

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, May 10, 2016
Civic Building—6:30 PM**

AGENDA

1. **CALL MEETING TO ORDER & PLEDGE OF ALLEGIANCE**
2. **AGENDA ADDITIONS & DELETIONS** **Action**
3. **MOTION TO APPROVE AGENDA** **Action**
4. **PRESENTATIONS/INTRODUCTIONS**
 - a) National Police Week Proclamation
 - b) Presentation by Mr. David Drehs regarding the proposed Miracle League Field
5. **PUBLIC COMMENTS**
6. **PUBLIC COMMENTS FOR FY 2016/2017 BUDGET DEVELOPMENT**
7. **LAW ENFORCEMENT UPDATE**
8. **DEPARTMENT UPDATES:**
 - a) Department Head Update: Jim Wojtowicz, Finance Director highlighting the Draft 2016/2017 FY Budget.
9. **CONSENT AGENDA** **Action**
 - a) Approval Budget Amendments #555 - #556
 - b) Approval of Month End Tax Report for April 2016
 - c) Approval of refund in excess of \$500
 - d) Approval of Draft Minutes April 26, 2016 Regular Town Council Meeting
10. **PUBLIC HEARINGS** **Action**

– Please adhere to the following guidelines:

 - *Proceed to the podium, and state your name and address clearly;*
 - *Be concise; avoid repetition; limit comments to three (3) minutes or less;*
 - *Designate a spokesperson for large groups*

- a) **ZT2016-002 and CPA2016-002: Light Industrial Uses in Village Center Overlays:** Proposed amendment to Unified Development Ordinance Chapters 530 and 630 and Comprehensive Plan Amendment to Chapter 3, to permit light industrial uses within the Village Center Overlay districts. Applicant: Moser Group.

11. OLD BUSINESS ITEMS

Action

- a) Schedule a Special Town Council Meeting for Monday, May 23, 2016 6:30 PM to 8:30 PM at South Piedmont Community College (SPCC)—Salon B located at 4209 Old Charlotte Highway, Monroe, NC 28110. The purpose for the Special Meeting is to hold a community meeting to receive input from residents and members of the business community regarding a proposed Unified Development Ordinance text Amendment to permit hotel/motel uses in the Sun Valley area.

12. NEW BUSINESS ITEMS

Action

- a) Council consideration of awarding a contract for annual auditing services
 b) Council consideration to exit from the Quad Alliance (Councilman Wireman)
 c) Council consideration of the Town funding \$5,000 to the Council on Aging in Union County for the Fiscal Year 2016-17 budget. This organization provides needed services for senior citizens in the Town of Indian Trail (Councilman Daniels)
 d) Council consideration of the Town budgeting \$15,000 in Fiscal Year 2016-17 budget for each of the Indian Trail Athletic Association and the Porter Ridge Athletic Association for a total of \$30,000. These funds shall be used for only Indian Trail residents who have financial need, determined by associations, for membership fees and athletic equipment for those in need (Councilman Daniels)
 e) Council consideration of the Town funding in the Fiscal Year 2016-17 budget the installation of stoplights at the intersections of Wesley Chapel-Stouts and Taylor Glen's neighborhood entrance and on Poplin Road at the Bonterra neighborhood entrance. These are historically dangerous intersections and the Council should be proactive in addressing these issues. I have heard a number of complaints about these intersections.

13. DISCUSSION ITEMS

14. UPDATES

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

15. COUNCIL COMMENTS

16. CLOSED SESSION

Action

17. POSSIBLE ACTION FOLLOWING CLOSED SESSION

18. ADJOURN

Action



***Town of Indian Trail, North Carolina
Proclamation for National Police Week and
Peace Officer's Memorial Day***

Whereas, the Congress and the President of the United States of America have designated that there be a National Law Enforcement Officers Week; and

Whereas, the members of the law enforcement agencies of North Carolina play an essential role in safeguarding the rights and freedom of the citizens of the State; and

Whereas, it is important that all citizens know and understand the problems, duties and responsibilities of their law enforcement offices and agencies, and that members of those agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

Whereas, the citizens of Indian Trail recognize and appreciate the contributions made by law enforcement officers at all levels of government;

Now Therefore, I, Mayor Alvarez and the Indian Trail Town Council, call upon all citizens to observe May 15, 2016, as "Peace Officer's Memorial Day" and May 15th through May 21, 2016 as "National Police Week" in Indian Trail, North Carolina, and that all of our people join in commemorating law enforcement officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities. In so doing, they have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

Proclaimed this the 10th day of May 2016.

Mayor Michael L. Alvarez

Batch Id: BWC Batch Date: 04/21/16 Batch Type: Standard

Account No. Account Description	Type	Entry Description	Amount	Seq
10-40-4260-240-000 CONSTRUCTION & REPAIRS	Transfer Out	Use if ipad in the field	300.00	1
10-40-4260-329-000 Other Communications, Internet Cost	Transfer In	Use if ipad in the field	300.00	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	300.00	300.00	0.00	0.00
Total of All Funds:		0.00	0.00	300.00	300.00	0.00	0.00

	Entries	Amount
Expenditures:	0	0.00
Reimbursements:	0	0.00
Transfer In:	1	300.00
Transfer Out:	1	300.00
Cancel:	0	0.00
Encumbrance:	0	0.00
Total:	2	600.00

There are NO errors in this listing.

	Updated Entries	Updated Amount		
Reimbursements:	0	0.00		
Expenditures:	0	0.00		
Transfer In:	1	300.00		
Transfer Out:	1	300.00		
Cancel:	0	0.00		
Encumbrances:	0	0.00		
Batch: BWC	Updated Entries:	2	Updated Amount:	600.00
			Ref Num:	556

Branden Chopelas

From: Scott Kaufhold
Sent: Thursday, April 21, 2016 11:39 AM
To: Vicky Watts
Cc: Finance Director; Branden Chopelas
Subject: RE: DPW Budget Transfer Request

please proceed

Scott J. Kaufhold, PE
 Town Manager
 Indian Trail, NC
 704-821-1314

From: Vicky Watts
Sent: Thursday, April 21, 2016 10:57 AM
To: Scott Kaufhold
Cc: Finance Director; Branden Chopelas
Subject: DPW Budget Transfer Request

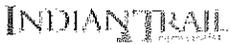
For your approval:

Date: 4/21/2016 FY 2015-2016 Budget

BUDGET	AMOUNT	FROM ACCOUNT NO.	DESCRIPTION	TO ACCOUNT NO.	DESCRIPTION	PURPOSE
DPW	300.00	10-40-4260-240-000	Construction & Repairs	10-40-4260-329-000	Other Communication, Internet	iPad

Thank you,

Vicky Watts
 Engineering Contract Analyst



Engineering Department
 130 Blythe Drive
 PO Box 2430
 Indian Trail, NC 28079

Office: (704) 821-1314
 Fax: (704) 821-1381

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.

April 21, 2016
03:28 PM

TOWN OF INDIAN TRAIL
Expenditure Entry Verification Listing

Batch Id: BWC Batch Date: 04/21/16 Batch Type: Standard

Account No. Account Description	Type	Entry Description	Amount	Seq
10-20-4510-321-000 Telephone	Transfer Out	To purchase a laptop	1,000.00	1
10-20-4510-511-000 Office Furniture & Equipment < \$5,000	Transfer In	To purchase a laptop	1,000.00	2

	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: 555

Branden Chopelas

From: Scott Kaufhold
Sent: Thursday, April 21, 2016 11:37 AM
To: Vicky Watts
Cc: Finance Director; Branden Chopelas
Subject: RE: Engineering Budget Transfer Request

please proceed

Scott J. Kaufhold, PE
 Town Manager
 Indian Trail, NC
 704-821-1314

From: Vicky Watts
Sent: Thursday, April 21, 2016 10:37 AM
To: Scott Kaufhold
Cc: Finance Director; Branden Chopelas
Subject: Engineering Budget Transfer Request

For your approval:

Date: 4/21/2016 FY 2015-2016 Budget

BUDGET	AMOUNT	FROM ACCOUNT NO.	DESCRIPTION	TO ACCOUNT NO.	DESCRIPTION	PURPOSE
Engineering	1,000.00	10-20-4510-321-000	Telephone	10-20-4510-511-000	Office Furniture & Equip < \$5,000	Purchase Lapto

Thank you,

Vicky Watts
 Engineering Contract Analyst

INDIAN TRAIL

Engineering Department
 130 Blythe Drive
 PO Box 2430
 Indian Trail, NC 28079

Office: (704) 821-1314
 Fax: (704) 821-1381

Town of Indian Trail

Memo

TO: Mayor and Town Council

FROM: Alicia Massey

CC: Scott Kaufhold

DATE: May 10, 2016

SUBJECT: Month End April 2016



According to GS 105-350(7) it is the duty of the revenue 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 April 2016 collections. The revenue 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.

Collection Rate through 4/30/16: 99.4%

Description	Count	Principal			Penalty	Total
		Arrears/Other	2015	2016		
Billing	32385	0.00	7,284,270.84	0.00	0.00	7,284,270.84
Payments	31085	64,090.49-	7,237,950.15-	0.00	0.00	7,309,043.68-
Reversals	13	0.00	5,767.12	0.00	0.00	5,787.55
Adjustments	1744	0.00	2,478.77-	0.00	0.00	2,616.70-
Apply Over	0	0.00	0.00	0.00	0.00	0.00
Rev Appl Ovr	0	0.00	0.00	0.00	0.00	0.00
Ref Overpay	200	63,823.69	0.00	0.00	0.00	63,823.69
Penalty	<u>3180</u>					<u>8,461.67</u>
Totals	<u>68607</u>	<u>266.80-</u>	<u>49,609.04</u>	<u>0.00</u>	<u>0.00</u>	<u>50,683.37</u>

Town of Indian Trail

Memo

TO: Mayor and Town Council

FROM: Alicia Massey

CC: Scott Kaufhold

DATE: May 10, 2016

SUBJECT: Large Refunds of Overpaid Stormwater Fees



Please see the below list of stormwater fee refund(s) for overpayment of fees greater than \$500.00

1. Douglas Marsh - \$518.40 refunded for overpayment of stormwater fees.

If you need any clarification on any of these items, please feel free to contact Alicia Massey at (704) 821-5401.



**Indian Trail
Town Council Regular Meeting
Tuesday, April 26, 2016
Civic Building—6:30 PM**

MINUTES

The following members of Town Council were present:

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

(All members of Council were present)

The following members of staff were present:

Town Manager Scott Kaufhold, P.E., Town Attorney Keith Merritt, Town Clerk Kelley Southward, Director of Planning and Neighborhood Services Rox Burhans, Director Parks and Recreation Jason Tryon, Director of Finance Jim Wojtowicz, Contract Analyst/Executive Administrative Assistant Vicky Watts and Communications Coordinator Mike Parks.

Guests presents:

There were approximately 15 guests in the audience.

1. CALL MEETING TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Alvarez called the meeting to order at 6:30 PM and led everyone in the Pledge of Allegiance to the Flag. Mayor Alvarez requested everyone remain standing while he congratulated Chase Coble for his recent advancement to Captain from Lieutenant with the Union County Sheriff's Office.

2. AGENDA ADDITIONS & DELETIONS

Action

Councilman Savoie moved to relocate item 9c-Approval of Crooked Creek Master Plan Concept 1B from the Consent Agenda to Old Business; make it item 12a and renumber the remainder Old Business accordingly.

3. MOTION TO APPROVE AGENDA

Action

Councilman Daniels moved to approve the Agenda, as amended above; the motion carried by a unanimous vote.

4. PRESENTATIONS/INTRODUCTIONS

- a) **Presentation by Scott Cole of NC DOT regarding a noise barrier wall for the Monroe Bypass. Action by Council to consider approving Resolution #R160426-1; a Resolution in Support of a Noise Wall to be Constructed at Certain Locations Along the Monroe Bypass Project.**

Mr. Scott Cole of NC DOT addressed Council. He noted that an environmental study was done in accordance with Federal and State regulations for environmental impacts, which include human environmental impacts, of the Monroe Bypass project. For the purposes of the study performed, a noise receptor is any structure that receives any level of noise and not necessarily excessive noise. A benefited receptor is any structure that receives a 5 decibel or more reduction in noise due to a noise abatement measure such as a noise barrier/wall. The Federal Highway Administration (FHWA) mandates that noise for roads measuring at 66 decibels and above be mitigated; this is a level of noise classified to be between moderate and loud when referring to noise from roads. Some mitigation devices commonly used are walls and berms but berms require a lot of right-of-way.

NC DOT is required to follow the criteria found in the FHWA's Traffic Noise Abatement Policy and Guidance Manual. The FHWA issues a model, which they frequently update, to determine the noise for the project life. In this case the Monroe project life is 20 years; ending 2035. The model forecasts the noise for car and truck traffic taking into consideration all types of factors including the coarseness of the asphalt. When the forecasted noise levels exceed 66 decibels or there is a substantial noise increase (10 decibels or greater) then mitigation measures must be implemented. There are different points along the Monroe Bypass where structures are affected by noise exceeding 66 decibels and therefore mitigation devices (i.e. barrier walls) have been proposed. There are other areas where the noise is slated to be less than 66 decibels and therefore no mitigation measures have been proposed. The area near/along the Bonterra neighborhood, which is approximately 600-800 feet from the Monroe Bypass is not slated to receive a noise mitigation device as the area is not projected to exceed 66 decibels of noise.

In the Noise Abatement Policy there is something called the "date of public knowledge". This is when the environmental study is approved. This is after public outreach and a public hearing process is complete; the study is approved and this is the date of public knowledge. Anything (structures) built before the date of public knowledge will be considered for noise mitigation/abatement. However, any structures built (i.e. building permits are issued) after the date of public knowledge DOT is not required to provide noise mitigation measures even if the 66 decibels are exceeded for these new structures. It falls in the "buyers beware" category since the public has knowledge of the study findings (the study is publically available). The date of public knowledge in this case is May 15, 2014.

Four noise barrier walls are slated for different areas along the entire Monroe Bypass; two of those walls are in Indian Trail. The first proposed wall in Indian Trail is #NW2C near the US 74 Business connector located near the Old Hickory Business Park continuing on towards Stinson Hartis Road ending almost at Strand Drive. The second proposed wall in Indian Trail for the Monroe Bypass is located near Hemby Bridge at the other end of Stinson Hartis Road continuing towards the interchange at Indian Trail-Fairview Road and ending near Faith Church Road.

Mr. Cole said he understands that there may be an issue that there is not a wall slated near the Bonterra neighborhood. His slides showed the difference in how far structures in Bonterra are from the Monroe Bypass versus those areas slated to receive a wall. Upon query by Councilman Daniels Mr. Cole noted that a noise study was not done for the entrance road to Bonterra as they only do studies for built structures and not for roads. Roads are not considered impacted noise receptors. Mr. Cole did not have the exact decibels forecasted for the structures in Bonterra; it is included in the 300+ page study but since a wall is not proposed it did not meet the 66 decibels. Councilman Cohn felt the biggest concern for residents in Bonterra, which is an influential area in Indian Trail, is that until the Monroe Bypass is built the exact amount of noise is unknown. NC DOT won't build a wall after the bypass is built; it would be up to the Town to build a wall if they felt it would be necessary for the residents of an area without a wall.

Mr. Cole noted that NC DOT does not create the model or the process for determining if a wall is necessary; it is a federal standard issued by the FHWA. So they have to follow the federal standards of how noise is evaluated and mitigated. Everyone is treated the same by using these federal regulations. Upon query Mr. Cole noted that property values are not considered in part of the evaluation process. The Monroe Bypass has been in planning for 20-25 years. Councilman Daniels asked if property values could be introduced as part of the process. Mr. Cole said it could be introduced for consideration for projects in the future. Mr. Merritt noted that log-rhythmic scales are different than folks may realize. When you talk about going from 60 decibels to 70 decibels (a 10 decibel difference) it is actually a doubling of noise. So basically, DOT or FHWA doesn't consider noise mitigation practices unless there is slated to be at least a doubling of noise; Mr. Cole concurred.

Councilman Wireman asked if any studies are done after the road is built to see if the forecasted findings are accurate or not. Mr. Coles said there are no such studies conducted after road construction. This is a Type I project and the policy for such clearly states that they do not retrofit after project construction. Mr. Wireman noted that it is concerning because without a study after the road is built we don't know how accurate the forecast was prior to construction. As a scientist he said it is important to re-evaluate original findings and forecasts so that future forecasts can be more accurate. Mr. Cole said the he is not an expert in noise analysis but he does have confidence in their policies and procedures for determining noise mitigation/abatement practices. He reiterated that national standards are used and he is certain that studies have been conducted to validate the data and forecasting measures in the policy and process. Mr. Wireman said he would like to see those studies or if they're available on-line he'd like to know where he could find them.

Councilman Cohn said he would have hoped a noise expert would have come to this presentation this evening. Mr. Cole said they thought about having the noise-team attend this evening but the standards and the study would remain the same regardless. Councilman Cohn asked about safety measures. Mr. Cole noted that the Monroe Bypass is a controlled access facility like the freeways so; there will be a controlled access fence at the right-of-way line. Councilman Cohn asked if public outcry made a difference; Mr. Cole said public outcry does have influence and helps them to learn about citizen concerns. There is a petition for a noise wall in the Bonterra area. Councilman Savoie asked for the environmental study; how far off are we from receiving a wall in the Bonterra area? Mr. Cole did not know off the top of his head and the experts in noise would be better suited to answer such a question.

Mr. Cole asked if the Town of Indian Trail has concerns and wants DOT to consider looking at property values as a part of the study then that they send a letter requesting such.

Finally, Mr. Cole said his last point was that the residents in the vicinity of the areas slighted to receive a noise wall have the opportunity to vote for or against the wall. There is a point-per ballot formula based upon how close a resident/property owner is to the proposed wall. Around July of this year, Indian Trail residents affected by the proposed two walls will be able to vote.

5. PUBLIC COMMENTS

- Mr. Eugene Griggs 1706 Cottage Creek Trail (Traewyck subdivision) addressed Council once again regarding the drainage issues with his property and in the Traewyck subdivision. He asked if the Union County Public Utilities' 3 million gallon expansion at the Crooked Creek Wastewater Facility will have any impacts (positive or negative) on his neighborhood. Why is the Town giving up control to Union County so easily?
- Ms. Samantha Towns addressed Council regarding the April 16th Budget Workshop—she commended staff for all of their hard work. She asked that item 12f be eliminated from the agenda because if all Council members had attended the Budget meeting they would know that this item had been discussed and the reasons why a tax reduction was not being considered for

the upcoming fiscal year. Indian Trail should be priority as far as political aspirations of Council members as they were elected here first.

- Mrs. Shirely Howe of 6205 Clearwater Drive said that she recently read a Letter to the Editor in the Charlotte Observer that made good sense her. It was about when voting for a local elected official the people are investing their hope and trust in that person. She opined that the Budget is similar to the Town's bible; guiding us through the fiscal year. She felt that it should be mandatory for all elected officials to attend the Budget Workshops. Without a full Council present it deprives the 38,000 residents of Indian Trail full representation for what is to be included in the budget. If staff is expected to give up their personal time away from their families then Council should be expected to the same. Budget items are now on this agenda—is this just someone searching for political exposure in the local paper? She urged Council to place their energy where it counts and do what they were elected to do.

6. PUBLIC COMMENTS FOR FY 2016/2017 BUDGET DEVELOPMENT

None forthcoming.

7. LAW ENFORCEMENT UPDATE

Captain Chase Coble gave report of heroic efforts of UCSO Deputies since the last meeting. One account taking place last Thursday when parents reported a 14-year old missing but felt the teen would return. Deputy Mike Kenary took it upon himself to check a spot known in the woods where teens tend to hang out. The 14-year old was found unresponsive at this spot by the Deputy Kenary; there was evidence of a drug overdose. The deputy carried the teen out of the woods and was able to administer Narcam—which Sheriff's Deputies had just begun to carry in their vehicles. The above-and-beyond efforts of the Deputy Kenary coupled with the availability of the Narcam likely saved the teen's life. There was a second incident of an overdose where Narcam was used to save a 25-year old was also highlighted by Captain Coble. Council members noted that these accounts truly showed that our deputies are heroes and they should be recognized. Captain Coble had an idea for public recognition at a future Council Meeting. Council further congratulated Captain Coble for accomplishing this rank with the UCSO.

8. DEPARTMENT UPDATES:

a) Department Head Update: Planning & Neighborhood Services—Rox Burhans

Mr. Burhans informed Council of two upcoming rezoning projects. Both applications have recently been submitted and have not gone before the Planning Board yet. So, this is an advanced heads-up for matters that would make their way to Council in several months.

First, the Virginia Trace project is located at the corner of Oakwood Lane and Unionville Indian Trail Road. Currently the property is located in an unincorporated area of Union County so an annexation would be required. A conditional zoning would also be necessary for the project to be approved as requested. The proposed project consists of approximately 92 single family home lots on the approximate 40-acre site. Upon a query Mr. Burhans relayed that he does not know the price point for the proposed lots/homes and that is not something required in the application process. Exact lot sizes are also unknown at this point but they will likely be relatively small lots. Mr. Burhans encouraged Council members to meet with him individually to go over the details of the proposed project as it goes through the required process. The applicant for this project is M/I Homes and Mr. Burhans projected it could be before Council as early as late summer 2016. The application was just receive about 2 weeks ago.

Second, there is a proposed project referred to as the Hawfield project because it's located off of Hawfield Road which is a gravel road just before you get to the Sheridan Community on Wesley Chapel Road. The project falls within two jurisdictions: Indian Trail and Wesley Chapel. This is a larger single family lot subdivision consisting of approximately 265 acres

(163 acres in Indian Trail and 103 acres in Wesley Chapel). A total of 442 single family lots are proposed; 325 lots in Indian Trail and 117 lots in Wesley Chapel. The applicant is Queen City Property. Some of the property may be undevelopable due to creeks and possible wetlands. Detailed drainage studies would not be conducted until after rezoning is approved (if approved). This would be another conditional rezoning. A road is slated to go through the project connecting Wesley Chapel Road to Waxhaw Indian Trail Road. This application has only been in for about a week. Again, Mr. Burhans encouraged Council members to meet with him individually to discuss details of this proposed project. Councilman Wireman noted off the cuff he has a lot of concerns about various impacts such as roads and schools.

Finally, Mr. Burhans relayed that Mayor's Tree Initiative 2016 took place last week. They visited 8 schools and about 1,000 students were impacted. They planted 14 trees (full size) with the children at the 8 schools and each child was given a sapling to take home and plant with their family. This year there was a partnership with the Planning & Neighborhood Services and Parks & Recreation Departments. It was an "all hands on deck" project that makes a valuable contribution to the community. Councilwoman Stanton noted she was unable to attend due to her job but saw pictures on Facebook and could see the joy on the students faces.

- b) Department Head Update: Community Development & Communications—Mike Parks**
Mr. Parks noted that he attended some of the Tree Initiative programs last week at the schools and it was a rewarding experience.

Mr. Parks reported that we have about 5,000 followers on the Town's main Facebook page and about 1,000 on the Parks and Recreation FB page; all the other Town FB pages combined have about 1,000 followers. We have more than 1,000 followers on Twitter and about 3,000 folks participate in our Constant Contact list. About 12,000 newsletters are mailed to residents/property owners.

Now that he has been assigned some Community Development tasks, Mr. Parks has begun meeting with HOAs; he has attended one HOA meeting and scheduled meetings with several others over the next few months. Mr. Parks is also speaking with web designers/hosting companies about getting a new website for the town.

The Arbor Day/Earth Day event was held this past Saturday at Stallings; next year it will be Indian Trails turn to host the event. May 6th there will be a movie—"The Good Dinosaur" shown at Crossing Paths Park. Upon a query from Councilman Wireman Mr. Parks noted that he does not oversee Granicus.

9. CONSENT AGENDA

Action

- a) **Approval Budget Amendments #547-#551 and #554**
- b) **Approval of Classification Plan and Pay Scale**
- e) ~~Approval of Crooked Creek Park Master Plan Concept 1B~~ **This item was removed from the Consent Agenda and added to item a of Old Business (11a) during Agenda Additions and Deletions.**
- d) **Approval of a Resolution which allows employees and Council to participate in the NC Public Employee Deferred Compensation Plan under Internal Revenue Code 457(b)**

Councilman Wireman moved to approve the three items on the Consent Agenda; the motion carried unanimously.

10. PUBLIC HEARINGS

Action

– Please adhere to the following guidelines:

Proceed to the podium, and state your name and address clearly;
 Be concise; avoid repetition; limit comments to three (3) minutes or less;
 Designate a spokesperson for large groups

There were no public hearings.

11. OLD BUSINESS ITEMS

Action

a) Council Consideration to approve Crooked Creek Park Master Plan Concept 1B.

It was noted that this matter was discussed at length at the April 16, 2016 Budget Workshop and it was the consensus of Council to move forward with Concept 1B. Councilman Savoie noted that there were three concepts to choose from but 1B just seemed the most logical and had the most elements desired from the public input process. He further pointed out that it does not include a Miracle League baseball field but this is something that we still want in Indian Trail at Crooked Creek Park. He suggested that the Council earmark an area at the park that would be reserved for the Miracle League while they raise the funds necessary to build the field. Councilman Wireman agreed that the Miracle League field would be a great benefit to the Town. However, it has been relayed to him, and Mr. David Drehs in the audience who is spearheading this project confirmed, that it would take them a couple years to raise the funds to build the field. Councilman Wireman suggested we earmark the land for a specified period of time; he suggested two years so they can raise the funds. Mr. Drehs was recognized from the audience and suggested that coordination of efforts improve. It is difficult for him to raise funds for a Miracle League field when there is a gravel parking lot at the park.

Upon query from Councilman Wireman, Director of Parks & Recreation Jason Tryon noted that if Council approves moving forward with Master Site Plan Concept 1B there is not a Miracle League field space reserved in that area. However, there is still plenty of undeveloped space on the opposite side of the park where the Miracle League field could go. Councilman Cohn suggested that Mr. Drehs get a plan together for the Miracle League field and present it to Council. Mr. Drehs asked if he could present his plan at the next Town Council meeting. Councilman Cohn said that Town Council supports donating the land at the park for the Miracle League but they are going to have to do the ground work and the planning and show Council for what they are asking. Currently, Council has nothing to discuss or consider because no plan has been presented.

Councilman Cohn moved to approve Crooked Creek Park Master Plan Concept 1B; the motion carried by way of a unanimous vote.

Further, there was a consensus by Council to include a presentation by Mr. Drehs for the Miracle League field at the next Council Meeting; to include on the agenda.

b) Council consideration to approve By-Laws for a new Economic Development Committee (staff was directed to draft new By-Laws by Council)

It was noted by Councilman Wireman that these By-Laws require that the Economic Development Committee take direction from and report to the Town Council, which is different from the By-Laws of the former Economic Development Advisory Committee.

Councilman Wireman moved to approve the By-Laws for the new Economic Development Committee, as presented; the motion carried by a vote of four (4) to one (1) with Councilman Daniels voting in the opposition.

c) Council consideration to approve an outline for holding Town Hall Meetings once per quarter (staff was directed by Council to provide a plan of action for this meeting forum)

Councilman Wireman noted that there is proposal to have no more than two Council Members attend these quarterly meetings. The quarterly meetings are proposed to take place on Thursday evenings 7 PM to 8 PM or Saturday mornings 10 AM to 11 AM (alternating each quarter). The purpose is to make another opportunity for residents to become informed and share their concerns. The hope is to move the venues around town making it as convenient as possible for residents to participate. The first 15 minutes or so would be Council Members and staff providing updates of what has been happening in Town and take the rest of the hour to open the floor to residents to express concerns and ask questions. There would not be a quorum of Council present and therefore they would not be official town meetings; minutes would not be necessary. Councilman Savoie asked how Council members not present would know what was discussed. Councilman Wireman said that a summary report could be generated and distributed to the remainder of Council by either a member of staff that attends or the Council members that attend. The Town Clerk also noted that the digital recorder could be used but not Granicus as it would not be available at the various venues.

The initial meeting would be held on the evening of Thursday, May 26th 7 PM to 8 PM at the Town Civic Building (or possibly the Cultural Arts Center next to the Civic Building).

Councilman Wireman moved to approve the outline (memo) regarding Town Hall Meetings to be held once per quarter, as presented; the motion carried unanimously.

d) Council consideration to award bid for resurfacing contract

Mr. Kaufhold noted that 3 bids were received for this resurfacing contract and opened last week ranging from \$1.713 million to \$2.035 million. Roads to be resurfaced on this contract will include some of those that scored less than a 40 on the road condition survey; meaning that these are roads in such poor condition that maintenance will no longer extend their life. The roads are either dead or dying so the work to be done is reconstruction. Upon query from Mayor Alvarez, Mr. Kaufhold confirmed that this contract would include the improvements to VFW Lane as approved by Council earlier this year. Mr. Kaufhold reported that Red Clay Industries was the lowest, responsive, responsible bidder with a bid of \$1,713,741 and it is staff's recommendation to award the bid to them.

Councilman Wireman submitted a motion to award the resurfacing contract to Red Clay Industries as the lowest, responsive, responsible bidder for their bid amount of \$1,713,741 and the motion carried by way of a unanimous vote.

e) Council consideration of Operational & Fiscal Review Phase II Fee Proposal

Mr. Kaufhold said that he recommends Council proceed with Phase II with the cost not to exceed \$32,000; a copy of the proposed scope of work is attached hereto and made part of these official minutes.

Councilman Daniels asked if Phase I was complete and ready to published. Mr. Kaufhold noted that the work that was scoped out by Barker Jones & Co. for Phase I has been completed. Councilman Daniels asked if there was any chance in the future that Phase I would require more work. Mr. Kaufhold said such would be possible and it is noted under Phase II in the scope of work where it says: "Report Preparation and Presentation and Phase II Task Determination". Councilman Daniels said he like to see Phase I finished completely

before considering funding for anything else. Councilman Wireman opined that the objective of Phase I work has been reached per the scope of work. The report may still be in somewhat of a draft form and need some adjusting but the core of the work is finished. In its current form we cannot officially release Phase I to the public but that should not preclude us from moving forward with Phase II at this time.

Councilman Cohn moved to approve moving forward with Phase II of the Scope of Work for the Operational and Fiscal Review proposed by Barker Jones & Co. with fees not to exceed \$32,000; the motion carried by a vote of four (4) to one (1) with Councilman Daniels voting in the opposition.

12. NEW BUSINESS ITEMS

a) **Council consideration of selecting outside Counsel for review of Operational & Fiscal Review Phase I**

Mr. Kaufhold noted that there were some questions regarding the draft results of Phase I of the Operational & Fiscal Review and a recommendation was made to have outside counsel review the draft results. Councilman Savoie asked that our Town Attorney, Keith Merritt, be fully involved in this process. Councilman Daniels agreed that Mr. Merritt should be included and should recommend the outside Counsel secured for the review. He asked Mr. Merritt if they were voting to seek or not seek outside counsel or selecting a specific person/firm at this time. Mr. Merritt said that was up to Council. Councilman Daniels said he would have a problem voting for a person that Mr. Merritt has not had any input in selecting.

Councilwoman Stanton prefaced her statements by saying she has nothing against Mr. Merritt but she believes that the draft report needs to be looked at from an attorney with no ties to anyone associated with the Town. She said that she has spoken with other municipalities that have had similar situations and their recommendation is to bring in someone who is completely unfamiliar with anyone involved in Town business. Councilman Daniels agrees that the special attorney be from outside of the Town and unrelated to Town business but that our attorney should be able to review this special attorney and make recommendation on their competence based upon his years of experience as an attorney.

Mayor Alvarez asked if this outside attorney would be representing Indian Trail or simply reviewing the findings of the Phase I Operational & Fiscal Review. Mr. Merritt clarified by stating that any attorney retained by the Town Council is representing the Town Council. He agreed that outside counsel should review some things in the draft findings it is up to Town Council how to make the determination of what attorney to use.

Councilman Wireman said that he would traditionally agree that we would have our resident expert (Mr. Merritt) weigh-in on what attorney to select. However, it's been brought to his attention that there is potential for a conflict of interest in him having take part in the selection process based upon the particular matter. This could be discussed further in Closed Session if necessary. He believes Town Council may have to be completely independent in who and how outside counsel is chosen.

Councilman Cohn said he doesn't believe anyone is trying to keep Mr. Merritt out of it; once an attorney is chosen then Mr. Merritt could provide his blessing or have his say as to whether or not he feels the chosen counsel is a good attorney or not. However, he believes the attorney should come from completely outside town business and outside of Indian Trail.

Mayor Alvarez asked the Town Manager if an attorney has been recommended. Mr. Kaufhold said they have talked to some and there is one name they could bring forth but this is more of a

discussion at this point. Councilman Savoie agreed that this should be done outside. Everyone here could probably provide a name that could be considered an outside attorney. However, he believes Mr. Merritt is the best person here that is capable of taking in names and doing some due-diligence on who would be the most qualified for this analysis. Councilman Cohn said he means no disrespect to Mr. Merritt but as he is hearing things the majority of Council doesn't want Mr. Merritt involved in the process of selecting the attorney for the purpose of keeping it as "clean" as possible. Councilman Cohn said he is more than willing to have Mr. Merritt provide his input to say whether or not a good attorney has been chosen.

Councilman Cohn moved that Council move forward in consideration of selecting outside Counsel for review of the Operational & Fiscal Review Phase I. The motion carried by a vote of three (3) to two (2) with Councilmen Daniels and Savoie voting in opposition.

Mr. Kaufhold asked Council how they would like to find out about the selection. Mr. Kaufhold reiterated that he has spoken with some attorneys. Councilman Daniels said that he would like to be included on the process moving forward. He clarified that included means that he be given the same information as any other/all other Council members are given. All Council members should have the same opportunity to submit names of attorneys to represent the Town.

Councilman Cohn said that Town staff has been asked many times to provide a list of contractors for Town Council to choose from; then Town Council makes the final decision. He felt like Councilman Daniels was giving conflicting accounts of what he's looking for: first he said he wanted Mr. Merritt to make the choice for outside counsel now he's asking to be included in the process. Both Councilmen Cohn and Wireman said they have not seen any list of potential attorneys. Councilman Wireman suggested Mr. Kaufhold send the list of attorneys that he has spoken to out to Mr. Merritt first and then send it out to Council with Mr. Merritt's comments. It should be sent to all Council members so that everyone is on equal terms.

Councilwomen Stanton said she had mentioned, in front of all Council members at last month's meeting when this item was discussed, an attorney that Waxhaw had used in a similar situation and she thinks perhaps Mr. Kaufhold may have contacted that attorney.

Mr. Kaufhold recommended that he send his list to Mr. Merritt tomorrow and Mr. Merritt can cross off those attorneys that he would not recommend using for this task. Then, Mr. Kaufhold can forward the revised list to Council and Council can then make a decision at the next Regular Council Meeting. Councilman Wireman asked that Mr. Merritt provide reasons as to why he would not recommend someone if there is anyone on the list he doesn't recommend. Mr. Merritt noted that any thoughts he had would best be discussed in Closed Session. Councilman Daniels clarified his earlier statements saying that he was not insinuating a list already existed but rather was referring to a future list.

b) Council consideration of to approve Capital Project Ordinance Closeout for Unionville Road Sidewalk

Mr. Kaufhold noted that this item, as well as the next two items, is to closeout completed projects that have come in under budget but he would yield the floor to Mr. Wojtowicz for further explanation. Mr. Wojtowicz noted that 57% of this project was completed with a grant. Ms. Watts has done an excellent job of administering the grant and obtaining the reimbursements. The original budget was for \$1,237,615 but actual expenses were only \$893,771; leaving a surplus of \$347,854 which can be reallocated to a future project.

Councilman Cohn moved to approve the closeout for the Capital Project Ordinance for Unionville Road Sidewalk and the motion carried unanimously.

c) Council consideration to approve Capital Project Ordinance Closeout for Chestnut Parkway Extension Phase I

This project was budgeted for \$1,861,890 and actual funds expended were \$1,833,618 allowing for \$28,272 going back into the Powell Bill's fund balance. *Councilman Daniels moved to approve the Capital Project Ordinance Closeout for Chestnut Parkway Extension Phase I and the motion carried by a unanimous vote.*

d) Council consideration to approve Capital Project Ordinance Closeout for Chestnut Square Park

Mr. Wojtowicz said that parks where he came from were nowhere near as beautiful as Chestnut Square Park—he opined that it was a successful mission. Not only is it a beautiful park but it was completed under budget by \$305,711. The original budget was \$5,283,913 and actual expenses were \$4,978,202. *Councilwoman Stanton moved to approve the Capital Project Ordinance closeout for Chestnut Square Park, the motion carried by way of a unanimous vote.*

e) Council consideration of amendments to the Board & Committee Appointment Policy (Councilman Cohn)

The two amendments were briefly discussed and read by the Town Clerk; a copy of the Amended Board & Committee Appointment Policy is attached hereto and made a part of these minutes. Section II A and Section II H both had changes. Upon query from Councilman Wireman it was noted that the policy does address attendance. *Councilman Cohn moved to approve the amended Board & Committee Appointment Policy, as presented and the motion carried by a unanimous vote.*

f) Council consideration to schedule and advertise a Public Hearing at the May 10th Council Meeting to get public input on decreasing our Indian Trail Tax Rate from 18.5 cents to 17.5 cents due to having a total of \$32 Million in cash in our Town Fund Balance on Dec 31st and residents and businesses deserve a tax decrease with these excessive amount of accumulated funds. (Councilman Daniels)

Councilman Daniels said the Finance Director was asked at the April 16th Budget Meeting if a tax decrease was feasible and the answer was it was a possibility that could be on the table. Councilman Daniels said the Finance Director also said at that meeting that there was \$10 million in the budget and most of that was real. Councilman Daniels said that Indian Trail has 160% of the budget in fund balance; most places only have 12%. He said that he has done research and having a fund balance of 25%-50% of the budget allows enough for rainy day situations. Councilman Daniels said he's not asking for Council to vote on a tax decrease he's just asking for the public to give their opinions; to schedule a public hearing. If the public wants a decrease, he believes we have the ability to afford a tax decrease of 1 cent.

Councilman Daniels moved to schedule a Public Hearing for May 10, 2016, 6:30 PM at the Civic Building to gain public input on decreasing the tax rate and discussion ensued.

Councilman Savoie said if we do move forward with a public hearing he would like the Finance Director to provide financial impacts of the proposed decrease across the board.

Council needs to be shown the budget with the tax rate proposed reduction as well as keeping the tax rate the same. Councilman Daniels agreed.

Councilman Cohn said that he wanted to know if the Finance Director had been contacted by any Council member on reducing the tax rate and the affects of such. Mr. Wojtowicz said he had not been contacted by any Council members regarding this matter.

Mr. Wojtowicz said that Indian Trail is financially healthy. Last year there was a re-assessment of property values done in Union County (where our property values come from). By law staff had to provide Council with the "revenue neutral" tax rate. Since our overall property values had decreased by \$53 billion the revenue neutral tax rate that was recommended was 18.83 cents but Council held the tax rate at 18.5 cents. So, we didn't increase taxes when could have under the premise of generating the same tax revenue after a reassessment. Further, 85% of our tax rate is fixed: 5 cents goes to the debt service capital reserve, almost another 5 cents goes to sanitation, more than 5 cents goes to law enforcement and we are looking to increase the number of officers we have in our contract. With so much happening in the Town right now, Mr. Wojtowicz said his professional opinion would be that it is not a good time to lower the tax rate.

Councilwoman Stanton said she wishes Councilman Daniels would've been present at the Budget Meetings so he could have heard what all is happening in town. We need to increase the law enforcement in town because the town is still growing. She wished this item was not even on the agenda and probably wouldn't be if Councilman Daniels had attended the last Budget Meeting.

Councilman Daniels asked Mr. Wojtowicz if he was aware that residential, commercial, and commercial with utilities were separated out. We survived our reduction in tax base from last year's reassessment. He said that earlier this year he asked that the budget be drafted showing both holding the tax rate at 18.5 cents and reducing it to 17.5 cents.

Councilman Savoie said he doesn't mind entertaining this thought but again, would like to see the numbers for both and the effects on the proposed budget for next fiscal year. He asked if potential revenues over the next couple years could be factored in as well; for businesses slated to locate in Indian Trail. Mr. Wojtowicz said a 1 cent reduction would generate about \$358,000 less than holding the tax rate at 18.5 cents. No projected offsets are included in that figure.

Councilman Cohn noted that in the proposed FY 16-17 Budget there is a staggered start for the four (4) proposed additional deputies to the UCSO contract. The start is staggered in order to keep costs down because adding four deputies is a huge fiscal impact and we'll have to absorb total annual costs in the FY 17-18 budget. Councilman Cohn said that in or about January of this year Councilman Daniels wanted to start four new deputies immediately without concern to the cost and now he wants to reduce the tax rate? Councilman Cohn felt that something was amiss in the contrasting wishes of Councilman Daniels. He felt that it would've been very beneficial for Councilman Daniels to have attended the last budget meeting because he could've learned a lot. Councilman Cohn continued by stating that Councilman Daniels ran on the platform that he would not support a new Town Hall but once he got in office he was in support of such. Mayor Alvarez asked Councilman Cohn to keep on topic after Councilman Daniels asked for point of order. Councilman Cohn felt his point was on topic and asked why the Town is borrowing funds, thus paying interest, to build the new Town Hall. If we are in such great financial condition why don't we just build it without borrowing and save the interest? Then Councilman Cohn said that when taxes were raised 4 cents for the parks Council said that the parks would be completed before starting any new projects and that was

not done—the parks are not finished but we've started the Town Hall project. Why would we lower taxes now if we have these unfinished projects?

Councilman Cohn asked Mr. Wojtowicz if we actually have \$32 million in fund balance. Mr. Wojtowicz said that there is \$32 million but most of it is restricted (i.e. earmarked and mandated to be spent on specific projects). Councilman Cohn said our town suffers because of political grand-standing because people want to go out and get votes by saying they introduced the idea of lowering the tax rate. But those same people want to build things like a new town hall without public input. Saying they want to lower taxes at this point, is just hypocritical in his opinion. Upon query By Mayor Alvarez, Mr. Wojtowicz concurred that there is enough money in the fund balance to the pay bills for current projects with enough money left over for a rainy day.

Mr. Wojtowicz said as of today, the Tax Collector has reported that 99.4% of the people have paid their 2015 taxes. So, people can pay their taxes in Indian Trail. Councilman Wireman said as a Councilmember one of their most important duties is preparation of the budget. Council is paid by tax-payers to act upon these important budget matters. He said that he finds agenda items like this item very concerning. Rather than going out and educating the public on facts discussed in budget meetings showing why we cannot decrease taxes and how we are trying not to increase taxes we have agenda items brought forth by one member that brings confusion to the public about the reality of financial abilities. He opined that this information was thoroughly discussed at the last budget meeting and finance staff did a great job at presenting the facts and explaining the true financial picture of the Town so that anyone could understand what really can and cannot be supported in the upcoming fiscal year budget.

Councilman Wireman said if the tax rate is lowered we'll not be able to bring on new deputies next year. Thankfully, we have a Sheriff that works with us and allows the staggered start. Further, we still have to complete Phase 1 (concept 1B just approved this evening) of Crooked Creek Park which will cost about \$2.1 million. Additionally, there is \$895,000 for the recently approved sidewalk project. We will likely have to tap into at least \$300,000 of fund balance for those two items. Of course, costs associated with the town hall project are increasing; he believes it has increased from \$250/square foot to about \$500/square foot. If we lower the tax rate something will have to go unfinished.

Councilman Daniels asked Mr. Wojtowicz if we could afford to currently take \$300,000 from the unrestricted fund balance. Mr. Wojtowicz reported that the unrestricted fund balance is about \$10 million.

Mayor Alvarez called for a vote to the motion on the table which was to schedule a public hearing to reduce the tax rate 1 cent. The motion was denied by a vote of two (2) to three (3): Council members Daniels and Savoie voted in favor of the motion while Council members Wireman, Cohn and Stanton voted in the opposition.

Councilman Savoie suggested that figures be ran both ways so that public can be educated on the impacts of both lowering the rate and keeping it at 18.5 cents. Since the matter of suggesting to hold a public hearing on lowering the tax rate was on this agenda folks may ask why such is not moving forward. Other members noted that the monthly financial report is being posted on Town's website.

- g) Council consideration that a Town Hall Exterior Design with a cupola was approved by the Mayor and Town Council on November 25th, 2014. My understanding is that a cupola has now been removed from the Town Hall exterior design. Town staff indicated they would only make changes to the interior of the building. Please have the Town**

**Manager distribute documentation to the Mayor and Town Council before the April 26th Council meeting that shows that Mayor and Town Council officially voted to remove this exterior feature from the previously Council approved exterior design and any communications with Creech giving them direction on removing the Cupola.
(Councilman Daniels)**

Councilman Daniels said that it is his understanding that if Council votes to do something only a vote of Council can undo; he asked Mr. Merritt if his understanding was correct. Mr. Merritt said that stated that broadly he could not answer the question. Councilman Daniels specified his question asking Mr. Merritt if Council had voted for this cupola on the new Town Hall; can it only be removed by action of Council? Mr. Merritt said he could provide his legal opinion of the scenario to Council in Closed Session if need be; he would not provide his legal opinion of such in Open Session at this time. Councilman Daniels said that with this item he is simply asking that the Town Manager show the Mayor and Council that Council voted to approve removing the cupola.

The Town Manager passed out a packet of documentation to the Mayor and Council. On February 11, 2016 in the Power Point presented at the Council meeting there was a slide containing the "Building Redesign" items; "delete cupola was the first item on the list. Then, as per Council direction, Mr. Kaufhold sent an email to the Mayor and Council on February 16, 2016 titled "Town Hall Building Design Options" and the first item under the "Major changes include" section was "eliminate cupola". Then the Power Point slide presented at the February 23, 2016 states: "design ideas were sent to Council for review with supporting detail after the Feb. 11, 2016 Council meeting" (which would be the email of February 16th). Mr. Kaufhold said that staff reviewed the audio of the February 23, 2016 Regular Council Meeting and found that removal of the cupola was mentioned during the recommendations for change at minute 56:55 of that meeting and the Council approved the recommended changes by a vote of three (3) to one (1) that evening.

Councilman Daniels asked if there were (written) minutes to back up this evidence. Mr. Kaufhold noted that the Town Clerk had assumed the duties of the Human Resources Director for four months as well as other duties and since the audio of meetings are available on-line the transcription of minutes from earlier this year have not been completed. Temporary help is being secured to get the minutes transcribed. Mr. Kaufhold said that while the February 23, 2016 minutes have not been transcribed to written form anyone can listen to the recording of the meeting and hear the discussion and vote beginning at minute 56:55. Mr. Kaufhold said that Mr. Daniels asked for documentation, which has been provided. Mr. Merritt confirmed that the recordings of the meetings on Granicus are in fact public records.

Councilman Wireman said to him, this is a non-issue. It was presented to Council and voted on and the documentation of such has been provided, as requested by Councilman Daniels. Councilman Cohn apologized to residents as this item, he believes, is nothing more than a waste of time.

Councilman Cohn submitted a motion to close-out this item and move on with the agenda; the motion carried by a vote of four (4) to one (1) with Councilman Daniels opposing.

Mayor Alvarez stated for the record that he recalls the removing of the cupola being presented to Council and voted on by Council quite clearly. Mayor Alvarez added that he believes the grandstanding on the matter is insulting to everyone. Councilman Daniels said he takes that comment very personal and believed a lot of residents were very surprised when the cupola was removed. Mayor Alvarez called Councilman Daniels out of order and there was some back-and-forth between the two that became quite heated. Mayor Alvarez threatened to have

Councilman Daniels ejected from the meeting which appeared to anger Councilman Daniels. Mayor Alvarez solicited a motion and vote to eject Councilman Daniels. The verbal dispute continued between the two and Captain Coble stood up and asked that Council regain control for the sake of the Town. Other Council members began to make comments as well and Captain Coble then warned that if tempers did not calm and the meeting move forward he would have the meeting dispersed.

13. DISCUSSION ITEMS: none

14. UPDATES

- a) Manager's Update: Scott Kaufhold, Town Manager: Mr. Kaufhold said that the draft budget for FY 2016-2017 is being completed.

15. COUNCIL COMMENTS

- **Councilman Wireman:** thanked residents for coming to the meeting and being involved in the Town. He welcomed the public to contact them if they have any questions regarding Town business.
- **Councilman Daniels:** said when he ran three years ago he did so on the platform to reduce taxes for seniors and the disabled; it's not a plot to gain supporters for future political race. He said that he attended the first half of the first budget meeting; he is thankful that we have Granicus to bring members up to date should they miss a meeting. He hopes that Council can one day work together as a body of five and not be split three to two or four to one on every issue. He said the question was asked if he had reached out the Finance Director regarding an issue on the agenda. He said that previously he tried to reach out to staff in the Planning Department when he had questions and was denied access to meet or speak with Planning staff. Why would a member of staff be prohibited from meeting with an elected official? He found it distasteful and disgusting and it held him back from attempting to meet Finance staff regarding the issue he included on this agenda. In the future he hopes to be able to contact staff when he has questions or concerns.
- **Councilwomen Stanton:** thanked everyone for coming out this evening; thanked Captain Coble for interjecting during the heated discussion; thanked staff for all their hard work and Mr. Kaufhold for doing a great job—she felt staff is happy. She wished everyone well in their travels home.
- **Mayor Alvarez:** said he attends all the Town events and people engage him in conversations. If everyone put as much focus into Town business as they put into these agenda items that have already been covered the Town would benefit greatly. As presented, these items do appear to be political grand-standing and if they are—shame. It is Council's job to work for the people of Indian Trail. He urged that the childish games stop; the residents are tired of it and the grand-standing needs to stop. He thanked Mr. Burhans and staff for the Tree Initiative; it is a great thing for the community. Next Thursday, May 5 is National Day of Prayer which was approved by Congress many years ago. There will be a ceremony in Crossing Paths Park 12 Noon to 12:45 PM; please attend if you can and pray for our country and our leaders. This Saturday at the Monroe Mall the Artists Music Guild will hold "Union Idol" 3PM to 8PM. The Arbor Day Celebration was wonderful. He asked the Town Manager to communicate with Mr. Griggs what is going on with the stormwater situation in his neighborhood. If there is excess money in our budget, Mayor Alvarez opined that it should be put into law enforcement for our town. Mayor Alvarez recognized Councilman Daniels. Councilman Daniels noted that the Mayor and Council were invited to the Annual Military Inspection for JROTC at Sun Valley High; it was confirmed that quorum may attend—the Clerk would send a notice of such to the Sunshine List.
- **Councilman Cohn:** thanked the public for coming this evening and staff for their presentations. He said that he hates when people play politics. It bothers him when Council

members go out and try to start a police department and they talk about adding Sheriff's deputies. Also, when elected officials run on a platform that does not support a new town hall then after elected vote for a new town hall without the vote of the people. He said that he doesn't know any better than to be straight forward with folks. He'd love to be able to lower taxes but feels it's just not feasible with all that's going on. He's upset that all the parks were supposed to be finished before moving on to any other projects; parks money was to only go to parks.

- **Councilman Savoie:** thanked staff for their diligence and hard work. He congratulated Captain Coble on his recent promotion from Lieutenant to Captain and thanked everyone who attended the meeting.

16. CLOSED SESSION

Action

Councilman Daniels moved that Council enter Closed Session pursuant to N.C.G.S. 143-318.11(a)(3) to protect the attorney-client privilege and N.C.G.S. 143-318.11(a)(6) to consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee; the motion carried unanimously. Council entered Closed Session.

Upon conclusion of Closed Session the public was invited back into the Council Chambers at which time Councilman Daniels moved that Council enter into Regular/Open Session and motion carried unanimously

17. POSSIBLE ACTION FOLLOWING CLOSED SESSION

Councilman Wireman moved to suspend the agenda rules to add the following items to the agenda:

- 1) *Release of prior closed session minutes*
- 2) *Consideration of the Resolution #R160426-1 A Resolution in Support of a Noise Wall to be Constructed at Certain Locations Along the Monroe Bypass Project.*

The motion to add these two items to the agenda carried unanimously.

- 1) **Release of Prior Closed Session Minutes:** *Councilman Wireman moved to release/unseal the Closed Session as presented/recommended by the Town Clerk in Closed Session (2/10/2009 Closed Session Minutes in their entirety; 7/9/2013 Closed Session Minutes only the portion pertaining to G.S. 143-318.11(a)(4) regarding business expansion; 8/27/2013 Closed Session Minutes only page 1 with regard to approving other Closed Session Minutes; November 26, 2013 Closed Session Minutes only the portions pertaining to unsealing other Closed Session Minutes and the portion pertaining to G.S. 143-318.11(a)(5) property purchase; and 10/13/2015 Closed Session Minutes on the first 2 paragraphs). The motion carried by way of a unanimous vote of Council.*

- 2) **Consideration of Resolution #R160426-1 A Resolution in Support of a Noise Wall to be Constructed at Certain Locations Along the Monroe Bypass Project:** *Councilman Daniels moved to approve Resolution #R100426-1 and the motion carried unanimously.*

18. **ADJOURN:** *Councilman Daniels moved to adjourn at approximately 9:40 PM and the motion carried unanimously.*

APPROVED:

Mayor Michael L. Alvarez

(SEAL)

Attest:

Kelley Southward, Town Clerk



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

PLANNING AND NEIGHBORHOOD SERVICES

Planning Board Transmittal for the May 10, 2016 Town Council Public Hearing

Case: ZT2016-002 and CPA2016-002 Amendment to UDO Chapters 530 and 630 and Comprehensive Plan Chapter 3			
Reference Name	Light Industrial Uses within Village Center Overlays Amendment of UDO Chapters 530 and 630, and Amendment of Comprehensive Plan Chapter 3		
Planning Board Meeting Date	April 19, 2016		
Members Present	Chair Cowan <input checked="" type="checkbox"/>	Jan Brown <input checked="" type="checkbox"/>	Samantha Towns <input checked="" type="checkbox"/>
	Vice Chair Larry Miller <input type="checkbox"/>	Vacant <input type="checkbox"/>	Sidney Sandy <input type="checkbox"/>
	Alan Rosenberg <input checked="" type="checkbox"/>	Jorge Aponte <input type="checkbox"/> Alternate 1	Dennis Gay <input checked="" type="checkbox"/> Alternate 2
	Helen Killough <input checked="" type="checkbox"/> Alternate 3		
Case Found Complete	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Motion	Recommend approval		
Member Making the Motion	Board Member Alan Rosenberg		
Second the Motion	Board Member Jan Brown		
Vote	6-0		

Project Summary

This is a request to amend Chapters 530 and 630 of the Unified Development Ordinance (UDO), and Comprehensive Plan Chapter 3 to allow light industrial uses within Village Center Overlays. Accompanying the proposed text amendment is a Comprehensive Plan amendment to ensure consistency within the Village Center Overlay districts.

Town Council Action: Receive Planning Board Recommendation and public comments and:

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

Staff Analysis

This request is initiated by The Moser Group to permit light industrial uses within the Village Center Overlays. The intent of the Moser Group is to potentially develop an industrial park project along Radiator Drive. This text amendment provides a tool through which such project may be proposed in the future. As a point of clarification, this text amendment does not approve a particular development project (i.e., above-mentioned industrial park). It only adds specific industrial uses within the Village Center Overlays to the Unified Development Ordinance. Most future light industrial uses will be required to be approved through Conditional Zoning, in light of the limited amount of existing land currently zoned Light Industrial within the Town.

To date, there exist a limited amount of industrial uses within the village center overlay districts which have been in existence before any UDO requirements in our current code. In order to acknowledge those existing uses, language has been proposed to exempt such businesses from requirements being proposed with this amendment. In this case, said uses are grandfathered and become legitimized.

A key aspect of the proposed amendment is ensuring only appropriate uses would be permitted within village centers. Staff's approach in narrowing the list of industrial uses that would be permitted within village centers was to identify uses that are less intense in nature. Depending on the intensity of the use and its appropriateness within a village center, uses of a lower intensity are permitted by-right (such as commercial uses and low intensity industrial), while other more intense uses necessitate being established through a Special Use Permit or Conditional Zoning approval. A focus was put on ensuring compatibility between light industrial uses and existing or future residential communities. Heavy industrial uses (such as junk yards) are not permitted in light of them not being appropriate under any circumstance within a village center environment.

In sum, the proposed amendment language achieves the following:

- a) *Limits the uses to those which are less intense in nature:* As stated above, staff's goal with providing draft language for this amendment was to ensure only appropriate uses are considered within the Village Center Overlays.
- b) *Sets approval procedures for uses:* Depending on their intensity, uses would be permitted by-right, Special Use Permit and Conditional Zoning. Uses which are more commercial in nature are proposed to be permitted by-right (i.e., offices). Uses which are more intense or require an extra layer of scrutiny are proposed to be permitted by Special Use Permit or Conditional Zoning. This allows staff, Planning Board, Town Council and the community to weigh in.
- c) *Provides exemption (i.e., grandfathering):* Existing light industrial uses which are otherwise non-conforming are proposed to be exempted. This only applies to uses existing as of this text amendment. This provides benefits to those existing uses because it legitimizes them within the UDO.
- d) *Provides additional standards for development:* Additional standards include separation of intense uses from residential uses, required outdoor storage screening and nuisance mitigation.

A Comprehensive Plan Amendment (CPA2016-002) has also been proposed with this text amendment in order to provide consistency within the Overlay districts.

Planning Board

The Planning Board heard this item at its April 19, 2016 public meeting. The Board engaged in discussion regarding the protection of residential areas within the Village Center Overlays, particularly as it relates to noise from outdoor mechanical equipment, restricting access to industrial sites (not to be accessed through residential areas), and limiting light industrial uses to specific village centers. The Board was generally supportive of the amendment but had some recommendations in order to address their concerns. In that regard, Planning Board recommended the amendment be restricted to specific villages, and recommended additional language be added to address concerns regarding noise and accessibility. The following will briefly summarize the discussion at the meeting.

Limited Villages

Planning Board recommended light industrial uses only be permitted in the Old Monroe, Old Hickory and Sun Valley Villages.

Access to Light Industrial Sites

Planning Board recommended staff add language to the amendment that would not permit access to light industrial sites through residential areas, in order to protect existing and future neighborhoods.

Noise

Planning Board recommended staff include provisions regarding outdoor site operations and noise dampening requirements to proposed 630.050(E), Noise.

Please see the attached draft minutes for the April 19, 2016 Planning Board meeting, and link to the audio file in [Granicus](#).

The Planning Board voted unanimously to transmit a recommendation to approve with above-mentioned modifications to the Town Council.

The following consistency statements were found:

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
 - ***Land Use and Housing Goals #1, 4 and 5:*** The proposed amendment is consistent with the Comprehensive Plan because it will enable diverse uses, and avoid potential land use incompatibilities, promote sustainable development through the use of smart growth principles, and encourage high quality design.
 - ***Economic Development Goal #1:*** The proposed amendment creates the opportunity for a balanced tax base by allowing the development of industrial parks within the village center overlay districts and by supporting varied employment opportunities.
2. This UDO ordinance amendment is in the best interest of the public because it seeks to concentrate more intense development within the village centers and protect the low density single-family areas as envisioned in the comprehensive plan.

Public Comments

There were no comments from the general public at the Planning Board meeting. The Applicant and property owner were present to address any questions from Planning Board members.

Staff Contact

Gretchen Coperine, AICP, Senior Planner
gcooperine@planning.indiantrial.org

Attachment 1- Planning Board Report

Attachment 2- Draft Ordinance And Resolution

Attachment 3 – Draft Planning Board Minutes of April 19, 2016

Attachment 4 – Comprehensive Plan Village Maps



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

PLANNING AND NEIGHBORHOOD SERVICES

Zoning Staff Report

Case: ZT 2016-002 and CPA2016-002 Industrial Uses within Village Center Overlay		
Reference Name	Amendment of UDO Chapters 530 and 630 and Comprehensive Plan Chapter 3	
Applicant	Sun Valley Commons, LLC c/o Moser Group, Inc	
Submittal Date	February 22, 2016	
Location	Town-wide	
Tax Map Number	N/A	
Plan Consistency	Town of Indian Trail Comprehensive Plan	Consistent With Goals of the Adopted Comprehensive Plan
Recommendations & Comments	Planning Staff	Recommends Approval of Proposed Text Amendment

Project Summary

This is a request to amend Chapters 530 and 630 to the Unified Development Ordinance (UDO) to allow Industrial Uses within the Village Center Overlay. Accompanying the proposed language is a Comprehensive Plan amendment to Chapter 3 to include industrial uses in the Village Center Overlay districts.

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

Analysis/Overview

This request was initiated by The Moser Group to permit industrial uses within the Village Center Overlay districts in the Town of Indian Trail. The intent from the Moser Group is to potentially develop a light industrial park in the Sun Valley Village Center area. The Village Centers were envisioned in the Town's Comprehensive Plan to provide compact neighborhoods within a 10 minute walk of various activities including non-residential uses. The goal of the village center overlay is to encourage sustainable development and centers of activity with a variety of uses.

With regard to the proposed amendment, staff modified the applicant's original proposal by narrowing the list of industrial uses that would be permitted within village centers.

Depending on the intensity of the use and its appropriateness within a village center, uses of a lower intensity are permitted by-right (such as commercial uses and low intensity industrial), while other more intensive uses necessitate being established through a Special Use Permit or Conditional Zoning approval. A focus was put on ensuring compatibility between light industrial uses and existing or future residential communities. Heavy industrial uses (such as junk yards) are not permitted in light of them not being appropriate under any circumstance within a village center environment.

To date, there exist a limited amount of industrial uses within the village center overlay districts which have been in existence before any UDO requirements in our current code (generally located on Waxhaw Indian Trail Road and Nagle Drive). In order to acknowledge those existing uses, language has been proposed to exempt such businesses from requirements being proposed with this amendment. In this case, said uses are grandfathered in and become legitimized. Most future parcels developing with light industrial uses will need a conditional rezoning to establish the light industrial zoning district, which is ultimately approved by Town Council.

Below is a table of parcels with existing industrial uses within the Old Monroe Village Center (generally located on the north side of Waxhaw Indian Trail Road, along Nagle Drive). Again, this amendment proposes language that legitimizes the uses below, as they have been in existence before UDO requirements were established.

Parcel	Current Use
7114038T	Auto repair
7114038S	Warehouse building with outdoor storage
07114038J	Bldg Contractor with outdoor storage, office
07114038K	Kennel
07114038N	Warehouse bldg with outdoor storage
07114038C	Auto repair
07132027A	Cement Plant
07132027D	Plant - office
07132027C	Plant - office
07114025A	Warehouse bldg with outdoor storage

Amendment Overview

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

- *UDO Chapter 530.010 Industrial Zoning Districts:* In this section of the proposed amendment, the “Village Center Overlay” is added to provide consistency with other sections of the UDO which reference the Village Center Overlay districts.
- *UDO Chapter 530.020 Allowed Uses Table:* The permitted uses table lists industrial uses which are appropriate for the village center overlays. Generally speaking, uses which are considered heavy industrial, such as junk yard and vehicle storage, have not been included in the permitted uses as they are out of character with the village center overlay districts.
- *UDO Chapter 630.010(B) Exemptions:* Language has been added to exempt existing uses within the Light Industrial zoning district in the Village Center Overlay which would otherwise not meet the requirement of the proposed amendment. These uses have been in existence before requirements of the UDO, and as such must be recognized. This proposal does not create an impact to any prior approvals, and legitimizes existing uses.
- *UDO Chapter 630.040 Development Standards:* Language has been added to allow industrial uses within the village center overlays to have less than the required 60% of the front façade to be transparent. The transparency requirement is more appropriate for commercial zones and not so for industrial uses.
- *UDO Chapter 630.050 Additional Requirements:* This section provides additional development requirements when uses involving outdoor storage are proposed or manufacturing uses proposed within proximity of low intensity areas as follow:
 1. *Separation Requirements:* Uses involving manufacturing must be a minimum of 250 feet from any residential or institutional area. Manufacturing uses may be closer than 250 feet from a residential or institutional area when a conditional rezoning is proposed. The conditional rezoning process allows staff, Planning Board and Town Council to analyze the appropriate separation for a specific site based on the specific proposal, the surrounding area character and existing development.
 2. *Outdoor Storage:* Uses which propose outdoor storage must meet landscaping requirements as well as additional screening with walls or opaque fencing in order to protect the surrounding area and its aesthetic.
 3. *Nuisances:* The proposed language regarding odors, noise and other nuisances is intended to protect surrounding areas.

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.

A Comprehensive Plan Amendment (CPA2016-002) has also been proposed with this text amendment in order to provide consistency within the Overlay districts. See Attachment 3.

Required Consistency Findings

The Planning Board is required to make two consistency findings, one for consistency with Town

adopted plans and another regarding the benefit of the public. Staff is of the opinion the following findings can be made:

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
 - Plan:
 - ***Land Use and Housing Goals #1, 4 and 5:*** The proposed amendment is consistent with the Comprehensive Plan because it will enable diverse uses, and avoid potential land use incompatibilities, promote sustainable development through the use of smart growth principles, and encourage high quality design.
 - ***Economic Development Goal #1:*** The proposed amendment creates the opportunity for a balanced tax base by allowing the development of industrial parks within the village center overlay districts and by supporting varied employment opportunities.

2. This UDO ordinance amendment is in the best interest of the public because it seeks to concentrate more intense development within the village centers and protect the low density single-family areas as envisioned in the comprehensive plan.

Staff recommends that the Planning Board make the required consistency findings and recommend adoption of this UDO Text Amendment ZT2016-002 as presented.

Staff Contact

Gretchen Coperine, AICP, Senior Planner
704-821-5401
gcoperine@planning.indiantrail.org

Attachment 1: Application

Attachment 2: Draft Ordinance: Exhibit A, Draft Language

Attachment 3: Draft Resolution: CPA2016-002

PB ATTACHMENT ONE - APPLICATION

02-22-16 A10:45 IN

**UDO TEXT AMENDMENT
APPLICATION**

ZT2016-002

R-000681

Inv 27034



PLANNING & NEIGHBORHOOD SERVICES

130 Blythe Drive

PO Box 2430

Indian Trail, NC 28079

Telephone (704) 821-5401

Fax (704) 821-9045

ONLY COMPLETE APPLICATIONS ACCEPTED

Processing Fee \$500.00

A TECHNOLOGY FEE, 10% OF PROCESSING FEE, WILL BE APPLIED TO THE TOTAL FEE.

UDO TEXT AMENDMENT APPLICATION

Submittal Requirements

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

Timeline/Procedures

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

UDO TEXT AMENDMENT APPLICATION

Subject Section of the UDO:

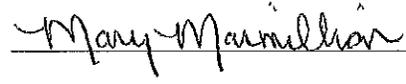
Name ALLOWED USES
 Chapter: 530.020
 Purpose: PERMIT LIGHT INDUSTRIAL USE IN VCO

Contact Information – Applicant Liquid Management LLC

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

Applicant's Certification

Signature  Date 2-19-16
 Printed Name/Title Dennis Moser

Signature of Notary Public  Date 2-19-16

Notary Seal

Mary Marmillion
 Notary Public - North Carolina
 Mecklenburg County
 Commission No. 201510500146
 My commission expires 7-12-2020

TOWN OF INDIAN TRAIL OFFICE USE ONLY	
CASE NUMBER: <u>ZT 2016.002</u>	
DATE RECEIVED: <u>2-22-16</u>	AMOUNT OF FEE: <u>\$ 550 /</u>
RECEIVED BY: <u></u>	RECEIPT #: <u>/</u>



02-22-16 11:04:45 AM

February 19, 2016

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

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

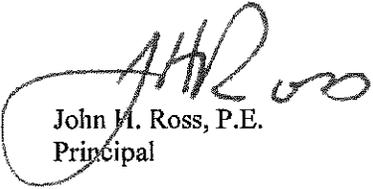
Dear Mr. Burhans:

On behalf of our client, , Liquid Management, it is our intent and our formal request to amend the text of the Town of Indian Trail Unified Development Ordinance. To expand, it is our request that Chapter 530.020 and any other pertinent sections be amended to permit the development of Light Industrial facilities, within areas designated as Village Center Overlay districts.

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

Sincerely,

EAGLE ENGINEERING, INC.



John M. Ross, P.E.
Principal

Attachments
cc: Liquid Management; file 5473

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

www.eagleonline.net

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



Elaine F. Marshall
Secretary

North Carolina

**DEPARTMENT OF THE
SECRETARY OF STATE**

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

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Corporate Names

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

Business Corporation Information

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

Corporate Addresses

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

Officers

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

Stock

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

STATE OF NORTH CAROLINA)

TOWN OF INDIAN TRAIL) **ORDINANCE #DRAFT**
)

AN ORDINANCE AMENDING CHAPTERS 530, INDUSTRIAL ZONING DISTRICTS, AND 630, VILLAGE CENTER OVERLAY ZONE (O-VC) OF THE INDIAN TRAIL UNIFIED DEVELOPMENT ORDINANCE (UDO) RELATED TO INDUSTRIAL USES WITHIN THE VILLAGE CENTER OVERLAY DISTRICTS IN INDIAN TRAIL, NORTH CAROLINA

WHEREAS, the Town is the applicant for ZT 2016-002 requesting to amend Chapters 530, Industrial Zoning Districts and 630, Village Center Overlay Zone (O-VC); establish standards and other development requirements within the UDO; and

WHEREAS, this Zoning Amendment (ZT 2016-002) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, the amendment was heard by Planning Board on April 19, 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:
 - ***Land Use and Housing Goals #1, 4 and 5:*** The proposed amendment is consistent with the Comprehensive Plan because it will enable diverse uses, and avoid potential land use incompatibilities, promote sustainable development through the use of smart growth principles, and encourage high quality design.
 - ***Economic Development Goal #1:*** The proposed amendment creates the opportunity for a balanced tax base by allowing the development of industrial parks within the village center overlay districts and by supporting varied employment opportunities.

2. This UDO ordinance amendment is in the best interest of the public because it seeks to concentrate more intense development within the village centers and protect the low density single-family areas as envisioned in the comprehensive plan.

WHEREAS, the Town Council received the Planning Board transmittal for a recommendation of approval in the required public hearing held on April 19, 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 Chapters 530, Industrial Zoning Districts and 630, Village Center Overlay Zone (O-VC); and

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

SO ORDAINED THIS __ DAY OF May 2016.

THE TOWN COUNCIL OF INDIAN TRAIL

By _____ Honorable Michael L. Alvarez, Mayor

Attest:

Kelley Southward, Town Clerk

APPROVED AS TO FORM:

TOWN ATTORNEY

ZT2016-002 EXHIBIT A

Chapter 530. Industrial Zoning Districts

The Industrial districts are intended to accommodate industrial park development, manufacturing, warehousing, and wholesaling in locations with good access to highways and arterial roads. The Industrial districts are intended to promote job retention and job creation and such districts are intended to promote expansion of the Town's employment base and access to jobs in close proximity to people's homes.

530.010 District Descriptions

A. LI, Light Industrial District

The LI, Light Industrial 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 and ancillary service activities controlled by performance standards to limit the effect of such uses on uses within the district and on adjacent districts. Development in this district under the planned development process is encouraged. The LI, Light Industrial district is consistent with the Industrial designation on the Indian Trail Comprehensive Plan.

B. HI, Heavy Industrial District

The HI, Heavy Industrial district is established to produce areas for intensive manufacturing, processing and assembly uses, controlled by performance standards to limit the effect of such uses on adjacent districts. The HI, Heavy Industrial District is consistent with the industrial designation on the Indian Trail Comprehensive Plan.

C. O-VCD, Village Center Overlay

The Village Center Overlay District designates areas within the Town where mixed-use centers may be established. Village Center Overlay Districts may be established with different mixes of land uses and different densities consistent with the broad guidelines established by the Comprehensive Plan. The location of Village Center Overlay Districts will be consistent with the locations identified in the Comprehensive Plan.

530.020 Allowed Uses

G. Use Table and Standards

Use Group	Zoning Districts			Use Standards
	LI	HI	<u>O-VCD</u>	
Specific Use				
COMMERCIAL				
Adult Use	-	-		
Animal Services				
Shelter/Boarding Kennel	S	-		
Sales and Grooming	S		<u>P</u>	<u>See Chapter 630 for specific villages permitting use.</u>
Veterinary	S	-	<u>P</u>	<u>See Chapter 630 for specific villages permitting use.</u>
Stables	S	-		
Artist Work and Sales Space	P	P	<u>P</u>	<u>See Chapter 630 for specific villages permitting use.</u> <u>*See Chapter 630 for specific villages permitting use;</u>
Building Maintenance Services	P	P	<u>S*</u>	<u>See Chapter 630 for outdoor storage and additional requirements within Village Center Overlays;</u> <u>SUP required unless established through Conditional Zoning.</u>
Business Equipment Sales and Services	P	P	<u>P</u>	<u>See Chapter 630 for specific villages permitting use.</u>
Commercial Greenhouse or Nursery	P	P		
Communication Service Establishments	P	P	<u>P</u>	<u>See Chapter 630 for specific villages permitting use.</u> <u>*See Chapter 630 for specific villages permitting use;</u>
Construction Sales and Services	P	P	<u>S*</u>	<u>See Chapter 630 for outdoor storage and additional requirements within Village Center Overlays;</u> <u>SUP required unless established through Conditional Zoning.</u>
Construction Storage Yard	S	P		
Funeral and Interment Services				
Cemetery or Mausoleum	-	-		
Cremating	S	S	<u>S*</u>	<u>*See Chapter 630 for specific villages permitting use;</u> <u>SUP required unless established through</u>

				<u>Conditional Zoning.</u>
Commercial Laundry Services	P	P		
Offices	P	-	<u>P</u>	<u>See Chapter 630 for specific villages permitting use.</u>
Business or Trade School	P	-	<u>P</u>	<u>See Chapter 630 for specific villages permitting use.</u>
Ancillary Services within Business Parks				
				<u>*See Chapter 630 for specific villages permitting use;</u>
Health Clubs/Fitness*	P*	-	<u>P*</u>	See Size Limits Sec. 530.040* <u>*See Chapter 630 for specific villages permitting use;</u>
				<u>SUP required unless established through Conditional Zoning.</u>
Child Care Center*	S*	-	<u>S*</u>	See Size Limits, Parking and Loading and Locational Requirements Sec. 530.040* <u>*See Chapter 630 for specific villages permitting use;</u>
Dry Cleaning, Shoe and Apparel Repair (Consumer)	P*	-	<u>P*</u>	See Size Limits Sec. 530.040* <u>*See Chapter 630 for specific villages permitting use;</u>
Bakery*	P*	-	<u>P*</u>	See Size Limits Sec. 530.040* <u>*See Chapter 630 for specific villages permitting use;</u>
Delicatessen*	P*	-	<u>P*</u>	See Size Limits Sec. 530.040* <u>*See Chapter 630 for specific villages permitting use;</u>
Restaurant (not including drive-through facilities)	P*	-	<u>P*</u>	See Size Limits Sec. 530.040* <u>*See Chapter 630 for specific villages permitting use;</u>
Mailing, Copying, and Blue Print Services*	P*	-	<u>P*</u>	See Size Limits Sec. 530.040* <u>*See Chapter 630 for specific villages permitting use;</u>
Employment Agency*	P*	-	<u>P*</u>	See Size Limits Sec. 530.040* <u>*See Chapter 630 for specific villages permitting use;</u>
Secretarial Services*	P*	-	<u>P*</u>	See Size Limits Sec. 530.040* <u>*See Chapter 630 for specific villages permitting use;</u>
Telephone Answering Services*	P*	-	<u>P*</u>	See Size Limits Sec. 530.040*
Residential Storage Warehouse	P	P	<u>P*</u>	<u>*See Chapter 630 for specific</u>

				<u>villages permitting use;</u>
				<u>*Indoor, climate controlled storage facility only in Village Center Overlays.</u>
Indoor Shooting Range	S	S		Chapter 7170
Sports and Recreation, Participants (not including firearms shooting ranges)				
				<u>*See Chapter 630 for specific villages permitting use;</u>
				<u>See Chapter 630 for additional requirements within Village Center Overlays;</u>
				<u>SUP required unless established through Conditional Zoning.</u>
Indoor	S	S	<u>S*</u>	
Outdoor	P	-	<u>P</u>	
Vehicle Sales, Storage and Services				
				<u>*See Chapter 630 for specific villages permitting use;</u>
				<u>See Chapter 630 for outdoor storage and additional requirements within Village Center Overlays;</u>
				<u>SUP required unless established through Conditional Zoning.</u>
Heavy Equipment Sales and Rental* (Retail and Wholesale)	P	P	<u>S*</u>	
				<u>*See Chapter 630 for specific villages permitting use;</u>
				<u>See Chapter 630 for outdoor storage and additional requirements within Village Center Overlays.</u>
				<u>SUP required unless established through Conditional Zoning.</u>
Motor Vehicle Repair Shop including commercial vehicles	P	P	<u>S*</u>	
RV and Boat Storage	S	S		
Vehicle Storage and Towing	S	S		
INDUSTRIAL				
				<u>*See Chapter 630 for specific villages permitting use;</u>
				<u>See Chapter 630 for outdoor storage and additional requirements within Village Center Overlays.</u>
Manufacturing, Production, and Industrial Services	P	P	<u>P*</u>	
Artisan	P	P	<u>P</u>	<u>See Chapter 630 for specific</u>

				villages permitting use.
				*See Chapter 630 for specific villages permitting use;
				See Chapter 630 for outdoor storage and additional requirements within Village Center Overlays
Limited Industrial	P	P	<u>P*</u>	
General Industrial	P	P		
Heavy Industrial	-	P		
Mining/Excavation	S	P		
				*See Chapter 630 for specific villages permitting use;
				See Chapter 630 for outdoor storage and additional requirements within Village Center Overlays
Warehousing, Wholesaling, and Freight Movement	P	P	<u>P*</u>	
Waste and Salvage Related Uses				
Junk/Salvage Yard	-	S		
Recycling Facilities Indoors	P	P		
Recycling Facilities Outdoors	-	S		
Resource Recovery Facilities	-	S		
Waste Transfer Stations	-	S		
Other				
Agricultural Operations	P	P		
				*See Special Requirements under UDO Section 7210 SUP for outdoor operations per UDO Section 7210
Breweries, Distilleries and Wineries	P/S*	P/S*	<u>P/S*</u>	See Chapter 630 for specific villages permitting use.
Emergency Services	P	P	<u>P</u>	See Chapter 630 for specific villages permitting use.
Utilities, Minor	P	P	<u>P</u>	*See Chapter 630 for specific villages permitting use;
				See Chapter 630 for specific villages permitting use;
				SUP required unless established through Conditional Zoning.
Utilities, Major	S	S	<u>S*</u>	
Wireless Communications Facilities				
Co-located	P	P	<u>P</u>	See Chapter 630 for specific villages permitting use.
Freestanding Towers	P	P	<u>P</u>	See Chapter 630 for specific villages permitting use.

Chapter 630. Village Center Overlay Zone (O-VC)

630.010 District Established

The Village Center Overlay Zone is hereby established to provide for the designation of areas within the Town where mixed-use centers may be established. Village Center Overlay Districts may be established with different mixes of land uses and different densities consistent with the broad guidelines established by the Comprehensive Plan. The location of Village Center Overlay Districts will be consistent with the locations identified in the Comprehensive Plan.

A. Applicability

This Chapter applies to all new development within the boundaries Village Center Overlay Zone as defined within the Indian Trail Comprehensive Plan. No development may occur on a property that falls in part or whole within this overlay zone unless in accordance with this article.

B. Exemptions

This Chapter does not apply to land or to development which:

1. Is part of an approved final plat, preliminary plat, or approved site plan for a commercial center where such approval was granted before December 31, 2008; or
2. Is covered by an unexpired zoning certification permit issued before December 31, 2008 in accordance with the Town of Indian Trail zoning ordinance in effect prior to the effective date of this UDO-~~or~~
3. An existing use in an Industrial zoning district within the Village Center Overlay that has been in continuous operation on or before June 30, 2016. Said uses shall also be exempt from Chapter 630.050. Any future additions or expansions, however, shall be subject to the requirements of Chapter 630 in place at the time of the addition or expansion.

630.020 Purpose and Intent

This Chapter is intended to implement the Town of Indian Trail Comprehensive Plan that calls for the establishment of village centers at strategically located intersections within the Town. The purpose of this Chapter is to create a classification consistent with the Town's comprehensive plan. It is also the purpose of this Chapter to establish a classification that allows for mixed residential, ~~and~~ commercial and industrial development that meets a higher standard of design and site planning.

630.030 Rezoning Procedures

The Town shall process Village Center Overlay Zone district requests in the same manner as set forth by Chapter 320 for all other rezoning requests.

630.040 Development Standards

The following standards apply to buildings located on lots fronting public or private collector roads, boulevards, or thoroughfares.

- A. Parking lots must be located at the side or rear of buildings. No parking lots may be located at the front of commercial or residential buildings. For uses located within Industrial zoning districts, parking lots may be located at the front of the building provided it meets landscaping requirements of Section 810.180.
- B. Where parking lots are located at the side of buildings, including those located within Industrial zoning districts, such parking areas must meet the perimeter landscaping requirements of Section 810.180.
- C. For uses located within a commercial, institutional, or residential zoning district, at least 60% of a building's front façade that faces a street or sidewalk must be transparent (windows and doors) between an elevation of 4 feet and 10 feet above grade.

- D. Dry-it (EIFS) is not permitted as the primary building material and metal buildings are also prohibited. Buildings will meet the design standards of 1320.020.

630.050 Additional Requirements

- A. Village Centers will incorporate pedestrian improvements that connect all building and uses consistent with the requirements of Section 810.200.
- B. Light Industrial (LI) uses shall only be permitted in the following village center overlays: Old Hickory, Old Monroe and Sun Valley Village Center Overlays.
- C. Separation requirements: Uses in LI within village center overlays involving manufacturing, production, wholesaling and freight movement shall be located a minimum of 250 feet from any residential or institutional district or from property used for residential, religious institution or school purpose. Uses may locate closer than 250 feet from a residential or institutional district or from property used for residential, religious or institutional or school purposes when approved through a Conditional Rezoning per Chapter 330.
- D. Outdoor Storage uses in LI within village center overlays shall be subject to Chapter 7180 in addition to the following requirements:
1. Outdoor storage areas located on any side yard shall be fully screened from any right-of-way by a solid wall or opaque fence. Chain link, split rail wood and slat fences shall not qualify as opaque screening fences.
 2. Screening from Residential Uses: In addition to the Landscaping requirements of Chapter 800, uses shall be fully screened from adjacent residentially zoned property or property used for residential purposes by a solid wall, opaque screening fence or berm. Fences, walls, and/or berms shall be a minimum of 6 feet in height. Chain link, split rail wood and slat fences shall not qualify as opaque screening fences.
- E. Odors and Other Nuisances: Uses in LI within village center overlays shall not produce odors, gas, dust or any other pollutants detrimental to the health, safety or general welfare of persons living or working in the surrounding properties.
- F. Noise: Uses in LI within village center overlays shall not create any unreasonably loud, disturbing or unnecessary noise that is detrimental to the health, safety, or general welfare of persons living or working in the surrounding properties. Any mechanical equipment which produces excessive noise, including but not limited to compressors, pumps, generators, vacuums, and similar equipment shall be located inside the building or within an enclosed structure equipped with noise dampening materials.
- G. Site Access: Vehicular access to uses located in the LI District within a village center overlay shall not be permitted using a street or drive primarily intended to serve a residential community.

STATE OF NORTH CAROLINA)

)

RESOLUTION #DRAFT

TOWN OF INDIAN TRAIL)

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

WHEREAS, the Town recognized the need to update Chapter 3 of the Indian Trail Comprehensive Plan as it relates to industrial uses within the Village Overlay Centers; and

WHEREAS, this Comprehensive Plan Amendment (CPA2016-002) was duly noticed in compliance with North Carolina General Statutes; and

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

WHEREAS, the Planning Board voted 6 to 0 to recommend approval of the Comprehensive Plan Amendment on April 19, 2016; and

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

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Indian Trail, North Carolina approves the modification of Chapter 3 of the Indian Trail Comprehensive Plan as shown in Exhibit“**A**”.

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

Section 1 – Approves CPA 2016-002 Comprehensive Plan Amendment:

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

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

AND IT IS SO ORDAINED this ___ day of May 2016

TOWN OF INDIAN TRAIL COUNCIL

Attest:

Michael Alvarez, Mayor

Kelley Southward, Town Clerk

APPROVED AS TO FORM:

TOWN ATTORNEY

CPA2016-002 EXHIBIT A

Comprehensive Plan: Chapter 3, Framework Plan

3.2.9 Village Center Overlay

The Town of Indian Trail comprehensive plan is organized around a concept of residential Villages and commercial Corridors. A key to the residential Villages is the goal of having more than half of the build-put population of the town being within a 10 minute walk or a 5 minute drive of regular services, such as stores, restaurants, professional offices, churches, libraries and other services, as well as some light industrial uses. The Village Center, along with Neighborhood Centers and the Sub-regional Center, is a core building block of the residential Village.

The Village Center Overlay is intended to concentrate light industrial uses in specific areas, and higher-intensity commercial uses and higher-density residential around intersections of boulevards and thoroughfares in residential Villages or surrounding one of the three proposed Monroe Bypass interchanges within or partially within the Planning Area.

Creating a Village Center Overlay benefits both residential, and commerce, and industrial uses. The co-location of more intense uses creates opportunities for a sense of place not possible in a more sprawling pattern of commercial uses along an arterial roadway. The center also provides for both fiscal and quality of life benefits to the community. The boundaries for each Village Center should be within a half-mile radius of its center, or approximately a 10-minute walk for the average person.

Village Center Overlay Land Use

Village Centers should be predominantly focused on retail and professional office services for the surrounding population. Other than the US-74 Business Corridor, *Old Hickory Corridor*, and Downtown Indian Trail, most of the retail uses that have been designated for each of the Villages and Corridors within this plan should be located within the Village Center boundaries. Residential uses should only consist of approximately 25% to 40% of a Village Center, depending upon location and market support.

The intent of the Village Center is to create a sustainable community by locating commercial and retail uses that would be supported by approximately 3,000-4,000 residents within close proximity to residential uses. The Village Center size is based on the estimated number of people needed to support an elementary school and neighborhood stores. The Village Centers will also be the most suitable locations for higher density and multi-family residential uses, so that their residents can be within walking distance of the commercial and civic uses.

While the Village Center size ranges are based on generalized planning standards, Village Center developments should be able to demonstrate market support for their proposed size and mix of uses, and demonstrate that their proposed size and mix will not preclude development of other Village Centers, particularly for Village Centers whose anticipated market support area extends beyond the Indian Trail Planning Area.

The Village Center that is located in the Crooked Creek Village could support light industrial uses such as office warehouse or flex space uses. The location of this Village Center at a future Monroe Bypass interchange combined with the availability of land makes this Village Center potentially conducive for light industrial uses. A limited amount of light Industrial uses may be appropriate in other Village Centers depending on the location, proximity to appropriate infrastructure and the uses and character of the surrounding areas.

Village Center Overlay Community Form

The recommended form for commercial uses is a non-residential walkable center with civic, retail, restaurant and professional uses, surrounded by higher density residential uses with excellent pedestrian connections to the non-residential core. This Village Center concept is necessary to soften the impacts of the allowed uses. The Village Center concept is defined through unified architecture; well-planned pedestrian connections linking buildings, parking, and amenities. Buildings should be sited to create pedestrian spaces and parking fields need to be broken into smaller sizes with the use of landscaping. Ground floor space should respond to the pedestrian sidewalks with display windows and entrances. Intense commercial buildings may be multistory.

Residential uses also may be in multi-story buildings. The additional height should be respectful of the adjacent uses and may be limited if there is the potential to negatively impact them. At the periphery of the Village Center will be the residential uses and public facilities. These uses will serve to transition the more intensive uses in the commercial to the less intensive residential uses outside the Village Center. Higher density residential uses in appropriately scaled buildings will buffer the commercial uses in the core of the Village Center, while lower density uses will be located at the outer edges.

Parking will be necessary for residents who do not walk or bike to the center. However, pedestrian connectivity should be incorporated for those living or working in closer proximity. Pedestrian enhancements should be provided to add emphasis and ensure safety along pedestrian corridors. Facilities for public transit stops and pedestrian access to these facilities are also strongly encouraged, as are bicycle racks.

Village Center Overlay Siting Criteria

The following siting criteria, in addition to those mentioned under Community Form, are applicable within the Village Center Overlay:

SC1. Building heights, where appropriate, should be stepped away from the more intensive commercial, industrial and civic uses in the core down to the less intensive residential uses in the periphery.

SC2. Natural features such as streams, wetlands, and groves of trees within the Village Center should be incorporated into the urban fabric, and should incorporate and allow access to any adjacent greenways, along with encouraging pedestrian connectivity.

SC3. Within the commercial core of the Village Center, there should be interior roadways channeling traffic to the major boulevards and thoroughfares but not into the Village Center's periphery residential areas.

SC4. Pedestrian-enhanced cut-through walkways and interior courtyards are desirable to link the Village Center's commercial core to the residential periphery.

SC5. There will be a minimum of two major boulevards or thoroughfares that cross within the Village Center or that are immediately adjacent to the Village Center.

SC6. Higher density single-family residential and multifamily residential uses should be located within a 5-10 minute walk of the core of the Village Center.

SC7. A slightly less dense residential classification should be located closer to the outside periphery of the Village Center.

SC8. Non-residential uses that are appropriate to be located within the Village Center are listed in the Village Center Overlay zoning district classification. While most of the uses are appropriate, some of the uses discourage walkability. It is strongly encouraged that only non-residential uses that support walking, biking and less dependency on motor vehicles be considered for the Village Center.

SC9. Light Industrial uses that are suitable within the Village Center located at intersection of the Monroe Bypass and Unionville-Indian Trail Road should be located on the internal periphery of the Village Center. These uses may be suitable, provided that such uses and their associated activities do not conflict with the enjoyment of residential properties in the area and are sited in a business park environment. Industrial uses may be appropriate within other Village Centers based on compatible land development in the surrounding area.

Town of Indian Trail



P.O. Box 2430

Indian Trail, North Carolina 28079

Telephone 704-821-5401

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PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT PLANNING BOARD MINUTES

April 19, 2016

06:30 P.M.

CALL TO ORDER

ROLL CALL

The following members of the governing body were present:

Board Members: Patricia Cowan, Jan Brown, Alan Rosenberg, Samantha Towns, and Dennis Gay, Helen Killough.

Members Present but none

not Voting:

Absent: Larry Miller, Sidney Sandy, Jorge Aponte.

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

SWEARING IN OF NEW MEMBERS – Samantha Towns was sworn in as a Member of the Planning Board as Seat #2 (Term 7/1/14-6/30/17). Dennis Gay was sworn in as Alternate Member #2 (Term 7/1/14-6/30/17) and Helen Killough was sworn in as Alternate Member #3 (Term 7/1/13-6/30/16).

APPROVAL OF MINUTES- March 15, 2016

Chair Cowan asked for clarification of the indication of a “pause” in the minutes asked Pam Good to confirm that it was a brief break and not a recess. Member Brown made a motion to approve the March minutes as written, seconded by Member Rosenberg. The vote to approve was unanimous.

PUBLIC ITEMS

- a. **ZT2016-002 and CPA2016-002:** Industrial Uses in Village Center Overlay: Proposed UDO text amendment and Comprehensive Plan Amendment to permit industrial uses within the Village Center Overlay district. Applicant: Moser Group

Senior Planner Gretchen Coperine presented the case to the board beginning with a brief overview of a definition of a text amendment as well as explaining that they can be initiated by staff, the Planning Board, citizens, or by Town Council.

This request was initiated by The Moser Group to permit industrial uses within the Village Center Overlay districts in the Town of Indian Trail. The intent from the Moser Group is to potentially develop a light industrial park in the Sun Valley Village Center area. The Village Centers were envisioned in the Town’s Comprehensive Plan to provide compact neighborhoods within a 10 minute walk of various activities including non-residential uses. The goal of the village center overlay is to encourage sustainable development and centers of activity with a variety of uses.

With regard to the proposed amendment, staff modified the applicant's original proposal by narrowing the list of industrial uses that would be permitted within village centers. Depending on the intensity of the use and its appropriateness within a village center, uses of a lower intensity are permitted by-right (such as commercial uses and low intensity industrial), while other more intensive uses necessitate being established through a Special Use Permit or Conditional Zoning approval. A focus was put on ensuring compatibility between light industrial uses and existing or future residential communities. Heavy industrial uses (such as junk yards) are not permitted in light of them not being appropriate under any circumstance within a village center environment.

To date, there exist a limited amount of industrial uses within the village center overlay districts which have been in existence before any UDO requirements in our current code (generally located on Waxhaw Indian Trail Road and Nagle Drive). In order to acknowledge those existing uses, language has been proposed to exempt such businesses from requirements being proposed with this amendment. In this case, said uses are grandfathered in and become legitimized. Most future parcels developing with light industrial uses will need a conditional rezoning to establish the light industrial zoning district, which is ultimately approved by Town Council.

Amendment Overview

Staff Coperine provided a summary level overview of the proposed UDO amendment. Refer to Attachment 2, Ordinance: Exhibit A for the proposed amendment in its entirety.

- *UDO Chapter 530.010 Industrial Zoning Districts:* In this section of the proposed amendment, the "Village Center Overlay" is added to provide consistency with other sections of the UDO which reference the Village Center Overlay districts.
- *UDO Chapter 530.020 Allowed Uses Table:* The permitted uses table lists industrial uses which are appropriate for the village center overlays. Generally speaking, uses which are considered heavy industrial, such as junk yard and vehicle storage, have not been included in the permitted uses as they are out of character with the village center overlay districts.
- *UDO Chapter 630.010(B) Exemptions:* Language has been added to exempt existing uses within the Light Industrial zoning district in the Village Center Overlay which would otherwise not meet the requirement of the proposed amendment. These uses have been in existence before requirements of the UDO, and as such must be recognized. This proposal does not create an impact to any prior approvals, and legitimizes existing uses.
- *UDO Chapter 630.040 Development Standards:* Language has been added to allow industrial uses within the village center overlays to have less than the required 60% of the front façade to be transparent. The transparency requirement is more appropriate for commercial zones and not so for industrial uses.
- *UDO Chapter 630.050 Additional Requirements:* This section provides additional development requirements when uses involving outdoor storage are proposed or manufacturing uses proposed within proximity of low intensity areas as follow:
 1. *Separation Requirements:* Uses involving manufacturing must be a minimum of 250 feet from any residential or institutional area. Manufacturing uses may be closer than 250 feet from a residential or institutional area when a conditional rezoning is proposed. The conditional rezoning process allows staff, Planning Board and Town Council to analyze the appropriate separation for a specific site based on the specific proposal, the surrounding area character and existing development.
 2. *Outdoor Storage:* Uses which propose outdoor storage must meet landscaping requirements as well as additional screening with walls or opaque fencing in order to protect the surrounding area and its aesthetic.

3. *Nuisances*: The proposed language regarding odors, noise and other nuisances is intended to protect surrounding areas.

A Comprehensive Plan Amendment (CPA2016-002) had also been proposed with this text amendment in order to provide consistency within the Overlay districts as seen in Attachment 3.

Staff Coperine reminded the board that this amendment would be town wide and doesn't approve any specific development project. She informed that some light industrial uses would be compatible with the Village Center Overlay and those would be less intense in nature. Staff Coperine gave examples of some appropriate and inappropriate uses. Staff Coperine also provided the board with a table of possible uses that the text amendment would allow. She also gave a table of uses that would need more scrutiny and come in under a Special Use Permit as well as a list of uses that may need additional standards.

Staff Coperine stopped the presentation momentarily for board questions. Discussion followed for further clarification of what constitutes light industrial use and what roads would be used for access to industrial uses. Member Towns questioned the size of possible future light industrial projects and what they would be near. Staff Coperine clarified that this is a text amendment and future projects, except for existing Light Industrial zoned parcels in Old Hickory or Old Monroe, would need to go through rezoning process. Staff's intent in this text amendment proposal is to set the perimeters for allowing LI uses within the village center overlays. Staff Coperine proceeded to explain separation limits in the proposed text amendment.

Staff Coperine explained that the amendment was prompted by an applicant that wanted to develop light industrial park within the Sun Valley area. She proceeded to give examples and pictures of desirable and undesirable examples of a light industrial park.

An accompanying Comprehensive Plan amendment to Chapter 3 was also presented in order to ensure consistency with the proposed UDO text amendment.

Staff Coperine read the required consistency findings into the record.

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
 - ***Land Use and Housing Goals #1, 4 and 5:*** The proposed amendment is consistent with the Comprehensive Plan because it will enable diverse uses, and avoid potential land use incompatibilities, promote sustainable development through the use of smart growth principles, and encourage high quality design.
 - ***Economic Development Goal #1:*** The proposed amendment creates the opportunity for a balanced tax base by allowing the development of industrial parks within the village center overlay districts and by supporting varied employment opportunities.
2. This UDO ordinance amendment is in the best interest of the public because it seeks to concentrate more intense development within the village centers and protect the low density single-family areas as envisioned in the comprehensive plan.

Member Towns asked about outside agencies making sure all was in order when a developer begins a project. Staff Coperine answered that all applicable outside agencies are contacted in each rezoning case and asked for comments in their area of expertise.

Member Rosenberg stated his concern about light industrial use being in close proximity to residential with various factors that could affect residents. Some may fit now but could change in the future. He asked how do we control such factors in the future. Staff Coperine answered that staff is addressing this by

drafting additional standards. Staff Burhans added that the UDO table of uses would also narrow the types of uses that would be allowed. Chair Cowan mentioned that certain businesses already exist in the Village Overlay District that have offset set hours and early morning deliveries. More discussion followed involving outside noise that would not be audible in neighborhoods. Staff Coperine referenced UDO 630.050E as an example of the proposed language with regard to noise, which she read into the record. Member Rosenberg mentioned that he is also concerned about access roads for potential light industrial businesses.

Member Killough asked how the separation requirement would affect height of a building. Staff Coperine based on the zoning district. Member Killough asked if this amendment is related to the previous text amendment regarding a hotel. Staff Coperine confirmed that the two were separate amendments.

Staff Coperine stated that the purpose of the amendment is to add Village Center Overlays to the list of permitted uses in the Industrial district.

Staff Burhans addressed various concerns and suggested two possibilities to refine and add next level of protection:

- add to amendment that all outdoor mechanical equipment is inside the building or has a noise dampening box surrounding it.

- narrow the use list down further to remove anything that has outdoor activity.

Member Rosenberg mentioned that he'd like to add that access would not be through residential areas. Staff Burhans reminded the board that all specific projects will need to go through the process of rezoning, which require Planning Board recommendations and Town Council approval.

Member Gay stated that 250 feet of separation is not a large amount. Is there a muffling material to buffer the residential area from potential light industrial areas? Staff Coperine suggested massaging the language if the board would request it.

Public Comment

John Ross with Eagle Engineering at 2013A Van Buren Ave. Indian Trail, NC stepped to the podium to speak. Mr. Ross mentioned that a number of businesses have left Indian Trail because of lack of space for light industrial use. He pointed out the specific site along Radiator Road that Mr. Moser would like to develop. He stated that he felt it would be a good transition from the heavy industrial use at the end of Radiator Road. He also stated that he felt the guidelines recommended by staff addressed much of the questions brought forth by the board.

Dennis Moser of 231 Post Office Dr. Indian Trail, NC stated that the intent is to rezone for light industrial use and pointed out potential sizes of lots for businesses. He mentioned that the text amendment that involves the entire town is the process he is required to go through to for the potential development on Radiator Road. The quality of product is similar to Old Hickory Industrial Park. The goal is to keep it an affordable product for businesses.

**Mr. Moser stated that he would bring a copy of potential lots to the board for viewing. He also mentioned that they expect to make some improvements to Old Monroe Road if the project goes forward. He added that he thought the development would be filled with existing businesses in Indian Trail that need to expand.

Staff Coperine stated, for the record, that this text amendment would not approve any site specific projects. Site specific projects would have to go through the conditional rezoning process.

Closed Public Comment

Member Brown mentioned it would be a good fit but that the text amendment needed modifications regarding sound.

Member Towns stated that it should be approved with modifications and wants to see a draft of the text amendment before it is approved.

Staff Coperine answered that the Planning Board has two options:

- staff can add additional language and take it to the Town Council or
- staff can add language and bring the modified amendment back to the Planning Board

Member Towns stated that she needed more information.

A question was raised if the Planning Board could approve the area in Sun Valley only. Staff Burhans mentioned that this text amendment would address some other present problems with present UDO language and two other villages (Old Hickory and Old Monroe).

Staff Burhans stated that this text amendment does not encourage light industrial use to have free reign for development in Village Overlay Centers. Layers of site specific reviews are in place for site specific development. The text amendment gives a process the developer can go through to make a proposal.

Discussion followed limiting language of this text amendment to the Sun Valley Village Overlay only. Chair Cowan was concerned about changing the UDO multiple times for various villages rather than town wide. Staff Burhans answered that staff recommendation would be correct the UDO on a townwide basis. Staff Burhans added that time is a factor with potential projects and if they need to go through multiple steps including a text amendment, it could be a problem.

Member Rosenberg recommended that a decision be made for the 3 specific villages that were mentioned in the meeting, then come back and look at the bigger picture. Discussion followed involving changing the application request to the three villages: Old Monroe, Old Hickory, and Sun Valley. More discussion followed regarding separation requirements. Staff Coperine stated that there is always a 50 buffer requirement.

Additional items that need to be added were noise dampening restrictions as well as access restriction,

Motion to approve ZT2016-002 and CPA2016-002 with the above additions in the three villages of Old Monroe, Old Hickory, and Sun Valley as well as noise dampening and road access restrictions by Member Rosenberg. Seconded by Member Brown. The vote to approve was unanimous.

The meeting was paused for several minutes for a small break for members to stretch.

The meeting was resumed for Staff Rox Burhans to present **ZT 2016-005 Union County Crooked Creek WWTP Expansion Exemption**: Proposed text amendment to UDO Chapters 110 and 520 to exempt the Union County Crooked Creek Wastewater Treatment Plant from Town development standards and approval processes. Applicant: Town of Indian Trail.

Staff Burhans began his presentation with the location overview as well as showing the board the changes in UDO table section 520.020G. He also showed a picture of the site expansions including a 30 foot tall basin that would collect rain water that would be built as well as two other buildings that are pump stations. Staff

Burhans stated that this text amendment is being brought forward as there is a disagreement between the Town and the County on who regulates this facility. The Town is sponsoring this for this text amendment for a site specific amendment. Because of the unusual nature of this request, a public notice mailing to approximately 160 area residents was sent as well as a community meeting being held on February 18th. Staff Burhans added that this facility would have to follow state and federal guidelines, just not local approvals.

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. If the Planning Board wishes to transmit a recommendation to approve, the following findings can be made:

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
 - ***Infrastructure Goal #1:*** The proposed text amendment will enable future wastewater system improvements to occur in a more expeditious manner by being exempt from local regulations and approval processes;
2. This UDO ordinance amendment is in the best interest of the public because it helps create a more efficient process to providing additional wastewater treatment capacity and services to the growing Indian Trail community.

Staff Burhans stated that this doesn't affect any standards of water testing, but items such as buffering and landscaping requirements.

Member Rosenberg stated that he is concerned as there would be no restrictions for height and the effect of that on area neighborhoods. He asked how tall the trees are surrounding the area. Staff Burhans answered that he didn't know the exact height but that there were mature trees there. Staff Burhans estimated that there were approximately 3 acres involved.

Member Gay mentioned that they do have to right of eminent domain. Discussion followed as a water tower would not be a possibility because it is a water treatment facility.

Opened Public Comment

Bill Phipps of 1419 Cottage Creek, Indian Trail, NC came to the podium to speak. He stated that he has lived in the Traewyck Subdivision for 17 years. He mentioned that there has been a smell from the treatment plant periodically. There was not a buffer between the water treatment plant and his subdivision. He has no water problems but neighboring homes have standing water in their yards. He feels this is caused by the treatment plant, the close proximity of the Food Lion and an apartment complex nearby. He encouraged the board to express concerns with the expansion of this facility.

Eugene Griggs of 1706 Cottage Creek Rd, Indian Trail, NC came forward to speak. He urged the board not to pass the text amendment until the water problem in Traewyck is addressed.

Jesse Brentley of 1714 Cottage Creek Rd, Indian Trail, NC pointed out his property on the screen map. He mentioned that he has had a water problem since the complex was built. Commissioner Helms, the Mayor, and I Witness News have been to his property. He urged the board to not approve unless this is fixed.

Closed Public Comment

Member Brown asked if the Town has any control over the water problem. Staff Burhans stated that if one private property has drainage issues with another private property, the present ordinance is written that Town funds are not used. But, Town Council has been discussing if the Town should become more involved and expanding this policy with some of these private issues as it has a large impact on lives. Staff Burhans stated that he knew the Town and Council was aware of these issues but was unsure of the status of the investigation of the problem.

Member Towns stated that other agencies need to be involved with this and it is an intense problem.

Member Rosenberg stated that there were two issues:

- drainage problems
- text amendment for giving permission for the water treatment to make changes on their site

Member Rosenberg also stated that they need to ensure that the changes at the water treatment site would not cause additional drainage issues for area residents. He also asked where all the water to fill the basin would be coming from. He felt more clarification is needed.

Member Rosenberg requested staff from Union County Public Works to come to the next Planning Board meeting.

Board's questions that would like to be answered and information requested:

Union Co Public Works representative-next meeting

Is this going to bring additional run off with site improvement

Where is water coming from for new basin

What studies have been done to see if their project will be making impact on the neighbors

Detailed answer from Town Manager Kaufhold regarding drainage issues and who owns the issue

Minutes or audio from the Feb 18th community meeting

Motion to continue ZT2016-005 to May 17th meeting date made by Member Rosenberg, seconded by Member Towns. Vote to continue was unanimous.

OTHER BUSINESS-none

PLANNING REPORT –

- Town Council did approve the Grand Opening Banner change so that there will be no cost to the initial banner for a set period of time for a new business.
- The hotel/motel mixed use amendment had more discussion. Town Council also asked that the two amendments be split apart. A community meeting is scheduled for residents to voice their opinions. A large notice will be mailed to notify area residents about this meeting.
- Mayor's Tree Initiative is underway for approximately 900 children.
- Earth Day/Arbor Day festival is being held at Stallings Park April 23
- Upcoming community meetings- Church of the Redeemer
- Two residential rezonings- Virginia Trace and Hawfield

ADJOURN – Motion to adjourn made by Member Rosenberg. Seconded by Member Gay. Vote to adjourn was unanimous. Meeting adjourned at 9:35pm.

Chairman:

Date: _____

Secretary:

DRAFT

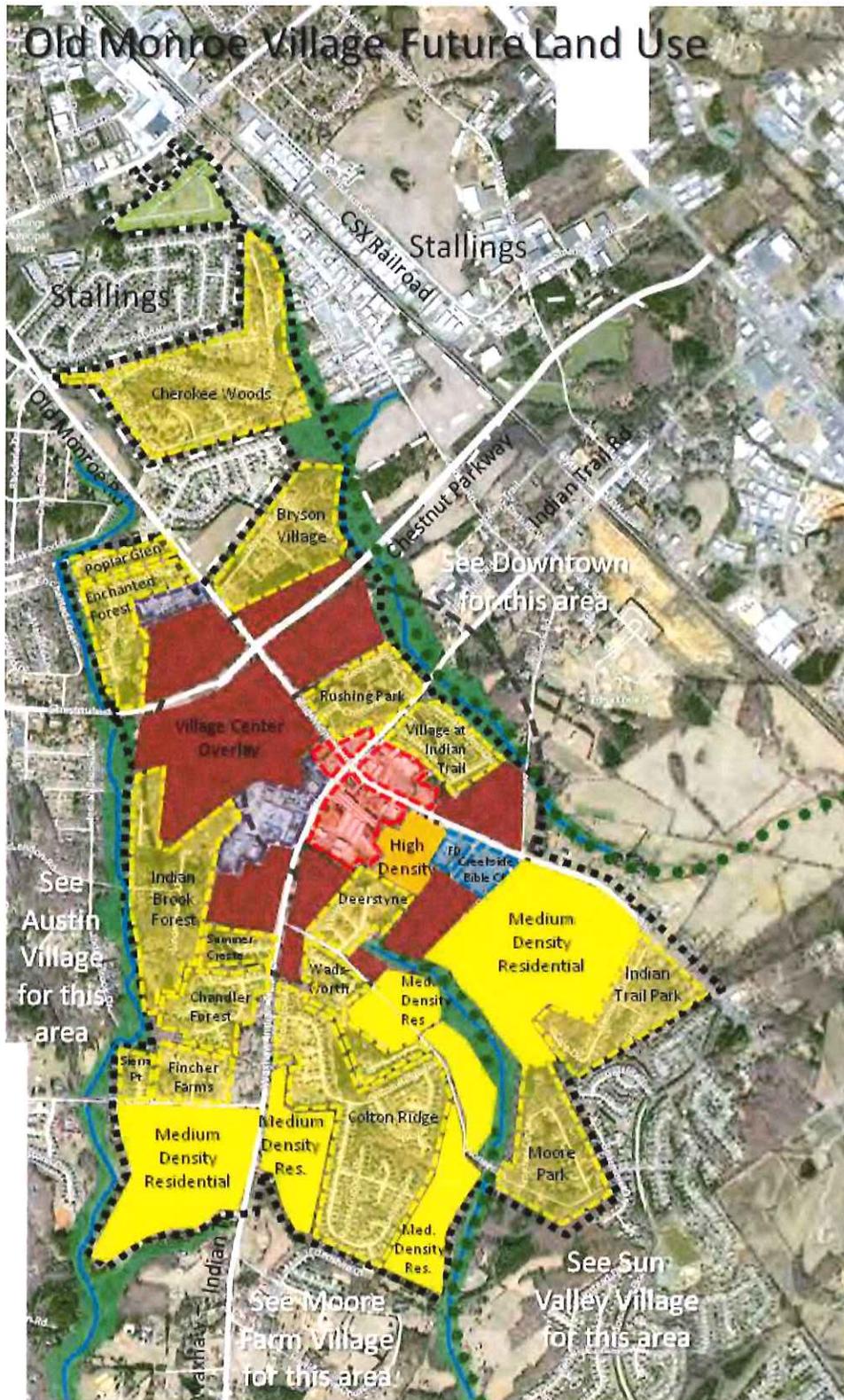


Fig. 5.1.38 Old Monroe Village Future Land Use

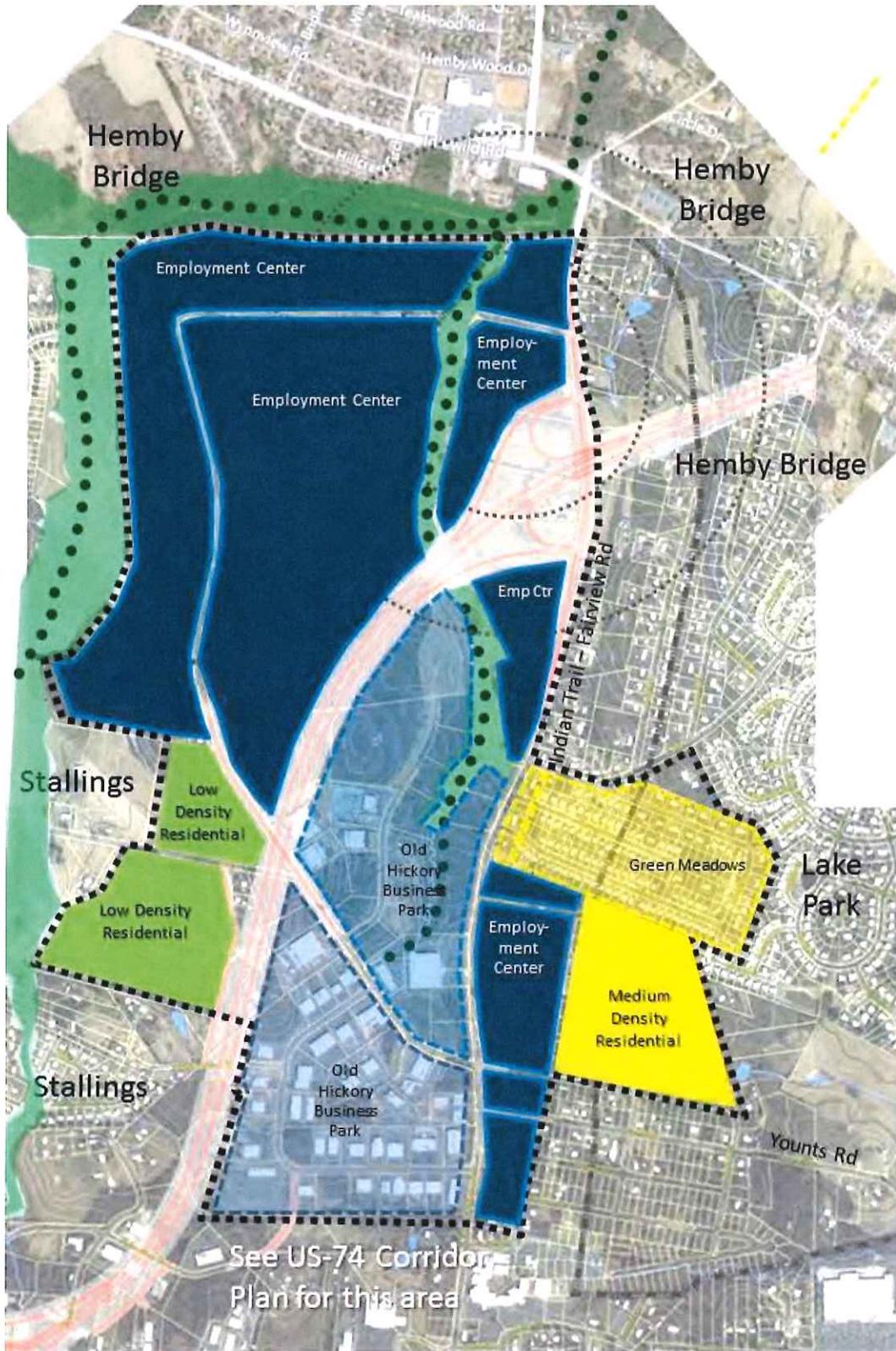


Fig. 5.2.3 Old Hickory Corridor Future Land Use

STATE OF NORTH CAROLINA)

ORDINANCE #0160510-239

TOWN OF INDIAN TRAIL)

AN ORDINANCE AMENDING CHAPTERS 530, INDUSTRIAL ZONING DISTRICTS, AND 630, VILLAGE CENTER OVERLAY ZONE (O-VC) OF THE INDIAN TRAIL UNIFIED DEVELOPMENT ORDINANCE (UDO) RELATED TO INDUSTRIAL USES WITHIN THE VILLAGE CENTER OVERLAY DISTRICTS IN INDIAN TRAIL, NORTH CAROLINA

WHEREAS, the Town is the applicant for ZT 2016-002 requesting to amend Chapters 530, Industrial Zoning Districts and 630, Village Center Overlay Zone (O-VC); establish standards and other development requirements within the UDO; and

WHEREAS, this Zoning Amendment (ZT 2016-002) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, the amendment was heard by Planning Board on April 19, 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:
 - ***Land Use and Housing Goals #1, 4 and 5:*** The proposed amendment is consistent with the Comprehensive Plan because it will enable diverse uses, and avoid potential land use incompatibilities, promote sustainable development through the use of smart growth principles, and encourage high quality design.
 - ***Economic Development Goal #1:*** The proposed amendment creates the opportunity for a balanced tax base by allowing the development of industrial parks within the village center overlay districts and by supporting varied employment opportunities.
2. This UDO ordinance amendment is in the best interest of the public because it seeks to concentrate more intense development within the village centers and protect the low density single-family areas as envisioned in the comprehensive plan.

WHEREAS, the Town Council received the Planning Board transmittal for a recommendation of approval in the required public hearing held on April 19, 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 Chapters 530, Industrial Zoning Districts and 630, Village Center Overlay Zone (O-VC); and

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

SO ORDAINED THIS __ DAY OF May 2016.

THE TOWN COUNCIL OF INDIAN TRAIL

By _____
Honorable Michael L. Alvarez, Mayor

Attest:

Kelley Southward, Town Clerk

APPROVED AS TO FORM:

TOWN ATTORNEY

ZT2016-002 EXHIBIT A

Chapter 530. Industrial Zoning Districts

The Industrial districts are intended to accommodate industrial park development, manufacturing, warehousing, and wholesaling in locations with good access to highways and arterial roads. The Industrial districts are intended to promote job retention and job creation and such districts are intended to promote expansion of the Town's employment base and access to jobs in close proximity to people's homes.

530.010 District Descriptions

A. LI, Light Industrial District

The LI, Light Industrial 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 and ancillary service activities controlled by performance standards to limit the effect of such uses on uses within the district and on adjacent districts. Development in this district under the planned development process is encouraged. The LI, Light Industrial district is consistent with the Industrial designation on the Indian Trail Comprehensive Plan.

B. HI, Heavy Industrial District

The HI, Heavy Industrial district is established to produce areas for intensive manufacturing, processing and assembly uses, controlled by performance standards to limit the effect of such uses on adjacent districts. The HI, Heavy Industrial District is consistent with the industrial designation on the Indian Trail Comprehensive Plan.

C. O-VCD, Village Center Overlay

The Village Center Overlay District designates areas within the Town where mixed-use centers may be established. Village Center Overlay Districts may be established with different mixes of land uses and different densities consistent with the broad guidelines established by the Comprehensive Plan. The location of Village Center Overlay Districts will be consistent with the locations identified in the Comprehensive Plan.

530.020 Allowed Uses

G. Use Table and Standards

Use Group	Zoning Districts			Use Standards
	LI	HI	<u>O-VCD</u>	
Specific Use				
COMMERCIAL				
Adult Use	-	-		
Animal Services				
Shelter/Boarding Kennel	S	-		
Sales and Grooming	S		<u>P</u>	<u>See Chapter 630 for specific villages permitting use.</u>
Veterinary	S	-	<u>P</u>	<u>See Chapter 630 for specific villages permitting use.</u>
Stables	S	-		
Artist Work and Sales Space	P	P	<u>P</u>	<u>See Chapter 630 for specific villages permitting use.</u> <u>*See Chapter 630 for specific villages permitting use;</u>
				<u>See Chapter 630 for outdoor storage and additional requirements within Village Center Overlays;</u>
Building Maintenance Services	P	P	<u>S*</u>	<u>SUP required unless established through Conditional Zoning.</u>
Business Equipment Sales and Services	P	P	<u>P</u>	<u>See Chapter 630 for specific villages permitting use.</u>
Commercial Greenhouse or Nursery	P	P		
Communication Service Establishments	P	P	<u>P</u>	<u>See Chapter 630 for specific villages permitting use.</u> <u>*See Chapter 630 for specific villages permitting use;</u>
				<u>See Chapter 630 for outdoor storage and additional requirements within Village Center Overlays;</u>
				<u>SUP required unless established through Conditional Zoning.</u>
Construction Sales and Services	P	P	<u>S*</u>	
Construction Storage Yard	S	P		
Funeral and Interment Services				
Cemetery or Mausoleum	-	-		
Cremating	S	S	<u>S*</u>	<u>*See Chapter 630 for specific villages permitting use;</u>

				<u>SUP required unless established through Conditional Zoning.</u>
Commercial Laundry Services	P	P		
Offices	P	-	<u>P</u>	<u>See Chapter 630 for specific villages permitting use.</u>
Business or Trade School	P	-	<u>P</u>	<u>See Chapter 630 for specific villages permitting use.</u>
Ancillary Services within Business Parks				
				<u>*See Chapter 630 for specific villages permitting use;</u>
Health Clubs/Fitness*	P*	-	<u>P*</u>	See Size Limits Sec. 530.040* <u>*See Chapter 630 for specific villages permitting use;</u>
				<u>SUP required unless established through Conditional Zoning.</u>
Child Care Center*	S*	-	<u>S*</u>	See Size Limits, Parking and Loading and Locational Requirements Sec. 530.040* <u>*See Chapter 630 for specific villages permitting use;</u>
Dry Cleaning, Shoe and Apparel Repair (Consumer)	P*	-	<u>P*</u>	See Size Limits Sec. 530.040* <u>*See Chapter 630 for specific villages permitting use;</u>
Bakery*	P*	-	<u>P*</u>	See Size Limits Sec. 530.040* <u>*See Chapter 630 for specific villages permitting use;</u>
Delicatessen*	P*	-	<u>P*</u>	See Size Limits Sec. 530.040* <u>*See Chapter 630 for specific villages permitting use;</u>
Restaurant (not including drive-through facilities)	P*	-	<u>P*</u>	See Size Limits Sec. 530.040* <u>*See Chapter 630 for specific villages permitting use;</u>
Mailing, Copying, and Blue Print Services*	P*	-	<u>P*</u>	See Size Limits Sec. 530.040* <u>*See Chapter 630 for specific villages permitting use;</u>
Employment Agency*	P*	-	<u>P*</u>	See Size Limits Sec. 530.040* <u>*See Chapter 630 for specific villages permitting use;</u>
Secretarial Services*	P*	-	<u>P*</u>	See Size Limits Sec. 530.040* <u>*See Chapter 630 for specific villages permitting use;</u>
Telephone Answering Services*	P*	-	<u>P*</u>	<u>*See Chapter 630 for specific villages permitting use;</u>

				See Size Limits Sec. 530.040* <u>*See Chapter 630 for specific villages permitting use;</u>
Residential Storage Warehouse	P	P	<u>P*</u>	<u>*Indoor, climate controlled storage facility only in Village Center Overlays.</u>
Indoor Shooting Range	S	S		Chapter 7170
Sports and Recreation, Participants (not including firearms shooting ranges)				
				<u>*See Chapter 630 for specific villages permitting use;</u>
				<u>See Chapter 630 for additional requirements within Village Center Overlays;</u>
				<u>SUP required unless established through Conditional Zoning.</u>
Indoor	S	S	<u>S*</u>	
Outdoor	P	-	<u>P</u>	
Vehicle Sales, Storage and Services				
				<u>*See Chapter 630 for specific villages permitting use;</u>
				<u>See Chapter 630 for outdoor storage and additional requirements within Village Center Overlays;</u>
				<u>SUP required unless established through Conditional Zoning.</u>
Heavy Equipment Sales and Rental* (Retail and Wholesale)	P	P	<u>S*</u>	<u>*See Chapter 630 for specific villages permitting use;</u>
				<u>See Chapter 630 for outdoor storage and additional requirements within Village Center Overlays.</u>
				<u>SUP required unless established through Conditional Zoning.</u>
Motor Vehicle Repair Shop including commercial vehicles	P	P	<u>S*</u>	
RV and Boat Storage	S	S		
Vehicle Storage and Towing	S	S		
INDUSTRIAL				
				<u>*See Chapter 630 for specific villages permitting use;</u>
Manufacturing, Production, and Industrial Services	P	P	<u>P*</u>	<u>See Chapter 630 for outdoor storage and additional</u>

				requirements within Village Center Overlays.
Artisan	P	P	<u>P</u>	See Chapter 630 for specific villages permitting use.
				*See Chapter 630 for specific villages permitting use;
				See Chapter 630 for outdoor storage and additional requirements within Village Center Overlays
Limited Industrial	P	P	<u>P*</u>	
General Industrial	P	P		
Heavy Industrial	-	P		
Mining/Excavation	S	P		
				*See Chapter 630 for specific villages permitting use;
				See Chapter 630 for outdoor storage and additional requirements within Village Center Overlays
Warehousing, Wholesaling, and Freight Movement	P	P	<u>P*</u>	
Waste and Salvage Related Uses				
Junk/Salvage Yard	-	S		
Recycling Facilities Indoors	P	P		
Recycling Facilities Outdoors	-	S		
Resource Recovery Facilities	-	S		
Waste Transfer Stations	-	S		
Other				
Agricultural Operations	P	P		
				*See Special Requirements under UDO Section 7210 SUP for outdoor operations per UDO Section 7210
Breweries, Distilleries and Wineries	P/S*	P/S*	<u>P/S*</u>	
Emergency Services	P	P	<u>P</u>	See Chapter 630 for specific villages permitting use.
Utilities, Minor	P	P	<u>P</u>	See Chapter 630 for specific villages permitting use.
				*See Chapter 630 for specific villages permitting use;
				See Chapter 630 for specific villages permitting use;
				SUP required unless established through Conditional Zoning.
Utilities, Major	S	S	<u>S*</u>	
Wireless Communications Facilities				
Co-located	P	P	<u>P</u>	See Chapter 630 for specific villages permitting use.
Freestanding Towers	P	P	<u>P</u>	See Chapter 630 for specific villages permitting use.

Chapter 630. Village Center Overlay Zone (O-VC)

630.010 District Established

The Village Center Overlay Zone is hereby established to provide for the designation of areas within the Town where mixed-use centers may be established. Village Center Overlay Districts may be established with different mixes of land uses and different densities consistent with the broad guidelines established by the Comprehensive Plan. The location of Village Center Overlay Districts will be consistent with the locations identified in the Comprehensive Plan.

A. Applicability

This Chapter applies to all new development within the boundaries Village Center Overlay Zone as defined within the Indian Trail Comprehensive Plan. No development may occur on a property that falls in part or whole within this overlay zone unless in accordance with this article.

B. Exemptions

This Chapter does not apply to land or to development which:

1. Is part of an approved final plat, preliminary plat, or approved site plan for a commercial center where such approval was granted before December 31, 2008; or
2. Is covered by an unexpired zoning certification permit issued before December 31, 2008 in accordance with the Town of Indian Trail zoning ordinance in effect prior to the effective date of this UDO-~~or~~
3. An existing use in an Industrial zoning district within the Village Center Overlay that has been in continuous operation on or before June 30, 2016. Said uses shall also be exempt from Chapter 630.050. Any future additions or expansions, however, shall be subject to the requirements of Chapter 630 in place at the time of the addition or expansion.

630.020 Purpose and Intent

This Chapter is intended to implement the Town of Indian Trail Comprehensive Plan that calls for the establishment of village centers at strategically located intersections within the Town. The purpose of this Chapter is to create a classification consistent with the Town's comprehensive plan. It is also the purpose of this Chapter to establish a classification that allows for mixed residential, ~~and~~ commercial and industrial development that meets a higher standard of design and site planning.

630.030 Rezoning Procedures

The Town shall process Village Center Overlay Zone district requests in the same manner as set forth by Chapter 320 for all other rezoning requests.

630.040 Development Standards

The following standards apply to buildings located on lots fronting public or private collector roads, boulevards, or thoroughfares.

- A. Parking lots must be located at the side or rear of buildings. No parking lots may be located at the front of commercial or residential buildings. For uses located within Industrial zoning districts, parking lots may be located at the front of the building provided it meets landscaping requirements of Section 810.180.
- B. Where parking lots are located at the side of buildings, including those located within Industrial zoning districts, such parking areas must meet the perimeter landscaping requirements of Section 810.180.

- C. For uses located within a commercial, institutional, or residential zoning district, at least 60% of a building's front façade that faces a street or sidewalk must be transparent (windows and doors) between an elevation of 4 feet and 10 feet above grade.
- D. Dry-it (EIFS) is not permitted as the primary building material and metal buildings are also prohibited. Buildings will meet the design standards of 1320.020.

630.050 Additional Requirements

- A. Village Centers will incorporate pedestrian improvements that connect all building and uses consistent with the requirements of Section 810.200.
- B. Light Industrial (LI) uses shall only be permitted in the following village center overlays: Old Hickory, Old Monroe and Sun Valley Village Center Overlays.
- C. Separation requirements: Uses in LI within village center overlays involving manufacturing, production, wholesaling and freight movement shall be located a minimum of 250 feet from any residential or institutional district or from property used for residential, religious institution or school purpose. Uses may locate closer than 250 feet from a residential or institutional district or from property used for residential, religious or institutional or school purposes when approved through a Conditional Rezoning per Chapter 330.
- D. Outdoor Storage uses in LI within village center overlays shall be subject to Chapter 7180 in addition to the following requirements:
 - 1. Outdoor storage areas located on any side yard shall be fully screened from any right-of-way by a solid wall or opaque fence. Chain link, split rail wood and slat fences shall not qualify as opaque screening fences.
 - 2. Screening from Residential Uses: In addition to the Landscaping requirements of Chapter 800, uses shall be fully screened from adjacent residentially zoned property or property used for residential purposes by a solid wall, opaque screening fence or berm. Fences, walls, and/or berms shall be a minimum of 6 feet in height. Chain link, split rail wood and slat fences shall not qualify as opaque screening fences.
- E. Odors and Other Nuisances: Uses in LI within village center overlays shall not produce odors, gas, dust or any other pollutants detrimental to the health, safety or general welfare of persons living or working in the surrounding properties.
- F. Noise: Uses in LI within village center overlays shall not create any unreasonably loud, disturbing or unnecessary noise that is detrimental to the health, safety, or general welfare of persons living or working in the surrounding properties. Any mechanical equipment which produces excessive noise, including but not limited to compressors, pumps, generators, vacuums, and similar equipment shall be located inside the building or within an enclosed structure equipped with noise dampening materials.
- G. Site Access: Vehicular access to uses located in the LI District within a village center overlay shall not be permitted using a street or drive primarily intended to serve a residential community.