

MAYOR
Michael L Alvarez

MAYOR PRO TEM
David Cohn



TOWN COUNCIL
Gordon B. Daniels
David W. Drehs
Christopher M. King
Gary M. Savoie

Town Council Meeting
August 5, 2015
Civic Building
6:00 p.m.

1. CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

2. PUBLIC HEARINGS

– 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) **CZ2011-002M 123 Associates Amendment:** A request to amend conditional rezoning number CZ2011-002 at 123 Associates Lane to permit auto repair uses in the Regional Business District (RBD-Conditioned). Applicant: Jerry Roach.
- b) **ZM 2015-001 Hwy 74 Property:** Proposed zoning map amendment for Parcel No.: 07-105-005 located on U.S. Highway 74, south of Smith Farm Road. Proposal is to change the zoning from Single Family Residential-1 (SF-1) and Residential R-20 (former Union County Zoning) to the Regional Business District. Applicant: Town of Indian Trail.

4. ADJOURN

action

To speak concerning an item on the Agenda, please print your name and address on the sign up sheet on the table prior to the meeting. Each speaker will be limited to 3 minutes.

AS A COURTESY, PLEASE TURN CELL PHONES OFF WHILE MEETING IS IN PROGRESS

The Town of Indian Trail is committed to providing all citizens with the opportunity to participate fully in the public meeting process. Any person with a disability who needs an auxiliary aid or service in order

to participate in this meeting may contact the Town Clerk at least 48 hours prior to the meeting. The e-mail address is townclerk@admin.indiantrail.org; the phone number is 704-821-5401



**Town of Indian Trail
Minutes of Town Council Special Meeting
August 5, 2015
Civic Building
6:00 P.M.**

The following members of the governing body were present:

Mayor: Michael L. Alvarez

Council Members: Gordon B. Daniels, David W. Drehs and Gary M. Savoie.

Absent Members: Councilman Christopher King and Mayor Pro Tempore David Cohn.

Staff Members: Town Manager Joe Fivas, Town Attorney Keith Merritt, Director of Planning Director Rox Burhans, Senior Planner Kevin Icard and Senior Planner Gretchen Coperine.

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Alvarez called the Special Town Council Meeting to order at 6:00 PM and led everyone in the Pledge of Allegiance to the Flag. He noted that Councilman King and Mayor Pro Tempore Cohn were not yet in attendance.

PUBLIC HEARINGS

- a) **CZ2011-002M 123 Associates Amendment: A request to amend conditional rezoning number CZ2011-002 at 123 Associates Lane to permit auto repair uses in the Regional Business District (RBD-Conditioned). Applicant: Jerry Roach.**

Senior Planner Kevin Icard gave a presentation of the conditional zoning request. He noted that the purpose of this application is to modify an existing conditional rezoning that took place in 2011. The subject property is located

at 140 Corporate Blvd. and 123 Associates Lane. The applicant came in for rezoning from general business to a conditional regional business. In that rezoning request there were multiple uses that were specifically excluded from being permitted at those two properties. Obviously, the automotive repair was one of those non-permitted uses. Reason being was that the use was not appropriate being so close to the downtown area. Usually automotive repair is a use by right (i.e. permitted) in the regional business district. When automotive repair is in the general business district, which is a lower classification, it requires a special use permit.

Community meetings were held on May 27, 2015; no one attended. At the Planning Board Meeting on June 16th there was a concern expressed about the ability to remove any fluids from the site. The applicant stated that he utilizes two different fuel services for removal and supply of fluid such as motor oil. There was also a concern expressed about the condition of the fence located on the rear of the property. The applicant stated that once he purchases the property he would make repairs to the fence and provide necessary screening to adjacent properties.

The Planning Board found the proposed modification is consistent with the Goal#1 of the Comprehensive Plan and Economic Development Goal #1; both were read into the record by Mr. Icard. **THE STAFF AND PLANNING BOARD REPORTS INCLUDING THE CONSISTENCY FINDINGS ARE ATTACHED HERETO AND MADE PART OF THESE MINUTES.** Mr. Icard reported that the Planning Board voted unanimously (6 to 0) in favor of recommending that Council approve this request. All conditions of C2011-02 shall apply except that motor vehicle repair shop shall be permitted at 140 Corporate Blvd only. Mr. Icard asked if Council had any questions regarding this matter.

Councilman Daniels asked if it were known how many jobs were associated with this business. Mr. Icard said that the applicant, who is relocating his business from Gribble Road, could answer that question.

To that end, Mayor Alvarez opened the floor to receive public comments.

1. Mr. Jerry Roach, applicant was recognized. His business, East Coast Automotive, has been operating in the area for almost ten years. His business has out-grown their current location and they are looking for a larger facility. The proposed property will provide for the space that they need. Currently he has five employees but is hopeful to double that with the larger facility.
2. Stuart High, owner of the subject building was recognized by Mayor Alvarez. Ms. High supports the rezoning and the applicant for operating a business and creating jobs in a small town.
3. Mr. Tripp Melton addressed the Council stating that he was Mr. Roach's real estate agent. He noted that it was important to Mr.

Roach to stay in Indian Trail. Mr. Melton was appreciative of all of staff's efforts in assisting them through this process and thanked Council for holding this Special Meeting.

Being no other speakers or comments forthcoming, Mayor Alvarez closed the floor to public comments.

Councilman Drehs moved that Council concur with the consistency findings for CZ2011-002 presented by the Planning Board and approve said findings as read into the record by Mr. Icard; the motion was by a unanimous vote of the three members present.

Councilman Daniels motioned that the request to amend conditional rezoning number CZ2011-002 at 123 Associates Lane to permit auto repair uses in the Regional Business District be approved. The vote was unanimous of the members present. However, Mr. Merritt, Town Attorney, pointed out that since this is the first reading of the ordinance by the Council a 2/3rds vote of seated member is required (a super majority vote is required meaning that four out of the five seated Council members would have to vote in favor). Since only three of the voting Council members are present (which is a quorum but not a super majority) it is not possible to obtain a 2/3rds vote. This matter will have to go before Council for a second reading; only a simple majority vote would be required at the second reading.

- b) ZM 2015-001 Hwy 74 Property: Proposed zoning map amendment for Parcel No.: 07-105-005 located on U.S. Highway 74, south of Smith Farm Road. Proposal is to change the zoning from Single Family Residential-1 (SF-1) and Residential R-20 (former Union County Zoning) to the Regional Business District. Applicant: Town of Indian Trail.**

Senior Planner Gretchen Coperine gave the presentation of the amendment. Ms. Coperine noted that the proposed RBD is a commercial zoning designation. The property is bisected by the Chestnut Parkway. It adjacent to Stallings to the north and Carolina Courts to the west. A portion of the property was annexed in 2013 with a deferred effective date. According to NC State law we are required to assign a municipal zoning designation for any annexed property. This would be a by-right, as opposed to a conditional, zoning designation. At this time there is no site specific or conceptual plans and none are required. The permitted uses established for the RBD are consistent with existing uses of property in the vicinity of the subject parcel.

Community meetings were held in June; no one attended. During the Planning Board meeting of June 16th there were general questions regarding permitted uses and the annexation date. The Planning Board was able to find consistency with the Comprehensive Plan as well as public interest. They voted unanimously (6 to 0) in favor of recommending that Council approve this Zoning Map Amendment. Ms. Coperine noted that the proposed UDO

amendment is consistent with Land Use and Housing Goals #1 and #4; Mobility and Transportation Goal #5; Economic Development Goals #1 and #5. All consistency findings were read by Ms. Coperine. . **THE STAFF AND PLANNING BOARD REPORTS INCLUDING THE CONSISTENCY FINDINGS ARE ATTACHED HERETO AND MADE PART OF THESE MINUTES.**

Mayor Alvarez opened the floor to public comments; there were no comments forthcoming and the floor was then closed for public comments.

Councilman Drehs moved that Council approve the consistency findings of the Planning Board as read by Ms. Coperine. The motion carried unanimously by the three members of Council present.

Councilman Savoie moved to approve the Zoning Map amendment of case ZM2015-001 to rezone parcel# 07-105-005 to the Regional Business District zoning designation. The motion carried by a unanimous vote of the three Council members present. Again, this was the first reading of this ordinance and therefore a 2/3rds (supermajority) vote is necessary to make it effective. A second reading will be required since a super majority of Council members were not present.

ADJOURN

Councilman Savoie moved to adjourn the meeting; the motioned carried unanimously at approximately 6:30 PM.

APPROVED: 1



Michael L. Alvarez, Mayor

Attest:



Kelley Southward, Town Clerk