



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 October 11, 2011 Town Council Meeting

Reference Name	Case: ZM 2011-001 Matthews Indian Trail Road		
PB Meeting Date	September 20, 2011		
Members Present	Chair Whitehurst <input type="checkbox"/>	Gary Vaughn <input checked="" type="checkbox"/>	Larry Miller <input 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	Jan Brown <input checked="" type="checkbox"/> Alternate
	Rob McClellan <input checked="" type="checkbox"/> Alternate		
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 Cathi Higgins		
Vote	7-0		

Summary

The request is to rezone two properties to Light Industrial (L-I). One parcel was recently annexed into the Town. The second parcel is in the Town zoned Heavy Industrial (H-I). The two properties are located on the eastern side of Matthews Indian Trail Road near the Smith Farm Road intersection. The Planning Board heard this request on September 20, 2011 and transmits a recommendation to approve.

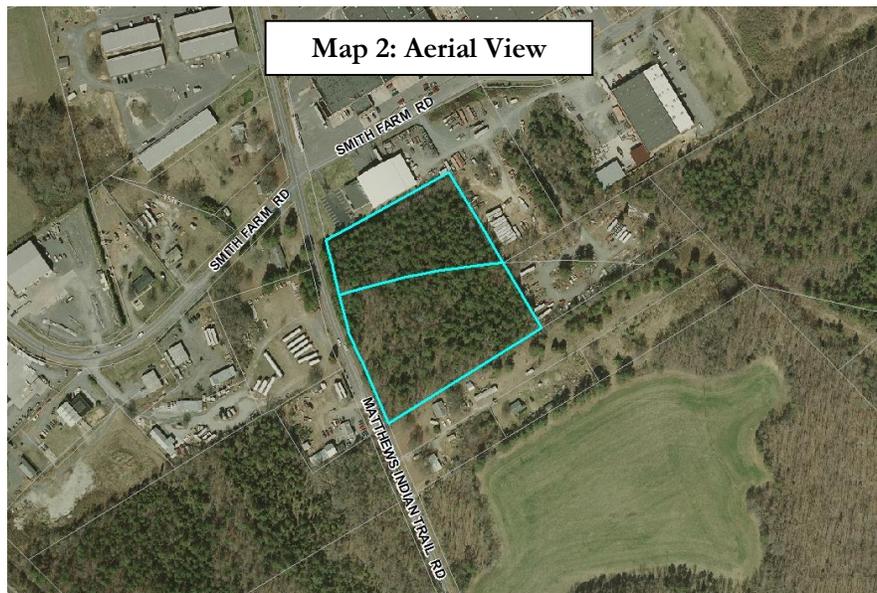
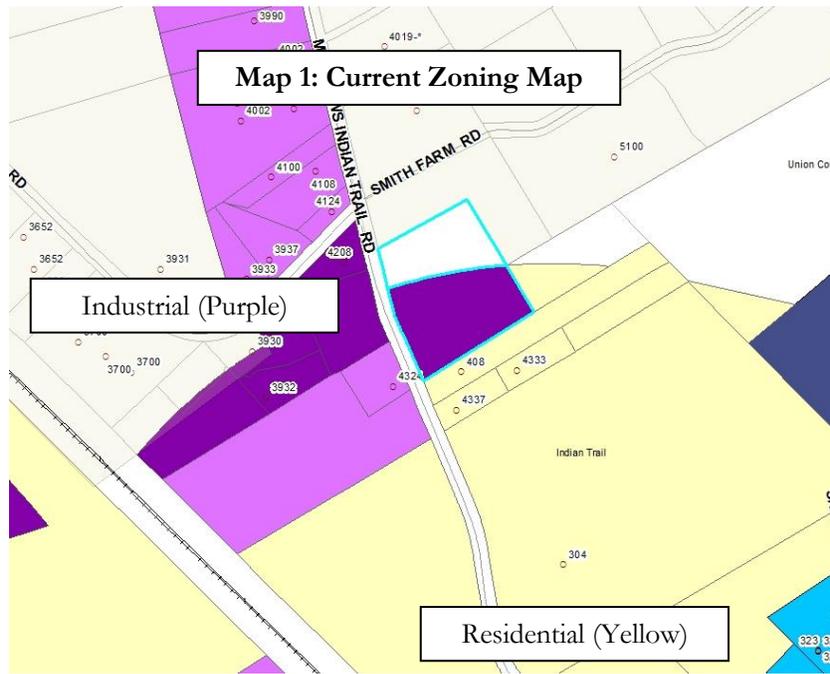
Town Council Action: *Receive transmittal report and public testimony and:*

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.*

Request

The applicant is in the process of purchasing two parcels on Matthews Indian Trail Road. The first parcel is 4.06 acres zoned Heavy Industrial. The second parcel is 2.22 acres and was recently annexed into the town. Both parcels are vacant and heavily wooded. The applicant plans to develop the two parcels as one 6.28 acre lot for an office/warehouse facility. As a result, the zoning must be established prior to development as the applicant has requested to rezone the two parcels to Light Industrial.

Permissible uses in the Light Industrial zoning include offices, warehousing, distribution, and manufacturing (see Attachment 2 for a complete list). The land uses to the north, which includes Stallings, is a variety of office/warehouse. Moving just to the south, land uses transition to a new community park, offices, and residences. The impact of this rezoning should be negligible as it is compatible with existing uses and zoning.



Planning Board

The Board heard this item at its September 2011 public meeting. There was very little discussion as the Board commented there was a need for new industry in the area and the proximity to the new park is a good location. After the comments were made, the Board made the required findings as follows:

1. *Goal 1.3.2 Land Use:* The proposed 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 zoning district will meet the goal of downtown revitalization by providing an opportunity for new development associated with businesses that serve the local and regional population.

Location Criteria: The proposed rezoning will meet the location criteria goal by locating light industrial uses in the northwest area of the downtown village.
2. The request for this 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 7-0 to transmit a recommendation to approve.

Council Action

Section 320.050 of the Unified Development Ordinance outlines the ultimate issue considerations before Council on map amendments. They are:

1. Range of uses that may occur under the proposed zoning classification versus the range of uses under the existing zoning classification; and
2. The impact of the proposed change on the public at large versus any advantages or disadvantages to the individual requesting the change; and
3. The existing land uses within the general vicinity of the property and the zoning classifications; and
4. The suitability of the subject property for the uses permitted under the existing zoning classification; and versus advantage
5. The extent that the amendment may adversely affect the operation of public facilities or services including roads, storm water management facilities, etc.; and
6. Consistency with the Indian Trail Comprehensive Plan and small area plan if applicable.

Attachment 1 – Planning Board Staff Report

Attachment 2 – Permissible Use Table

Attachment 3 – Draft Ordinance

TC ATTACHMENT 1
Planning Board Staff Report



Town of
INDIAN TRAIL
north carolina

P.O. Box 2430

Indian Trail, North Carolina 28079

Telephone (704) 821-5401

PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

Rezoning Staff Report

Case: ZM2011-001 Matthews Indian Trail Road			
Reference Name	Matthews Indian Trail Road		
Request	Proposed Zoning	Light Industrial (L-I)	
	Proposed Uses	Office/Warehouse	
Existing Site Characteristics	Existing Zoning	County Parcel is Residential (R-10); Town Parcel is Heavy Industrial (H-I)	
	Existing Uses	Vacant	
	Site Acreage	6.28 acres	
Applicant	Scott Fisher		
Submittal Date	July 5, 2011		
Location	Matthews Indian Trail Road		
Tax Map Number(s)	County Parcel 07-105-008 90		
	Town Parcel 07-105-008 80		
Plan Consistency	Comprehensive Plan	Designation	Downtown Indian Trail
		Consistent with Request	Yes
Recommendations & Comments	Planning Staff	Recommends approval of Light Industrial Zoning District	

Project Summary

The two subject properties for the rezone request comprise 6.28 acres of land located on Matthews Indian Trail Road. One parcel is currently under Union County zoning jurisdiction but has requested to be annexed into the town. It is zoned Residential (R-10). The second parcel is zoned Heavy Industrial (H-I) and currently within the Town's jurisdiction. The rezoning request is to provide zoning consistency for the two parcels to be developed as one. The request is to rezone both parcels to Light Industrial (L-I).

Recommendation

Staff is of the opinion the necessary findings can be made to support the rezoning request.

Background

The rezone request consists of two parcels along Matthews Indian Trail Road near the Smith Farm Road intersection. The parcels share a property line that currently serves as the Town limit for the eastern side of Matthews Indian Trail Road. The two properties have the same ownership that are in the process of selling to the applicant, Scott Fisher.

One parcel comprising 2.22 acres is currently under Union County zoning at the time of this report. The County's zoning designation is Residential R-10. The applicant has requested the parcel be annexed into the Town. The annexation request is scheduled to be heard by Town Council on September 13, 2011. Once a property is annexed, the Town has 60 days to assign a zoning classification for the property. The other parcel is currently within Town limits and consists of 4.02 acres. It is zoned Heavy Industrial (H-I).

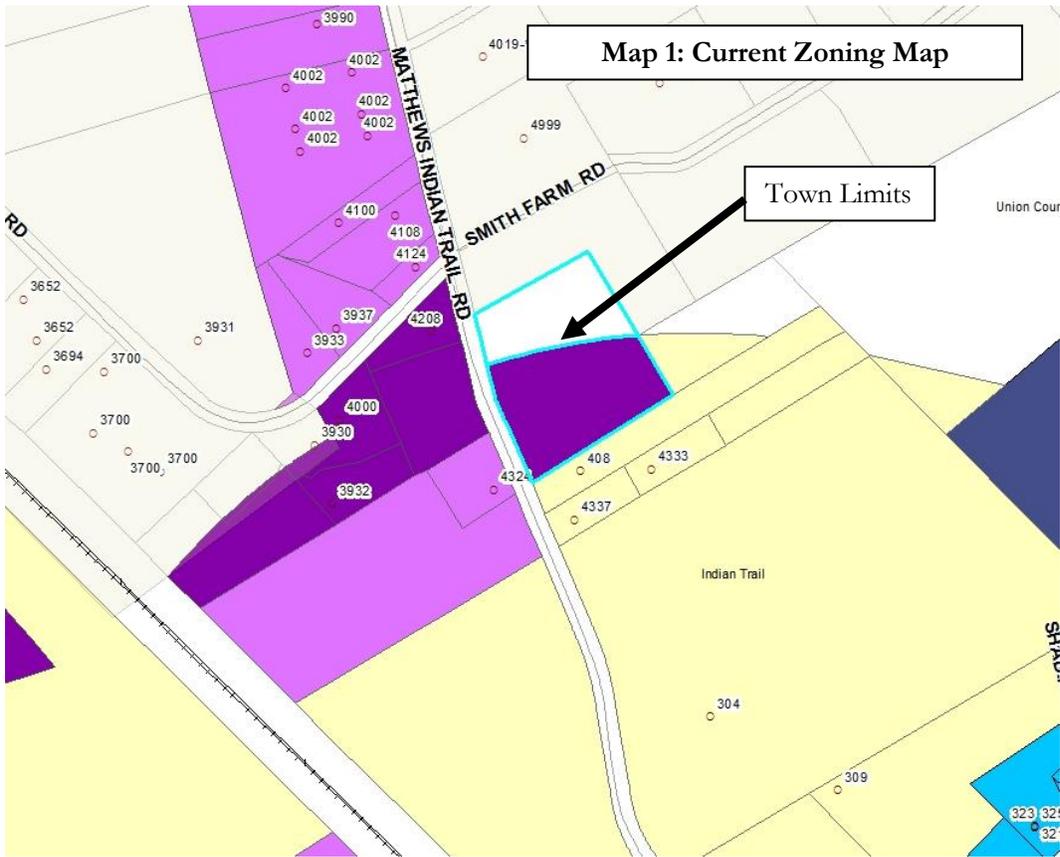
A representative for the property owner approached town staff earlier this year about the annexation procedure. He was trying to market the property to parties interested in development under one zoning jurisdiction. So rather than selling two parcels within different zoning jurisdictions and classifications, a potential buyer has proceeded with the annexation and subsequent rezoning process.

Analysis

Site Characteristics

The subject properties are undeveloped and heavily wooded. There is a total of approximately 540 feet of road frontage along Matthews Indian Trail Road. The properties are only 200 feet from the Smith Farm Road intersection and approximately 2,100 feet from Indian Trail Road.

Moving to the north along Matthews Indian Trail Road, the zoning is a mixture of Heavy Industrial and Light Industrial. The surrounding businesses are typically office/warehouse compatible with industrial zoning characterized by larger buildings divided into suites. Proceeding south towards downtown, the zoning classifications transition to Residential (SF-1) and Central Business District (CBD). There are some modest residences, homes that have been converted to businesses, and smaller office buildings in this area.



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.

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=177&type=5>

Plan Consistency

The property is located in Downtown Indian Trail as defined by the Comprehensive Plan. The two parcels are undeveloped. The applicant is in the process of purchasing the parcels to eventually develop as one site. For purposes of the Comprehensive Plan analysis, the property located within the Town is classified industrial and would not change as a result of the rezoning. The annexed property would add 2.22 acres of industrial land resulting in the current industrial land use increasing from 14.57% to 14.79%

Downtown Indian Trail Land Uses

Land Use	Percent	Flexibility Factor
Med Density Residential	22%	
High Density Residential	22%	
Multi-Family	12%	+3
Parks/Open Space/ Agriculture/ Forest	10%	
Institutional	8%	
Retail	3%	+/-1
Office	3%	+/-1
Light Industrial	15%	-3
Boulevards/Thoroughfares	5%	

There are several Location Criteria used to determine the location of certain uses. The land use percentages in this village provide for a variety of residential and mixed use in the downtown commercial district. Light industrial uses are intended to be isolated in the northwest area of the village (LC7), as is the case with the subject property.

Downtown Indian Trail is intended to attract new compact development as well as ensure compatibility with existing uses. The former will be accomplished during the site plan review. To accomplish the latter, a variety of uses should be provided to meet the needs of current residents and development decisions should be made that are fair.

Based on the location criterion and the fact the land use percentages are within the recommended levels set forth for this corridor, staff is of the opinion a rezoning from Heavy Industrial to Light Industrial 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 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 zoning district will meet the goal of downtown revitalization by providing an opportunity for new development associated with businesses that serve the local and regional population.

Location Criteria: The proposed rezoning will meet the location criteria goal by locating light industrial uses in the northwest area of the downtown village.

The request for this 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.

Recommendation

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

Attachment 1 – Application

Attachment 2 – Letter of Intent

Attachment 3 – Draft Ordinance

Staff Contact

Craig Thomas

Junior Planner

(704) 821-5401 ext 238

cat@indiantrail.org

PB Attachment 1
Application

**ZONING MAP AMENDMENT
APPLICATION**



Town of
**INDIAN
TRAIL**
north carolina

**PLANNING AND DEVELOPMENT DEPARTMENT
PO Box 2430
Indian Trail, NC 28079
Telephone (704) 821-5401
Fax (704) 821-9045**

DEADLINE: THE FIRST DAY OF THE EACH MONTH

ONLY COMPLETE APPLICATIONS ACCEPTED

Processing Fee \$500.00

Notification Fee \$2.50 per adjoining property owner

ZONING MAP AMENDMENT APPLICATION



Submittal Requirements

- Completed Application
- Notarized signatures of applicant and property owner
- Letter of Intent
- Fees associated with review

General Information

Project Address Mathews - Indian Trail Rd
 City Indian Trail State NC Zip 28079
 Tax Parcel ID 07105008-80 Zoning Designation _____
07105008-90
 Total Acres ± 6.28 Impervious Area NA
 Project Description _____

Contact Information - Applicant

Name Scott Fisher
 Address 3115 Planters Ridge Rd.
 City Charlotte State NC Zip 28270
 Phone 704 301-2037 Fax _____
 Email sfisher@fishertextiles.com

Contact Information - Property Owner

Name ROGER E. RICHARDSON
 Address P.O. Box 6338
 City HIGH POINT State N.C. Zip 27262
 Phone 336 847-0051 Fax 336 889-2426
 Email roger@roger-richardson.com

ZONING MAP AMENDMENT APPLICATION



Applicant's Certification

Signature Scott D. Fisher Date 7-1-11

Printed Name/Title Scott D. Fisher

Signature of Notary Public Mary S. McCall Date 7/1/11

Notary Seal

MY COMMISSION EXPIRES
DECEMBER 26, 2012

Property Owner's Certification

Signature Roger E. Richardson Date 7-1-11

Printed Name/Title ROGER E. RICHARDSON, Heir/Trustee

Signature of Notary Public Joyce L Sparks Date 7/1/11
my commission expires 8/26/11

Notary Seal

TOWN OF INDIAN TRAIL OFFICE USE ONLY	
Case Number:	_____
Date Received:	_____ Amount of Fee: _____
Received By:	_____ Receipt #: _____

PB Attachment 2
Letter of Intent



ALLIANCE

COMMERCIAL REAL ESTATE SERVICES LLC

July 5, 2011

Craig Thomas, Planner
Planning and Development
Town of Indian Trail
PO Box 2430
Indian Trail, NC 28079

VIA EMAIL cat@planning.indiantrail.org

RE: Tax Parcel #07105008 90
 2.20 Acres on Matthews-Indian Trail Rd.
 Owner: Heirs of Majorie Richardson Summers
 Applicant: Scott Fisher

Dear Craig:

Please permit this letter to serve as the Letter of Intent to annex and rezone the subject property. The owner and applicant have an agreed by contract to sale the subject property to Mr. Fisher. Accordingly, the owner has authorized Mr. Fisher, as applicant, to proceed to annex and rezone the subject property. The required application package and associated \$500 fee to annex and rezone the property were submitted for consideration to you on July 1, 2011.

Mr. Fisher's contract includes the purchase of two properties totaling 6.28 acres. One is the subject property (currently zoned RA 10 in Union County) and the other is the adjacent 4.06 acre tract (parcel # 07105008 80 which is currently zoned H1). Mr. Fisher intends to build an office/warehouse facility for textile distribution and business office. Prior to beginning construction, the subject property needs to be annexed into the Town of Indian Trail and rezoned to H1 which would allow him to construct his building for his business as a "Use Permitted by Right".

If you have any questions about this letter or any other issue related to the task describe herein, please advise.

Best regards,

ALLIANCE COMMERCIAL REAL ESTATE SERVICES, LLC

Lamarr Phillips
Broker/Owner

PO Box 471041
Charlotte, NC 28247 1041
Office 704 364 1106
Fax 704 364 1145
Cell 704-609-6778
LPhillips@AllianceCRE.com

TC ATTACHMENT 2
Permissible Use Table: UDO Chapter 530

E. Use Standards

The use standards column of the following Use Table identifies use-specific standards that apply to some uses. Compliance with such standards is required regardless of whether the use is "Permitted" or a "Special Use".

F. Parking Standards

The "parking standards" column of the following Use Table contains a reference to the applicable off-street parking ratio for the listed use. Off-street parking regulations are contained in DIVISION 1000.

G. Use Table and Standards

Use Group	Zoning Districts		Use Standard
	LI	HI	
Specific Use			
COMMERCIAL			
Adult Use	-	-	
Animal Services			
Shelter/ Boarding Kennel	S	-	
Sales and Grooming	S	-	
Veterinary	S	-	
Stables	S	-	
Artist Work and Sales Space	P	P	
Building Maintenance Services	P	P	
Business Equipment Sales and Service	P	P	
Commercial Greenhouse or Nursery	P	P	
Communication Service Establishments	P	P	
Construction Sales and Service	P	P	
Construction Storage Yard	S	P	
Funeral and Interment Service			
Cemetery or Mausoleum	-	-	
Cremating	S	S	
Commercial Laundry Services	P	P	
Offices	P		
Residential Storage Warehouse	P	P	
Indoor Shooting Range	S	S	Chapter 7170
Sports and Recreation, Participants (Not including firearms shooting ranges)			
Outdoor	S	S	
Indoor	P	-	
Vehicles Sales, Storage and Service			
Heavy Equipment Sales and Rental	P	P	
Motor Vehicle Repair Shop including commercial vehicles	P	P	
RV or Boat Storage	S	S	
Vehicle Storage and Towing	S	S	
Industrial			
Manufacturing, Production, and Industrial Services	P	P	
Artisan	P	P	

Chapter 530. Industrial Zoning Districts

530.030. Lot and Building Standards

Use Group	Zoning Districts		Use Standard
	LI	HI	
Limited Industrial	P	P	
General Industrial	P	P	
Heavy Industrial	-	P	
Mining/Excavation	S	P	
Warehousing, Wholesaling, and Freight Movement	P	P	
Waste and Salvage Related Uses			
Junk/Salvage yard	-	S	
Recycling facilities, indoors	P	P	
Recycling facilities, outdoors	-	S	
Resource Recovery Facilities	-	S	
Waste Transfer Stations	-	S	
Other			
Agricultural Operations	P	P	
Emergency Services	P	P	
Utilities, Minor	P	P	
Utilities, Major	S	S	
Wireless Communication Facilities			
Co-located	P	P	See Chapter 7160
Freestanding Towers	P	P	See Chapter 7160

530.030 Lot and Building Standards

A. Basic Standards

All development in I districts must comply with the lot and building standards of Table B, except as otherwise expressly provided. Rules for measuring compliance with the lot and building standards established in the Rules for Measurements and applicable exceptions to the standards can be found in the General Review Procedures Section 410.110.

B. Lot Size, Setback and Height Table

Lot and Building Standards (Industrial Districts)	LI District	HI District
Lot Size		
Minimum lot area (square feet)	NA	NA
Minimum lot width (feet)	100	100
Building Setbacks		
Building setback from front property line	50	50
Building setback from rear lot line	50	50
Side setback-not abutting residential district	20	20
Side setback abutting residential district	25	25
Maximum permitted building height	100	100

530.040 Other Applicable Regulations

Uses and development in I districts are subject to other standards including the following:

A. Parking and Loading

(See Parking and Loading, DIVISION 1000)

B. Landscaping and Screening

(See Landscaping Standards, DIVISION 800)

TC ATTACHMENT 3
Draft Ordinance

NOW, THEREFORE, IT SHALL BE ORDAINED on October 11, 2011 by the Town Council of the Town of Indian Trail, North Carolina hereby takes the following action:

Section 1 - ZM 2011-001 Zoning Petition be granted and the Zoning Map shall be amended to reflect an L-I (Light Industrial) zoning designation for 07-105-008 80 and 07-105-008 90.

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

AND IT IS SO ORDAINED this 11th day of October, 2011.

TOWN OF INDIAN TRAIL COUNCIL

Attest:

Peggy Piontek, Town Clerk

John J. Quinn, Mayor

APPROVED AS TO FORM:

TOWN ATTORNEY