



Town of INDIAN TRAIL
north carolina

Indian Trail, North Carolina 28079

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PLANNING BOARD TRANSMITTAL

Planning Board Transmittal for the February 8th, 2011 Town Council Meeting

Reference Name	Case: ZM 2010-004 Al-Hassan Rezone		
PB Meeting Date	January 18, 2011		
Members Present	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 type="checkbox"/>
	Sidney Sandy <input checked="" type="checkbox"/>	Cathi Higgins <input checked="" type="checkbox"/> Alternate	John Simulcik <input type="checkbox"/> Alternate
	Vacant Seat <input type="checkbox"/>		
Case Found Complete	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Motion	Recommend approval as transmitted		
Member making the motion	Board member Cowan		
Second the motion	Board member Sandy		
Vote	7-0		

Background

The property owner has requested to rezone three parcels totaling approximately 9.19 acres from Light Industrial (LI) to General Business District (GBD) zoning classification. The Planning Board heard this request on January 18th, 2011 and transmits a recommendation to approve this zoning map amendment.

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. Do not make the findings and disapprove the zoning map amendment; or
3. Table and remand for further consideration by the Planning Board.

Planning Board Meeting

The Planning Board heard this item at its January 18, 2011 regular meeting (see Attachment 1 for the Staff Report). The zoning map amendment request is to rezone approximately 9.19 acres of land located along Waxhaw Indian Trail Road from Light Industrial (LI) to General Business District (GBD). The three parcels are located within a Village Center intended for commercial uses and a sense of place that is typically not compatible with an industrial classification. The rezone request would bring the area in general conformity with the Indian Trail Comprehensive Plan.

Planning Board Discussion:

The discussion among the Planning Board members involved several questions. First, potential uses were considered. Specifically some members questioned whether a restaurant was an allowable use and what type of department store would be allowed. Staff responded that they are permissible uses with the GBD zoning but the size is restricted due to village center limitations. Second, the village center concept was discussed in relation to zoning. It was explained a village center is intended for retail services with accommodations for pedestrians. Third, there was a concern about traffic in the area, but staff replied a traffic study would be required for any new development and one board member stated there could be a traffic increase regardless of industrial or commercial use. Lastly, the Board felt it was a good decision to forego the market study for this project since it is a downzoning request.

Following this discussion, the Planning Board unanimously recommended this rezone for approval by the Town Council, along with making the following required findings:

Draft Findings:

1. The following findings were made consistent with the Comprehensive Plan:

Goal 1.3.2 Land Use: A more balanced tax base by promoting the development of office parks, businesses, retail centers, and industrial parks:

The rezone to General Business District would reduce Industrial zoning from a village that does not allow it and a village center that is not intended for industrial uses. Furthermore, the request would allow uses that are consistent with existing conditions and surrounding properties. It also promotes the opportunity to establish a more balanced tax base by promoting commercial development.

2. The request for this zoning reclassification is a reasonable request and is in the public interest because it promotes the goals of the adopted Indian Trail Comprehensive Plan in the area of Land Use and is consistent with the adopted plans within the Town.

Project Contact

Craig Thomas

Junior Planner

cat@planning.indiantrail.org

Town Council Attachments:

TC Attachment 1 – Planning Board Staff Report

**TC ATTACHMENT 1:
Planning Board Staff Report**



Town of
INDIAN TRAIL
 north carolina

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PLANNING AND DEVELOPMENT DEPARTMENT

Zoning Map Amendment Staff Report

Case: ZM 2010-004 Al-Hassan Rezone Petition		
Reference Name	1014 and 1016 Waxhaw Indian Trail Road	
Request	Proposed Zoning	General Business District Village Center Overlay (GBD/O-VC)
Existing Site Characteristics	Existing Zoning	Light Industrial Village Center Overlay (L-I/O-VC)
	Existing Use	Office/Vacant
	Site Acreage	9.19 acres
Applicant	Claudia Al-Hassan	
Submittal Date	10/27/2010	
Location	Waxhaw Indian Trail Road near intersection of Old Monroe Road	
Tax Map Number(s)	07-114-038, 07-114-038M, and 07-114-038V	
Plan Consistency	Town of Indian Trail Comprehensive Plan	Designation: "Austin Village" village center
		Consistent with Request
Recommendations & Comments	Planning Staff	Recommends Approval for a General Business District (GBD) classification

Project Summary

Request: to rezone three parcels (approximately 9.19 acres) from Light Industrial (L-I) to General Business District (GBD). Subject parcels are along Waxhaw Indian Trail Road approximately 450 feet from the Old Monroe Road intersection (Figure 1).

Staff Recommendation

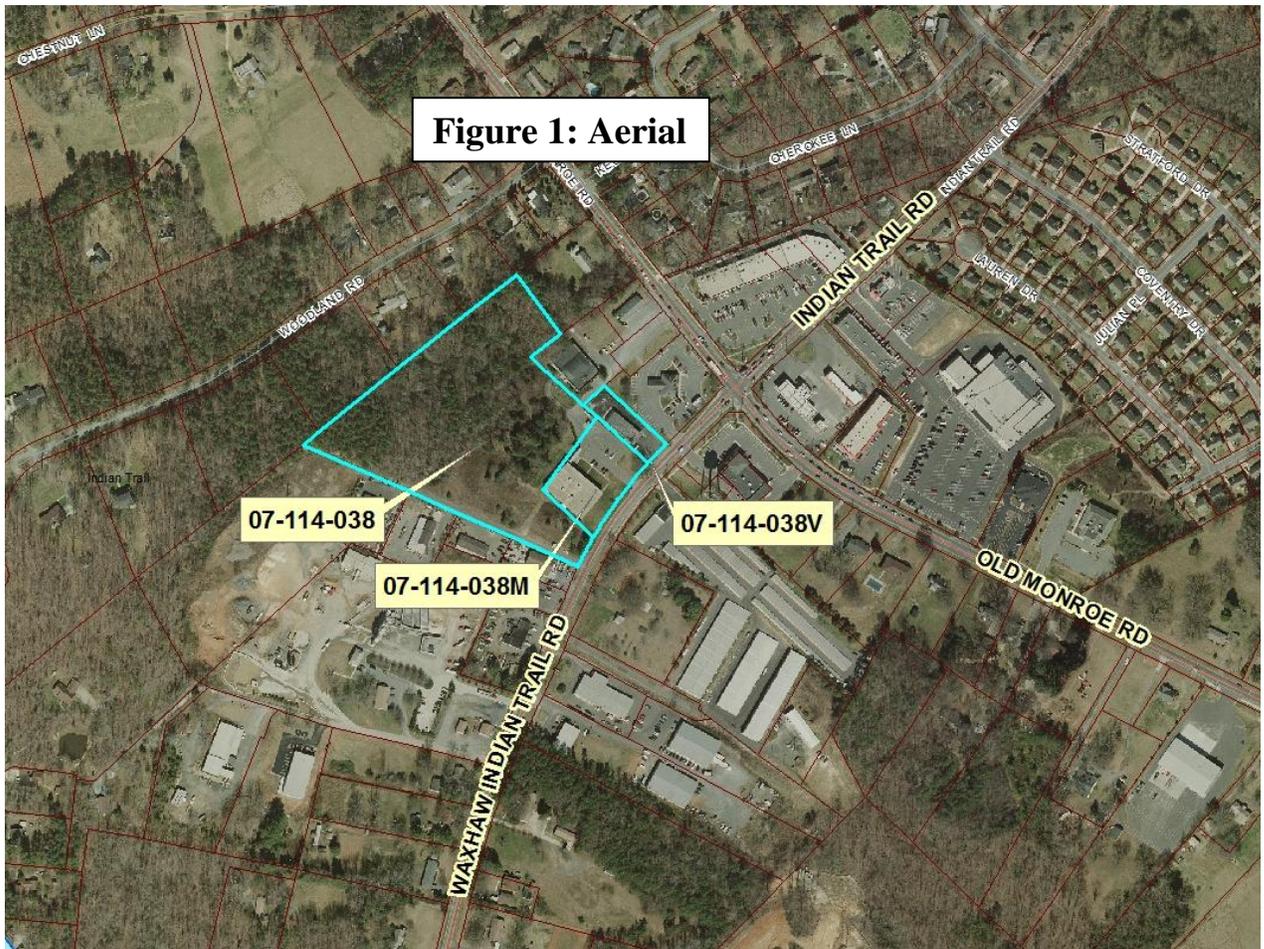
Staff recommends the Planning Board receive report, public comments, and recommend approval to Council as presented.

General Information

The properties in question currently are zoned Light Industrial (L-I) zoning classification. The subject properties are:

Parcel Number	Address	Acreeage	Current Use
07-114-038	Waxhaw Indian Trail Rd	7.6	Vacant
07-114-038M	1014 Waxhaw Indian Trail Rd	1.18	Office
07-114-038V	1016 Waxhaw Indian Trail Rd	0.41	Office

The subject properties are located on Waxhaw Indian Trail Road near the Old Monroe intersection (Figure 1).



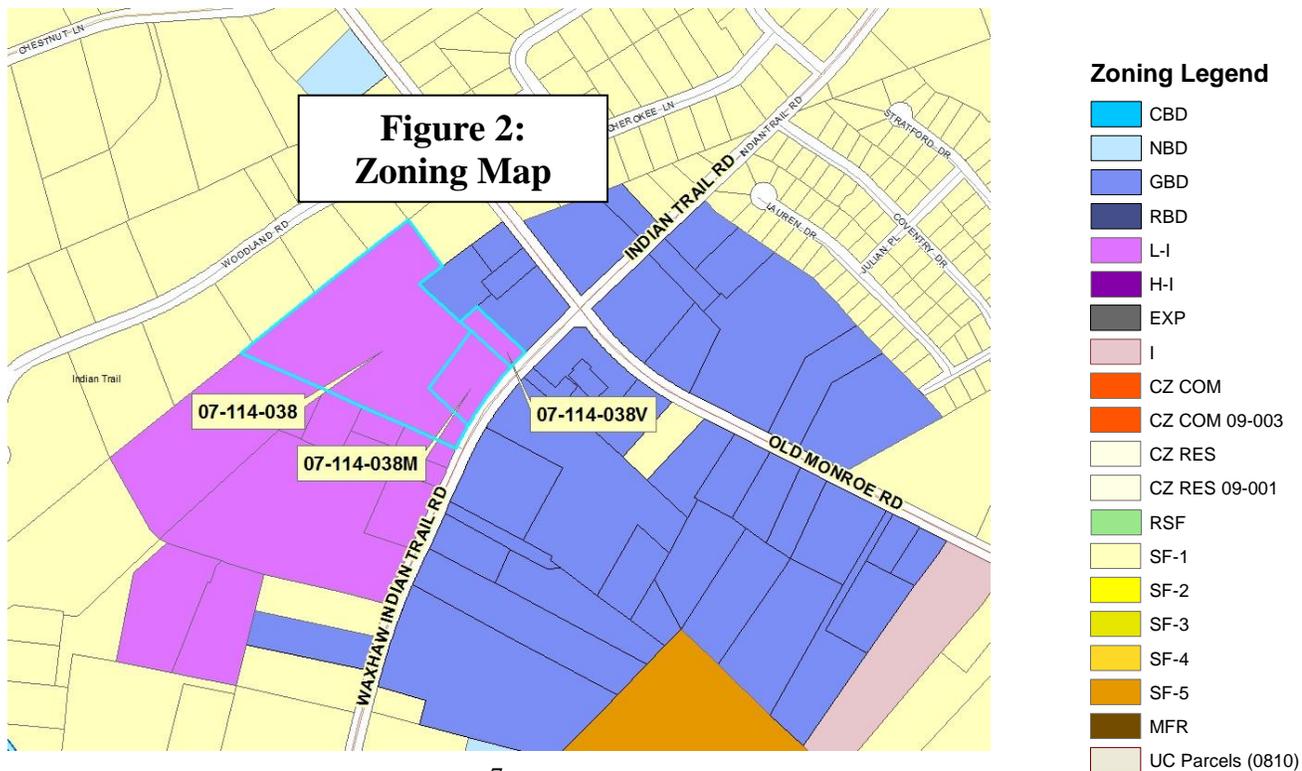
Zoning Information

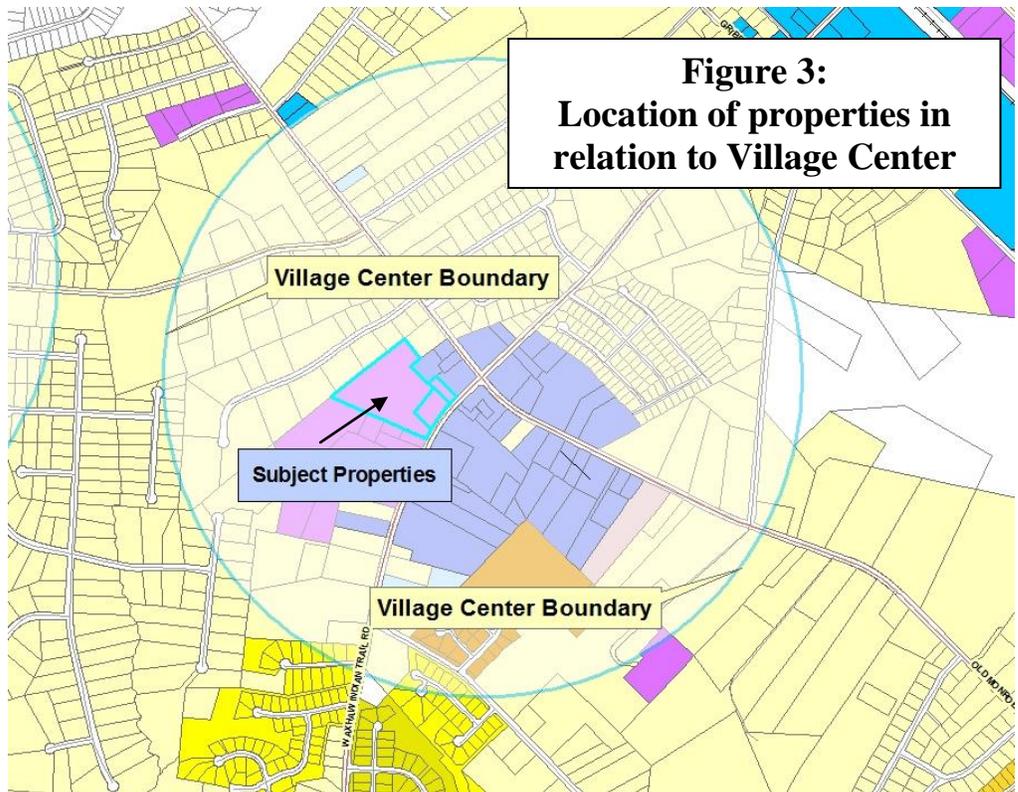
All three of the subject properties are zoned Light Industrial (L-I) and are located within a Village Center Overlay. Permissible uses within the Light Industrial zoning classification are some of the more intense in town. The allowable uses for Light Industrial (Attachment 2) include manufacturing, warehousing, office, and equipment servicing. These uses are typically located in industrial parks and not within a village center.

Conversely, the Village Center Overlay is intended to provide a variety of land uses including mixed-use, retail, and office. Densities may be higher in the Village Centers than elsewhere in town. This helps provide an area where people may live, work, and shop in close proximity and promote alternative means of transportation (i.e. walking).

Considering the location of the three subject properties in a village center, the potential uses are limited to offices and some sales. The applicant is requesting to voluntarily rezone the subject properties base zone from L-I to the less intense General Business District (GBD) classification. The Village Center Overlay will remain. The intent is to provide allowable uses related to goods, services, and a variety of commercial and office uses. The service area of businesses in the GBD will be primarily from residents of the Town. The standards that apply in the district are intended to create and maintain an appealing environment which is in harmony with the Village Center Overlay District.

Adjacent uses and zoning classifications in the subject area are Light Industrial (L-I) Single Family Residential (SF-1) and Commercial (GBD). Figure 2 is the official zoning map for the area and Figure 3 delineates the location of the Village Center.

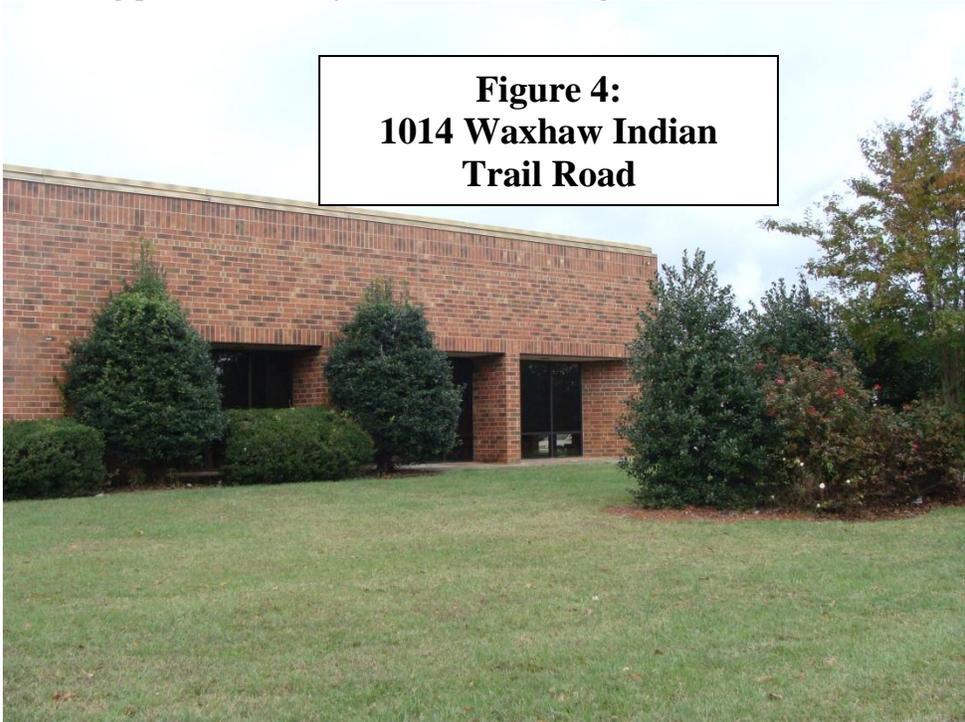




**Figure 3:
Location of properties in
relation to Village Center**

Site Characteristics

The subject properties total of 9.19 acres. The large parcel is undeveloped, and the two remaining parcels currently have office buildings.



**Figure 4:
1014 Waxhaw Indian
Trail Road**

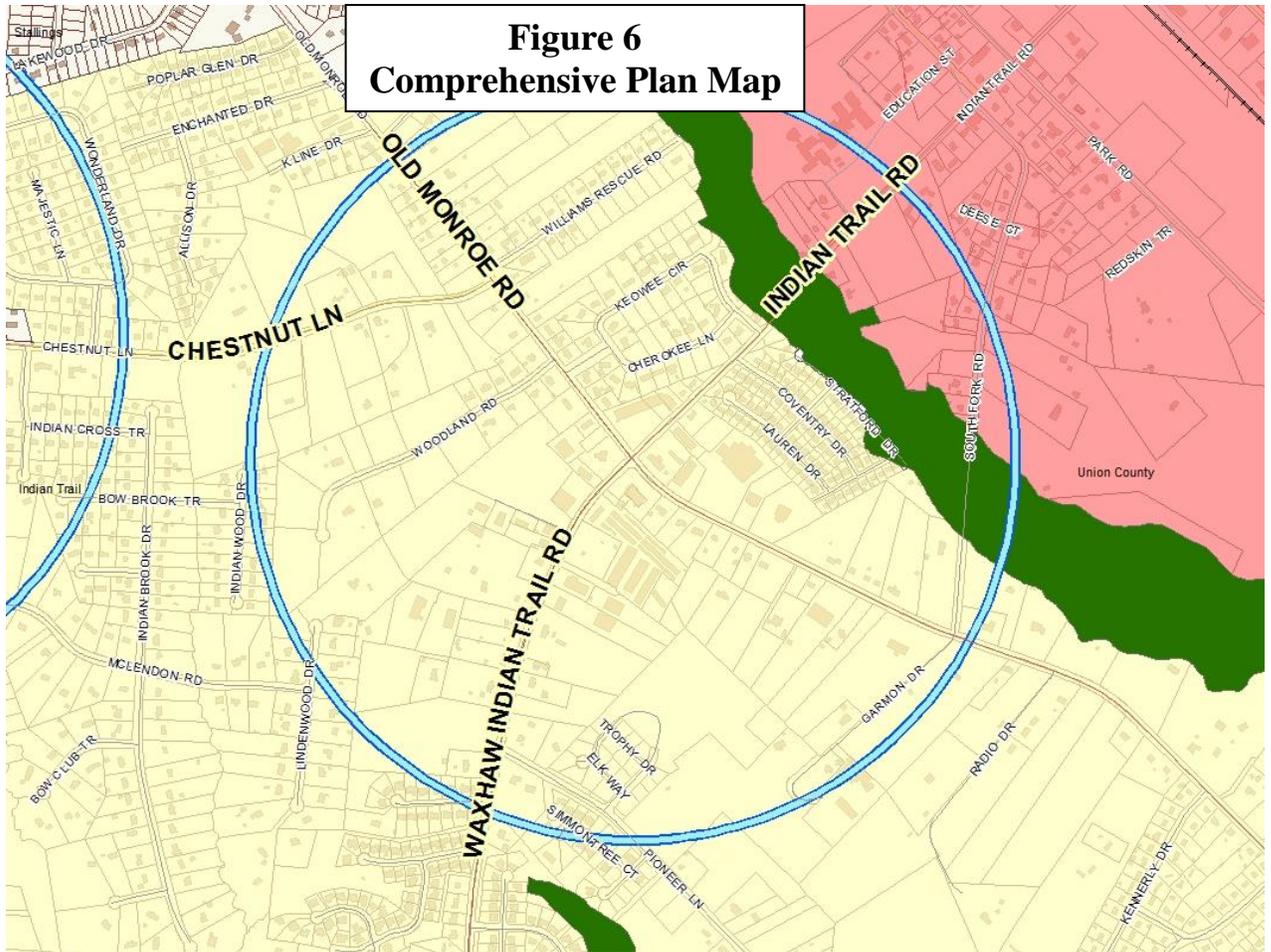


Plan Consistency

Comprehensive Plan

The Village Center wherein the properties lie is called Austin Village. This village is designated as a Suburban Mix Village land use area in the Indian Trail Comprehensive Plan.

A Village Center is intended to concentrate higher-intensity commercial uses and higher-density residential around the intersections of boulevards and thoroughfares. A Village Center benefits both residential and commercial uses. The co-location of more intense uses creates opportunities for a sense of place not possible in a more sprawling pattern of commercial uses along an arterial. The commercial core of a Village Center would include retail, office, entertainment, and public facilities.



All Villages within the Comprehensive plan identify a future land use make-up. The table below provides the current make-up and future build out.

Suburban Mix Village - Existing Land Use Calculations for Austin Village

Land Use	Current Base	Percent Base	Flexibility Factor
Low Density Residential	0%	7%	+2
Medium Density Residential	55.48%	60%	-5
High Density Residential	12.17%	8%	+/-2
Multi-Family Residential	0.73%	3%	+/-1
Parks/Open Space/ Agriculture/ Forest	0%	6%	-
Institutional	0.13%	7%	+2
Retail	3.92%	2%	-
Office	0.73%	2%	-
Boulevards/Thoroughfares	4.44%	5%	-
Industrial	2.37%	-	-

The table below examines the specific land uses (Industrial, Office, and Retail) for the proposed petition. The three parcels consist of 9.19 acres of which two are developed and one is vacant. The two developed parcels are currently office/warehouse buildings. The one undeveloped lot represents 7.6 acres and the majority of the acreage for the rezoning request.

Land Use	Current Base	Percent Base Allowed	Proposed Base After Rezoning
Industrial	2.37%	0%	1.71%
Office	0.73%	2%	0.85%
Retail	3.92%	2%	4.36%

*NOTE: In determining the percentages, the future land use make-up is unknown. An assumption of 80% retail and 20% office distribution was used based on the two developed parcels being office and the vacant parcel developing as retail.

INDUSTRIAL

The voluntary rezone request is from an intense industrial land use classification to a less intense commercial land use classification (i.e. downzoning). The downzone request is an attempt to bring the land uses into more compliance with the Comprehensive Plan in that the Industrial uses, of which this village is intended to have 0%, is being reduced from 2.37% to 1.71%.

OFFICE

The additional acreage of office use is within the allowable percentages.

RETAIL

The increase acreage to the retail category adds an additional percentage that exceeds the allowed base. In a situation such as this, a market study is required to verify the market can support the proposed change.

Market Study

Staff is of the opinion the Town should forgo the market study requirement for this case for the following reasons:

- The rezone request is a voluntary downzone initiated by the applicant.
- The market study would have created an undue financial burden for the applicant since they would have had to hire a professional real estate appraiser to conduct the study.
- The voluntary downzone prevents a potential nonconforming industrial use for the large undeveloped parcel.
- The proposed zoning classification is much more consistent with the Comprehensive Plan's definition of a village center.
- If the properties are rezoned, the undeveloped 7.6 acre parcel may be developed in harmony with the village center concept and fulfill the vision of the Comprehensive Plan.

Staff did not request the market study be prepared prior to the Planning Board meeting; however, if the Board is of the opinion a market study would help with their decision, they may ask for the study to be conducted prior to making their recommendation.

Action Required

The Planning Board must make findings prior to motioning 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 goal of the Comprehensive Plan are satisfied as follows:

Goal 1.3.2 Land Use: A more balanced tax base by promoting the development of office parks, businesses, retail centers, and industrial parks:

The rezone to General Business District would reduce Industrial zoning from a village that does not allow it and a village center that is not intended for industrial uses. Furthermore, the request would allow uses that are consistent with existing conditions and surrounding properties. It also promotes the opportunity to establish a more balanced tax base by promoting commercial development.

The request for this zoning reclassification is a reasonable request and is in the public interest because it promotes the goals of the adopted Indian Trail Comprehensive Plan in the area of Land Use and is consistent with the adopted plans within the Town of Indian Trail.

Recommendation

The Planning Staff believes that the findings can be made to support the petition requesting a rezone to a General Business zoning classification for the subject properties.

Staff Contact

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Attachment 1 – Application

Attachment 2 – Use Table and Standards for L-I and GBD

Attachment 3 – Draft Ordinance

Planning Board Attachment One Application

**Planning Board Attachment Two
Use Table and Standards**

**Planning Board Attachment Three
Draft Ordinance**

STATE OF NORTH CAROLINA)
)
TOWN OF INDIAN TRAIL) **ORDINANCE #**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF INDIAN TRAIL REZONING THREE PARCELS TOTALING APPROXIMATELY 9.19 ACRES FROM LIGHT INDUSTRIAL (L-I) TO GENERAL BUSINESS DISTRICT (GBD) IN THE TOWN OF INDIAN TRAIL, UNION COUNTY, NORTH CAROLINA

WHEREAS Claudia Al-Hassan petitioned to rezone three parcels (Parcel #: 07-114-038, 07-114-038M, and 07-114-038V, approximately 9.19 acres, from Light Industrial (L-I) to General Business (GBD) zoning classification; and

WHEREAS, this Zoning Amendment (ZM2010-004) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, a meeting was held by the Planning Board on January 18, 2011 to consider this zoning request; and

WHEREAS, the Planning Board found the proposed amendment is consistent with the following goals of the Comprehensive Plan:

Goal 1.3.2 Land Use: A more balanced tax base by promoting the development of office parks, businesses, retail centers, and industrial parks:

The rezone to General Business District would reduce Industrial zoning from a village that does not allow it and a village center that is not intended for industrial uses. Furthermore, the request would allow uses that are consistent with existing conditions and surrounding properties. It also promotes the opportunity to establish a more balanced tax base by promoting commercial development.

WHEREAS, the Planning Board further finds zoning reclassification is a reasonable request and is in the public interest because it promotes the goals of the adopted Indian Trail Comprehensive Plan in the area of Land Use and is consistent with the adopted plans within the Town of Indian Trail.

WHEREAS, the Town Council held a public hearing on February 8, 2011 to consider said request, received public testimony, and recommendation of approval 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 by the Town of Indian Trail Town Council that:

Section 1 ZM 2010-004 rezone petition be granted and the Zoning Map shall be amended to reflect the General Business District (GBD) zoning designation for the following parcels: 07-114-038, 07-114-038M, and 07-114-038V

AND IT IS SO ORDAINED this 8th day of February, 2011.

TOWN OF INDIAN TRAIL COUNCIL

Attest:

_____ Honorable John J. Quinn, Mayor
Peggy Piontek, Town Clerk