



Town of  
**INDIAN TRAIL**  
north carolina

Indian Trail, North Carolina 28079

Telephone 704-821-5401

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**PLANNING BOARD TRANSMITTAL**

**Planning Board Transmittal for the November 9, 2010 Town Council Meeting**

<b>Reference Name</b>	Case: ZT 2010-014 Village Center Overlay Text Amendment		
<b>PB Meeting Date</b>	October 27, 2010		
<b>Members Present</b>	Chair Whitehurst <input checked="" type="checkbox"/>	Gary Vaughn <input checked="" type="checkbox"/>	Larry Miller <input checked="" type="checkbox"/>
	Vice Chair Cowan <input checked="" type="checkbox"/>	Kathy Broom <input checked="" type="checkbox"/>	Robert Rollins <input checked="" type="checkbox"/>
	Sidney Sandy <input checked="" type="checkbox"/>	Cathi Higgins <input checked="" type="checkbox"/> Alternate – <b>in Audience</b>	John Simulcik <input type="checkbox"/> Alternate
	Vacant Seat <input type="checkbox"/>		
<b>Case Found Complete</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
<b>Motion</b>	Recommend approval as transmitted with a modification.		
<b>Member making the motion</b>	Board member Vaughn		
<b>Second the motion</b>	Vice Chair Cowan		
<b>Vote</b>	7-0		

**Background**

A request to amend Chapter 630-Village Center Overlay Zone (O-VC) of the Unified Development Ordinance to clarify applicability and introduce exemption language recognizing planned developments or approved projects prior to the adoption of the Unified Development Ordinance.

**Town Council Action:** *Receive transmittal report and public testimony and:*

1. *Concur with the findings and transmittal of the Planning Board to approve; or*
2. *Concur with findings and approve as modified by Council; or*
3. *Do not make the findings and disapprove the amendment.*

## **Request**

A request to amend Chapter 630-Village Center Overlay Zone (O-VC) of the Unified Development Ordinance to clarify applicability, introduce exemption language recognizing planned developments or approved projects prior to the adoption of the UDO, and to clarify the development standards within this Chapter.

Staff is experiencing difficulty in applying regulations within this Chapter when projects are proposed within existing approved commercial centers. An exemption from this Chapter is proposed for commercial centers that have been approved prior to the adoption of the UDO which is December 31, 2008. Staff is also proposing to clarify development standards which should only apply to lots abutting a collector street, thoroughfare, or boulevard road.

## **Planning Board**

The Planning Board heard this request at its October 27, 2010 meeting. The Board discussed the proposed amendment, had no proposed modifications, and made the following findings to recommend approval:

### *Draft Findings:*

1. The proposed UDO amendment is consistent with the following goals:
  - 1.3.2 of the Comprehensive Plan – Land Use; the proposed UDO ordinance amendments will help to promote a quality mix of different land uses while avoiding land use conflicts with neighboring properties by ensuring compatibility with existing development.
2. This UDO ordinance amendment request is reasonable and in the best interest of the public because it recognizes existing planned development design and clarifies requirements for development.

Staff recommends the Council receive report, public testimony, make the required findings as transmitted by the Planning Board, and approve as presented.

## **Staff Contact**

Shelley DeHart, AICP  
704 821-5401 ext 225

Attachment 1 – Planning Board Staff Report  
Attachment 2 – Draft Ordinance

**TC ATTACHMENT 1**



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PLANNING AND DEVELOPMENT DEPARTMENT

## Zoning Staff Report

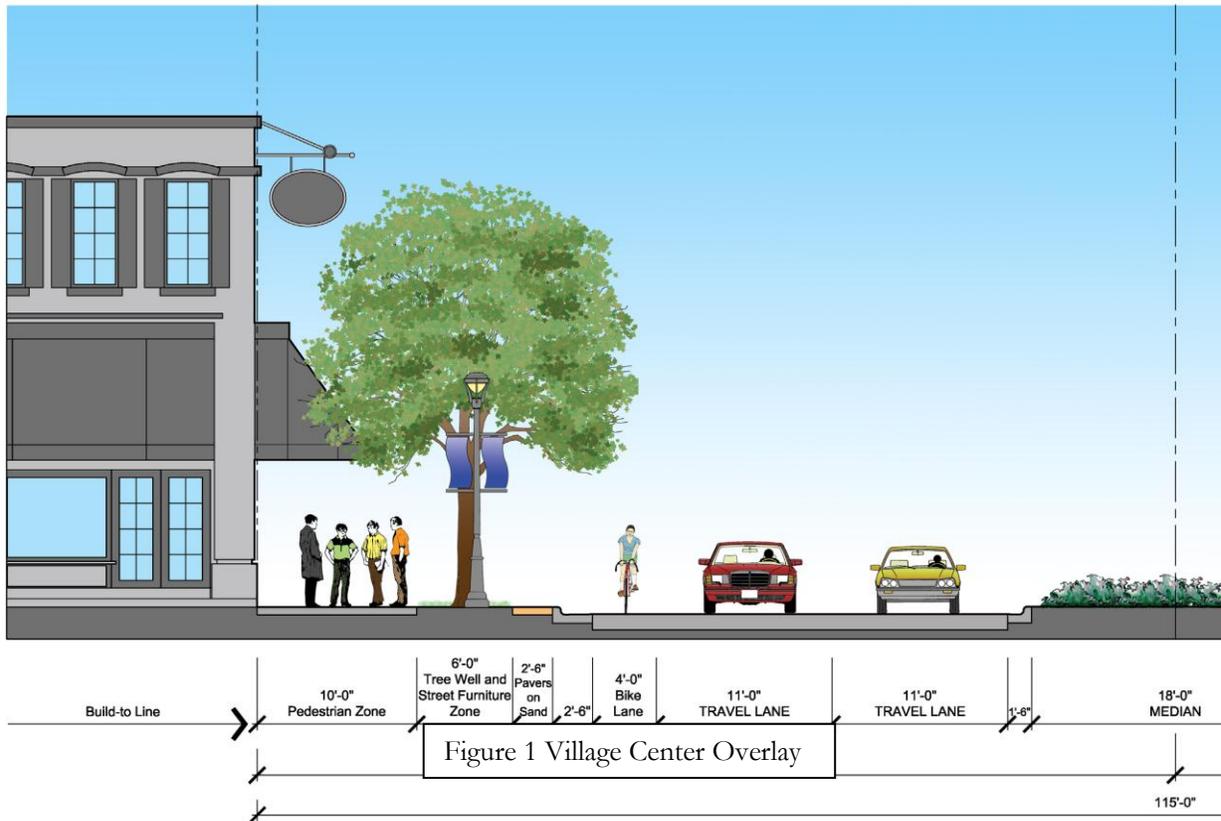
<b>Case: ZT 2010-014 Amendment of Chapter 630 Village Center Overlay Zone</b>		
<b>Reference Name</b>	Village Center Existing Commercial Centers	
<b>Applicant</b>	Town of Indian Trail	
<b>Submittal Date</b>	08/01/2010	
<b>Location</b>	Village Centers	
<b>Tax Map Number</b>	n/a	
<b>Plan Consistency</b>	Comprehensive Plan	
<b>Recommendations &amp; Comments</b>	Planning Staff	Recommend approval to Town Council.

### Project Summary

A request to amend Chapter 630-Village Center Overlay Zone (O-VC) of the Unified Development Ordinance to clarify applicability and introduce exemption language recognizing planned developments or approved projects prior to the adoption of the Unified Development Ordinance.

### Analysis

Chapter 630 outlines the intent and development standards for the Village Center Overlay Zone consistent with the Comprehensive Plan. The vision for the Village Center Overlay Zone is to have the businesses located adjacent to the sidewalk similar to a downtown area (Figure 1).



Staff has had difficulty in applying some of these regulations within planned commercial centers that have been platted and partially developed prior to the adoption of the UDO due to:

1. Many of the commercial centers were subdivided into individual lots and sold as out parcels. These pre-existing outparcels dimensions and orientation can sometime limit the use of the property and or orientation of the building.
2. Many existing commercial centers land use design and infrastructure lay-out (such as internal roads) make it difficult for build out of commercial centers according to new requirements considering the existing built-out design.

The ability to achieve this harmonious design within an existing approved, platted, partially developed commercial center is virtual impossible. Staff is recommending that Chapter 630.010 be amended as follows:

### **Chapter 630 Village Center Overlay Zone (O-VC)**

#### **630.010 District Established**

The Village Center Overlay Zone is hereby established to provide for the designation of areas within the Town where mixed-use centers may be established. Village Center Overlay Districts may be established with different mixes of land uses and different densities consistent with the broad guidelines established by the Comprehensive Plan. The location of Village Center Overlay Districts will be consistent with the locations identified in the Comprehensive Plan.

#### **A. Applicability**

*This Chapter applies to all new development within the boundaries Village Center Overlay Zone as defined within the Indian Trail Comprehensive Plan. No development may occur on a property that falls in part or whole within this overlay zone unless in accordance with this article.*

## **B. Exemptions**

*This Chapter does not apply to land or to development which:*

- 1. Is part of an approved final plat, preliminary plat, or approved site plan for a commercial center where such approval was granted before December 31, 2008; or*
- 2. Is covered by an unexpired zoning certification permit issued before December 31, 2008 in accordance with the Town of Indian Trail zoning ordinance in effect prior to the effective date of this UDO.*

Section 630.040 also needed clarification and/or correction.

### **630.040 Development Standard**

*The following standards apply to buildings located on lots fronting public or private collector roads, boulevards, or thoroughfares.*

- A.** Parking lots must be located at the side or rear of building. No parking lots may be located at the front of commercial or residential buildings.
- B.** Where parking lots are located at the side of buildings such parking areas must meet the perimeter landscaping requirements of Section *810.130*.
- C.** At least 60% of a building's front façade that faces a street or sidewalk must be transparent (windows and doors) between an elevation of 4 feet and 10 feet above grade.
- D.** Dry-it (EIFS) is not permitted as the primary building material and metal buildings are also prohibited. Buildings will meet the design standards of *1320.020*.

### **Required Consistency Findings**

The Planning Board is required to make two findings, one for consistency with Town adopted plans and another regarding the benefit of the public. Staff is of the opinion the following findings can be made:

- The proposed UDO amendment is consistent with the following goals:
  - 1.3.2 of the Comprehensive Plan – Land Use; the proposed UDO ordinance amendments will help to promote a quality mix of different land uses while avoiding land use conflicts with neighboring properties by ensuring compatibility with existing development.
- This UDO ordinance amendment request is reasonable and in the best interest of the public because it recognizes existing planned development design and clarifies requirements for development.

### **Staff Recommendation**

Staff recommends that the Planning Board make the required consistency findings and recommend adoption of the UDO ordinance amendment to the Town Council.

### **Staff Contact**

Shelley DeHart, AICP  
Director of Planning  
[srd@planning.indiantrail.org](mailto:srd@planning.indiantrail.org)

**TOWN COUNCIL ATTACHMENT 2**



**B. Exemptions**

*This Chapter does not apply to land or to development which:*

- 1. *Is part of an approved final plat, preliminary plat, or approved site plan for a commercial center where such approval was granted before December 31, 2008; or*
- 2. *Is covered by an unexpired zoning certification permit issued before December 31, 2008 in accordance with the Town of Indian Trail zoning ordinance in effect prior to the effective date of this UDO.*

**Section 2** – Section 630.040 is hereby amended as follows:

**630.040 Development Standard**

*The following standards apply to buildings located on lots fronting public or private collector roads, boulevards, or thoroughfares.*

- A. Parking lots must be located at the side or rear of building. No parking lots may be located at the front of commercial or residential buildings.
- B. Where parking lots are located at the side of buildings such parking areas must meet the perimeter landscaping requirements of Section *810.130*.
- C. At least 60% of a building’s front façade that faces a street or sidewalk must be transparent (windows and doors) between an elevation of 4 feet and 10 feet above grade.
- D. Dry-it (EIFS) is not permitted as the primary building material and metal buildings are also prohibited. Buildings will meet the design standards of *1320.020*.

**Section 3** - This ordinance shall be effective immediately upon adoption.

SO ORDAINED THIS 9TH DAY OF NOVEMBER, 2010.

THE TOWN COUNCIL OF INDIAN TRAIL

By \_\_\_\_\_  
Honorable John J. Quinn, Mayor

Attest:

\_\_\_\_\_  
Peggy Piontek, Town Clerk