Town of Indian Trail

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

PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT
PLANNING BOARD MINUTES
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 not Voting:	none
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 form 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.

Discussion ensued regarding the separation requirements. Member Towns stated that she felt 250 feet in separation was not adequate.

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 though to make a proposal.

Discussion followed limiting language of this text amendment to the Radiator Road site 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 wells 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: Patricia S. Comer

Date: May 17, 2016

Secretary: Pamela L Good