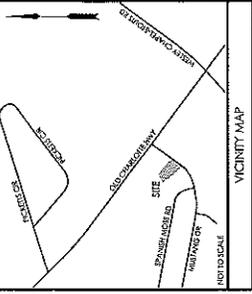
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Indian Trail, North Carolina, this the 15<sup>th</sup> day of November, 2016.

  
\_\_\_\_\_  
Kelley Southward, Town Clerk



I, THE UNDERSIGNED MAYOR OF THE TOWN OF INDIAN TRAIL, HEREBY CERTIFY THAT THIS MAP REFLECTS THE TERRITORY WHICH WAS ANNEXED INTO THE TOWN OF INDIAN TRAIL BY ORDINANCE ORDER L-4880, AS APPROVED AND ADOPTED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016, AND THE INDIAN TRAIL MUNICIPAL LAWS WHICH CORRESPOND TO THE EFFECTIVE DATE OF THIS INSTRUMENT.

MAYOR \_\_\_\_\_ DATE \_\_\_\_\_  
 TOWN CLERK \_\_\_\_\_ DATE \_\_\_\_\_



SOURCE OF TITLE  
 DE 5745 PG 303

CURRENT OWNER INFORMATION  
 MUSTANG PARK, LLC  
 13542 CHASWATER DRIVE  
 CHARLOTTE, NC 28277

REFERENCES  
 DE 5745 PG 303  
 PG 7 FILE 146

SITE DATA  
 741.3 LINEAR FEET OF BOUNDARY TO BE ANNEXED  
 0.689 ACRES TO BE ANNEXED



THE PURPOSE OF THIS PLAT IS TO ANNEX THE PUBLICLY HELD AND UNPAID LANDS OF THE TOWN OF INDIAN TRAIL.

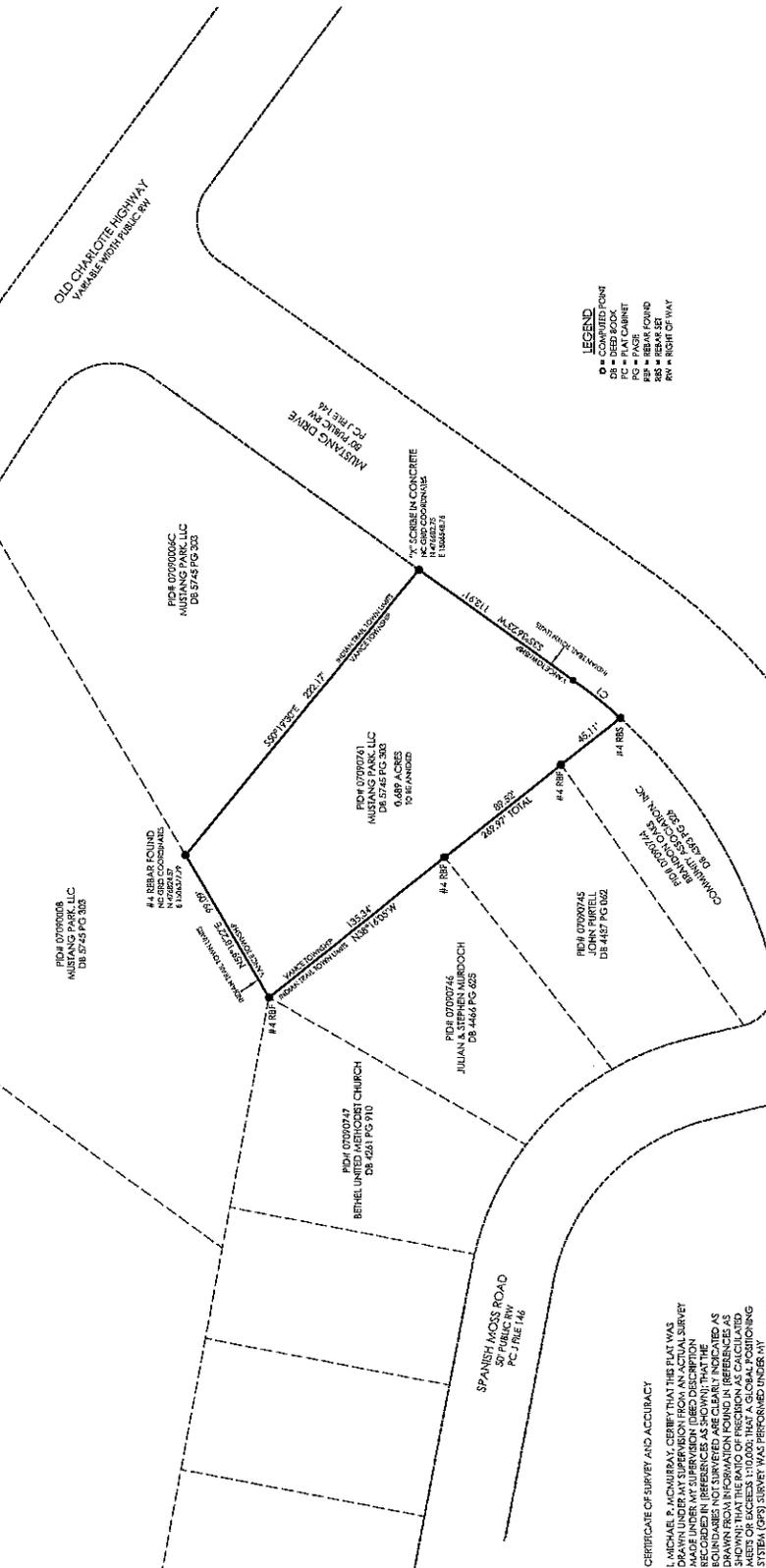
ANNEXATION PLAT  
 OF THE  
 MUSTANG PARK, LLC PROPERTY  
 0.689 ACRES

VANCE DOWNSHIP, UNION COUNTY  
 NORTH CAROLINA

PREPARED FOR:  
 DIBBART GROUP

MC MURRAY LAND SURVEYING, INC. C-3906  
 MICHAEL P. MCMURRAY, NCSLS L-6899  
 318 E. OLD HIGHWAY 74, WAGNER, NC  
 704-544-2734

REV. 11 7/27/16 FINAL



LEGEND  
 ○ = COMPUTED POINT  
 □ = BENCH MARK  
 PC = POINT OF CURVE  
 PIP = POINT OF INTERSECTION  
 PIP = POINT OF INTERSECTION  
 PIP = POINT OF INTERSECTION  
 RW = RIGHT OF WAY

CURVE	BEARING	CHORD	RADIUS	LENGTH
C1	S55°55'30"W	36.10'	1,009.95'	36.12'

- GENERAL NOTES:
1. AREA DETERMINED BY COORDINATE METHOD.
  2. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY BE SUBJECT TO DISCOVERY OF UNRECORDED EASEMENTS, RIGHTS OF WAY, OR OTHER INTERESTS NOT SHOWN ON THIS SURVEY.
  3. ALL DIMENSIONS SHOWN ARE IN US SURVEY FEET AND DECIMALS THEREOF AND ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE INDICATED.
  4. ALL PROPERTY OWNERS LISTED ARE NOW OR FORMERLY.
  5. ALL IMPROVEMENTS NOT SHOWN FOR CLARITY.
  6. CURRENT UNION COUNTY ZONING: R-20

LINE TYPE LEGEND  
 --- = LINES SURVEYED  
 - - - = LINES NOT SURVEYED  
 --- = RIGHT OF WAY LINE



CERTIFICATE OF SURVEY AND ACCURACY  
 L. MICHAEL P. MCMURRAY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN REFERENCES AS NOTED). THIS SURVEY WAS PERFORMED USING THE GPS METHOD OF SURVEYING. THIS SURVEY WAS PERFORMED UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE GPS SURVEY:

1. CLASS OF SURVEY: A
2. INSTRUMENT: LEICA DISTANCE MEASUREMENT SYSTEM (DMS 1)
3. TYPE OF GPS SURVEY PROCEDURE: JAVAD DPO3 RAPD
4. DATE OF SURVEY: JULY 28, 2016
5. RECEIVER: JAVAD DPO3 RAPD
6. PUBLISHED/PROCESSED/CONTROL: DODD/88 SCVR WHITE ROSE CORS ARP
7. GEOD: MOOREL GEOD02A
8. COMBINED GRID FACTOR: 0.9998174
9. UNIT: U.S. SURVEY FEET

THAT PER G.S. § 7-301(j) THE PROVISIONS OF G.S. 67-38 SHALL NOT APPLY TO RECORDING PLATS OF AREAS ANNEXED INTO A TOWN OR COUNTY BY ORDINANCE, AND WHETHER OR NOT REQUIRED BY LAW TO BE RECORDED IN NORTH CAROLINA.

SEAL THE 27TH DAY OF JULY, A.D., 2016.  
**PRELIMINARY MAP**  
 NOT FOR RECORDING, SALES, EASEMENTS, OR ENCUMBRANCES.  
 PROFESSIONAL CLASS LICENSE  
 L-4880



PROJECT NUMBER: 14-909

FIELD SURVEY DATE: 7/28/16

DRAWN BY: DCE



STATE OF NORTH CAROLINA )  
 )  
TOWN OF INDIAN TRAIL )

**RESOLUTION #R161115-01**

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION  
OF ANNEXATION # 144 for Parcel# 07090761 PURSUANT TO G.S. 160A-31**

**WHEREAS**, petition requesting annexation of the areas described herein have been received; and

**WHEREAS**, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

**WHEREAS**, certification by the Town Clerk as to the sufficiency of the petition has been made;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Indian Trail, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at Town of Indian Trail Civic Building at 6:30 P.M. on the 13<sup>th</sup> day of December, 2016.

Section 2. The area proposed for annexation is described as follows:

Tract 1 as previously recorded in Union County Register of Deeds 4893-542.

Section 3. Notice of the public hearing shall be published in a newspaper having general circulation in the Town of Indian Trail, North Carolina, at least ten (10) days prior to the date of the public hearing.

\_\_\_\_\_  
Michael L. Alvarez, Mayor

ATTEST:

\_\_\_\_\_  
Kelley Southward, Town Clerk

STATE OF NORTH CAROLINA)

TOWN OF INDIAN TRAIL)

ORDINANCE #0161115-249

**AN ORDINANCE AMENDING CHAPTER 520, BUSINESS AND COMMERCIAL ZONING DISTRICTS, AND ADD NEW CHAPTER 7220, EXISTING CAR WASH USES WITHIN OLD MONROE VILLAGE CENTER OVERLAY OF THE INDIAN TRAIL UNIFIED DEVELOPMENT ORDINANCE (UDO) RELATED TO EXISTING CAR WASH USES WITHIN THE OLD MONROE VILLAGE CENTER OVERLAY DISTRICT IN INDIAN TRAIL, NORTH CAROLINA**

**WHEREAS**, the Town is the applicant for ZT 2016-009 requesting to amend Chapters 520, Business and Commercial Zoning Districts and add new Chapter 7220, Existing Car Wash Uses within the Old Monroe Village Center Overlay Zone (O-VC); establish standards and other development requirements within the UDO; and

**WHEREAS**, this Zoning Amendment (ZT 2016-009) was duly noticed in compliance with North Carolina General Statutes; and

**WHEREAS**, the amendment was heard by Planning Board on October 18, 2016 in a public meeting; and

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

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
  - *Economic Development Goals #1 and 6: The proposed amendment helps create a more balanced tax base and promotes a diverse local economy by allowing business growth and expansion in the appropriate commercial area within the Town.*
2. This UDO ordinance amendment is a reasonable request and is in the public interest because it promotes business expansion and growth within an area of the Town that is compatible with surrounding uses.

**WHEREAS**, the Town Council received the Planning Board transmittal for a recommendation of approval in the required public hearing held on November \_\_\_, 2016, and after receiving the transmittal, public comment, and deliberation, recommended approval with the required findings and amendment recommendation as transmitted by the Planning Board.

NOW THEREFORE, BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL,  
NORTH CAROLINA HEREBY TAKES THE FOLLOWING ACTION:

**Section 1 – UDO Chapter 520, Business and Commercial Zoning Districts and add new Chapter 7220, Existing Car Wash Uses within the Old Monroe Village Center Overlay Zone (O-VC); and**

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

SO ORDAINED THIS \_\_ DAY OF November 2016. THE TOWN COUNCIL OF  
INDIAN TRAIL

By \_\_\_\_\_ Honorable Michael L. Alvarez, Mayor

Attest:

---

Kelley Southward, Town Clerk

APPROVED AS TO FORM:

---

TOWN ATTORNEY

# ZT2016-009 EXHIBIT A

## 520.020 Business and Commercial Zoning Districts

Car Wash	P	P	P*	<u>*See Chapter 7220 for existing car wash uses within the Old Monroe Village Center Overlay.</u>
				<u>New car wash uses in Village Center Overlays are otherwise prohibited.</u>

\*\*\*

### Chapter 7220. Existing Car Washes within the Old Monroe Village Center Overlay

The following regulations shall only apply to Car Wash uses within the Old Monroe Village Center Overlay legally permitted on or before December 30, 2008.

- A. Any car wash use within the Old Monroe Village Center Overlay legally permitted on or before December 30, 2008 shall be considered a permitted use.

Notwithstanding any applicable designation or classification under Chapter 520.020 of the Unified Development Ordinance, the owner of any permitted car wash use legally permitted on or before December 30, 2008 shall be allowed to expand the current permitted car wash use onto, or utilize in furtherance of that permitted car wash use, any adjoining parcels of real property acquired after December 30, 2008 if the owner of the legally permitted car wash complies with all other provisions of this Unified Development Ordinance.



P.O. Box 2430  
 Indian Trail, North Carolina 28079  
 Telephone (704) 821-5401  
 Fax (704) 821-9045

**PLANNING AND NEIGHBORHOOD SERVICES**

**Planning Board Transmittal for the November 15, 2016 Town Council Public Hearing**

<b>Case: ZT2016-009</b>			
<b>Reference Name</b>	<b>Car Wash Uses within Village Center Overlay</b>		
<b>Planning Board Meeting Date</b>	October 18, 2016		
<b>Members Present</b>	Dennis Gay <input checked="" type="checkbox"/>	Chair Jan Brown <input checked="" type="checkbox"/>	Jayson Derosier <input checked="" type="checkbox"/> Alternate 1
	Joseph Lytch <input type="checkbox"/> Alternate 2	Sidney Sandy <input checked="" type="checkbox"/>	John Killman <input checked="" type="checkbox"/>
	Mike Head <input checked="" type="checkbox"/>	Jorge Aponte <input type="checkbox"/>	Samantha Towns <input checked="" type="checkbox"/>
	Arthur Spurr <input type="checkbox"/> Alternate 3		
<b>Case Found Complete</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
<b>Motion</b>	Recommend approval as presented to Town Council		
<b>Member Making the Motion</b>	Board Member Jason Derosier		
<b>Second the Motion</b>	Board Member John Killman		
<b>Vote</b>	7 to 0		

**Project Summary**

This is a request to amend Chapter 520 new Chapter 7220 to the Unified Development Ordinance (UDO) to allow the expansion of existing car wash uses within the Old Monroe Village Center Overlay only.

**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 approve; or*
2. *Concur with the findings and approve as modified by Council; or*
3. *Do not make the findings and deny the amendment.*

### **Analysis/Overview**

This request was initiated by Charles A. Howard, II of Autobell Car Wash in order to permit the expansion of existing car wash uses within the Old Monroe Village Center Overlay in the Town of Indian Trail. The intent from Autobell Car Wash is to combine the existing Autobell Car Wash parcel (parcel 07114018A) with the property directly to the north being rezoned under ZM2016-002 (parcel 07114018) in order to expand the site and accommodate a finishing area (i.e., hand drying and detailing).

### **Outline of Text Amendment**

- **Chapter 520.020:** lists existing car wash uses within the Old Monroe Village Center Overlay as a permitted use.
- **Chapter 7220:** further clarifies that any existing permitted car wash use within the Old Monroe Village Center has full rights to expand and allows the combination of adjacent parcels of land for said expansion as long as all other sections of the UDO are met.

### **Planning Board Meeting**

This request was heard by the Indian Trail Planning Board on October 18, 2016. The meeting can be heard on Granicus and be reviewed in the attached Planning Board Meeting Minutes (Town Council Attachment 3).

The Planning Board voted 7 to 0 to transmit a recommendation to approve as presented.

Planning Board made the following required findings: The project as conditioned is consistent with the goals of the Comprehensive Plan are satisfied as follows:

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

*Economic Development Goals #1 and 6: The proposed amendment helps create a more balanced tax base and promotes a diverse local economy by allowing business growth and expansion in the appropriate commercial area within the Town.*

2. This UDO ordinance amendment is a reasonable request and is in the public interest because it promotes business expansion and growth within an area of the Town that is compatible with surrounding uses.

Gretchen Coperine, AICP  
704 821-5401  
[gcooperine@planning.indiantrail.org](mailto:gcooperine@planning.indiantrail.org)

Attachment -1- Planning Board Report and PB Attachments  
Attachment- 2 – Draft Ordinance  
Attachment 3- PB Draft Meeting Minutes

**TC Attachment 1- Planning Board Report**



P.O. Box 2430  
Indian Trail, North Carolina 28079

PLANNING AND NEIGHBORHOOD SERVICES

## Zoning Staff Report

<b>Case: ZT 2016-009 Existing Car Wash Uses within Old Monroe Village Center Overlay</b>		
<b>Reference Name</b>	Amendment of UDO Chapter 520 and new Chapter 7220	
<b>Applicant</b>	Charles A. Howard, II Autobell Car Wash	
<b>Submittal Date</b>	8.29.16	
<b>Location</b>	Old Monroe Village Center	
<b>Tax Map Number</b>	N/A	
<b>Plan Consistency</b>	Town of Indian Trail Comprehensive Plan	Consistent With Goals of the Adopted Comprehensive Plan
<b>Recommendations &amp; Comments</b>	Planning Staff	Recommends Approval of Proposed Text Amendment

### Project

#### Summary

This is a request to amend Chapter 520 new Chapter 7220 to the Unified Development Ordinance (UDO) to allow the expansion of existing car wash uses within the Old Monroe Village Center Overlay only.

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

#### Analysis/Overview

This request was initiated by Charles A. Howard, II of Autobell Car Wash in order to permit the expansion of existing car wash uses within the Old Monroe Village Center Overlay in the Town of Indian Trail. The intent from Autobell Car Wash is to combine the existing Autobell Car Wash parcel (parcel 07114018A) with the property directly to the north being rezoned under ZM2016-002 (parcel 07114018) in order to expand the site and accommodate a finishing area (i.e., hand drying and detailing).

#### Outline of Text Amendment

- **Chapter 520.020:** lists existing car wash uses within the Old Monroe Village Center Overlay as a permitted use.

- **Chapter 7220:** further clarifies that any existing permitted car wash use within the Old Monroe Village Center has full rights to expand and allows the combination of adjacent parcels of land for said expansion as long as all other sections of the UDO are met.

With regard to the proposed amendment, staff worked with the applicant to craft language that would make existing car wash uses a permitted use within the Old Monroe Village Center only. Under the current UDO, car washes are not permitted within any Village Center Overlay. The existing Autobell Car Wash use was permitted prior to the adoption of the UDO in December 2008. In order for Autobell to be able to expand, this text amendment is needed to give it full rights as a permitted use.

To date, there exist two (2) car wash uses within the Old Monroe village center overlay which have been in existence before any UDO requirements in our current code. See the table below. In this case, said uses become permitted uses with full rights to expand and rebuild in the case of a natural disaster. Below is a table of the two (2) parcels with existing car wash uses within the Old Monroe Village Center. Again, this amendment proposes language that legitimizes the uses below, as they have been in existence before UDO requirements were established.

Parcel	Current Use
07114018A	Car Wash use for Autobell Car Wash
07114073	Car Wash use for Exxon gas station at the corner of Indian Trail Road and Old Monroe Road

Based on staff's findings, we offer the modifications attached to the Draft Ordinance for the Board's consideration. For ease of reference, proposed new text is referenced in red/underlined font and deletions are referenced in ~~strikethrough~~ font. The proposed language is found in Attachment 2, Exhibit A.

#### **Required Consistency Findings**

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

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

*Economic Development Goals #1 and 6: The proposed amendment helps create a more balanced tax base and promotes a diverse local economy by allowing business growth and expansion in the appropriate commercial area within the Town.*

2. This UDO ordinance amendment is a reasonable request and is in the public interest because it promotes business expansion and growth within an area of the Town that is compatible with surrounding uses.

Staff recommends that the Planning Board make the required consistency findings and recommend adoption of this UDO Text Amendment ZT2016-009 as presented.

**Staff Contact**

Gretchen Coperine, AICP, Senior Planner  
704-821-5401  
[gcoperine@planning.indiantrail.org](mailto:gcoperine@planning.indiantrail.org)

Attachment 1: Application

Attachment 2: Draft Ordinance: Exhibit A, Draft Language

**PB ATTACHMENT 1 - APPLICATION**

**PB ATTACHMENT 2 - DRAFT ORDINANCE**

**UDO TEXT AMENDMENT  
APPLICATION**

---

Subject Section of the UDO:

Name Business & Community Zoning Districts

Chapter: 520.020 G

Purpose: Exemptions or exceptions to prohibition of car washes  
located in VC overlay

Contact Information – Applicant

Name Autobell Car Wash

Address 1521 East Third Street

City Charlotte State NC Zip 28204

Phone 704/731-2051 Fax 704/333-0526

Email chuck@autobell.com

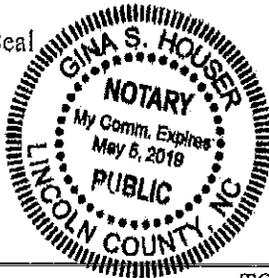
Applicant's Certification

Signature *Charles A. Howard, II* Date 8/18/2016

Printed Name/Title Charles A. Howard, II, President

Signature of Notary Public *Gina S. Houser* Date 8/18/16

Notary Seal



TOWN OF INDIAN TRAIL OFFICE USE ONLY

CASE NUMBER: ZT2016-008

DATE RECEIVED: 8-26-16

AMOUNT OF FEE: \$550-

RECEIVED BY: Gretchen Coperino

RECEIPT #: \_\_\_\_\_



**INTENTIONALLY LEFT BLANK**



STATE OF NORTH CAROLINA )  
 ) ORDINANCE  
#DRAFT TOWN OF INDIAN TRAIL )

AN ORDINANCE AMENDING CHAPTER 520, BUSINESS AND COMMERCIAL ZONING DISTRICTS, AND ADD NEW CHAPTER 7220, EXISTING CAR WASH USES WITHIN OLD MONROE VILLAGE CENTER OVERLAY OF THE INDIAN TRAIL UNIFIED DEVELOPMENT ORDINANCE (UDO) RELATED TO EXISTING CAR WASH USES WITHIN THE OLD MONROE VILLAGE CENTER OVERLAY DISTRICT IN INDIAN TRAIL, NORTH CAROLINA

**WHEREAS**, the Town is the applicant for ZT 2016-009 requesting to amend Chapters 520, Business and Commercial Zoning Districts and add new Chapter 7220, Existing Car Wash Uses within the Old Monroe Village Center Overlay Zone (O-VC); establish standards and other development requirements within the UDO; and

**WHEREAS**, this Zoning Amendment (ZT 2016-009) was duly noticed in compliance with North Carolina General Statutes; and

**WHEREAS**, the amendment was heard by Planning Board on October 18, 2016 in a public meeting; and

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

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

- *Economic Development Goals #1 and 6: The proposed amendment helps create a more balanced tax base and promotes a diverse local economy by allowing business growth and expansion in the appropriate commercial area within the Town.*

2. This UDO ordinance amendment is a reasonable request and is in the public interest because it promotes business expansion and growth within an area of the Town that is compatible with surrounding uses.

**WHEREAS**, the Town Council received the Planning Board transmittal for a recommendation of approval in the required public hearing held on November \_\_, 2016, and after receiving the transmittal, public comment, and deliberation, recommended approval with the required findings and amendment recommendation as transmitted by the Planning Board.

NOW THEREFORE, BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA HEREBY TAKES THE FOLLOWING ACTION:

**Section 1 – UDO Chapter 520, Business and Commercial Zoning Districts and add new Chapter 7220, Existing Car Wash Uses within the Old Monroe Village Center Overlay Zone (O-VC); and**

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

SO ORDAINED THIS \_\_\_ DAY OF November 2016. THE TOWN COUNCIL OF  
INDIAN TRAIL

By \_\_\_\_\_ Honorable Michael L. Alvarez, Mayor

Attest:

\_\_\_\_\_  
Kelley Southward, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
TOWN ATTORNEY

# ZT2016-009 EXHIBIT A

## 520.020 Business and Commercial Zoning Districts

Car Wash - - P P P\*

\*See Chapter 7220 for existing car wash uses within the Old Monroe Village Center Overlay.

New car wash uses in Village Center Overlays are otherwise prohibited.

\*\*\*

### Chapter 7220. Existing Car Washes within the Old Monroe Village Center Overlay

The following regulations shall only apply to Car Wash uses within the Old Monroe Village Center Overlay legally permitted on or before December 30, 2008.

- A. Any car wash use within the Old Monroe Village Center Overlay legally permitted on or before December 30, 2008 shall be considered a permitted use.

Notwithstanding any applicable designation or classification under Chapter 520.020 of the Unified Development Ordinance, the owner of any permitted car wash use legally permitted on or before December 30, 2008 shall be allowed to expand the current permitted car wash use onto, or utilize in furtherance of that permitted car wash use, any adjoining parcels of real property acquired after December 30, 2008 if the owner of the legally permitted car wash complies with all other provisions of this Unified Development Ordinance.

**TC ATTACHMENT 3: PB DRAFT MEETING MINUTES**

# 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

October 18, 2016

6:30 P.M.

### CALL TO ORDER

The meeting was called to order by Chair Jan Brown

### ROLL CALL

The following members of the governing body were present:

Board Members: Jan Brown, Sidney Sandy, Samantha Towns, Dennis Gay, Jayson-Derosier, John Killman, and Mike Head.

Members Present but not Voting: Arthur Spurr.

Absent:

Jorge Aponte, Joseph Lytch.

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

### APPROVAL OF MINUTES- SEPTEMBER 20, 2016

Motion to approve as written by Member Derosier, seconded by Member Gay. Vote to approve was unanimous.

### PUBLIC ITEMS

a) **ZM2016-001 and CPA2016-003 Rail Distribution-** This is a Zoning Map Amendment to rezone to Light Industrial (L-I). The parcels included are parcel numbers 07069122A and 07069122, totaling approximately 5.82 acres. The parcels are located on the west side of Wesley Chapel Stouts Road. Applicant: Richard Roskind.

The case was presented by Senior Planner Meade Bradshaw. He began his presentation with an overview of the project. He then spoke about the existing zoning in the subject properties area which is generally consistent with the previously noted existing conditions map. Regional Business District (RBD) is adjacent to the subject sites to the northwest, north, east and also across Wesley Chapel Stouts Road to the southeast. There are several parcels to the southwest across the railroad along Orr Road zoned Light Industrial (L-I).

### Recent Planning Initiatives

The subject properties being considered for rezoning historically has had industrial zoning. In 2008 the property was designated Regional Business District (RBD), a zoning classification with the adoption of the 2008 Comprehensive Plan. The zoning district with the prior 2005 Comprehensive Plan was Heavy Commercial (HC). The Future Land Use category with that Comprehensive Plan was Railroad. The proposed rezoning would correctly place these properties in a zoning district consistent with the operations of the former use. There are industrial uses and industrial zoning in this area, adjacent to the CSX Railroad.

### **Community Meeting**

Town staff facilitated a community meeting on October 6, 2016 from 6-8 p.m. at the Indian Trail Civic Building. No attendees were present.

### **Plan Consistency**

The subject properties are located within the US-74 East Corridor Plan of the Comprehensive Plan (Map 4 below). The Future Land Use Map designates these parcels as Mixed Use and the current zoning, Regional Business District, is consistent with the plan. The proposed Zoning Map Amendment to Light Industrial is an Industrial category on the Future Land Use Map, which is currently inconsistent with the Future Land Use Map.

This Zoning Map Amendment requires a Comprehensive Plan Amendment. The Comprehensive Plan Amendment would be designating these parcels as Industrial instead of Mixed Use. It should be noted that in the 2005 Comprehensive Plan, The Future Land Use Map classified these parcels as Railroad, which was an industrial classification. The 2008 Comprehensive Plan designated the zoning on the property as Regional Business District, a new zoning district with that Comprehensive Plan. The Future Land Use Map classification was Mixed Use. If the Comprehensive Plan Amendment is approved to Industrial, the Zoning Map Amendment would be consistent with the Comprehensive Plan.

Staff is of the opinion the following goals can be found:

***Land Use and Housing Goal 6:*** The rezoning of the subject properties to Light Industrial will allow uses not permitted in the Regional Business District. The former use on site would not be allowed under the existing zoning. Manufacturing, production, and freight movement are permitted uses in the Light Industrial zoning district. The rezoning to a zoning district that is more suitable within the existing area will provide more opportunity for investment in the community.

***Economic Development Goal 2:*** One of the parcels had a former business which would be a nonconforming use if operating today. In talking with the applicant and discussing options such as rezoning, the rezoning to Light Industrial will allow the property to be marketed for uses more suitable for the area which would not be permitted under the current zoning.

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 and Economic Development* and is consistent with the adopted plans within the Town of Indian Trail. Planning Staff believes that the findings can be made to support the Comprehensive Plan Amendment. With staff recommending approval of the Comprehensive Plan Amendment, staff supports the petition requesting a rezone to a Light Industrial because it is consistent with the Comprehensive Plan.

Opened Public Comment.

Applicant Richard Roskind, of 4300 Sharon Rd #544 Charlotte, NC addressed the board and gave some brief statements to the board regarding the property. He is a brother to the owner of the property.

Closed Public Comment.

Motion to approved ZM2016-001 by Member Gay, seconded by Member Towns. Vote to approve was unanimous.

- b) **ZT2016-008- Food Vendors** A request to amend Chapter 440 of the Unified Development Ordinance (UDO) to update existing ordinances for temporary food vendors in town-owned park properties. Applicant: Town of Indian Trail.

The case was presented by Senior Planner Meade Bradshaw.

#### **Analysis/Overview**

This request is initiated by the Town of Indian Trail to allow food vendors in the town parks and other town properties as long as the food vendor has a signed contract with the town. The UDO currently requires temporary food vendors to be in conjunction with a local restaurant or a nonprofit sponsored event. This amendment would allow a food vendor who is not in conjunction with a local restaurant or not associated with a nonprofit sponsored event to operate on Town of Indian Trail park property as long as a contract has been executed between the Town of Indian Trail and the food vendor.

Based on staff's findings, staff offers the following modifications for the Board's consideration. For ease of reference, proposed new text is referenced in red/underlined font and deletions are referenced in ~~strikethrough~~ font.

### **Chapter 440. Types of Temporary Uses**

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#### **440.20 Types of Temporary Uses**

Examples of temporary non-residential uses include the following and are subject to the specific regulations of DIVISION 700, Supplementary Use Regulations:

##### **A. Food vendors**

1. Food vendors must be in conjunction with a local restaurant, ~~or a non-profit sponsored event.~~ or be operating under contract with the Town of Indian Trail on Town owned property.

#### **Required Consistency Findings**

Staff Bradshaw read the following required consistency findings into the record.

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
  - **Quality of Life Goal #2:** This amendment shows support for our cultural amenities and our park system, which will bring more people to these locations.
  - **Parks and Recreation, Open Space, and Natural Environment Goal #1:** Allowing temporary food vendors to operate on Town properties under a business agreement will support diverse active and passive recreational opportunities that meet the needs of all Indian Trail residents.
  - **Economic Development #3:** Creating an opportunity for businesses to operate on property open to the public is fostering public-private partnerships, encouraging business development and investment within the town.
2. This UDO ordinance amendment is in the best interest of the public because it encourages the public to visit public facilities and creates opportunities for the private businesses.

Staff recommended that the Planning Board make the required consistency findings and recommend adoption of this UDO Text Amendment ZT2016-008 as presented.

Opened Public Comment.

Staff Hayden Kramer from Indian Trail Parks and Recreation Department, stepped forward to answer questions.

Chair Brown asked if there is a limit to the hours of operation. Staff Kramer answered that when the town hosts special events, vendors would only be allowed to sell items during the special event hours. An advantage of this change would

be that the vendors would need to show town staff documentation of their health inspection, insurance, menu, and pictures of their vehicle.

Member Towns asked if there will be enough receptacles to be able to handle trash at each event with extra vendors. Staff Kramer answered that permanent and portable receptacles are provided at the events.

Member Sandy asked what is considered town property. Staff Kramer answered that Town Property to be used for event would be the parks. The town receives 20 % of all gross sales for the day.

Closed public comment.

Motion to approve ZT2016-008 and the consistency findings as read into the record, by Member Towns, seconded by Member Gay. Vote to approve was unanimous.

- c) **ZT2016-009 Car Wash within VCO** This is a request to amend Chapter 520 new Chapter 7220 to the Unified Development Ordinance (UDO) to allow the expansion of existing car wash uses within the Old Monroe Village Center Overlay only. Applicant: Charles A Howard II.

The case was presented by Senior Planner Gretchen Coperine.

#### **Analysis/Overview**

This request was initiated by Charles A. Howard, II of Auto Bell Car Wash in order to permit the expansion of existing car wash uses within the Old Monroe Village Center Overlay in the Town of Indian Trail. The intent from Auto Bell Car Wash is to combine the existing Auto Bell Car Wash parcel (parcel 07114018A) with the property directly to the north being rezoned under ZM2016-002 (parcel 07114018) in order to expand the site and accommodate a finishing area (i.e., hand drying and detailing).

#### **Outline of Text Amendment**

- **Chapter 520.020:** lists existing car wash uses within the Old Monroe Village Center Overlay as a permitted use.
- **Chapter 7220:** further clarifies that any existing permitted car wash use within the Old Monroe Village Center has full rights to expand and allows the combination of adjacent parcels of land for said expansion as long as all other sections of the UDO are met.

With regard to the proposed amendment, staff worked with the applicant to craft language that would make existing car wash uses a permitted use within the Old Monroe Village Center only. Under the current UDO, car washes are not permitted within any Village Center Overlay. The existing Autobell Car Wash use was permitted prior to the adoption of the UDO in December 2008. In order for Autobell to be able to expand, this text amendment is needed to give it full rights as a permitted use.

To date, there exist two (2) car wash uses within the Old Monroe village center overlay which have been in existence before any UDO requirements in our current code. See the table below. In this case, said uses become permitted uses with full rights to expand and rebuild in the case of a natural disaster. Below is a table of the two (2) parcels with existing car wash uses within the Old Monroe Village Center. Again, this amendment proposes language that legitimizes the uses below, as they have been in existence before UDO requirements were established.

Parcel	Current Use
07114018A	Car Wash use for Autobell Car Wash
07114073	Car Wash use for Exxon gas station at the corner of Indian Trail Road and Old Monroe Road

**Required Consistency Findings**

Staff read the following consistency findings into the record:

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan: *Economic Development Goals #1 and 6: The proposed amendment helps create a more balanced tax base and promotes a diverse local economy by allowing business growth and expansion in the appropriate commercial area within the Town.*
2. This UDO ordinance amendment is a reasonable request and is in the public interest because it promotes business expansion and growth within an area of the Town that is compatible with surrounding uses. Staff recommends that the Planning Board make the required consistency findings and recommend adoption of this UDO Text Amendment-ZT2016-009 as presented.

**Questions:**

Steven Bennett of Helms, Robison and Lee in Monroe NC, attorney for the applicant, presented a power point presentation to the board regarding the project.

Chair Brown asked if the basic expansion will be for the detail of the cars. He also mentioned that he didn't believe Auto Bell was in competition with other car wash in the area as the other car wash is self-service except for one bay and there is no attendant. Conversely, Auto Bell is a full service car wash.

Member Derosier asked about the current traffic flow. Staff Coperine stated that if the project gets approved, the entrance would change so the traffic pattern would change.

Member Gay mentioned that the proposed text amendment does not open doors for new car washes, does it restrict trade? Staff Coperine answered that the amendment would remove the "non-conforming" portion of the ordinance. Staff Burhans reiterated that the amendment would not restrict any new car washes more than the present regulations currently allow or restrict. It would only affect existing car washes.

Member Towns asked if the property will tie into the road directly behind the property. Staff Coperine answered no and that the applicant is only trying to tie into the adjacent parcel. Mr. Bennett stated that there would likely be a new entrance but a site plan has not be submitted yet.

Motion to approve ZT2016-009 with consistency findings as read into the record by Member Derosier, seconded by Member Sandy. Vote to approve was unanimous.

**d) ZM2016-002 Auto Bell Car Wash-** A request to rezone a parcel of land (approx. 0.89 acres) to the General Business District, within Village Center Overlay. The existing zoning is SF-1, Single Family Residential.

This case was presented by Staff Coperine who began with an overview and background of the project. Adjacent zoning classifications and uses in the surrounding area are as follows: to the North is an existing non-conforming single family house zoned GBD; to the South is Auto Bell Car Wash zoned GBD; to the East of the subject property across Old Monroe Road is the Food Lion shopping center zoned GBD; to the West is warehouse/storage use zoned and GBD. All properties are within the Village Center Overlay District. The

proposed GBD zoning district is consistent with current commercial uses in the areas immediately adjacent to and nearby the subject property.

### **Community Meeting**

A community meeting was held on October 7, 2016 at the Town of Indian Trail at 100 Navajo Trail. 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**

The subject property is located within the Old Monroe Village. 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 General Business District (GBD) is consistent with the Town of Indian Trail's Comprehensive Plan in this regard.

### **Required Consistency Findings**

Staff Coperine read the following required consistency findings into the record.

*Economic Development Goals #1 and 6: The proposed amendment helps create a more balanced tax base and promotes a diverse local economy by allowing business growth and expansion in the appropriate commercial area within the Town.*

The request for this zoning reclassification is a reasonable request and is in the public interest because it promotes business expansion and growth within an area of the Town that is compatible with surrounding uses.

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

Opened Public Comments.

Closed Public Comments.

### **Questions**

Chair Brown mentioned that the expansion in the finishing area would help with safety of the public. Member Derosier agreed.

Member Killman asked the single family home next door has been notified? Staff Coperine answered that all public within 500 feet have been notified. It was mentioned that the home is zoned General Business.

Motion to approve ZM2016-002 and the consistency findings as read into the record was by Member Towns, seconded by Member Gay. Vote to approve was unanimous.

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Motion to reconsider agenda item #4a. by Member Derosier, seconded by Member Gay. Vote was unanimous in favor. Recommendation to approve **ZM2016-001 and CPA2016-003 with consistency findings as read into the record** was made by Member Gay, seconded by Member Head. Vote was unanimous in favor.

### **OTHER BUSINESS**

a) **Approval of 2017 meeting schedule.** Motion to approve draft schedule by Member Derosier, seconded Member Gay. Vote to approve was unanimous.

**November 2016 meeting reschedule.** Town Council needed November 15<sup>th</sup> for their meeting. Motion to move November Planning Board meeting to Thursday November 17 by Member Head, seconded by Member Killman. Vote to approve was unanimous.

**PLANNING REPORT**

Planning Report

- Public Meeting- Old Monroe widening. Series of detailed maps in hallway of town hall. Last day of comments is Nov 15th.
- Release of Solid Waste/Recycling proposal. Town Council asked to re-bid. Getting proposals back in January 2017.
- Staffing change- Planner Julia Zweifel is leaving her position in the Indian Trail Planning Department to take a position with the City of Charlotte.
- November is National Planning Month. Box City

**ADJOURN**

Motion to adjourn by Member Sandy, seconded by Member Gay. Vote was unanimous in favor. Meeting adjourned at 7:40pm

Chairman:

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Date: \_\_\_\_\_

Secretary:

---



**Section 2** - Approves ZM 2016-002 Zoning Petition thereby granting the Zoning Map amendment to establish a General Business District (GBD), within the Village Center Overlay zoning designation on parcel **07-114-018**.

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

**AND IT IS SO ORDAINED** this            day of November, 2016.

**TOWN OF INDIAN TRAIL COUNCIL**

Attest:

\_\_\_\_\_  
Kelley Southward, 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  
 Fax (704) 821-9045  
**PLANNING AND NEIGHBORHOOD SERVICES**

**Planning Board Transmittal for the November 15, 2016 Town Council Public Hearing**

<b>Case: ZM2016-002</b>			
<b>Reference Name</b>	<b>Autobell Car Wash Map Amendment</b>		
<b>Planning Board Meeting Date</b>	October 18, 2016		
<b>Members Present</b>	Dennis Gay <input checked="" type="checkbox"/>	Chair Jan Brown <input checked="" type="checkbox"/>	Jayson Derosier <input checked="" type="checkbox"/> Alternate 1
	Joseph Lytch <input type="checkbox"/> Alternate 2	Sidney Sandy <input checked="" type="checkbox"/>	John Killman <input checked="" type="checkbox"/>
	Mike Head <input checked="" type="checkbox"/>	Jorge Aponte <input type="checkbox"/>	Samantha Towns <input checked="" type="checkbox"/>
	Arthur Spurr <input type="checkbox"/> Alternate 3		
<b>Case Found Complete</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
<b>Motion</b>	Recommend approval as presented to Town Council		
<b>Member Making the Motion</b>	Board Member Samantha Towns		
<b>Second the Motion</b>	Board Member Dennis Gay		
<b>Vote</b>	7 to 0		

**Project Summary**

This is a request to rezone a parcel of land (approx. 0.89 acres) to the General Business District, within Village Center Overlay. The existing zoning is SF-1, Single Family Residential.

**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 approve; or*
2. *Concur with the findings and approve as modified by Council; or*
3. *Do not make the findings and deny the amendment.*

**Project Overview**

The subject property is located on the west side of Old Monroe Road, adjacent to the existing Autobell Car Wash (parcel to the south). The subject parcel is currently zoned for single-family

residential uses (SF-1). The intent is to expand the existing car wash use onto the subject parcel. The proposed zoning is consistent with surrounding zoning and uses in the immediate area.

**Planning Board Meeting**

This request was heard by the Indian Trail Planning Board on October 18, 2016. Planning Board had questions regarding vehicular circulation for the existing Autobell and how it would be affected if combined with the parcel subject of this rezoning, and whether adjacent properties were notified of the amendment. The meeting can be heard on Granicus and be reviewed in the attached Planning Board Meeting Minutes (Town Council Attachment 3).

The Planning Board voted 7 to 0 to transmit a recommendation to approve as presented.

Planning Board made the following required findings: The project as conditioned is consistent with the goals of the Comprehensive Plan are satisfied as follows:

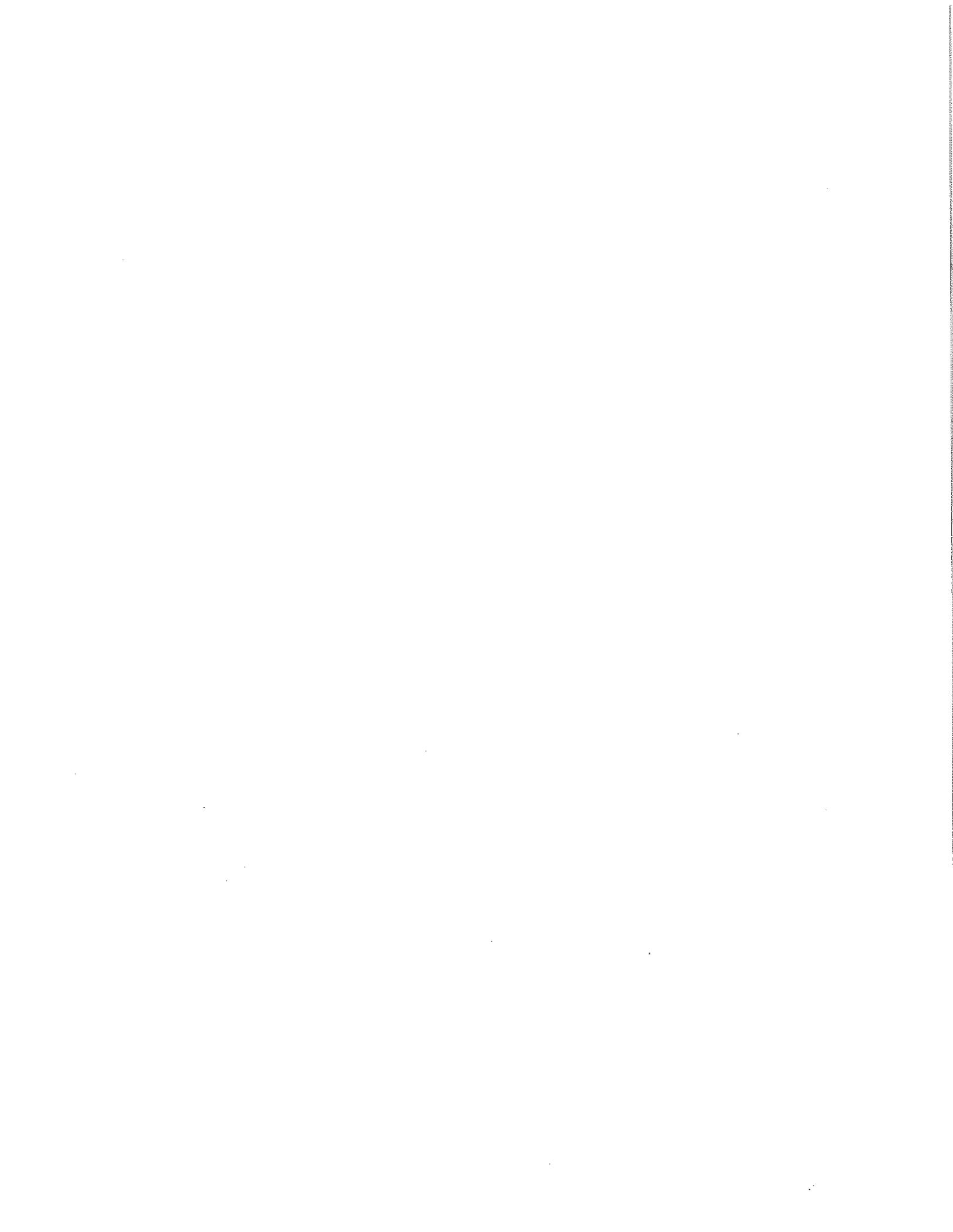
*Economic Development Goals #1 and 6: The proposed amendment helps create a more balanced tax base and promotes a diverse local economy by allowing business growth and expansion in the appropriate commercial area within the Town.*

The request for this zoning reclassification is a reasonable request and is in the public interest because it promotes business expansion and growth within an area of the Town that is compatible with surrounding uses.

Gretchen Coperine, AICP  
704 821-5401  
[gcoperine@planning.indiantrail.org](mailto:gcoperine@planning.indiantrail.org)

Attachment -1- Planning Board Report and PB Attachments  
Attachment- 2 – Draft Ordinance  
Attachment 3- PB Draft Meeting Minutes

**TC Attachment 1- Planning Board Report**





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

<b>Case: ZM 2016-002 Auto Bell Car Wash</b>		
<b>Reference Name</b>	Auto Bell Car Wash	
<b>Request</b>	Proposed Zoning	General Business District (GBD), within Village Center Overlay
<b>Existing Site Characteristics</b>	Existing Zoning	Single Family Residential (SF-1), within Village Center Overlay
	Site Acreage	0.89 acres
<b>Applicant</b>	Charles A. Howard, III (Autobell Car Wash)	
<b>Submittal Date</b>	8.29.16	
<b>Location</b>	4332 Old Monroe Road	
<b>Tax Map Number</b>	07-114-018	
<b>Plan Consistency</b>	Town of Indian Trail Comprehensive Plan	Mixed Use
		Consistent with Request
<b>Recommendations &amp; Comments</b>	Planning Staff	Recommends Approval for General Business District (GBD), within Village Center Overlay

**Project Summary**

This is a request to rezone a parcel of land (approx. 0.89 acres) to the General Business District, within Village Center Overlay. The existing zoning is SF-1, Single Family Residential.

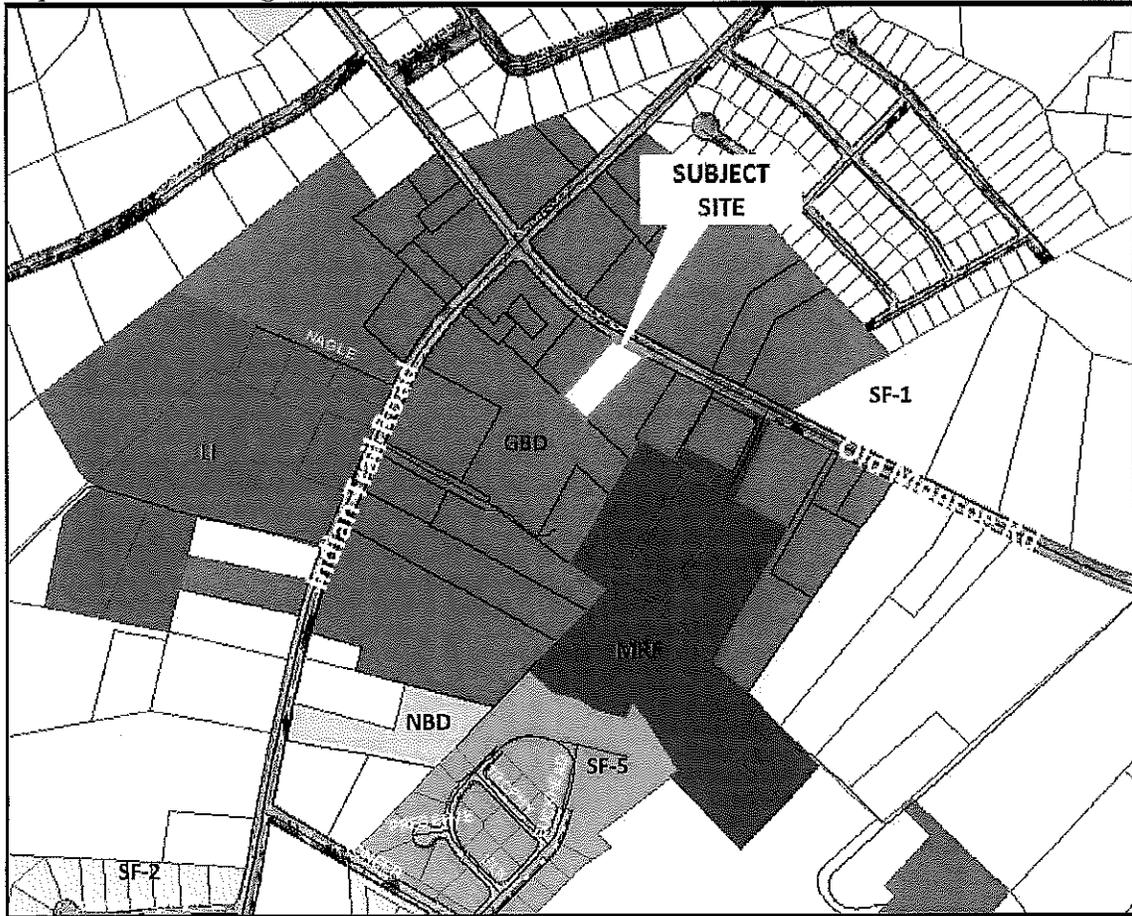
**Staff Recommendation**

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

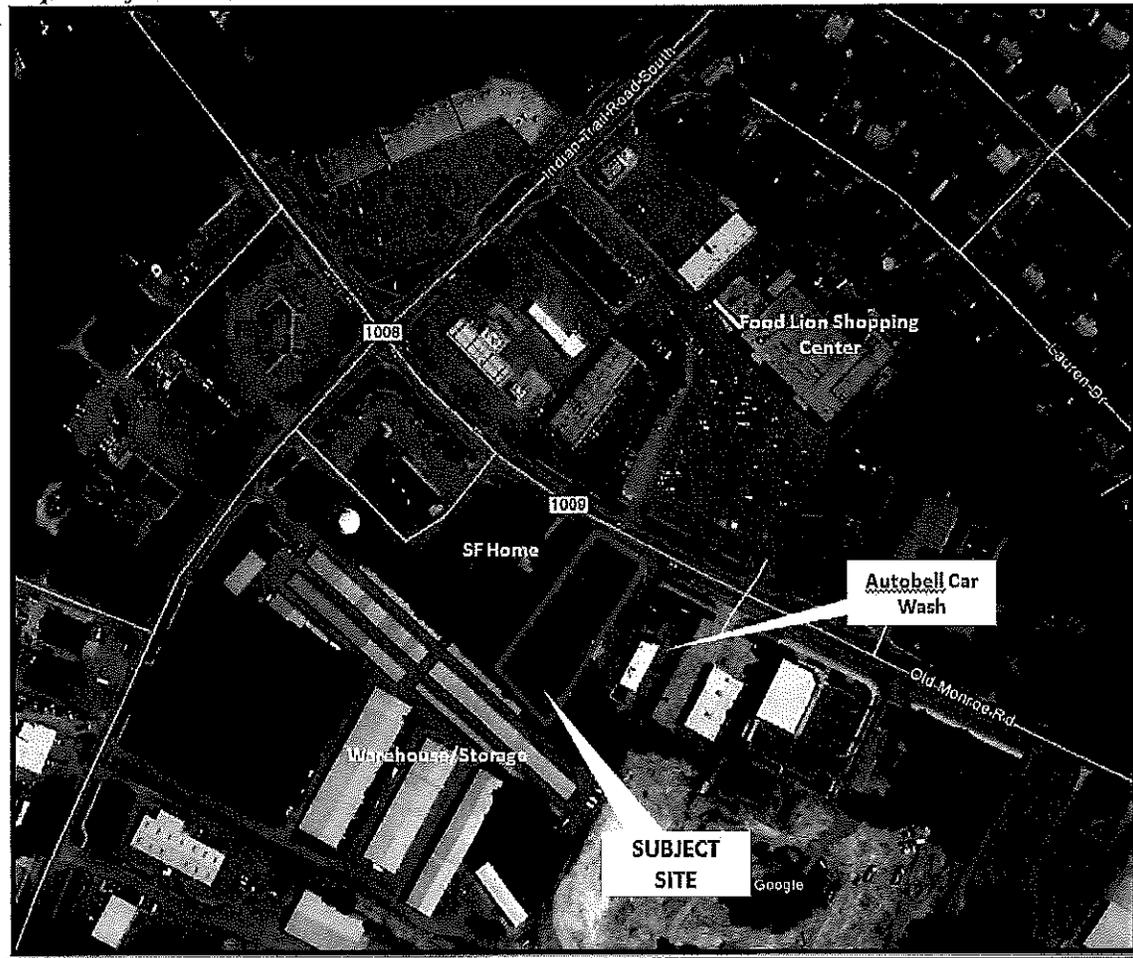
**Background**

The subject property is located on the west side of Old Monroe Road, adjacent to the existing Autobell Car Wash (parcel to the south). The subject parcel is currently zoned for single-family residential uses (SF-1). The intent is to expand the existing car wash use onto the subject parcel.

*Map 1: Current Zoning*



*Map 2: Adjacent Uses*



**Staff Analysis**

***Consistency with Surrounding Zoning***

The proposal requests to rezone the subject property to General Business District (GBD), within the Village Center Overlay. GBD zoning districts are intended to allow development of goods and services including but not limited to convenience goods stores, food and beverage establishments, offices, personal services, and general retail.

Adjacent zoning classifications and uses in the surrounding area are as follows: to the North is an existing non-conforming single family house zoned GBD; to the South is Autobell Car Wash zoned GBD; to the East of the subject property across Old Monroe Road is the Food Lion shopping center zoned GBD; to the West is warehouse/storage use zoned and GBD. All properties are within the Village Center Overlay District.

The proposed GBD zoning district is consistent with current commercial uses in the areas immediately adjacent to and nearby the subject property.

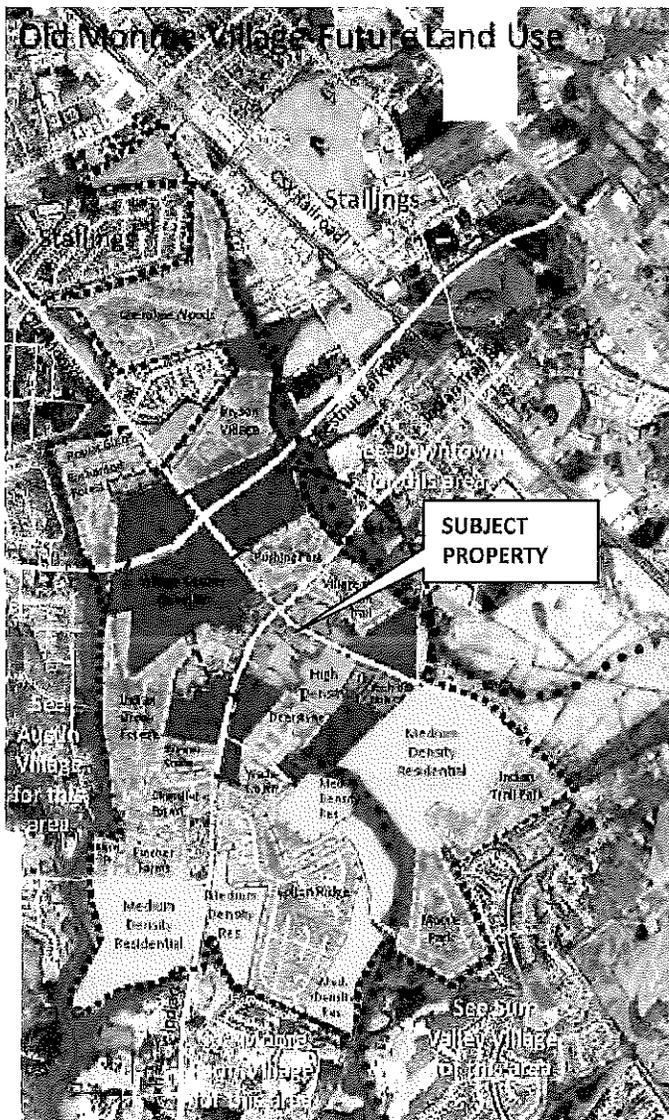
**Community Meeting**

A community meeting was held on October 7, 2016 at the Town of Indian Trail at 100 Navajo Trail. 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**

The subject property is located within the Old Monroe Village. 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 General Business District (GBD) is consistent with the Town of Indian Trail's Comprehensive Plan in this regard.

*Map 3: Future Land Use for Old Monroe Village*



**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:

*Economic Development Goals #1 and 6: The proposed amendment helps create a more balanced tax base and promotes a diverse local economy by allowing business growth and expansion in the appropriate commercial area within the Town.*

The request for this zoning reclassification is a reasonable request and is in the public interest because it promotes business expansion and growth within an area of the Town that is compatible with surrounding uses.

**Staff Recommendation**

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

Gretchen Coperine, AICP  
Senior Planner  
**[gcoperine@planning.indiantrail.org](mailto:gcoperine@planning.indiantrail.org)**

Attachment 1 – Application  
Attachment 2 – Draft Ordinance

**PB ATTACHMENT 1: APPLICATION**

# ZONING MAP AMENDMENT APPLICATION

R-000727  
Inv 31569

## Submittal Requirements

- Completed Application
- Notarized signatures of applicant and property owner
- Letter of Intent
- Articles of Incorporation, Certificate of Incorporation, Articles of Organization, Corporate Charter, or similar (unless applicant is an individual)
- Fees associated with review
- **\*\*A TECHNOLOGY FEE, 10% OF ALL APPLICABLE FEES, WILL BE APPLIED TO THE TOTAL FEE.**

## General Information

Project Address 4332 Old Monroe Road  
City Indian Trail State NC Zip 28079  
Tax Parcel ID 07114018 Zoning Designation Residential  
Total Acres 0.89 Impervious Area To be determined  
Project Description Expansion of car wash parking lot

## Contact Information – Applicant

Contact Name Charles A. Howard, II, President  
Company Name Autobell Car Wash  
Address 1521 East Third Street  
City Charlotte State NC Zip 28204  
Phone 704/731-2051 Fax 704/333-0526  
Email chuck@autobell.com

## Contact Information – Property Owner

Contact Name Charles A. Howard, II, Reg. Agt.  
Company Name CAH Holdings, LLC  
Address 1521 East Third Street  
City Charlotte State NC Zip 28204  
Phone 704/731-2051 Fax 704/333-0526  
Email \_\_\_\_\_

ZONING MAP AMENDMENT APPLICATION

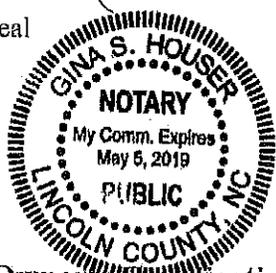
**Applicant's Certification**

Signature CA Howard Date 08/18/16

Printed Name/Title Charles A. Howard II President

Signature of Notary Public Gina S. Houser Date 8/18/16

Notary Seal



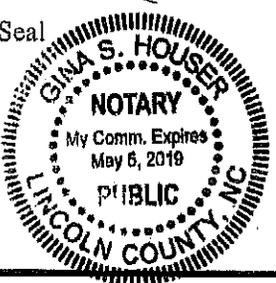
**Property Owner's Certification**

Signature CA Howard Date 08/18/16

Printed Name/Title Charles A. Howard II Manager

Signature of Notary Public Gina S. Houser Date 8/18/16

Notary Seal



**TOWN OF INDIAN TRAIL OFFICE USE ONLY**

Case Number: RM 2M 2016-002

Date Received: 8-29-16 Amount of Fee: \$385-

Received By: Gretch Cooper Receipt #: /



**HRL** | **HELMS ROBISON & LEE, PA**  
Attorneys at Law

R. Kenneth Helms, Jr.  
Rebecca L. Robison<sup>o</sup>  
James Allen Lee<sup>\*</sup>  
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August 26, 2016

<sup>o</sup> Board Certified Family Law Specialist  
<sup>\*</sup> Licensed in NC & SC

**VIA CERTIFIED MAIL #9414 7118 9956 3694 1102 17**

Town of Indian Trail  
Planning & Neighborhood Services  
PO Box 2430  
Indian Trail, NC 28079

Re: Letter of Intent Regarding Proposed Rezoning of Parcel #07114018  
and UDO Text Amendment Application

To Whom It May Concern:

I have been retained by my client, Autobell Car Wash, Inc. ("Autobell"), in connection with the enclosed Zoning Map Amendment Application and enclosed UDO Text Amendment Application for Parcel #07114018 in Indian Trail, North Carolina.

CAH Holdings, LLC is the current owner, and a sister company to Autobell, of Parcels #07114018A and #07114018 in Indian Trail, North Carolina. As you may be aware, Autobell currently operates a car wash facility on Parcel #07114018A, the street address of which is 4416 Old Monroe Road, Indian Trail, North Carolina ("Monroe Road location"). Since Autobell opened its doors at the Monroe Road location on February 25, 2009, the business has been successfully meeting the car washing needs of the surrounding community while hiring local workers. In fact, business at the Monroe Road location has increased drastically since it was opened, to the point where Autobell is now in need of additional space to keep up with current demand. In particular, the current "finishing area" (the area where vehicles are hand dried and detailed) of the Monroe Road location is not adequate in size to meet customer demand. In the hopes of being able to expand its finishing area in the future, Autobell acquired the parcel of real property adjacent to the Monroe Road location, Parcel #07114018, on February 11, 2016.

Under the Town of Indian Trail Unified Development Ordinance ("UDO"), the Monroe Road location (Parcel #07114018A), and all contiguous parcels, are zoned General Business District. In contrast, Parcel #07114018 is zoned Single Family, Low Density ("SF-1"). Since Autobell opened the Monroe Road location, the Town of Indian Trail created a Village Center Overlay zoning district that encompasses both parcels at issue, as well as the nearby intersection of Old Monroe Road and Waxhaw-Indian Trail Road. Prior to the creation of the Village Center Overlay zoning district, a car wash was a permitted use for properties zoned General Business District. However, a car wash such as Autobell is now a non-conforming use in the Village Center Overlay, a classification that greatly complicates Autobell's desire to expand its "finishing area" onto Parcel #07114018.

Town of Indian Trail  
Planning & Neighborhood Services  
August 26, 2016  
Page 2

Through its enclosed applications, Autobell seeks two things: (1) a rezoning of Parcel #07114018 from SF-1 to General Business District and (2) either an exemption/exclusion of the prohibition of an expansion of a non-conforming use or a text amendment to the UDO reclassifying a car wash as a Permitted or Special Use within a Village Center Overlay zoning district.

As mentioned above, Autobell seeks to rezone Parcel #07114018 from SF-1 to General Business District. Currently, Parcel #07114018 is the only property located near the intersection of Old Monroe Road and Waxhaw-Indian Trail Road that is zoned in anything other than a business classification. In fact, the property immediately adjacent to Parcel #07114018, and the only other residential home close to the intersection (Parcel #07114019; 4324 Old Monroe Road) is zoned General Business District. Currently, Parcel #07114018 is the lone island of Residential zoning in a sea of General Business zoning as every other property in the general proximity of the intersection of Old Monroe Road and Waxhaw-Indian Trail Road is currently zoned General Business District. The rezoning of Parcel #07114018 would bring uniformity to the area, would be in conformity with the current development of the intersection, and would achieve the goals set forth in the UDO.

In addition to the rezoning request detailed above, Autobell is also submitting an application for an exemption/exclusion of prohibition of an expansion of a non-conforming use or text amendment to the UDO reclassifying a car wash as a Permitted or Special Use within a Village Center Overlay. As detailed above, Autobell desperately needs additional space for its "finishing area" and employee parking. Assuming that Autobell's rezoning request is approved, Autobell would like to use Parcel #07114018 to create additional space for its "finishing area" and employee parking. However, such a use is not permitted under the current UDO because a non-conforming use is not permitted to expand in any way. In order to utilize Parcel #07114018 as its expanded "finishing area", Autobell requests that it be given an exemption/exclusion from the prohibition on the expansion of a non-conforming use or, alternatively, that the text of the UDO be amended to reclassify a car wash located in a Village Center Overlay as a Permitted or Special Use.

Autobell sincerely hopes that the Town of Indian Trail would give due consideration to the applications contained herein. Should the Town of Indian Trail have any questions regarding any of the information contained in the enclosed applications or in this letter, please do not hesitate to contact me at (704) 289-4577.

Yours truly,

HELMS ROBISON & LEE, P.A.



Stephen M. Bennett

/smb



# NORTH CAROLINA

## Department of The Secretary of State

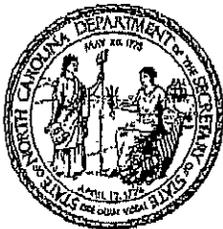
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To all whom these presents shall come, Greetings:

I, **ELAINE F. MARSHALL**, Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached to be a true copy of

ARTICLES OF INCORPORATION  
OF  
AUTOBELL CAR WASH, INC.

the original of which is now on file and a matter of record in this office.



IN WITNESS WHEREOF, I have hereunto  
set my hand and affixed my official seal at the  
City of Raleigh, this 29th day of January, 2003

*Elaine F. Marshall*

Secretary of State

137167

FILED

ARTICLES OF INCORPORATION OF

SEP 3 9 46 AM 1968 AUTOBELL CAR WASH, INC.

THAD EURE  
SECRETARY OF STATE  
NORTH CAROLINA

Witnessed, being natural persons of the age of Twenty-one (21) years or more, do hereby associate ourselves into a business corporation under the laws of the State of North Carolina, as contained in Chapter 55 of the General Statutes of North Carolina, entitled "Business Corporation Act," and the several amendments thereto, and to that end hereby set forth:

ARTICLE I

The name of the corporation shall be Autobell Car Wash, Inc.

ARTICLE II

The period of duration of the corporation shall be perpetual.

ARTICLE III

The purposes for which this corporation is organized are:

1. To engage in the construction, installation, sale, purchase, leasing, maintenance, and franchising of a car-washing business; To buy, sell, maintain, repair, operate, lease, and franchise facilities for the washing, waxing, cleaning, or servicing in any nature or manner automobiles, trucks, and vehicles of any and every type, description or form.
2. To engage in any other lawful activity including, but not limited to, constructing, manufacturing, or otherwise producing and repairing, servicing, storing, or otherwise caring for any type of structure, commodity, or livestock whatsoever; buying, leasing, processing, selling, brokering, or distributing any type of property whether real or personal; extracting and processing natural resources; transporting freight and passengers by land, sea or air; collecting and disseminating information or advertisement through any medium whatsoever; performing personal services of any nature; and entering into or serving any type of management or investigative, advisory, promotional, protective, insurance, guarantyship, suretyship, fiduciary or representative capacity or relationship for any person, persons or corporations whomsoever.
3. The purposes enumerated above shall be construed liberally in respect to all items; specifically, the purposes enumerated above are to be construed

in their broadest possible sense and it is not intended, nor shall it be so construed, as to limit the corporation to these purposes but the corporation shall have as a purpose to engage in any activity not in conflict with the laws of this State.

ARTICLE IV

The aggregate number of shares which the corporation shall have authority to issue is Ten Thousand (10,000) shares which shall be of one common class and of Ten Dollars (\$10.00) par value each.

ARTICLE V

The minimum amount of consideration which the corporation shall commence business with is Five Hundred Dollars (\$500.00).

ARTICLE VI

There shall be no limitation of the shareholders' pre-emptive right to acquire additional shares of the corporation.

ARTICLE VII

The address of the initial registered office of the corporation is 812 Atando Avenue, Charlotte, Mecklenburg County, North Carolina, and the name of the initial registered agent is Fred H. Shivadecker.

ARTICLE VIII

The number of Directors of the corporation shall be fixed from time to time as prescribed by the By-laws but shall not be less than three (3).

The number of Directors constituting the initial Board of Directors shall be four (4); the names and addresses of the persons who are to serve as Directors until the first meeting of the shareholders or until their successors are elected and qualified are:

<u>NAMES</u>	<u>ADDRESSES</u>
Fred H. Shivadecker	4146 Sheradon Drive, Charlotte, Mecklenburg County, North Carolina
Charles Andrew Howard	7910 East Lane Drive, Charlotte, Mecklenburg County, North Carolina
James Ray Costin	2830 Belvedere Avenue, Charlotte, Mecklenburg County, North Carolina
Robert J. MacNaughton	3121 Airlie Street, Charlotte, Mecklenburg County, North Carolina

ARTICLE IX

The names and addresses of all the incorporators are:

<u>NAMES</u>	<u>ADDRESSES</u>
Fred H. Shivadecker	4146 Sheradon Drive, Charlotte, Mecklenburg County, North Carolina
Charles Andrew Howard	7910 East Lane Drive, Charlotte, Mecklenburg County, North Carolina
James Ray Costin	2830 Belvedere Avenue, Charlotte, Mecklenburg County, North Carolina
Robert J. MacNaughton	3121 Airlie Street, Charlotte, Mecklenburg County, North Carolina

IN TESTIMONY WHEREOF, we have hereunto set our hands and seals, this the 30<sup>th</sup> day of August, 1968, A.D.

Fred H. Shivadecker (SEAL)  
Charles A. Howard (SEAL)  
Robert J. MacNaughton (SEAL)  
J. R. Costin (SEAL)

STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG

This is to certify that on this the \_\_\_ day of August, 1968, before me, a Notary Public, personally appeared Fred A. Shivadecker, Charles A. Howard, James Ray Costin, and Robert J. MacNaughton, who I am satisfied are the persons named in and who executed the foregoing Articles of Incorporation of Autobell Car Wash, Inc., and I having first made known to them the contents thereof, they did each acknowledge that they signed, sealed and delivered the same as their voluntary act and deed for the purposes and uses therein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, this the 30<sup>th</sup> day of August, 1968.

Alice M. Whitell  
Notary Public  
My Commission Expires: 1-21-69

**PB ATTACHMENT 2: DRAFT ORDINANCE**

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**TC ATTACHMENT 2: DRAFT ORDINANCE**



**Section 2** - Approves ZM 2016-002 Zoning Petition thereby granting the Zoning Map amendment to establish a General Business District (GBD), within the Village Center Overlay zoning designation on parcel **07-114-018**.

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

**AND IT IS SO ORDAINED** this            day of November, 2016.

**TOWN OF INDIAN TRAIL COUNCIL**

Attest:

\_\_\_\_\_  
Kelley Southward, Town Clerk

\_\_\_\_\_  
Michael L. Alvarez, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
TOWN ATTORNEY

**TC ATTACHMENT 3: PB DRAFT MEETING MINUTES**

## 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

October 18, 2016

6:30 P.M.

#### CALL TO ORDER

The meeting was called to order by Chair Jan Brown

#### ROLL CALL

The following members of the governing body were present:

Board Members: Jan Brown, Sidney Sandy, Samantha Towns, Dennis Gay, Jayson Derosier, John Killman, and Mike Head.

Members Present but not Voting: Arthur Spurr.

Absent: Jorge Aponte, Joseph Lytch.

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

#### APPROVAL OF MINUTES- SEPTEMBER 20, 2016

Motion to approve as written by Member Derosier, seconded by Member Gay. Vote to approve was unanimous.

#### PUBLIC ITEMS

**a) ZM2016-001 and CPA2016-003 Rail Distribution-** This is a Zoning Map Amendment to rezone to Light Industrial (L-I). The parcels included are parcel numbers 07069122A and 07069122, totaling approximately 5.82 acres. The parcels are located on the west side of Wesley Chapel Stouts Road. Applicant: Richard Roskind.

The case was presented by Senior Planner Meade Bradshaw. He began his presentation with an overview of the project. He then spoke about the existing zoning in the subject properties area which is generally consistent with the previously noted existing conditions map. Regional Business District (RBD) is adjacent to the subject sites to the northwest, north, east and also across Wesley Chapel Stouts Road to the southeast. There are several parcels to the southwest across the railroad along Orr Road zoned Light Industrial (L-I).

#### Recent Planning Initiatives

The subject properties being considered for rezoning historically has had industrial zoning. In 2008 the property was designated Regional Business District (RBD), a zoning classification with the adoption of the 2008 Comprehensive Plan. The zoning district with the prior 2005 Comprehensive Plan was Heavy Commercial (HC). The Future Land Use category with that Comprehensive Plan was Railroad. The proposed rezoning would correctly place these properties in a zoning district consistent with the operations of the former use. There are industrial uses and industrial zoning in this area, adjacent to the CSX Railroad.

### **Community Meeting**

Town staff facilitated a community meeting on October 6, 2016 from 6-8 p.m. at the Indian Trail Civic Building. No attendees were present.

### **Plan Consistency**

The subject properties are located within the US-74 East Corridor Plan of the Comprehensive Plan (Map 4 below). The Future Land Use Map designates these parcels as Mixed Use and the current zoning, Regional Business District, is consistent with the plan. The proposed Zoning Map Amendment to Light Industrial is an Industrial category on the Future Land Use Map, which is currently inconsistent with the Future Land Use Map.

This Zoning Map Amendment requires a Comprehensive Plan Amendment. The Comprehensive Plan Amendment would be designating these parcels as Industrial instead of Mixed Use. It should be noted that in the 2005 Comprehensive Plan, The Future Land Use Map classified these parcels as Railroad, which was an industrial classification. The 2008 Comprehensive Plan designated the zoning on the property as Regional Business District, a new zoning district with that Comprehensive Plan. The Future Land Use Map classification was Mixed Use. If the Comprehensive Plan Amendment is approved to Industrial, the Zoning Map Amendment would be consistent with the Comprehensive Plan.

Staff is of the opinion the following goals can be found:

***Land Use and Housing Goal 6:*** The rezoning of the subject properties to Light Industrial will allow uses not permitted in the Regional Business District. The former use on site would not be allowed under the existing zoning. Manufacturing, production, and freight movement are permitted uses in the Light Industrial zoning district. The rezoning to a zoning district that is more suitable within the existing area will provide more opportunity for investment in the community.

***Economic Development Goal 2:*** One of the parcels had a former business which would be a nonconforming use if operating today. In talking with the applicant and discussing options such as rezoning, the rezoning to Light Industrial will allow the property to be marketed for uses more suitable for the area which would not be permitted under the current zoning.

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 and Economic Development* and is consistent with the adopted plans within the Town of Indian Trail. Planning Staff believes that the findings can be made to support the Comprehensive Plan Amendment. With staff recommending approval of the Comprehensive Plan Amendment, staff supports the petition requesting a rezone to a Light Industrial because it is consistent with the Comprehensive Plan.

Opened Public Comment.

Applicant Richard Roskind, of 4300 Sharon Rd #544 Charlotte, NC addressed the board and gave some brief statements to the board regarding the property. He is a brother to the owner of the property.

Closed Public Comment.

Motion to approved ZM2016-001 by Member Gay, seconded by Member Towns. Vote to approve was unanimous.

- b) **ZT2016-008- Food Vendors** A request to amend Chapter 440 of the Unified Development Ordinance (UDO) to update existing ordinances for temporary food vendors in town-owned park properties. Applicant: Town of Indian Trail.

The case was presented by Senior Planner Meade Bradshaw.

#### **Analysis/Overview**

This request is initiated by the Town of Indian Trail to allow food vendors in the town parks and other town properties as long as the food vendor has a signed contract with the town. The UDO currently requires temporary food vendors to be in conjunction with a local restaurant or a nonprofit sponsored event. This amendment would allow a food vendor who is not in conjunction with a local restaurant or not associated with a nonprofit sponsored event to operate on Town of Indian Trail park property as long as a contract has been executed between the Town of Indian Trail and the food vendor.

Based on staff's findings, staff offers the following modifications for the Board's consideration. For ease of reference, proposed new text is referenced in red/underlined font and deletions are referenced in ~~strike through~~ font.

### **Chapter 440. Types of Temporary Uses**

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#### **440.20 Types of Temporary Uses**

Examples of temporary non-residential uses include the following and are subject to the specific regulations of DIVISION 700, Supplementary Use Regulations:

**A. Food vendors**

1. Food vendors must be in conjunction with a local restaurant, ~~or a non-profit sponsored event, or be operating under contract with the Town of Indian Trail on Town owned property.~~

#### **Required Consistency Findings**

Staff Bradshaw read the following required consistency findings into the record.

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
  - **Quality of Life Goal #2:** This amendment shows support for our cultural amenities and our park system, which will bring more people to these locations.
  - **Parks and Recreation, Open Space, and Natural Environment Goal #1:** Allowing temporary food vendors to operate on Town properties under a business agreement will support diverse active and passive recreational opportunities that meet the needs of all Indian Trail residents.
  - **Economic Development #3:** Creating an opportunity for businesses to operate on property open to the public is fostering public-private partnerships, encouraging business development and investment within the town.
2. This UDO ordinance amendment is in the best interest of the public because it encourages the public to visit public facilities and creates opportunities for the private businesses.

Staff recommended that the Planning Board make the required consistency findings and recommend adoption of this UDO Text Amendment ZT2016-008 as presented.

Opened Public Comment.

Staff Hayden Kramer from Indian Trail Parks and Recreation Department, stepped forward to answer questions.

Chair Brown asked if there is a limit to the hours of operation. Staff Kramer answered that when the town hosts special events, vendors would only be allowed to sell items during the special event hours. An advantage of this change would

be that the vendors would need to show town staff documentation of their health inspection, insurance, menu, and pictures of their vehicle.

Member Towns asked if there will be enough receptacles to be able to handle trash at each event with extra vendors. Staff Kramer answered that permanent and portable receptacles are provided at the events.

Member Sandy asked what is considered town property. Staff Kramer answered that Town Property to be used for event would be the parks. The town receives 20 % of all gross sales for the day.

Closed public comment.

Motion to approve ZT2016-008 and the consistency findings as read into the record, by Member Towns, seconded by Member Gay. Vote to approve was unanimous.

- c) **ZT2016-009 Car Wash within VCO** This is a request to amend Chapter 520 new Chapter 7220 to the Unified Development Ordinance (UDO) to allow the expansion of existing car wash uses within the Old Monroe Village Center Overlay only. Applicant: Charles A Howard II.

The case was presented by Senior Planner Gretchen Coperine.

#### **Analysis/Overview**

This request was initiated by Charles A. Howard, II of Auto Bell Car Wash in order to permit the expansion of existing car wash uses within the Old Monroe Village Center Overlay in the Town of Indian Trail. The intent from Auto Bell Car Wash is to combine the existing Auto Bell Car Wash parcel (parcel 07114018A) with the property directly to the north being rezoned under ZM2016-002 (parcel 07114018) in order to expand the site and accommodate a finishing area (i.e., hand drying and detailing).

#### **Outline of Text Amendment**

- **Chapter 520.020:** lists existing car wash uses within the Old Monroe Village Center Overlay as a permitted use.
- **Chapter 7220:** further clarifies that any existing permitted car wash use within the Old Monroe Village Center has full rights to expand and allows the combination of adjacent parcels of land for said expansion as long as all other sections of the UDO are met.

With regard to the proposed amendment, staff worked with the applicant to craft language that would make existing car wash uses a permitted use within the Old Monroe Village Center only. Under the current UDO, car washes are not permitted within any Village Center Overlay. The existing Autobell Car Wash use was permitted prior to the adoption of the UDO in December 2008. In order for Autobell to be able to expand, this text amendment is needed to give it full rights as a permitted use.

To date, there exist two (2) car wash uses within the Old Monroe village center overlay which have been in existence before any UDO requirements in our current code. See the table below. In this case, said uses become permitted uses with full rights to expand and rebuild in the case of a natural disaster. Below is a table of the two (2) parcels with existing car wash uses within the Old Monroe Village Center. Again, this amendment proposes language that legitimizes the uses below, as they have been in existence before UDO requirements were established.

Parcel	Current Use
07114018A	Car Wash use for Autobell Car Wash
07114073	Car Wash use for Exxon gas station at the corner of Indian Trail Road and Old Monroe Road

**Required Consistency Findings**

Staff read the following consistency findings into the record:

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan: *Economic Development Goals #1 and 6: The proposed amendment helps create a more balanced tax base and promotes a diverse local economy by allowing business growth and expansion in the appropriate commercial area within the Town.*
2. This UDO ordinance amendment is a reasonable request and is in the public interest because it promotes business expansion and growth within an area of the Town that is compatible with surrounding uses. Staff recommends that the Planning Board make the required consistency findings and recommend adoption of this UDO Text Amendment ZT2016-009 as presented.

**Questions:**

Steven Bennett of Helms, Robison and Lee in Monroe NC, attorney for the applicant, presented a power point presentation to the board regarding the project.

Chair Brown asked if the basic expansion will be for the detail of the cars. He also mentioned that he didn't believe Auto Bell was in competition with other car wash in the area as the other car wash is self-service except for one bay and there is no attendant. Conversely, Auto Bell is a full service car wash.

Member Derosier asked about the current traffic flow. Staff Coperine stated that if the project gets approved, the entrance would change so the traffic pattern would change.

Member Gay mentioned that the proposed text amendment does not open doors for new car washes, does it restrict trade? Staff Coperine answered that the amendment would remove the "non-conforming" portion of the ordinance. Staff Burhans reiterated that the amendment would not restrict any new car washes more than the present regulations currently allow or restrict. It would only affect existing car washes.

Member Towns asked if the property will tie into the road directly behind the property. Staff Coperine answered no and that the applicant is only trying to tie into the adjacent parcel. Mr. Bennett stated that there would likely be a new entrance but a site plan has not be submitted yet.

Motion to approve ZT2016-009 with consistency findings as read into the record by Member Derosier, seconded by Member Sandy. Vote to approve was unanimous.

**d) ZM2016-002 Auto Bell Car Wash-** A request to rezone a parcel of land (approx. 0.89 acres) to the General Business District, within Village Center Overlay. The existing zoning is SF-1, Single Family Residential.

This case was presented by Staff Coperine who began with an overview and background of the project. Adjacent zoning classifications and uses in the surrounding area are as follows: to the North is an existing non-conforming single family house zoned GBD; to the South is Auto Bell Car Wash zoned GBD; to the East of the subject property across Old Monroe Road is the Food Lion shopping center zoned GBD; to the West is warehouse/storage use zoned and GBD. All properties are within the Village Center Overlay District. The

proposed GBD zoning district is consistent with current commercial uses in the areas immediately adjacent to and nearby the subject property.

### **Community Meeting**

A community meeting was held on October 7, 2016 at the Town of Indian Trail at 100 Navajo Trail. 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**

The subject property is located within the Old Monroe Village. 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 General Business District (GBD) is consistent with the Town of Indian Trail's Comprehensive Plan in this regard.

### **Required Consistency Findings**

Staff Coperine read the following required consistency findings into the record.

*Economic Development Goals #1 and 6: The proposed amendment helps create a more balanced tax base and promotes a diverse local economy by allowing business growth and expansion in the appropriate commercial area within the Town.*

The request for this zoning reclassification is a reasonable request and is in the public interest because it promotes business expansion and growth within an area of the Town that is compatible with surrounding uses.

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

Opened Public Comments.

Closed Public Comments.

### **Questions**

Chair Brown mentioned that the expansion in the finishing area would help with safety of the public. Member Derosier agreed.

Member Killman asked the single family home next door has been notified? Staff Coperine answered that all public within 500 feet have been notified. It was mentioned that the home is zoned General Business.

Motion to approve ZM2016-002 and the consistency findings as read into the record was by Member Towns, seconded by Member Gay. Vote to approve was unanimous.

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Motion to reconsider agenda item #4a. by Member Derosier, seconded by Member Gay. Vote was unanimous in favor. Recommendation to approve *ZM2016-001 and CPA2016-003 with consistency findings as read into the record* was made by Member Gay, seconded by Member Head. Vote was unanimous in favor.

### **OTHER BUSINESS**

a) **Approval of 2017 meeting schedule.** Motion to approve draft schedule by Member Derosier, seconded Member Gay. Vote to approve was unanimous.

**November 2016 meeting reschedule.** Town Council needed November 15<sup>th</sup> for their meeting. Motion to move November Planning Board meeting to Thursday November 17 by Member Head, seconded by Member Killman. Vote to approve was unanimous.

**PLANNING REPORT**

Planning Report

- Public Meeting- Old Monroe widening. Series of detailed maps in hallway of town hall. Last day of comments is Nov 15th.
- Release of Solid Waste/Recycling proposal. Town Council asked to re-bid. Getting proposals back in January 2017.
- Staffing change- Planner Julia Zweifel is leaving her position in the Indian Trail Planning Department to take a position with the City of Charlotte.
- November is National Planning Month. Box City

**ADJOURN**

Motion to adjourn by Member Sandy, seconded by Member Gay. Vote was unanimous in favor. Meeting adjourned at 7:40pm

Chairman:

\_\_\_\_\_

Date: \_\_\_\_\_

Secretary:

\_\_\_\_\_

STATE OF NORTH CAROLINA )  
 )  
TOWN OF INDIAN TRAIL )

ORDINANCE # 016115-251

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF INDIAN TRAIL REZONING PARCELS 07069122 & 07069122A LOCATED ON WESLEY CHAPEL STOUTS ROAD SOUTH OF US HIGHWAY 74 FROM REGIONAL BUSINESS DISTRICT (RBD), TO LIGHT INDUSTRIAL (L-I), IN THE TOWN OF INDIAN TRAIL, UNION COUNTY, NORTH CAROLINA**

WHEREAS, this Zoning Map Amendment (ZM2016-001) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, a community meeting was held on October 6, 2016 to discuss this zoning map amendment and no public comments were received; and

WHEREAS, a public meeting was held by the Planning Board on October 18, 2016 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 6:*** The rezoning of the subject properties to Light Industrial will allow uses not permitted in the Regional Business District. The former use on site would not be allowed under the existing zoning. Manufacturing, production, and freight movement are permitted uses in the Light Industrial zoning district. The rezoning to a zoning district that is more suitable within the existing area will provide more opportunity for investment in the community.

***Economic Development Goal 2:*** One of the parcels had a former business which would be a nonconforming use if operating today. In talking with the applicant and discussing options such as rezoning, the rezoning to Light Industrial will allow the property to be marketed for uses more suitable for the area which would not be permitted under the current zoning.

WHEREAS, the Planning Board further found this zoning reclassification zoning reclassification is a reasonable request and is in the public interest because it promotes business expansion and growth within an area of the Town that is compatible with surrounding uses; and

WHEREAS, after making the required findings, the Planning Board voted 7-0 to transmit a recommendation to **approve** to the Town Council; and

WHEREAS, the Town Council held a public hearing on November 15, 2016 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 2016-001 Zoning Petition thereby granting the Zoning Map amendment to establish a Light Industrial (L-I) zoning designation on parcels **07069122 & 07069122A**.

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

**AND IT IS SO ORDAINED** this            day of November, 2016.

**TOWN OF INDIAN TRAIL COUNCIL**

Attest:

\_\_\_\_\_  
Kelley Southward, 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  
 Fax (704) 821-9045  
**PLANNING AND NEIGHBORHOOD SERVICES**

**Planning Board Transmittal for the November 15, 2016 Town Council Public Hearing**

<b>Case: ZM 2016-001 &amp; CA2016-003</b>			
<b>Reference Name</b>	<b>Rail Distribution</b>		
<b>Planning Board Meeting Date</b>	October 18, 2016		
<b>Members Present</b>	Chair Jan Brown <input checked="" type="checkbox"/>	John Killman <input checked="" type="checkbox"/>	Samantha Towns <input checked="" type="checkbox"/>
	Vice Chair Dennis Gay <input checked="" type="checkbox"/>	Mike Head <input checked="" type="checkbox"/>	Sidney Sandy <input checked="" type="checkbox"/>
	Jayson Derosier <input checked="" type="checkbox"/>	Arthur Spurr <input type="checkbox"/> Alternate 1	Vacant <input type="checkbox"/> Alternate 2
	Vacant <input type="checkbox"/> Alternate 3		
<b>Case Found Complete</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
<b>Motion</b>	Recommend approval as conditioned to Town Council		
<b>Member Making the Motion</b>	Board Member Vice Chair Dennis Gay		
<b>Second the Motion</b>	Board Member Samantha Townes		
<b>Vote</b>	7 to 0		

**Project Summary**

This is a request to rezone two parcels totaling approximately 5.82 acres to Light Industrial (L-I). The existing zoning is Regional Business District (RBD).

**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 approve; or*
2. *Concur with the findings and approve as modified by Council; or*
3. *Do not make the findings and disapprove the amendment.*

### **Project Overview**

The subject properties are located on the northwest quadrant of Wesley Chapel Stouts Road and the CSX Railroad. The proposed Light Industrial (L-I) zoning district is established to provide regulations for the development of areas generally devoted to light manufacturing, processing and assembly uses, warehousing, distribution and servicing enterprises and office activities. The intent of this request is to market the property for these uses.

### **Planning Board Meeting**

This request was heard by the Indian Trail Planning Board on October 18, 2016. The Board did not have any questions regarding the case. The entire meeting can be heard on Granicus and be reviewed in the attached Draft Planning Board Meeting Minutes (Town Council Attachment 3).

The Planning Board voted 7 to 0 to transmit a recommendation to approve as presented.

1. Planning Board 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 Goals #6: The rezoning of the subject properties to Light Industrial will allow uses not permitted in the Regional Business District. The former use on site would not be allowed under the existing zoning. Manufacturing, production, and freight movement are permitted uses in the Light Industrial zoning district. The rezoning to a zoning district that is more suitable within the existing area will provide more opportunity for investment in the community.*
  - *Economic Development Goal #2: One of the parcels had a former business which would be a nonconforming use if operating today. In talking with the applicant and discussing options such as rezoning, the rezoning to Light Industrial will allow the property to be marketed for uses more suitable for the area which would not be permitted under the current zoning.*
2. The request for this Zoning Map Amendment to Light Industrial (L-I) is a reasonable request and is in the public interest because supports the goals of the adopted Comprehensive Plan and includes elements that benefit the general public in the areas of land use and housing and Economic Development.

Meade Bradshaw III  
704 821-5401  
[mbradshaw@planning.indiantrail.org](mailto:mbradshaw@planning.indiantrail.org)

Attachment -1- Planning Board Report and PB Attachments  
Attachment- 2 - Draft Ordinance  
Attachment 3- PB Meeting Minutes

**TC ATTACHMENT 1: Planning Board Report and PB Attachments**



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

## Zoning Map Amendment Staff Report

<b>Case: ZM2016-001 &amp; CPA2016-003</b>		
<b>Reference Name</b>	Rail Distribution	
<b>Request</b>	Proposed Zoning	Light Industrial (LI)
	Proposed Use	Rail Distribution
<b>Existing Site Characteristics</b>	Existing Zoning	Regional Business District (RBD)
	Existing Use	Former chemical distribution center & currently vacant
	Site Acreage	5.82
<b>Applicant</b>	Richard Roskind	
<b>Submittal Date</b>	8/11/16	
<b>Location</b>	Northwest quadrant of Wesley Chapel Stouts Road and CSX Railroad	
<b>Tax Map Numbers</b>	07069122 (2.26 acres) & 07069122A (3.56 acres)	
<b>Plan Consistency</b>	Town of Indian Trail Comp. Plan	Mixed Use
		Inconsistent with Request, requiring an amendment to the Comprehensive Plan
<b>Recommendations &amp; Comments</b>	Planning Staff	Recommends Approval for Light Industrial Zoning

### Project Summary

To rezone two parcels totaling 5.82 acres located on Wesley Chapel Stouts Road from Regional Business District to Light Industrial. The properties are owned by Herbert Roskind Jr and are located at the northwest quadrant of Wesley Chapel Stouts Road and the CSX Railroad. Any potential future development of the vacant property will be reviewed as part of the Town Site Plan review process and associated outside agency processes. The Light Industrial zoning district is needed to market the property for potential industrial uses.

This Zoning Map Amendment is inconsistent with the Comprehensive Plan's Future Land Use Map, requiring a Comprehensive Plan Amendment. The Future Land Use Map designates these parcels as Mixed Use. The Comprehensive Plan Amendment is proposing to designate the parcels as Industrial.

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

**General Information**

The subject properties proposed for rezoning comprise approximately of 5.82 acres.

As reflected in Map 1 below, the subject properties are adjacent to residential uses to the north, an industrial use located across Wesley Chapel Stouts Road to the east, the railroad and a mixture of residential and vacant commercial uses to the south along Orr Road, and vacant property to the adjacent west. The single-family residences along Wesley Chapel Stouts Road and Orr Road are nonconformities, as they are residential uses located in nonresidential zoning districts.

