



Town of
INDIAN TRAIL
north carolina

Indian Trail, North Carolina 28079

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PLANNING BOARD TRANSMITTAL

Planning Board Transmittal for the Town Council Meeting

Reference Name	Case: CZ 2009-003		
Meeting Date	March 16, 2010		
Members Present	Chair Whitehurst <input checked="" type="checkbox"/>	Gary Vaughn <input checked="" type="checkbox"/>	Vincent Howard <input checked="" type="checkbox"/>
	Vice Chair Cowan <input checked="" type="checkbox"/>	Kathy Broom <input checked="" type="checkbox"/>	Robert Rollins <input checked="" type="checkbox"/>
	John Simulcik <input checked="" type="checkbox"/>	Larry Miller <input checked="" type="checkbox"/>	<input type="checkbox"/>
	Robert Wilber <input type="checkbox"/>		
Excused Absence	Chair Whitehurst <input type="checkbox"/>	Gary Vaughn <input type="checkbox"/>	Vincent Howard <input type="checkbox"/>
	Vice Chair Cowan <input type="checkbox"/>	Kathy Broom <input type="checkbox"/>	Robert Rollins <input type="checkbox"/>
	John Simulcik <input type="checkbox"/>	Larry Miller <input type="checkbox"/>	<input type="checkbox"/>
	Robert Wilber <input checked="" type="checkbox"/>		
Case Found Complete	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Motion	Recommend Town Council Approval of Amendment as presented		
Member making the motion	Board Member Whitehurst		
Second the motion	Board Member Broom		
Vote	6-1 (Cowan)		

Project Request: The applicant, Rick Strawn, has requested a rezone of his property via the Conditional Zoning process. The subject property is 3.16 acres of land located at 215 Rowell Drive currently zoned General Business District (GBD). The rezoning request is to allow additional uses including motor vehicle repair and body work, a use that is currently prohibited in GBD. The proposed Conditional Zoning request is to change the zoning from GBD to CZ-RBD to allow additional uses.

Planning Board Recommendation: On March 16, 2010, the Planning Board heard this case and voted to recommend approval as proposed to the Town Council.

Issues Discussed at the Planning Board Meeting:

- The Planning Board asked how many other businesses have been conditionally zoned. Staff responded this is the first commercial property to go through the conditional zoning process.
- The Planning Board asked about the original use of the building. Staff responded office/warehouse.
- There was a general discussion about the surrounding land uses. There are several legal non-conforming auto repair businesses along Rowell Drive and Highway 74. Staff has considered pursuing a large rezone request for several of these properties.
- The Planning Board expressed concern over Condition #3 (see below) limiting the number of vehicles stored overnight to two. The applicant was not at the meeting and could not respond. Staff, however, stated the applicant had read the draft conditions and had agreed to them.

Draft Conditions of Approval at Planning Board:

1. All uses currently allowed "By Right" and "Special Use" in the Regional Business District (RBD) be allowed for 215 Rowell Drive as a CZ-RBD except for (please reference UDO 520.020G Allowed Uses Table and Standards):
 - a. Heavy Equipment Sales/Rental
 - b. RV and Boat Storage
 - c. Vehicle Storage and Towing
2. Vehicles that are not fully operational shall be stored indoors.
3. No more than two vehicles shall be stored outdoors overnight.
4. Vehicles stored outdoors overnight shall be licensed, shall have tires and wheels installed, and shall not be placed on blocks.
5. Based on the Union County Fire Marshal review, the applicant shall install a sprinkler system if motor vehicle repair area exceeds 12,000 square feet. If motor vehicle repair area is less than 12,000 square feet, a fire separation shall be installed between occupancies.
6. The applicant shall coordinate prior to Council approval with Union County Public Works to show how a new business will access the sewer trunk. The applicant shall also have an engineer estimate the sewer usage to ensure capacity is sufficient.

7. The applicant shall update the building permit from Union County Inspections Department to reflect any requirements necessary for auto repair and body work.
8. The applicant shall obtain all necessary county and state permits necessary for auto repair and hazardous material if applicable.

The Planning Board voted 6-1 to recommend approval, with Ms. Cowan opposed. The Planning Board made the consistency findings, and recommended approval as proposed to the Town Council. The Board also directed staff to investigate the possibility of rezoning several properties in the surrounding area to more accurately reflect the land uses.

Please see the Planning Board Staff Report (Attachment 2) for a full analysis of this conditional rezoning application.

Meeting with Applicant

Staff has since met with the applicant as a follow-up to the Planning Board meeting. We primarily wanted to review the concern about the limited number of vehicles stored overnight, as well as finalize the draft conditions of approval. After discussing the operational side of auto repair businesses and reviewing the parking calculations, staff and the applicant agreed to increase the number of vehicles stored overnight. There is a potential for three businesses to operate at this site, and for each to need 2-4 vehicles stored overnight. Based on these calculations, staff recommends increasing the number of vehicles stored overnight to ten.

Town Council Action

- Receive Report and public testimony;
- Make required findings:
 - The proposed amendment is consistent with the following goals:
 - *Goal 1.3.2 Land Use:* The proposed conditional zoning district will meet the goal of land use by avoiding land use conflicts between neighboring properties and promoting the development of businesses.
 - The request for this conditional zoning district is a reasonable request and is in the public interest because it promotes the goal of the adopted Comprehensive Plan in the area of Land Use and is consistent with the adopted plans within the Town.
- Draft Conditions (updated, changes in red):
 - 1) All uses currently allowed “By Right” and “Special Use” in the Regional Business District (RBD) be allowed for 215 Rowell Drive as a CZ-RBD except for (please reference UDO 520.020G Allowed Uses Table and Standards):
 - a) Heavy Equipment Sales/Rental
 - b) RV and Boat Storage
 - c) Vehicle Storage and Towing
 - 2) Vehicles that are not fully operational shall be stored indoors.
 - 3) No more than ten vehicles shall be stored outdoors overnight.

- 4) Vehicles stored outdoors overnight shall be licensed, shall have tires and wheels installed, and shall not be placed on blocks.
- 5) Based on the Union County Fire Marshal review, the applicant shall install a sprinkler system if motor vehicle repair area exceeds 12,000 square feet. If motor vehicle repair area is less than 12,000 square feet, a fire separation shall be installed between occupancies.
- 6) Removed - the issue with Union County Public Works has been resolved.
- 7) The applicant shall update the building permit from Union County Inspections Department to reflect any requirements necessary for auto repair and body work.
- 8) The applicant shall obtain all necessary county and state permits necessary for auto repair and hazardous material if applicable.

- After making the required findings, motion to approve, approved with modifications, disapprove, or send back to the Planning Board for more study of CZ2009-003 conditional rezoning of 215 Rowell Drive.

Attachment 1- Draft Ordinance

Attachment 2- Planning Board Staff Reports

Staff Contact

Craig Thomas

Junior Planner

cat@planning.indiantrail.org

704-821-5401

**TC ATTACHMENT 1:
Draft Ordinance**

STATE OF NORTH CAROLINA)

TOWN OF INDIAN TRAIL)

ORDINANCE #

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF INDIAN TRAIL REZONING PARCEL 07-084-405G FROM GBD (GENERAL BUSINESS DISTRICT) TO CZ-RBD (CONDITIONAL ZONING REGIONAL BUSINESS DISTRICT) IN THE TOWN OF INDIAN TRAIL, UNION COUNTY, NORTH CAROLINA

WHEREAS, the property owner, Rick Strawn, petitioned to rezone tax parcel 07-084-405G from GBD (General Business District) to CZ-RBD (Conditional Zoning Regional Business District) classification; and

WHEREAS, this Conditional Zoning Amendment (CZ2009-003) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, two community meetings were held on February 24, 2010 and February 26, 2010; and

WHEREAS, a public meeting was held by the Planning Board on March 16, 2010 to consider this conditional zoning request; and

WHEREAS, the Planning Board found the proposed amendment is consistent with the following goal of the Comprehensive Plan:

Goal 1.3.2 Land Use: The proposed conditional zoning district will meet the goal of land use by avoiding land use conflicts between neighboring properties and promoting the development of businesses.

WHEREAS, the Planning Board further finds the request for this conditional zoning district is a reasonable request and is in the public interest because it promotes the goal of the adopted Comprehensive Plan in the area of Land Use and is consistent with the adopted plans within the Town.

WHEREAS, the Planning Board voted to recommend approval to the Town Council and therefore transmits its recommendation, and

WHEREAS, the Town Council held a public hearing on April 13, 2010 to consider said request and recommendation of approval from the Planning Board; and

WHEREAS, the Town Council concurred with the Planning Board's consistency findings and hereby endorses said findings; and

NOW, THEREFORE, IT SHALL BE ORDAINED by the Town of Indian Trail Town Council that CZ 2009-003 Conditional Zoning Petition be granted and the Zoning Map shall be amended to reflect a CZ-RBD (Conditional Zoning Regional Business District) designation for 07-084-405G subject to the following conditions:

- 1) All uses currently allowed "By Right" and "Special Use" in the Regional Business District (RBD) be allowed for 215 Rowell Drive as a CZ-RBD except for (please reference UDO 520.020G Allowed Uses Table and Standards):
 - (a) Heavy Equipment Sales/Rental
 - (b) RV and Boat Storage
 - (c) Vehicle Storage and Towing
- 2) Vehicles that are not fully operational shall be stored indoors.
- 3) No more than ten vehicles shall be stored outdoors overnight.
- 4) Vehicles stored outdoors overnight shall be licensed, shall have tires and wheels installed, and shall not be placed on blocks.
- 5) Based on the Union County Fire Marshal review, the applicant shall install a sprinkler system if motor vehicle repair area exceeds 12,000 square feet. If motor vehicle repair area is less than 12,000 square feet, a fire separation shall be installed between occupancies.
- 6) The applicant shall update the building permit from Union County Inspections Department to reflect any requirements necessary for auto repair and body work.
- 7) The applicant shall obtain all necessary county and state permits necessary for auto repair and hazardous material if applicable.

AND IT IS SO ORDAINED this 11th day of May, 2010.

TOWN OF INDIAN TRAIL COUNCIL

Attest:

Peggy Piontek, Town Clerk

John J. Quinn, Mayor

APPROVED AS TO FORM:

TOWN ATTORNEY

**TC ATTACHMENT 2
Planning Board Staff
Report**