



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

PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

Conditional Zoning Staff Report

Case: CZ 2012-003			
Reference Name	Meridian Apartments		
Request	Proposed Zoning	Conditional Zoning Multi-Family Residential District (CZ-MFR)	
	Proposed Uses	Residential Apartments	
Existing Site Characteristics	Existing Zoning	Multi-family Residential (MFR)	
	Existing Use	252 unit Apartment Complex	
	Site Acreage	15.59 acres	
Applicant	S. Stephen Goodwin		
Submittal Date	September 11, 2012		
Location	1101 Flagstone Drive, Indian Trail		
Tax Map Number(s)	07-066-013E		
Plan Consistency	Comprehensive Plan	Designation	Hwy 74 Corridor
		Consistent with Request	Yes
Recommendations & Comments	Planning Staff	Recommends approval of a Conditional Zoning District	

Project Summary

This is a request to establish a Conditional Multi-family Residential Zoning District (CZ-MFR) for an existing 15.59 acre apartment complex known as the Meridian Apartments located within the 74 Business Corridor (Attachment 1). The subject property is developed as an apartment complex consisting of 252 units authorized by the Town in Special Use Permit 2001-012. The intent of this request is to support the existing development in the form of a Conditional Zoning District which, if approved, will safeguard the development (as built) in the future. The request includes enhancing the existing development by installing five streetlights adjacent to Faith Church Road and dedication of, and constructing of, a segment of the future Carolina Thread Trail.

Recommendation

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

Background -History

Based on information provided in Town records, the subject property was annexed into the Town as part of a larger annexation with an understanding it would be developed as a mix of single-family dwellings and apartments as approved by the County.¹ The property was zoned as R-6 residential by the Town which allowed both single-family and multi-family development. This annexation eventually developed as the subdivision Traewyck and the Meridian Apartments. Records state the property was vested for 215 multi-family units. A developer, the R. D. Harrell Company, pursued a Special Use Permit (SUP 2001-012) requesting an additional 37 units prior to construction of the complex. The Board of Adjustment heard the request and approved the SUP on October 25, 2001 thus granting a total of 252 multi-family units. The permits were released to construct the apartment complex mid-2002 and completion of the complex occurred mid-2003. The Town revisited the development in 2006 based on a voiced concern regarding screening requirements and found supplemental landscaping was required. The property owner planted an additional 55 Loblolly Pines adjacent to the single-family residential neighborhood and the case was closed.

Request for Conditional Zoning District (CZ)

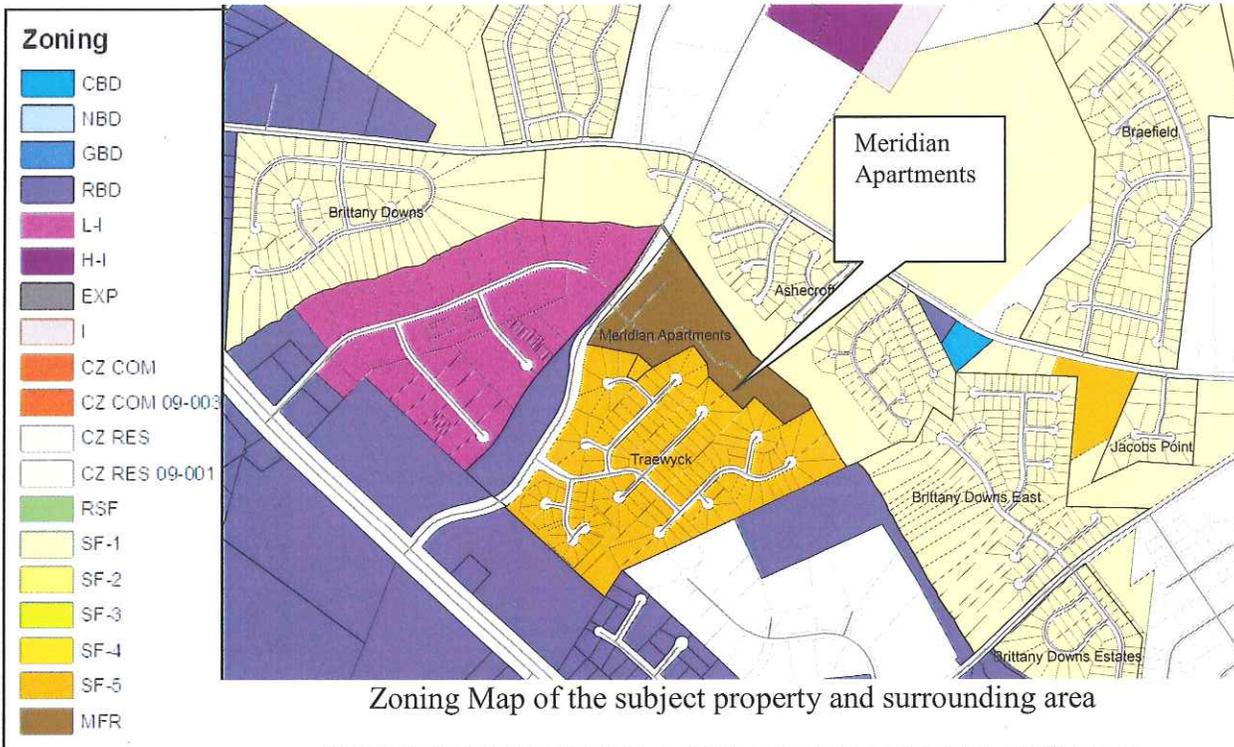
The applicant filed this Conditional Zoning District request in an effort to vest the density (number of units) and parking space requirements in future years. The process of establishing a Conditional Use Zoning District allows for some flexibility in development while conditioning the zoning district. It can be viewed as a “customized zoning district.” This development, as authorized under the Special Use Permit, has lead to non-conforming aspects on this site. It is not unusual for developments in general to gain non-conforming status due to changes in zoning regulations over long periods of time. The concern from a property owner perspective, or investor, is if the site were to undergo a disaster that destroyed over 50 percent of the site, the site could only redevelop in compliance with ordinances in place at that time. A conditional zoning district (customized zoning district) would project the property owner’s investment.

Analysis

The subject property is approximately 15.59 acres in size and is developed with a 252 unit multi-family residential apartment complex located just off of Faith Church Road between U. S. Hwy 74 and Unionville Indian Trail Road. The property is currently zoned Multi-Family Residential which provides for multi-family residential use. The density (252 units) authorized by Special Use Permit 2001-012 is considered non-conforming because it exceeds the maximum number authorized under the base zoning MFR (maximum 12 du/ac) of the Unified Development Ordinance (UDO). The property as developed is just over sixteen (16) du/acre therefore considered non-conforming. The second non-conforming aspect is the parking. The development consists of 414 parking spaces through-out the apartment complex. Based on today’s regulations, this development would require the following:

Bedroom	# units	Req. Space	Total Required
One Bedrooms	72	1.5	108
Two Bedrooms	120	2	240
Three Bedrooms	60	2.5	150
Total Required			498
Plus Visitor Parking at 1 space/ 4 required = 124			622 Total

¹ Indian Trail Board of Adjustment Minutes – October 25, 2001- page 4



Zoning Map of the subject property and surrounding area



Site Characteristics

The subject property consists of thirteen apartment buildings and a pool and clubhouse. The 100-year floodplain encroaches onto the property adjacent to the east property line. This area is currently open space and has been identified as a possible greenway for the future Carolina Thread Trail in the Union County Thread Trail Plan.



Comments from Outside Agencies

The Town routed plans to solicit comments from outside agencies such as Union County Public Works. No comments were received.

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 is 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 Hall Civic Building on October 2, 2012 from 7:00PM-9:00PM. The second community meeting was held on October 3, 2012 at the Apartment Clubhouse from 1:00PM-3:00PM. No public attendees were at either meeting. Staff received phone calls and a visit from an adjacent property owner in the project area.

Concerns voiced were:

1. Overall risk and previous vandalism that seems to be tied to the apartment complex – Ashe Croft Resident
2. Incidents of potential forest fires within wooded area – Ashe Croft Resident
3. Security Lights needed between Ashe Croft and the apartments – Ashe Croft Resident
4. Noise associated with the apartment trash compactor, which is located adjacent to the Traewyck neighborhood. This compressor will activate sometimes during the middle of the night. It was suggested that the compactor be relocated towards the open space side of the complex or provide additional screening for adjacent residents.
5. Smell associated with the apartment trash compactor during the peak summer heat – Traewyck resident.

These concerns were transmitted to the applicant via email.

Site Improvements Offered in Conditional Zoning District

The applicant is proposing to install up to five (5) new street lights adjacent to Faith Church Road. This segment of Faith Church Road lacks street lights other than two existing located at the driveway to the apartment complex.

The applicant has also offered to construct a segment of the future Carolina Thread Trail (greenway) within the open space area at the east property line. This segment would include a connection to the existing sidewalk on Faith Church Road. A public easement will have to be recorded dedicated to the Town for the purpose of a public greenway. Attachment 3 provides a conceptual design of the greenway as well as future streetlight locations. This is a concept plan only. The applicant will be required to submit a site plan for approval by the Town for the greenway and sidewalk connection prior to installation.

Plan Consistency

The property is located in the Hwy 74 Business Corridor of the Comprehensive Plan. This corridor provides opportunity for a variety of retail, office, entertainment, and lodging opportunities. Supporting high density residential is also a key component to the success of this corridor. Approximately 168 acres of the total 1, 111 total acres is earmarked for high density residential accommodating approximately 2,500 people at build-out. Since the multi-family development is an existing land use, it does not change the land use make-up of the corridor. The subject property accounts for nine (9) percent of the total future high density residential use in the corridor. This is consistent with the intent of the Comprehensive Plan.

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:

Goal 1.3.1 Quality of Life - The proposed conditional zoning district will meet the goal of providing a diverse range of housing options in order to provide affordable living opportunities for a wide range of residents. It will also establish

the first public greenway segment of the future Carolina Thread Trail providing an opportunity for public recreation within the Town.

The request for this Conditional Zoning District is a reasonable request and is in the public interest because it maintains a needed land use as identified in the Comprehensive Plan and includes improvements that benefit the general public in the area of lighting and greenway trails.

Draft Conditions:

1. The property owner shall record a ten (10) foot wide public easement for the purpose of a greenway. The easement shall be located adjacent to the east property line of the subject property.
2. The property owner shall construct a 10-foot wide greenway path consistent with the requirements of the Carolina Thread Trail. Said greenway shall include a connection to the existing sidewalk located on Faith Church Road.
3. The property owner shall install five (5) street lights adjacent to Faith Church Road. Lights shall be decorative acorn style similar to existing lights located at the developments access driveway.
4. The property owner shall explore the possibility of relocating the garbage compactor towards the east side of the development. If the unit cannot be relocated, supplemental landscaping shall be provided between the compactor and neighboring properties of the Traewyck subdivision.
5. All conditions shall be met within two years of the establishment of the Conditional Zoning District. The Town Council may act to revoke the conditional zoning district designation if the applicant fails to meet the terms of the district.

Recommendation

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

Attachment 1 – Application

Attachment 2 – Site Plan

Attachment 3 – Conceptual Greenway Plan

Staff Contact

Shelley DeHart, AICP

704 821-5401

srd@planning.indiantrail.org

PB Attachment 1
Application



S. STEPHEN GOODWIN, JR.
WESLEY S. HINSON

SHELLEY K. LEVINE*
WESLEY F. FAULK*

*ALSO ADMITTED IN SOUTH CAROLINA

September 11, 2012

Shelley R. DeHart
Planning Director
Town of Indian Trail
P.O. Box 2430
Indian Trail, NC 28079

Re: Conditional Zoning Application
Meridian Apartments
1101 Flagstone Drive
Indian Trail, NC 28079
ID# 07-066-013E



Dear Shelley:

Please take this letter and application, with appropriate attachments, as the current owner's request for the above property to be rezoned as a Conditional Zoning district for the Meridian Apartments. Currently, the property is zoned Multi-Family Residential with an accompanying Special Use Permit, 2001-012.

The current owners are not proposing any changes for the property. In these current economic times, the rezone to a conditional zoning district will provide current and future lenders a level of confidence they now require to maintain reasonable commercial lending rates for the land owners.

Per our conversations on this subject, the owner will consent to the following additions and modifications of the property: 1) the installation of an extension of the greenway/walkway along the northern property edge along the existing sewer easement line; 2) the installation of steps from Faith Church Road down to the new greenway; and, 3) the installation of up to five street lamps along Faith Church Road and the western edge of the property.

As the project is ongoing and operating apartment complex and the current use is not being changed by the rezone, I would 1) any request for a traffic study be waived, 2) any request for an updated appraisal statement be waived, and 3) that any items deemed

necessary and available from the 2001-012 Special Use Permit be appended to this application and used accordingly.

Finally, as we discussed, time is of the essence for the current owners and its lender to resolve the rezone petition with all deliberate speed. I will be available as needed to assist in any way to move this matter along as quickly as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Stephen Goodwin, Jr.", with a long horizontal flourish extending to the right.

S. Stephen Goodwin, Jr.

SSG/aur

Enclosures

CC: David Brown, Executive Vice President
Covington Realty Partners

Scott Flynn, Corporate Counsel
Mastrogiovanni Schorsch & Mersky, P.C.

CONDITIONAL ZONING APPLICATION



Submittal Requirements

- Completed Application
- Notarized signatures of applicant and property owner
- Letter of Intent
- 8 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 1101 Flagstone Drive

City Indian Trail State NC Zip 28079

Tax Parcel ID 07-066-013 E Zoning Designation MFR-SUP-2001-01Z

Total Acres 15.5909 Impervious Area _____

Project Description Meridian Apartments

Contact Information – Applicant

Name S. Stephen Goodwin

Address 309 Post Office Drive

City Indian Trail State NC Zip 28079

Phone (704)684-0031 Fax (704)684-0035

Email sgoodwin@goodwinhinson.com

Contact Information – Property Owner

Name David Brown

Address 30 S. Wacker Drive, Suite 2750

City Chicago State IL Zip 60606

Phone (312)879-7551 Fax (312)669-1300

CONDITIONAL ZONING APPLICATION



Email

dbrown@commpropsus.com

Applicant's Certification

Signature

S. Stephen Goodwin Date 9-7-12

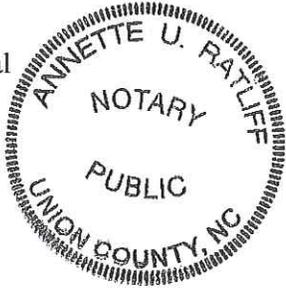
Printed Name/Title

S. Stephen Goodwin, Attorney

Signature of Notary Public

Annette U. Ratliff Date 9-7-2012

Notary Seal



My Commission Expires: 11-20-2014
Property Owner's Certification

Signature

David Brown Date 9/05/2012

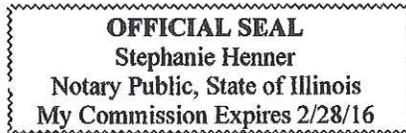
Printed Name/Title

David Brown, Vice President

Signature of Notary Public

[Signature] Date 9/05/2012

Notary Seal



TOWN OF INDIAN TRAIL OFFICE USE ONLY

CASE NUMBER:

CZ2012-003 R-000399

DATE RECEIVED:

9/11/12

AMOUNT OF FEE:

→ \$400 + adjacent property notification
\$700 received 9/11/12

RECEIVED BY:

CAF

RECEIPT #:

PB Attachment 2
Site Plan

