



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

PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

Conditional Zoning Modification Staff Report

Case: CZ2011-002M (Modification to Existing Plan)			
Reference Name	123 Associates Lane, Indian Trail Business Park		
Request	Proposed Zoning	Conditional Zoning Regional Business District (CZ-RBD) <i>Modification</i>	
	Proposed Uses	Auto Repair	
Existing Site Characteristics	Existing Zoning	Regional Business District-Conditioned	
	Existing Uses	Vacant 8,000 SF Building	
	Site Acreage	0.733 acres	
Applicant	Jerry Roach (East Carolina Automotive) with Carolyn Stuart High approval (Nanco I LLC - Property Owner)		
Submittal Date	May 4, 2015		
Location	123 Associates Lane		
Tax Map Number(s)	07-084-416		
Plan Consistency	Comprehensive Plan	Designation	US-74 West Corridor Plan
		Consistent with Request	Yes
Recommendations & Comments	Planning Staff	Recommends approval of the amendment request to the Conditional Zoning District	

Project Summary

The subject property is 0.733 acre of land located on Associates Lane currently zoned Regional Business District-Conditioned (CZ-RBD). This property was previously conditionally rezoned in 2011 (CZ2011-002) from General Business District to RBD with conditions. The proposed modification to the existing conditional zoning district is to remove the excluded use of *Automobile Repair and Service* from the conditions set forth in the rezoning approval specifically for 123 Associates Lane.

Recommendation

Staff is of the opinion the necessary findings can be made to support a modification to the existing Conditional Zoning request to allow the change.

Background

The original 2011 rezoning request consisted of two parcels; 123 Associates Lane and 140 Corporate Boulevard. The parcels were developed in the mid-1990s under Union County regulations. The buildings were constructed in an office/warehouse manner and can accommodate a wide array of businesses. There have been a variety of current and former tenants utilizing the buildings for various sales, service, manufacturing, and distribution uses. The applicant Mr. Roach; is looking to purchase 123 Associates Lane to relocate his automotive repair business from Gribble Road to this location. This site is larger than his existing facility and he wants to keep his business in Indian Trail.

In 2010, a representative for the property owner of 140 Corporate Blvd. approached Town staff about a possible disconnect between the GBD zoning and potential tenants interested in locating in the building. A lack of permitted manufacturing and distribution type uses was cited as the key disconnect with the GBD zoning. A conditional rezoning proposal to RBD was submitted by the property owner to help expand the list of permitted uses. 123 Associates Lane (subject of this CZ modification request) was later added to the rezoning subject property area by the property owner hoping to make the site more marketable with a wider array of uses. The two sites are completely independent from each other.

In the rezoning process staff research showed that the Indian Trail Business Park had a large presence of offices and businesses associated with assembly of goods, distribution, suppliers, and manufacturing. What the research did not reveal were general retail type businesses typically found in the GBD zoning district.

The list of uses were excluded from the previous approval citing that they were too intense for the area. The applicant has provided an Impact Statement, From Morrison Appraisers, Inc. showing how the automotive repair and service use will not be detrimental to adjacent properties. Map 2 below shows similar uses in the area.

Analysis

Site Characteristics

The property is 0.733 acres located on Associates Lane. There is only one building on this parcel built in 1994. It is approximately 7,850 square feet of office and warehouse space. Parking is situated in front of the building with loading docks behind the building. The applicant has stated that he intends to fill in the sunken loading docks and make the necessary improvements to the bay doors and to bring the interior of the building up to code to meet his needs.

The business park is almost entirely developed. Many of the surrounding properties and facilities accommodate businesses engaged in similar activities. Corporate Boulevard is approximately 2,000 feet long and connects Highway 74 to Unionville Indian Trail Road. Associates Lane is approximately 570 feet long and Business Park Drive is nearly 850 feet. Both roads are cul-de-sacs and are lightly traveled.

Map 1: Zoning Map

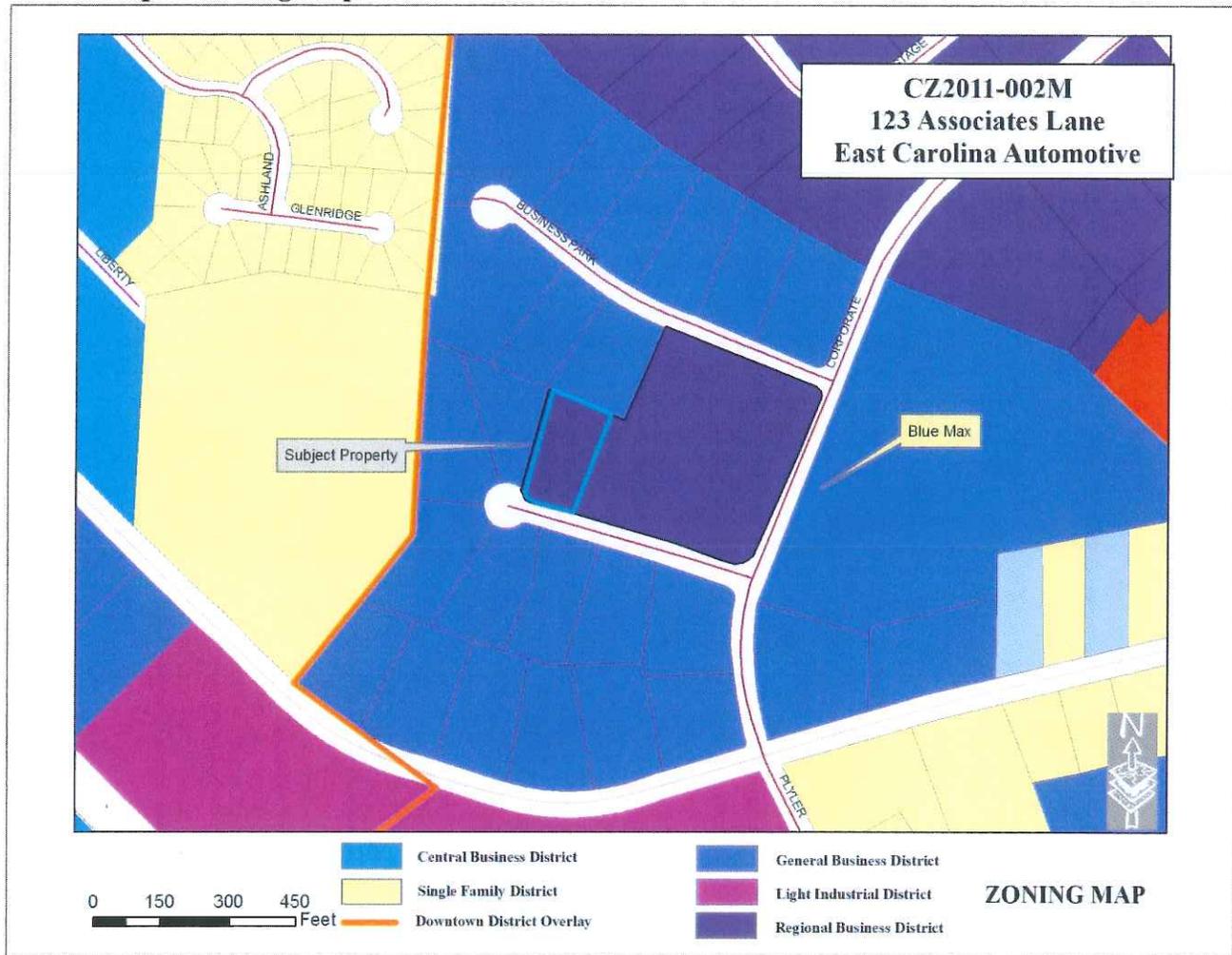
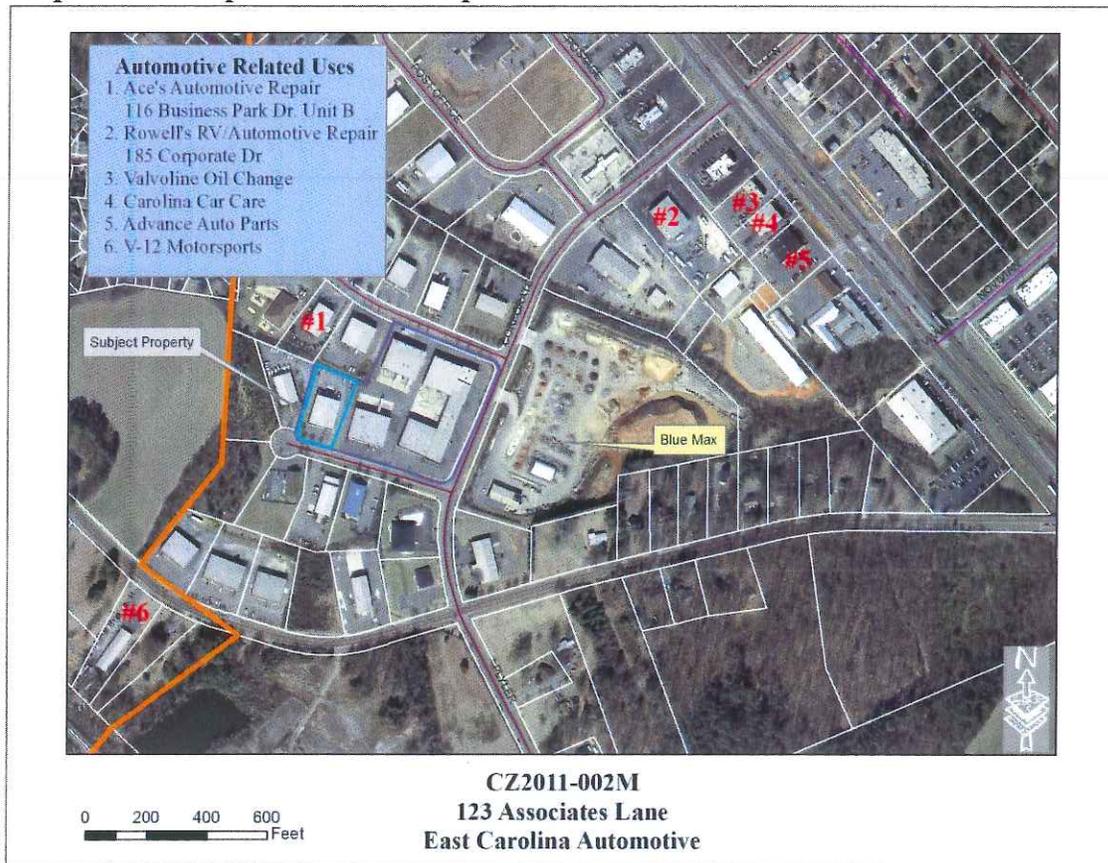


Table 1: Surrounding Uses

DIRECTION	USE
North	Ace Automotive (Permit issued in 2008)
East	140 Corp. Blvd. mix of office/warehouse
South	Freeman's (Contractor with Outside Storage)
West	E & H Electrical Contractors

Map 2: Auto Repair Location Map



Special Use Permit Requirements

Typically this use would require a special use permit in the GBD and would be allowed by right in the RBD. The applicant provided an Impact Statement (*see Attachment #3*), required with a Special Use Permit, which showed that the use of an automotive repair and service business would not injure the value of adjacent properties.

The Board of Adjustment uses the following four criteria when determining if a use should be allowed. If the Board confirms the findings they are required to approve the request:

- That the use will not endanger the public health and safety
 - *The applicant has stated that if purchased he would secure the site so that no one could enter the rear area (fence and gate)*
- That the use will not injure the value of adjacent properties
 - *An Impact Statement provided by Morrison Appraisal states that it will not injure the value*
- It will be in harmony with the area it's located
 - *Other automotive uses are located within the area, most notable is Ace Automotive, which is located immediately behind the proposed location (see Map 2 above)*

- It will conform with the Comprehensive Plan
 - *This site is part of the US-74 West Corridor which is intended to provide services and goods on a local and regional level (see Map 3 below)*

Comments from Outside Agencies

The Town routed plans to solicit comments from the Union County Fire Marshal, Union County Public Works, and North Carolina Department of Transportation. Representatives from each department have responded that they did not have any comments or concerns with the proposed rezoning request.

Community Meetings

In addition to the research gathered by the Town, the applicant held two community meetings as required by UDO Section 330.020. The purpose of the meetings was to address comments and concerns from surrounding property owners. Notices for the community meetings consisted of advertising in the newspaper, sending first class mailed notices to the property owners and surrounding properties within 500 feet, and posting signs on the site.

The first community meeting was held at the Town Cultural Arts Building on May 27, 2015 from 3:00PM-5:00PM. The second community meeting was held on the same day from 6:00PM-8:00PM. The only attendant was Mr. Roach and town planning staff; therefore there were no comments or questions from the public.

Photo 1: 123 Associates Lane



Photo 2: 123 Associates Lane Rear Loading & Bay Doors

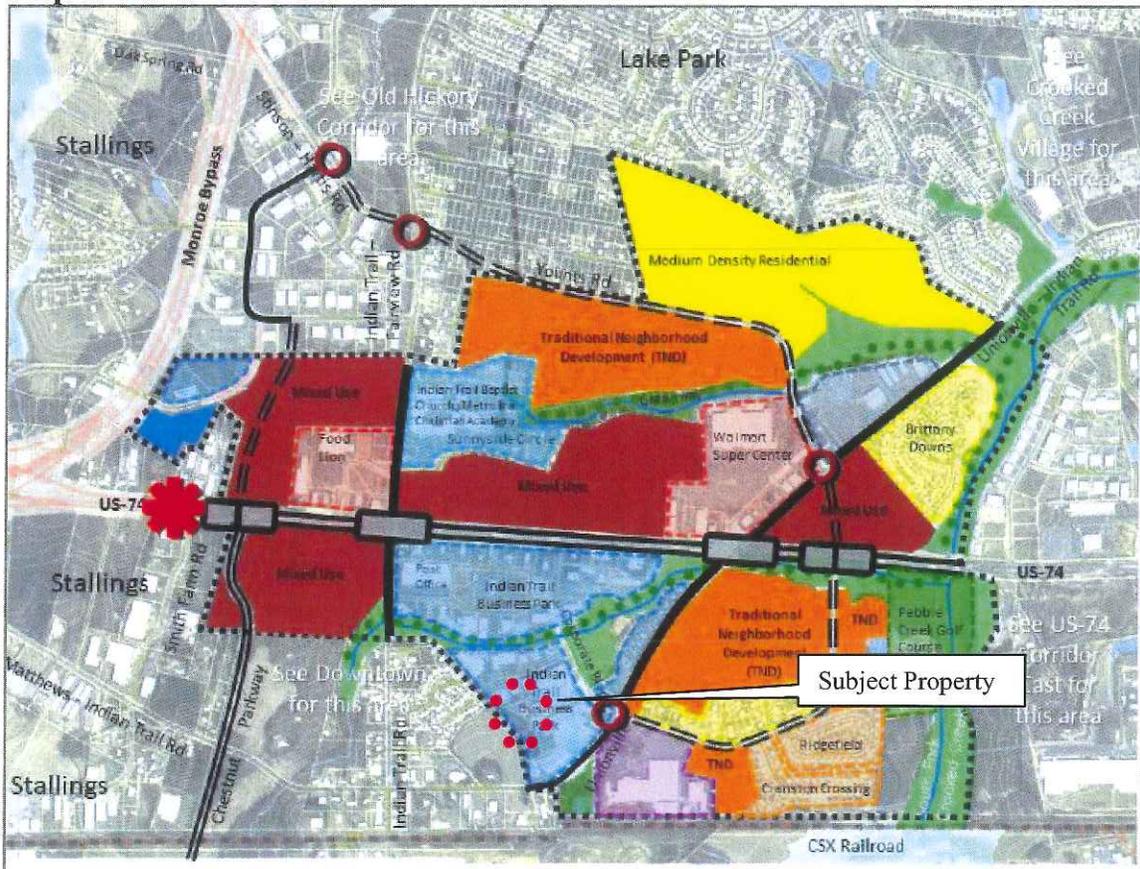


Plan Consistency

The property is located in US-74 West Corridor. The parcel is completely developed and there are no major structural alterations or site changes proposed except for; filling in the loading dock area, installing a fence around the rear of the property and improving the bay doors. For purposes of the Comprehensive Plan analysis, the property is classified existing office (which allows; retail, service, repair and flex space) and would not change as a result of the rezoning.

The US-74 West Corridor provides direct connection between some of the busiest portions of the state and serves as a gateway to the municipalities in the western portion of Union County. Based on the Town's land uses set forth for this corridor, the future land use for the subject property as existing office that supports a mixture of office, commercial uses and other supporting uses. Staff is of the opinion a modification to allow automobile repair and service at 123 Associates Lane in the CZ-RBD is consistent with the Comprehensive Plan.

Map 3: Future Land Use Plan US-74 West Corridor



US 74 West Corridor

Action Required

The Planning Board must adopt a statement of consistency and reasonableness prior to making a motion for recommendation. The finding must be made that the proposed amendment is both reasonable and consistent with the Comprehensive Plan. Staff is of the opinion the goals of the Comprehensive Plan are satisfied as follows:

Land Use and Housing Goal #1:

The proposed amendment to the existing conditional zoning district will avoid potential land use conflicts and reductions to property values based on the Impact Statement prepared by a licensed real property appraiser stating that the use will not be detrimental to adjacent properties.

Economic Development Goal #1:

The proposed modification to the existing conditional zoning district will create a more balanced tax base by promoting the occupancy of a previously vacant building in an existing business park. It will also expand the list of possible business types that could locate on the large commercial development site.

The request for this modification to the existing conditional zoning district is a reasonable request and is in the public interest because it promotes the goals of the adopted Comprehensive Plan in the area of Land Use and Economic Development and is consistent with the adopted plans within the Town.

Draft Conditions

Staff is suggesting the following conditions. Modifications to previously approved conditions are in underlined font. ;

CZ2011-002 Conditional Zoning Regional Business District (CZ-RBD) 140 Corporate Boulevard and 123 Associates Lane Revised Draft Conditions

1. All conditions approved in CZ2011-002 shall continue to apply except as modified in Condition 2.c below related to Motor Vehicle Repair Shop uses at 123 Associates Lane.
2. All uses currently allowed "By Right" and "Special Use" in the Regional Business District (RBD) be allowed for the subject parcels as a CZ-RBD except for (please reference UDO 520.020G Allowed Uses Table and Standards):
 - a. Adult Use
 - b. Light Equipment Sales
 - c. Motor Vehicle Repair Shop (140 Corporate Blvd only.)
 - d. RV and Boat Storage
 - e. Vehicle Storage and Towing

Recommendation

Staff is of the opinion that the findings can be made to support a modification to the existing conditional zoning district for the subject property. The proposed modification is consistent with the town's Comprehensive Plan.

Attachment 1 – Application

Attachment 2 – Letter of Intent

Attachment 3 – Impact Statement

Attachment 4 – Draft Resolution

Staff Contact

Kevin P. Icard, AICP, CZO

Senior Planner

(704) 821-5401 ext 238

kicard@planning.indiantrail.org

PB Attachment 1
Application

R-000606

**UDO TEXT AMENDMENT
APPLICATION**

Invoice 24020



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

CZ ~~2011~~
2011-002M

5/4/15

**UDO TEXT AMENDMENT
APPLICATION**

Subject Section of the UDO:

Name Amendment to Conditional Approval

Chapter: _____

Purpose: _____

Contact Information – Applicant

Name Jerry Dale Roach

Address 7005 Plyler mill RD

City Monroe State N.C. Zip 28012

Phone 704-221-5341 Fax 704-821-5722

Email jrod1166@yahoo.com

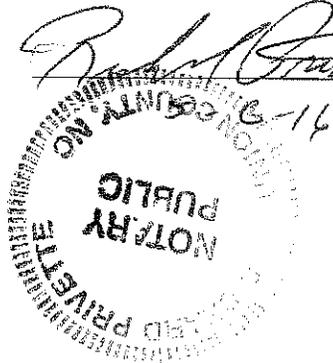
Applicant's Certification

Signature [Signature] Date 5-1-15

Printed Name/Title Jerry D. Roach

Signature of Notary Public [Signature] Date 5-1-15

Notary Seal



TOWN OF INDIAN TRAIL OFFICE USE ONLY

CASE NUMBER: _____

DATE RECEIVED: _____

RECEIVED BY: _____

AMOUNT OF FEE: _____

RECEIPT #: _____

5/4/15

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

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.

5/4/15

CONDITIONAL ZONING APPLICATION

Submittal Requirements

- Completed Application
- Notarized signatures of applicant and property owner
- Letter of Intent
- 5 copies of Concept Plan (must be drawn to scale by architect, landscape architect, professional surveyor, or engineer licensed in North Carolina)
- Boundary Survey (acreage, current zoning, location of existing buildings, setbacks)
- List, address labels, and digital copy of all adjoining property owners within 500 feet of subject parcel
- Traffic Impact Analysis, if necessary
- Statement of Appraisal, if necessary
- Fees associated with review

General Information

Project Address _____

City _____ State _____ Zip _____

Tax Parcel ID _____ Zoning Designation _____

Total Acres _____ Impervious Area _____

Project Description _____

Contact Information – Applicant

Name _____

Address _____

City _____ State _____ Zip _____

Phone _____ Fax _____

Email _____

Contact Information – Property Owner

Name Stuart High, Nanco I, LLC

Address Po Box 464

City Lake Waccamaw State NC Zip 28450

Phone 704-201-0112 Fax 910-642-1856

Email stuarthigh@whitewille.com

CONDITIONAL ZONING APPLICATION

Property Owner CSTH

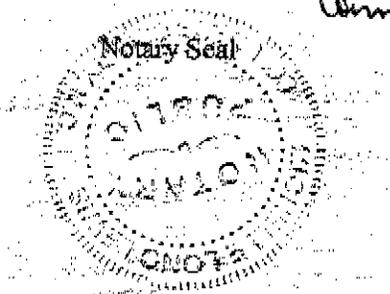
Applicant's Certification

Signature Carolyn Stuart High Date 5-5-15

Printed Name/Title CAROLYN STUART HIGH, OWNER

Signature of Notary Public Michelle Longfellow Date 5/5/2015

Comm Expires June 1, 2019



Property Owner's Certification

Signature _____ Date _____

Printed Name/Title _____

Signature of Notary Public _____ Date _____

Notary Seal

TOWN OF INDIAN TRAIL OFFICE USE ONLY	
CASE NUMBER: _____	
DATE RECEIVED: _____	AMOUNT OF FEE: _____
RECEIVED BY: _____	RECEIPT #: _____

SCHEDULE

PB Attachment 2
Letter of Intent*
From Previous SUP Application

THE USE WILL NOT ENDANGER THE PUBLIC HEALTH AND SAFETY:

We would like to install a fence around the back of the property to prevent any children from accessing the automobiles that would be left overnight for their safety. We recycle all waste oil and antifreeze. They are kept in sealed containers for safety.

THAT THE USE WILL BE IN HARMONY WITH THE AREA IN WHICH IT IS LOCATED:

The area has other businesses around it in the service industry; auto repair, roofing, and electrical contractors. This property is not near residential properties. The fence we plan to install will be 6ft with screening and will block the sight of daily business from other businesses.

It is my, Jerry Roach, intent to move my company East Carolina Automotive from a 5000 sq. ft. facility at 3701 Gribble Road in Indian Trail to an 8000 sq. ft. facility at 123 Associate Lane Indian Trail NC. We will be servicing and repairing cars and light trucks.

Our hours of operation are Monday-Friday 7:30 am to 6 pm and Saturday 7:30 am to 5 pm. I, Jerry Roach, have owned and operated East Carolina Automotive for eight years in this area and have outgrown the facility we now occupy. I would like to be granted the permission to move my company to this larger facility to continue to serve this community.

Thank you for your consideration on this matter.

Sincerely,

Jerry D. Roach

Owner of East Carolina Automotive

PB Attachment 3
Impact Statement*
Provided for SUP

April 24, 2015
Indian Trail
Planning Department

To whom it may concern:

I have studied the property located at 123 Associates Ln. in Indian Trail, NC. The property is an office warehouse inside Indian Trail Business Park. The prospective buyer wants to operate an automotive repair business upon purchase which requires a special use permit under the General Business District. Sales of properties adjacent or exposed to automotive repair were reviewed as to their impact on surrounding properties.

Based on the information gathered, it is my opinion that automotive repair use will be in harmony with the neighborhood and should not adversely affect surrounding properties.

If you have any questions please let me know.

Sincerely,



Andrew G. Morrison, MAI
Morrison Appraisal, Inc.
NC Certified General
Appraisal Institute #497226



PB Attachment 4
Draft Resolution

STATE OF NORTH CAROLINA)
)
TOWN OF INDIAN TRAIL)

ORDINANCE # **DRAFT**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF INDIAN TRAIL REZONING PARCEL 07-084-416 TO MODIFY CZ-RBD (ORDINANCE #0110614-136) (CONDITIONAL ZONING REGIONAL BUSINESS DISTRICT) IN THE TOWN OF INDIAN TRAIL, UNION COUNTY, NORTH CAROLINA

WHEREAS, the applicant Mr. Jerry Roach with consent of the property owner Carolyn Stuart High, petitioned to modify the conditions of the existing conditionally zoned tax parcel 07-084-416; and

WHEREAS, this Conditional Zoning Modification (CZ2011-002M) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, two community meetings were held on May 27, 2015; and

WHEREAS, a public meeting was held by the Planning Board on June 16, 2015 to consider this modification to the previously approved conditional zoning request; and

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

Land Use and Housing Goal #1:

The proposed amendment to the existing conditional zoning district will avoid potential land use conflicts and reductions to property values based on the Impact Statement prepared by a licensed real property appraiser stating that the use will not be detrimental to adjacent properties.

Economic Development Goal #1:

The proposed modification to the existing conditional zoning district will create a more balanced tax base by promoting the occupancy of a previously vacant building in an existing business park. It will also expand the list of possible business types that could locate on the large commercial development site.

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

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

WHEREAS, the Town Council held a public hearing on July 14, 2015 to consider said request and recommendation of **X** 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 on July 14, 2015 by the Town Council of the Town of Indian Trail, North Carolina hereby takes the following action:

Section 1 - CZ 2011-002M Modification of Conditional Zoning Petition be granted and the Zoning Map shall be amended to reflect a CZ-RBD (Conditional Zoning Regional Business District) designation for 07-084-401 and 07-084-416 subject to the following conditions:

1. All conditions approved in CZ2011-002 shall continue to apply except as modified in Condition 2.c below related to Motor Vehicle Repair Shop uses at 123 Associates Lane.
2. All uses currently allowed "By Right" and "Special Use" in the Regional Business District (RBD) be allowed for the subject parcels as a CZ-RBD except for (please reference UDO 520.020G Allowed Uses Table and Standards):
 - a. Adult Use
 - b. Light Equipment Sales
 - c. Motor Vehicle Repair Shop (*140 Corporate Blvd only.*)
 - d. RV and Boat Storage
 - e. Vehicle Storage and Towing

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

AND IT IS SO ORDAINED this 14th day of July, 2015.

TOWN OF INDIAN TRAIL COUNCIL

Attest:

Town Clerk

Michael Alvarez, Mayor

APPROVED AS TO FORM:

TOWN ATTORNEY