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
August 18, 2015
06:30 P.M.

CALL TO ORDER –Chair Cowan called the meeting to order.

ROLL CALL

The following members of the governing body were present:

Board Members:	Patricia Cowan, Jan Brown, Alan Rosenberg, Steve Long, and Sidney Sandy.
Members Present but not Voting:	None.
Absent:	Larry Miller, Cathi Higgins, Dr Shamir Ally and Jorge Aponte
Staff Members:	Rox Burhans-Planning Director, Kevin Icard-Senior Planner, Gretchen Coperine-Senior Planner, Lindze Small-Planner/GIS Technician, and Pam Good-Board Secretary

SWEARING IN OF NEW MEMBERS

Sydney Sandy was sworn in from alternate member position to regular seat of the Planning Board. Jan Brown was sworn in as a reappointment to his regular seat of the Planning Board. Cathi Higgins has been reappointed and will be sworn in next month. Chair Cowan made note that an alternate seat is open.

APPOINTMENT OF CHAIR AND VICE CHAIR.

Motion by Member Brown to re-appoint Patricia Cowan as Chair and Larry Miller to be re-appointed as Vice-Chair. Seconded by Member Long. The vote was unanimous.

APPROVAL OF MINUTES - July 21, 2015

Motion to approve as written by Member Rosenberg. Seconded by Member Brown. Vote to approve was unanimous.

PUBLIC ITEMS- ZT2015-003 Heritage Tree Protection which is a request to amend Chapters 1640.260, 830.040(E) and 880.040(A) of the Unified Development Ordinance (UDO) to amend the definition of Heritage trees, amend the requirements of the Heritage Tree Protection provision within the UDO, as well as provide for mitigation alternatives when strict adherence to the UDO is not feasible.

Staff Gretchen Coperine gave the presentation and background regarding ZT2015-003.

UDO Chapter 1640.260 defines any tree with a diameter of 12 inches or greater as a Heritage Tree. UDO Chapter 830.040(E) requires any Heritage tree to be protected, and any removal of Heritage trees is subject to 1) Being removed only when certain criteria is met and 2) Planting of additional trees mitigating the removal of the Heritage Tree(s) removed.

The request was to amend the Heritage Tree definition as well as the protection and mitigation criteria as outlined in the Town's ordinance.

Staff Coperine presented the Board with their feedback from the previous month's Tree Board meeting held July 21, 2015

•Board Feedback

-Board wanted to see smaller caliper for deciduous trees and 18" for evergreen trees

-List of species that are never considered Heritage Trees

-Finalize text amendment language

Analysis/Overview Since adoption of the Heritage Tree ordinance, Staff and the Indian Trail Tree Board has observed certain non-residential sites have not been able to meet the required Heritage Tree Protection provision of the UDO. These sites have several characteristics in common: they are undeveloped, fully wooded sites; they have non-residential uses/zoning intended to locate within them; and they are typically a small site (i.e., between approximately 1 and 8 acres, on average). In order to develop sites that are not able to meet the Heritage Tree requirements of the UDO, a developer must propose a mitigation plan to be considered by the Tree Board and approved ultimately by the Planning Director. This process can add several weeks to the permit review process and creates uncertainty for the development community when considering locations to invest in. The intent of this text amendment is to amend the definition of what is a Heritage Tree as well as provide additional options and/or direction for alternative mitigation strategies when strict adherence to the UDO is infeasible. The text amendment is to provide standards which are more reasonable to comply with while maintaining suitable preservation of Indian Trail's community forest.

Amended Sections:

•UDO 1640.260 Definitions Defines any tree 12" or greater in diameter as Heritage Tree

•UDO 830.040(E) Heritage Tree Protection Sets standards for removal and protection of Heritage Trees

•UDO 880.040(A) Modifications Provides alternative landscape plan option when strict adherence to the UDO is not feasible

Staff Coperine presented the board with current standards as well as proposed changes.

Staff Coperine then read the required Consistency Findings into the record

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan: ***Open Space and Natural Environment Goal #5:*** Because it will enable responsible growth and development while preserving and protecting the natural environment and features.
2. UDO ordinance amendment is in the best interest of the public because it helps further responsible land development while maximizing the community forest environment.

Staff recommended that the Planning Board consider the required consistency findings and recommends adoption of this UDO Text Amendment ZT2015-003 as presented.

Board Questions:

Member Rosenberg asked Staff Coperine to clarify the Alternative Landscape Plan. Staff Coperine explained it in further detail. Member Rosenberg also inquired what was unique about the Zaxby's site. Staff Coperine answered that the majority of the trees were Oak trees with diameters from 12-25 inches. Most sites typically have Pine trees.

Member Long asked about the reasoning of not using Magnolia as Heritage Trees. Staff Coperine answered because of the nature of that tree, it is considered a nuisance.

Member Rosenberg commented that the number of leaves the Magnolia drops becomes a nuisance; it is messy.

Opened and closed public comment portion of the meeting

Member Rosenberg asked about the Caliber Collision site. Staff Coperine answered that buffers would not be affected by this amendment. Director Burhans recalled that the problem with that site of overplanting was with the density of plantings of the trees. Director Burhans answered that the text amendment in the ordinance will allow other options if replanting on the same site doesn't make sense.
Chair Cowan suggested that the Caliber Collision case study for future years, visually tracking them as well as documenting them.

Member Long made a motion that ZT2015-003, as read into record, be approved. Seconded by Member Rosenberg. Vote to approve was unanimous.

PLANNING REPORT

The report was presented by Director Burhans. He reported that Staff has been busy in analyzing the new state statutes. There also are updates from the Supreme Court, particularly related to signs. He spoke specifically about the Gilbert case in which the Supreme Court which made a ruling that may significantly change the way we regulate signs in every local government. Text amendments will be coming before the board because of this change. Also, plans for Town Hall continue. Town Council will only be having one meeting in September, October and November.

Member Rosenberg asked about the Old Charlotte Highway's excavating. Director Burhans explained that during the real estate transaction, it was discovered that the dirt on the site was unsuitable. Unsuitable soil was then excavated and replaced with suitable soil.
With regards to other active projects, Director Burhans mentioned that Popeye's has begun construction and that the Union Grove project is going well. Phase 4 has permitting requirements to fulfill. Town Council did approve the Bonterra expansion (future phases).
Member Sandy asked about the SECU (State Employees Credit Union) project on Wesley Chapel Rd outside Holly Park. Director Burhans replied that they purchased 4.5 acres and are taking actions at their own pace.

ADJOURN

Member Long made the motion to adjourn. Member Sandy seconded the motion. The vote was unanimous. The meeting was adjourned at 7:50pm.

Chairman: Cathi Heffner

Secretary: Pam Bost