



Town of
INDIAN TRAIL
north carolina

Indian Trail, North Carolina 28079

Telephone 704-821-5401

Fax 704-821-9045

PLANNING BOARD TRANSMITTAL

Planning Board Transmittal for the June 14, 2011 Town Council Meeting

Reference Name	Case: CZ 2011-002 Indian Trail Business Park		
PB Meeting Date	May 17, 2011		
Members Present	Chair Whitehurst <input 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 type="checkbox"/>	Cathi Higgins <input checked="" type="checkbox"/> Alternate	Vacant Seat <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 Gary Vaughn		
Second the motion	Board member Robert Rollins		
Vote	5-1		

Summary

The request is to rezone two properties from General Business District (GBD) to Conditional Zoning Regional Business District (CZ-RBD). The main purpose of the request is to allow uses such as general wholesale and distribution that are currently prohibited in GBD for the two locations. The two properties are located in the Indian Trail Business Park at 140 Corporate Boulevard and 123 Associates Lane. The Planning Board heard this request on May 17, 2011 and transmits a recommendation to approve.

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 the findings and approve as modified by Council; or*
3. *Do not make the findings and disapprove.*

Background

The applicants request to modify the current GBD zoning to utilize their property in the manner in which it was designed. The buildings were built in the mid-1990s as office/warehouses and have been used as such ever since. Staff met with the applicants to hear their concerns and in an effort to determine options from a zoning perspective. The applicants decided to pursue a Conditional Zoning request to allow additional uses that are compatible with the existing structures. There have been a variety of current and former tenants engaged in various sales, service, manufacturing, and distribution uses.

Planning Board

The Board heard this item at its May 2011 public meeting. Discussions were focused around the following item:

1. Spot Zoning: The Board questioned whether this was a case of spot zoning since this is an isolated request and the surrounding zoning would remain GBD. Staff explained the conditional zoning process is not spot zoning and was in fact established to evaluate the merits of a rezoning based on a site plan on a case by case basis. In this case, the sites are developed with office warehouse structures. Staff also explained there was a similar rezoning nearby to allow additional uses within the last year.
2. Fees: The Board asked whether a fee was charged for the rezone request. The question was raised in case surrounding property owners had a similar request in the future. Staff responded the fees were waived due to the Business Friendly Act to attract new businesses.
3. List of Permissible Uses: The Board asked about what were the different allowable uses between GBD and RBD. Staff listed some of the uses and proposed several uses that would be appropriate while listing a few that would not. Some of the examples include adult use, trade school, hotel, live bait shop, amusement arcade, light equipment (vehicle) sales, and vehicle repair. The proposed prohibited uses were agreed upon and are included in the draft conditions.

At the conclusion of the discussions, the Board did make the required findings as follows:

1. *Goal 1.3.2 Land Use*: The proposed conditional zoning district will meet the goal of land use by avoiding potential land use conflicts and creating a more balanced tax base.

Goal 1.3.4 Downtown Revitalization: The proposed conditional zoning district will meet the goal of downtown revitalization by providing an opportunity for additional uses associated with businesses that serve the local and regional population.

2. The request for this conditional zoning district is a reasonable request and is in the public interest because it promotes the goal of the adopted Comprehensive Plan in the area of Land Use and Downtown Revitalization and is consistent with the adopted plans within the Town.

Making the required findings the Board voted 5-1 to transmit a recommendation to approve.

Attachment 1 – Planning Board Staff Report

Attachment 2 – Draft Ordinance

TC ATTACHMENT 1
Planning Board Staff Report



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P.O. Box 2430

Indian Trail, North Carolina 28079

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PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

Conditional Zoning Staff Report

Case: CZ2011-002			
Reference Name	Indian Trail Business Park		
Request	Proposed Zoning	Conditional Zoning Regional Business District (CZ-RBD)	
	Proposed Uses	Office/Warehouse/Distribution	
Existing Site Characteristics	Existing Zoning	General Business District (GBD)	
	Existing Uses	Variety of retail and office	
	Site Acreage	4.733 acres	
Applicant	RVR Properties and Nanco I LLC		
Submittal Date	April 6, 2011		
Location	140 Corporate Boulevard and 123 Associates Lane		
Tax Map Number(s)	07-084-401 and 07-084-416		
Plan Consistency	Comprehensive Plan	Designation	Downtown Indian Trail
		Consistent with Request	Yes
Recommendations & Comments	Planning Staff	Recommends approval of a Conditional Zoning District	

Project Summary

The subject properties comprise 4.733 acres of land located at Corporate Boulevard and Associates Lane currently zoned General Business District (GBD). The rezoning request is to allow additional uses including general wholesale and distribution, uses that are currently prohibited in GBD. The proposed Conditional Zoning request is to change the zoning from GBD to CZ-RBD to allow the additional uses.

Recommendation

Staff is of the opinion the necessary findings can be made to support a Conditional Zoning request to allow additional uses at these locations.

Background

The rezone request consists of two parcels, one on Associates Lane and one on Corporate Boulevard. The parcels were developed in the mid-1990s under the County's regulations. The buildings were constructed in an office/warehouse manner and can accommodate a wide array of businesses. There have been a variety of current and former tenants utilizing the buildings for various sales, service, manufacturing, and distribution uses.

The original zoning for these parcels and many of the surrounding properties under the County ordinance was General Commercial (B-4). When the Town accepted responsibility for zoning, the subject parcels remained B-4. In 2008, the Town adopted a new Unified Development Ordinance with a new set of zoning descriptions. As a result, the properties are now zoned General Business District (GBD).

A representative for the property owner approached town staff in late 2010 about a possible conflict between the current zoning and potential tenants. He was concerned about the lack of manufacturing and distribution uses allowed in the GBD zoning. He contended the permissible uses limit his ability to market the property, especially considering the current economic environment.

Staff researched the situation and worked with the representative for possible solutions. We visited the site and looked at some of the previous tenants. Research showed offices and businesses associated with assembly of goods, distribution, suppliers, and manufacturing. What the research did not reveal were general retail businesses typically found in the GBD zoning district. After discussing the findings with the applicant, we recommended a conditional zoning request to allow additional uses.

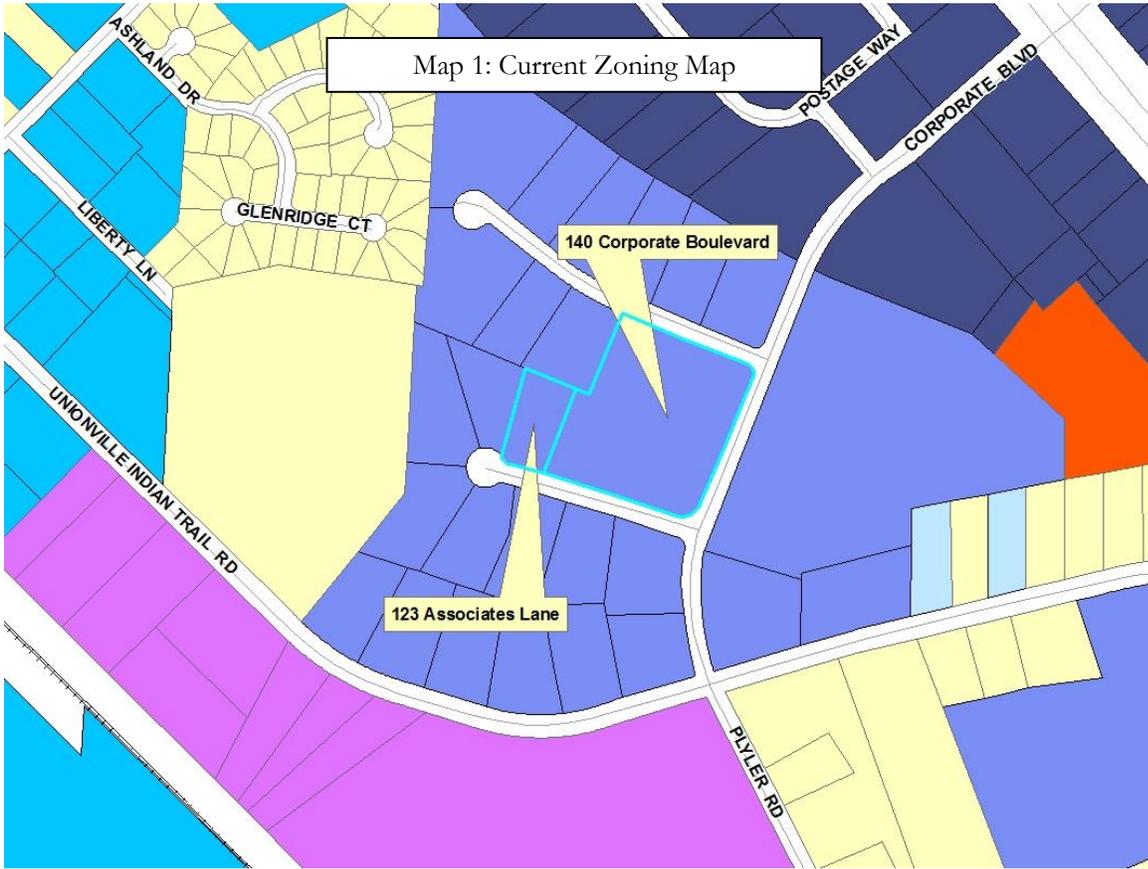
Analysis

Site Characteristics

The subject properties are neighboring parcels consisting of one 4.0 acre parcel and one 0.733 acre parcel. The 4.0 acre parcel has three buildings situated on it. The buildings were built in 1996 and are arranged in a U-shaped pattern, with parking in the front and truck circulation area in the rear. The two buildings facing Business Park Drive and Associates Lane are approximately 12,200 square feet each. The building facing Corporate Boulevard is approximately 40,400 square feet. Each building has several suites that can be utilized in a variety of office/warehouse configurations.

The neighboring property is 0.733 acres located on Associates Lane. There is only one building on this parcel built in 1994. It is approximately 7,850 square feet of office and warehouse space. Parking is situated in front of the building with loading docks behind the building.

The business park is almost entirely developed. Many of the surrounding properties and facilities accommodate businesses engaged in similar activities. Corporate Boulevard is approximately 2,000 feet long and connects Highway 74 to Unionville Indian Trail Road. Associates Lane is approximately 570 feet long and Business Park Drive is nearly 850 feet. Both roads are cul-de-sacs and are lightly traveled.



Comments from Outside Agencies

The Town routed plans to solicit comments from the Union County Fire Marshal, Union County Public Works, and North Carolina Department of Transportation. Representatives from each department have responded that they did not have any comments or concerns with the proposed rezoning request.

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 May 3, 2011 from 5:00PM-7:00PM. The second community meeting was held on May 5, 2011 from 3:00PM-5:00PM. The only attendees at either meeting were the property owner, their broker, and town planning staff; therefore there were no comments or questions from the public.

The Town also created a webpage on the Town's website to help inform the citizens of the process and answer questions that they may have. The link is available here:

<http://www.indiantrail.org/planlog1.php?id=137&type=15>



Plan Consistency

The property is located in Downtown Indian Trail. The two parcels are completely developed and there are no structural alterations or site changes proposed. For purposes of the Comprehensive Plan analysis, the property is classified retail and would not change as a result of the rezoning.

Downtown Indian Trail Land Uses

Land Use	Percent	Flexibility Factor
Med Density Residential	25%	-3
High Density Residential	25%	+/-3
Multi-Family	17%	+/-3
Parks/Open Space/ Agriculture/ Forest	10%	
Institutional	12%	+/-2
Retail	3%	+/-1
Office	3%	+/-1
Boulevards/Thoroughfares	5%	

Downtown Indian Trail is intended to attract new compact development as well as ensure compatibility with existing uses. To accomplish the latter, providing a variety of uses that meet the needs of current residents, making development decisions that are fair, and directing new businesses toward existing developments are listed among the ideas for the downtown area.

Based on the future land uses set forth for this corridor and the fact the percentages will not change, staff is of the opinion a rezoning from GBD to CZ-RBD is consistent with 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 1.3.2 Land Use: The proposed conditional zoning district will meet the goal of land use by avoiding potential land use conflicts and creating a more balanced tax base.

Goal 1.3.4 Downtown Revitalization: The proposed conditional zoning district will meet the goal of downtown revitalization by providing an opportunity for additional uses associated with businesses that serve the local and regional population.

The request for this conditional zoning district is a reasonable request and is in the public interest because it promotes the goal of the adopted Comprehensive Plan in the area of Land Use and Downtown Revitalization and is consistent with the adopted plans within the Town.

Draft Conditions:

1. Any new business shall obtain the necessary zoning verification permit and privilege license from the Town of Indian Trail prior to operating a business.

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 – Letter of Intent

Attachment 3 – Draft Resolution

Staff Contact

Craig Thomas

Junior Planner

(704) 821-5401 ext 238

cat@indiantrail.org

PB Attachment 1
Application



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 CORPORATE BLDG 140 - 164
BUSINESS PARK 100 - 114
ASSOC. LANE 100 - 116

City INDIAN TRAIL State NC Zip 28019

Tax Parcel ID 07084401 Zoning Designation _____

Total Acres 4 Impervious Area _____

Project Description OFFICE WAREHOUSE

Contact Information - Applicant

Name ROBERT P. RICHARDS RVR PROPERTIES

Address 7201 GOVERNORS ROW

City CHARLOTTE State NC Zip 28277

Phone 704 576-4594 Fax 704 821-7942

Email brichards@carotrim.com

Contact Information - Property Owner

Name ROBERT P. RICHARDS

Address 7201 GOVERNORS ROW

City CHARLOTTE State NC Zip 28277

Phone 704 576-4594 Fax 704 821-7942

CONDITIONAL ZONING APPLICATION



Email _____

Applicant's Certification

Signature *Robert P. Richards* Date 4-16-11

Printed Name/Title ROBERT P. RICHARDS

Signature of Notary Public *Helen S. Boich* Date 4-16-11



Property Owner's Certification

Signature *Robert P. Richards* Date 4-16-11

Printed Name/Title ROBERT P. RICHARDS

Signature of Notary Public *Helen S. Boich* Date 4-16-11



TOWN OF INDIAN TRAIL OFFICE USE ONLY

CASE NUMBER:	<u>CZ 2011-002</u>	
DATE RECEIVED:	<u>4/6/11</u>	AMOUNT OF FEE: <u>NA</u>
RECEIVED BY:	<u>CAI</u>	RECEIPT #:

PB Attachment 2
Letter of Intent

Craig Thomas

From: Lamarr Phillips [lphillips@alliancecre.com]
Sent: Thursday, May 05, 2011 7:56 PM
To: Craig Thomas
Cc: Shelley DeHart; Bob Richards
Subject: Tax Parcel #07084401 (Indian Trail Business Park)
Attachments: Lamarr Phillips (lphillips@AllianceCRE.com).vcf

Per your request, please permit this email to serve as a request to Planning to formally consider reviewing the issues described below.

Since 1993, I have been the exclusive real estate agent in marketing and leasing the 60,000 SF development located on the subject parcel. In October 2010, I began a dialogue with Planning, Indian Trail to address how the last Unified Development Ordinance placed use restrictions on the kind of users that could lease space at the subject industrial development owned by RVR Properties, LLC. Currently this complex of buildings, which began development in the early 1990's, has about 60,000 SF of flex/showroom/industrial space built on 4 acres. All designed with loading doors in the rear truck court specifically for flex/industrial users. The development concept and buildings were approved by Indian Trail and/or Union County officials. The historic tenant mix consisted of sales and distribution of wholesale of electric motors, candy, glass, dry cleaning parts, books, etc. and even cabinet makers.

Our request is simple, restore the uses permitted by right. For these reasons:

1. It allows the owner to sign leases with tenants that can't wait the time (90 days) needed to go through Special Use process. Most tenants want to move in faster than that. Plus it would remove the uncertainty as to whether it will be approved.
2. It helps increase the occupancy level which allows the owner to pay property taxes and access credit facilities for upfit cost to accommodate tenant requirements.

Thank you in advance for the opportunity to bring this to your attention and look forward to a expeditious and fair resolution.

Lamarr Phillips
Alliance Commercial Real Estate Services, LLC
(704) 364-1100 Office | (888) 364-7793 Fax
(704) 609-6778 Mobile
AllianceCRE.com
Lphillips@AllianceCRE.com

CREW Charlotte - 2010 Partner Sponsor

Per NC Real Estate Law, we ask you to review "[Working with Real Estate Agents](#)". If this is a lease transaction, please review "[Working with Real Estate Agents/Lease Transactions](#)." After you have reviewed the applicable document, please schedule a meeting with us to discuss the document.

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TC ATTACHMENT 2
Draft Ordinance

NOW, THEREFORE, IT SHALL BE ORDAINED on June 14, 2011 by the Town Council of the Town of Indian Trail, North Carolina hereby takes the following action:

Section 1 - CZ 2011-002 Conditional Zoning Petition be granted and the Zoning Map shall be amended to reflect a CZ-RBD (Conditional Zoning Regional Business District) designation for 07-084-401 and 07-084-416 subject to the following conditions:

1. Any new business shall obtain the necessary zoning verification permit and privilege license from the Town of Indian Trail prior to operating a business.
2. All uses currently allowed "By Right" and "Special Use" in the Regional Business District (RBD) be allowed for the subject parcels as CZ-RBD except for (please reference UDO 520-020G Allowed Uses Table and Standards):
 - a. Adult Use
 - b. Light Equipment Sales
 - c. Motor Vehicle Repair Shop
 - d. RV and Boat Storage
 - e. Vehicle Storage and Towing

Section 2 – This ordinance shall be effective immediately upon adoption.

AND IT IS SO ORDAINED this 14th day of June, 2011.

TOWN OF INDIAN TRAIL COUNCIL

Attest:

Peggy Piontek, Town Clerk

John J. Quinn, Mayor

APPROVED AS TO FORM:

TOWN ATTORNEY