

# Town of Indian Trail



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## PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT PLANNING BOARD MINUTES

May 17, 2016  
06:30 P.M.

### CALL TO ORDER

#### ROLL CALL

The following members of the governing body were present:

Board Members: Larry Miller, Patricia Cowan, Jan Brown, Samantha Towns, Jorge Aponte, and Dennis Gay.

Present but not voting: None.

Absent: Alan Rosenberg, Sidney Sandy, and Helen Killough

Staff Members: Rox Burhans-Planning Director, Gretchen Coperine- Senior Planner, and Pam Good-Board Secretary

### APPROVAL OF MINUTES- April 19, 2016

Motion to accept the corrections below as stated by Member Towns was made by Member Miller, seconded by Member Gay, vote to approve with the corrections was unanimous.

Corrections: Member Towns stated that the minutes should reflect her comments regarding her opinion about 250 feet of separation between residential area and light industrial area was not sufficient. Also, on page 5 Member Towns asked for the correction of approved area to be Radiator Rd, not a town wide overlay.

### PUBLIC ITEMS

**a. (Continuation of) ZT2016-005 Union County Crooked Creek WWTP Authorization of Exemption, a request to amend Sections 110.080 and 520.020G of the Unified Development Ordinance (UDO) to exempt existing and future improvements at the Union County Crooked Creek Wastewater Treatment Plant from UDO requirements. Applicant: Town of Indian Trail**

Staff Burhans asked any board members that were unable to attend the April board meeting if they had any questions regarding the text of the amendment. The case recap was presented by Staff Rox Burhans. He stated that there was considerable discussion regarding the case as well as residents stating their ongoing problem of area storm water issues in Traewyck homes that have shared property with the plant site. Resulting from the discussion were requests by the Planning Board to ask a staff member from Union County Public Works to explain in more detail the work planned for the site as well as to be available for further questions. The board members also asked for and received an email provided by Engineering Department (Adam McLamb) regarding the flooding issue, what staff thinks is causing the issue, and what complaints staff has received regarding the flooding issue. Staff Burhans also stated that the Town Council has initiated a storm water study by a private firm and come up with some alternatives. The study is to be completed September 2016.

The audio recording of the Union County February community meeting regarding this project was requested by two members of the board and were provided CD's of the meeting.

Chair Cowan asked if there were any questions from the board. Member Towns asked for the total acreage of the site. Staff Burhans stated that he would research the answer.

Staff Burhans introduced Mr. Scott Huneycutt, engineering manager of the project from Union County Public Works and Mr. Jonathan Lapsley of CDM Smith who was a consultant working with Union County on the proposed expansion project. Mr. Lapsley stepped forward for a brief presentation and slides of the proposed improvements for the Crooked Creek facility. He also showed a map of the area where the facility is located on Sardis Church Road, and gave a brief history of the Crooked Creek facility: built in 1988 and currently receives 1.9 million gallons per day treatment capacity, stating it does have the capacity to take on more water during heavy rains. The plant is owned by Union County Public Works. Mr. Lapsley gave an overview of facility's most recent improvements in 2012. He stated much of the proposed improvements in the Master Plan deals with an aging infrastructure what he termed "leaky pipes" which can overwhelm the ability of the treatment plant to handle rain water. He mentioned recommendations for updating this treatment plant including pumping improvements when more flow comes in, as well as the ability to store that rain water for short periods of time, typically not to exceed 72 hours. Mr. Langsley emphasized that they were not intending to expand the capacity of the plant, but providing infrastructure to handle rain driven overflow. Another improvement would be the ability to remove grit and trash from the flow. Mr. Langsley showed photos of the proposed improvements.

Member Towns asked the distance between the Traewyck subdivision and the plant. Mr. Langsley answered that the distance was 150 feet to the fence line and additional buffer on the Union County property to the facility.

Mr. Langsley showed site renderings of various upgrades including the equalization tank. The plans are to install additional screening/ trees between the facility and the Traewyck neighborhood. He stated that he doesn't anticipate having additional run-off to area neighborhoods.

Questions from board:

Member Miller asked about the pump station near Industrial Ventures and Crooked Creek Park. Mr. Langsley answered that there are going to be improvements to that pump station. Mr. Miller asked if there will be an additional pump station near Refrigerated, Inc. Mr. Langsley answered they are planning to replace that pump station. Mr. Miller asked who keeps the drainage pipe clean on the county side that crosses the state maintained roadway to the creek section. Mr. Langsley stated that the main culvert pipe is in the DOT right of way. Therefore the responsibility to maintain this would be with DOT.

Member Towns asked, in the event of failure, how long would it take someone to come to the facility to evaluate the problem. Also, Member Towns questioned how far could a spill go. Mr. Langsley answered that this plant is staffed 20 hrs per day. The plant has automated system the remainder of the time for the day. If there is a malfunction of any equipment during the other 4 hours someone is notified. He estimated that response time would be less than one hour. Also, there are requirements for redundant equipment. Mr. Langsley also stated that the equipment is designed to typically handle 2-5 year storm events. Member Gay asked if they could build a retaining wall to protect neighborhoods. Mr. Huneycutt replied that there is an existing berm already on the site.

Staff Burhans followed up to Member Town's question regarding the size is 13.619 acres on the existing property.

Chair Cowan asked to clarify that the berm is adequate as there will be no increasing of flow. Mr. Langsley answered in the affirmative.

Member Miller also clarified that if no increase in volume so the upgrade is to add tank space for sewage. Mr. Langsley answered that was correct.

Member Towns asked about the impact to the value of area properties? Staff Burhans answered that staff have not done any evaluation of the impact to adjacent properties; a real estate appraiser would need to conduct a study.

Staff Burhans read the consistency findings into the record

Opened and closed Public Comment: no one asked to speak.

Board discussion:

Mr. Gay was in favor of the upgrades. Member Towns concerned about the property being 150 feet from residences as well as there have been some complaints about odor, also concerned about property values near this type of facility, but realizes that we do need to upgrade infrastructure. Member Miller that the flooding in the neighborhoods is not the same issue as the overflow of the plant that is being addressed. He stated that the 72 hour extra storage could help with water overflow. Chair Cowan asked if there are emergency numbers posted for area residents to call, if needed. Mr. Lapsley replied that there are emergency numbers on signage on the facility property to Union County Public Works and is staffed 24 hrs/day. Mr. Gay stated that anytime infrastructure is updated is good thing. Mr. Aponte asked if they upgrade now, how long until the next upgrade. Mr. Langsley stated that there are no current plans to do any further upgrade. It will likely be 14 months until completed.

Motion by Chair Cowan to approve the ZT2016-005 expansion exemption seconded by Member Brown. Vote to recommend approval was unanimous. Union County staff stated that they will cooperate in good faith and will have multiple places for emergency signage.

- b. **CZ2016-001 Church of the Redeemer, presented by Staff Coperine who indicated that the location map current zoning is SF4. This is a request to reclassify a portion of parcel 07123001F, totaling approximately 8 acres. The rezoning is from Single Family (SF-4) to Institutional with a conditional zoning district. The intent of this request is to allow a religious assembly use to develop on the site.**

The parcel under consideration is a portion of 07123001F on the north side of Wesley Chapel Rd.

Staff Coperine described the Concept plan. The remainder of the parcel will remain SF-4. Regarding the architecture, Staff Coperine showed a rendering of the proposed project and stated that vinyl siding is prohibited.

Staff Coperine stated that with regard to the comprehensive plan, religious assembly is consistent with that land use. Outside agency feedback were:

- *North Carolina Department of Transportation (NCDOT)*: NCDOT has provided the following comments: NCDOT does not have any issues with the proposed right in/right out access to the site. However, if the applicant is interested in a full movement access, the following would need to be provided:  
left turn lane, with 100 foot stacking  
500 foot sight distance in each direction  
A minimum 600 foot distance from the roundabout to the ROW line
- *Union County Public Works (UCPW)*: Approval of sketch plan provided.
- *Union County Public Schools (UCPS)*: No comments at this time:
- *Union County Fire Marshal (UCFM)*: No issues at this time.

- *Union County Sheriff*: No issues at this time.

Two community meetings were held. In general, attendees were receptive of the building design and overall project.

Draft Conditions of Approval as recommended by staff:

1. *Subject Parcels*: Rezoning – portion of parcel 07123001F (totaling approximately 8 acres) to CZ-Institutional.
2. *Permitted Uses*: The permitted use on the subject property is religious assembly. In the event a school is to be developed in the future, such development shall be subject to Special Use Permit approval through the Board of Adjustment.
3. *Architecture*:
  - a. The building shall be built in general accordance with the elevations in Exhibit 2 and shall be constructed of brick and EIFS with no vinyl or composite siding or synthetic stucco.
4. *Front Landscape Buffer*: A 20 foot landscape buffer along the front (south side) shall be provided as generally depicted on the concept plan (Exhibit 1).
5. *Rear and Side (East) Landscape Buffer*: A 50 foot landscape buffer shall be provided along the north and east sides of the property as generally depicted on the concept plan (Exhibit 1).
6. *Side (West) Landscape Buffer*: A 25 foot landscape buffer shall be provided along the west side of the property as generally depicted on the concept plan (Exhibit 1). If in the future the remainder of parcel 07123001F is developed in conjunction with the religious assembly use subject of this amendment, the 25 foot buffer may be removed.
7. *Stormwater Management Measures*: The size of the proposed stormwater management facilities identified on the Conceptual Plan is for illustrative purposes only. The exact size shall be determined during Site Plan submittal.
8. *Wesley Chapel Road Roadway Improvements*: Prior to the issuance of Town Zoning Compliance, the developer shall be responsible for constructing the ROW improvements listed below on Wesley Chapel Road:
  - A right in/right out access to the site.
  - However, if the applicant is interested in a full movement access, the following would need to be provided:
    - Left turn lane, with 100 foot stacking
    - 500 foot sight distance in each direction
    - A minimum 600 foot distance from the roundabout to the ROW line

All required roadway improvements shall be constructed and any associated public ROW dedicated prior to the issuance of Town Zoning Compliance. All roadway improvements shall be constructed to the Town of Indian Trail and NCDOT standards.

9. *Frontage Improvements*: Frontage improvements along Wesley Chapel shall be provided and include a 6' sidewalk, and street lights and curb/gutter. All required frontage improvements shall be constructed and any associated public ROW dedicated prior to the issuance of Town Zoning Compliance for any home.
10. *Revocation*: The Town Council may act to revoke the conditional zoning district designation if the applicant fails to meet the terms of the district.

Staff Coperine read the necessary consistency findings into the record.

- *Land Use and Housing Goals #1 and 5*: The proposed project promotes compatibility of land uses between neighboring properties and residential properties within surrounding jurisdictions and proposes high quality design to promote attractive land development; and

- *Mobility and Transportation Goal #3:* The proposed development incorporates pedestrian connectivity through the use of sidewalks along Wesley Chapel Road, as well as opportunity to connect to any future development directly west of this development.

The request for this conditional zoning district (Institutional) is a reasonable request and is in the public interest because supports the goals of the adopted Comprehensive Plan and includes elements that benefit the general public in the areas of transportation and land use.

Member Towns asked if Wesley Chapel Road would the road ever been widened? Staff Coperine replied that there is room to widen the road. Member Brown asked if recreational facilities were planned. Staff Coperine answered that it is projected to provide a small playground. Member Brown also asked how many parishioners are in attendance at this time. Mr. Mike Avreal, a member of the church answered that approximately 300 persons attend in total, with the services generally accommodating about 150 people at once. Member Miller stated that he has a little concern about the entrance and exist. Staff Coperine stated no traffic impact analysis was required by NCDOT, but DOT did looked at the concept plan and stated the road was adequate for the project with the right in/ right out access. Member Gay asked how many times would the attendees gather each week as well as any kind of chimes. Mr. Averill answered that the main attendance would be Sunday morning with other smaller gatherings during the week. No chimes are planned. Member Aponte asked if 300 would attend at once and how many parking places? Staff Coperine answered that there are approximately 125 parking spots.

Opened public portion of comments.

Chris Hope, engineer of the project, spoke of the positive aspects of this project. No additional comments.

Closed public portion of comments.

Board Discussion:

Member Brown stated that the building was architecturally very pleasing. Member Towns stated that it would be an asset for the Sheridan community. Member Miller stated that extending the sewer line is good. Chair Cowan liked the rendition. Member Gay and Member Aponte felt it would be a good addition to the community.

Motion to approve CZ2016-01 by Member Towns with the findings of fact as read into the record, seconded by Member Aponte. The vote to approve was unanimous.

**c. ZT2016-006 Dumpster Enclosures: a request to amend Chapters 13130 of the Unified Development Ordinance (UDO) to create additional options in the design of dumpster enclosures for existing buildings. Applicant: Town of Indian Trail**

Staff Burhans presented this proposed amendment to the board. This amendment does not impact new construction. Proposed amendment- is there more business friendly approach for dumpster enclosures. Current regulations state that dumpster enclosures for existing and new buildings must match the primary building in material and color. The proposal is to give businesses more options.

UDO Div 1400 states dumpsters need to be added to an existing building when there are major upgrades, building expansions, when damage occurs.

Staff recommended options: arch block, synthetic stone, brick, hardie siding, and hardie panel (cement type product), EIFS/Stucco.

Other possible alternatives: vinyl/PVC fencing, metal panels

Staff Burhans read the Consistency Findings into the record.

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:  
Land Use and Housing #5 and Economic Development Goal #3: The proposed text creates additional flexibility in the design of refuse and grease trap enclosures for existing businesses, which will promote small business growth in a manner that is supportive of community aesthetics.
2. This UDO ordinance amendment is in the best interest of the public because it helps promote attractive community aesthetics in a manner that is not burdensome to the small business community.

Board Discussion:

Member Brown stated that the vinyl was susceptible to vandalism so would not recommend vinyl to be one of the choices. Member Miller didn't think vinyl was durable. Staff Burhans clarified that he was hearing from the board that metal enclosures were acceptable. Member Gay asked if an industrial setting has requirements of an enclosure, also. Staff Burhans answered that there are other requirements for industrial areas. Member Gay was concerned about some of the metal enclosures and the rusting possibility. Member Aponte asked if we are going to hold them accountable to maintain these enclosures. Staff Burhans believes that we have the authority to enforce the maintenance. Chair Cowan asked when we have a commercial structure, do we offer them trash and recycle bins? Staff Burhans answered that we only offer this service to residents at this time.

Opened Public Comment- no one signed up to speak.

Closed Public Comment.

Motion to approve ZT2016-006 (by Member Miller) with recommended arch block, synthetic stone, brick, hardie siding, and hardie panel (cement type product), EIFS/Stucco and metal panels. Vinyl was not included as a recommendation.

Seconded by Member Brown. Vote to approve was unanimous.

**OTHER BUSINESS** - none

### **PLANNING REPORT**

- A community meeting is being held on May 23rd at South Piedmont Community College related to the text amendment related to hotel/motel use at 6:30pm in Salon B. 2377 notices were mailed including business parks in the area. The meeting will be facilitated by the applicant.
- Planning Board reappointments will be considered at the June 14 Town Council meeting. Staff Burhans read the openings to the board.

Member Miller asked about grading at the QT and storage facility is done. Staff Burhans replied that it will be a drive-thru carwash. Chair Cowan mentioned that Zaxby's opened yesterday. Staff Burhans explained that the delay in construction in the new Publix due to the increase in cost of construction and materials.

### **ADJOURN**

Motion to adjourn Member Miller, seconded by Member Brown. Vote to adjourn was unanimous.

Meeting adjourned at 8:40pm.

Chairman:

Date: \_\_\_\_\_

\_\_\_\_\_

Secretary:

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