



PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

PLANNING BOARD MINUTES

May 20, 2014

6:30 P.M.

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

ROLL CALL: The following members of the governing body were present:

Board Members: Patricia Cowan- Chair, Larry Miller-Vice Chair, Jan Brown, Robert Rollins, Cathi Higgins, Kelly D'Onofrio, and Alan Rosenberg.

Members Present but not Voting Cheryl Mimy, Steve Long

Absent Sidney Sandy

Staff Members: Shelley DeHart- Planning Director

APPROVAL OF MINUTES-March 18th, 20th, and April 24th 2014

Boardmember Higgins proposed the following modifications: Page 3, paragraph 3 should read 550 residential units; page 4 paragraph 6 first sentence add Mr. Dean Harrell said Bonterra Builders is the builder and he is associated with Bonterra Builders; page 7 paragraph 6 - please identify how each board member voted.

Boardmember Long requested the minutes from the March 20th Special Minutes the role call should be amended that Jan Brown & Robert Rollins were absent.

Robert Rollins made a motion to approve the minutes of March 18th, 20th, and April 24th 2014 as amended, motion seconded by Vice Chair Miller.

Board voted unanimously in favor of the motion.

PUBLIC ITEMS:

The Planning Director presented the proposed zoning text amendment ZT2014-003. This is a request to amend Chapter 520 of the Unified Development Ordinance (UDO) to permit Sporting Good Stores within the Central Business District (CBD) and the Downtown and Village Center Overlay Districts by right. These uses are currently only permitted within these districts by Special Use Permit approved by the Board of Adjustment. The amendment also includes minor

housekeeping modifications to ensure consistency within the adopted land use table between districts. The proposed changes are: 1) further defining sporting good stores to include firearm sales and gunsmithing which typically is a service associated with this use; and 2) allowing sporting good stores by right within all commercial zoning districts except the Neighborhood Business District which is proposed to maintain a Special Use permit requirement. The Neighborhood Business District is intended to allow for small scale retail and business services uses in close proximity to residential neighborhoods. GENERAL HOUSEKEEPING changes can be found in Attachment "A" of this report which is Section 520.020 which is the complete commercial use table. Staff evaluated the entire table while working on this amendment taking the opportunity to correct some inconsistencies between districts, remove some outdated language such as Video/CD store, and correcting a cross reference (520.040) which was intended to reference a maximum size limitation for some uses within various districts. One additional request for amendment under the Major Home regulations related to kennels. Specifically - the requirement of a minimum of a 5-acre site for a major home occupation kennel. Staff requested the Board to consider reducing the minimum to possibly 1-acre. All major home occupations require an approval of a special use permit by the Indian Trail Board of Adjustment. Staff presented the following consistency findings to support the amendment: The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan: Downtown Revitalization: Because it will enable sporting goods retail stores to locate within Downtown Indian Trail by right and contribute to the success of the Downtown economy; and Economic Development: Because it will allow sporting good retail stores by right, saving time and red tape for business owners supporting a more balanced tax base within our community. This UDO ordinance amendment is in the best interest of the public because it enables a commercial use to locate within appropriate non-residential zoning districts supporting economic development within our community.

Chairman Cowen asked about a Pawn Shop category and if they sell guns. Staff indicated there is a separate Pawn shop use category restricting the use to GBD and RBD whether or not they sell guns. Boardmember Higgins asked why the Planning Department identified "including firearm sale and gunsmithing" under the category Sporting Good Store? Staff recommended the language to ensure the future interpretation of the appropriate category for firearm shop. Boardmember Rosenberg asked if this was something missed during the development of the UDO. Staff stated it could of been something not thought out very well during its development. Chair Cowan brought up the of electronic cigarette. Vice-Chair Miller supported staff's recommended amendment in general but did not support the one-acre minimum for a Kennel as a home occupation. His concern is related to density of residential neighborhood. Vice-chair Miller stated that he believed a two acre minimum is more appropriate. Chair Cowan asked about the definition of Kennel. Staff explained the use is defined and regulated by the State of Agriculture. Staff's recommendation of the one-acre minimum was based on the requirement of obtaining a special use permit. The Board discussed the issue and allowed zones for kennel use.

Public Comment – No one had signed up to speak to the issue. The Chairman opened and closed the public comment of the meeting.

Board Deliberation - Chair Cowan asked if the Board wanted to table the item for more information. Chair Cowan polled the Board on the appropriate minimum acreage: All of the Boardmembers indicated they believe more than one acre is needed. Staff suggested pulling Section 780.090 from the proposed amendment to continue with the amendment before them.

Patricia Cowan- Chair made a motion: By making the required findings as read into the record, this Board recommends approval of ZT2014-003 Sporting Goods Store Amendment: a request to allow a sporting good retail store by right within the CBD, Downtown Overlay and Village Center Overlay zoning districts and general housekeeping modifications within the commercial use table; excluding Section 780.090 related to home occupations. This motion was seconded by Boardmember Rosenberg.

Board voted unanimously in favor of the motion.

OTHER BUSINESS

Staff introduced Andrew Morrison- current member of the Board of Adjustment

Staff presented an overview of HB150/SB139 which restricts the local government's ability to regulate architectural design for single-family and attached residential units. This bill has been approved by the House and was scheduled to be voted on by the Senate however was pulled back to committee. Staff recommended the Board oppose this bill by contacting our Senators. Many of the Boardmembers discussed how hard the Town has worked on developing design criteria. Chair Cowan requested a volunteer (suggested Cathi Higgins) prepare a letter to our Senators in opposition of the Bill. Questions were asked about implications to existing developments. Staff indicated they would check with the Town Attorney.

The Board questioned who sponsored the bill? Staff passed out a copy of the Bill for their review. Boardmember Higgins stated she would prepare a draft letter and distribute for review.

PLANNING REPORT- None

ADJOURN - Kelly D'Onofrio made a motion to adjourn, seconded by Boardmember Rosenberg. Board voted unanimously in favor of the motion.

Vice/ Chairman: 

Secretary: 