



Town of
INDIAN TRAIL
north carolina

Indian Trail, North Carolina 28079

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PLANNING BOARD TRANSMITTAL

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

Reference Name	Case: ZT 2011-006 Wholesale Distribution		
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	6-0		

Summary

The request is to amend Section 520.020(G) Commercial Use Table of the Unified Development Ordinance (UDO). This section currently requires a Special Use Permit for Wholesale Distribution within the Regional Business District (RBD). The purpose of the amendment is to allow Wholesale Distribution by right for office/warehouse facilities constructed prior to the adoption of the UDO in December 2008.

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 the amendment.*

Background

Staff is requesting to modify the permissible use table for wholesale distribution. Staff has found examples of this activity in the RBD zoning; however, the only place it is allowed by right is the Light Industrial and Heavy Industrial zoning districts. Such examples include sales and distribution of electric motor supplies, candy, glass, and books. Staff is requesting a review of the use table to allow an administrative review for office/warehouse buildings in the RBD constructed prior to the adoption of the UDO, thereby expediting the approval process and welcoming new businesses.

The amendment is proposed as follows:

RBD						
Motor Vehicle Repair Shop not including body work, parking and commercial vehicle repair	-	-	-	P	S	-
Motor Vehicle Repair Shop including body work, parking and commercial vehicle repair	-	-	-	P	-	-
RV and Boat Storage	-	-	-	S	-	-
Vehicle Storage and Towing	-	-	-	S	-	-
Wholesale Distribution				P/S		Permitted by right for office/warehouse facilities built prior to adoption of UDO on December 30, 2008.

Planning Board

The Planning Board heard this item at its May 2011 meeting and had no comments. The Board made the required findings as follows:

- The proposed UDO amendment is consistent with the following goal:
 - 1.3.2 of the Comprehensive Plan – Land Use*; the proposed ordinance amendment allows various land uses promoting economic development while considering potential land use conflicts; and
- This UDO ordinance amendment request is a reasonable request and in the best interest of the public because it supports and promotes economic development within the appropriate zoning district.

Making the required findings the Board voted 6-0 to transmit a recommendation to approve.

Attachment 1 – Planning Board Staff Report

Attachment 2 – Draft Ordinance

TC ATTACHMENT 1
Planning Board Staff Report



Town of
INDIAN TRAIL
north carolina

Planning Board Staff Report

P.O Box 2430

Indian Trail, North Carolina 28079

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PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

Zoning Staff Report

Case: ZT2011-006 Commercial Use Table UDO Section 520.020	
Reference Name	Commercial Use Table for Wholesale Distribution
Applicant	Town of Indian Trail
Submittal Date	May 4, 2011
Location	Town-wide
Tax Map Number(s)	n/a
Recommendations & Comments	Planning Staff Recommends approval to Town Council

This is a request to amend Section 520.020(G) Commercial Use Table of the Unified Development Ordinance (UDO) for Wholesale Distribution. Any Wholesale Distribution uses currently require a Special Use Permit approval within the Regional Business District (RBD) prior to occupancy. The proposed amendment is to allow wholesale distribution by right for office/warehouse structures constructed prior to the adoption of the UDO, and maintain the Special Use Permit for new facilities within the RBD.

Background

Secton 520.020 of the UDO was amended in July 2010 to allow Wholesale Distribution within the Regional Business District (RBD) only with a Special Use Permit (SUP) approval by the Board of Adjustment. Staff recommends further review of the permissible use table to allow existing office/warehouse structures an opportunity to welcome new businesses with an administrative level review and approval.

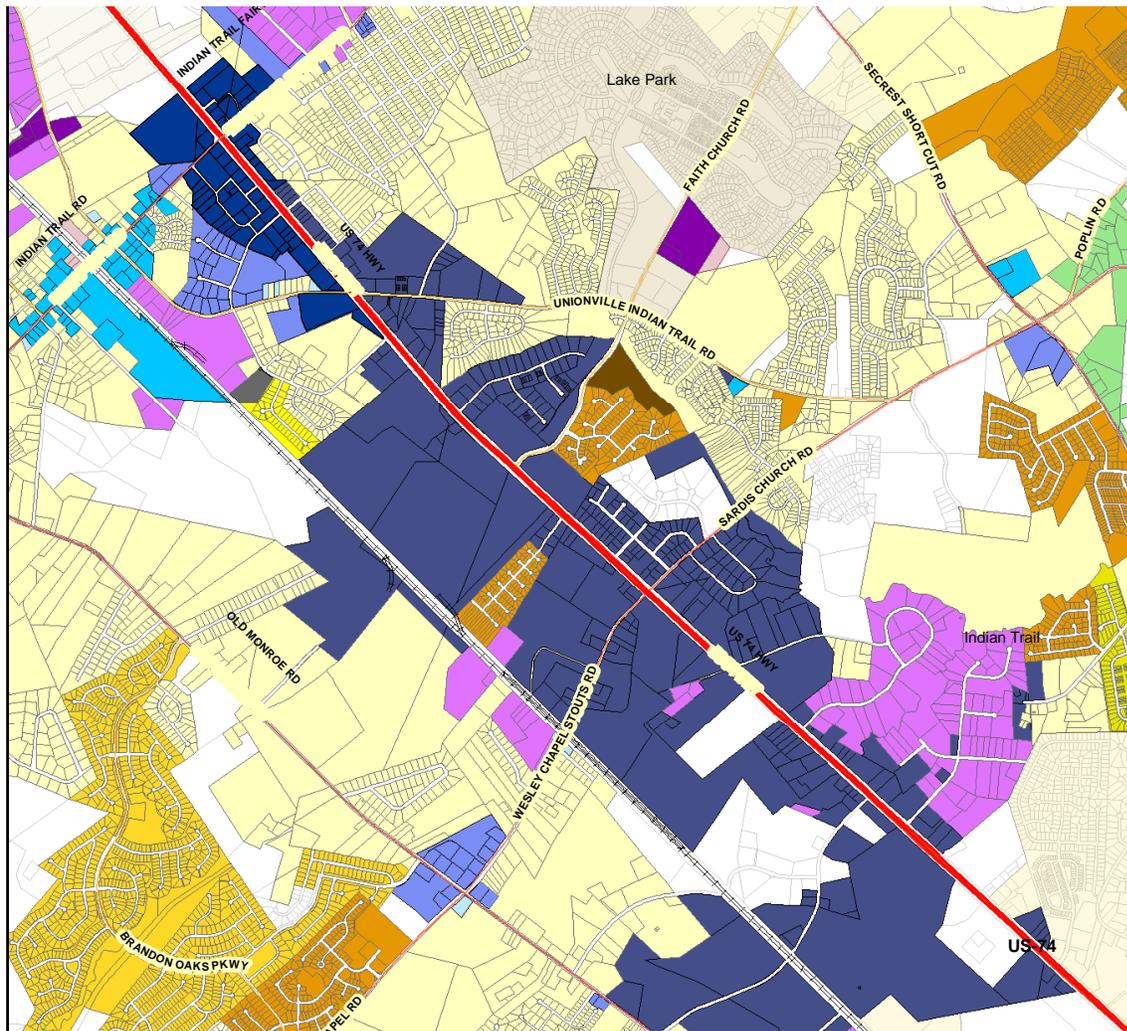
Analysis

The UDO currently allows wholesale distribution uses by right within the Light and Heavy Industrial District, and a Special Use Permit within the Regional Business District. Since the amendment to UDO Section 520.020 in July 2010, staff has found several existing office/warehouse locations in the RBD engaged in wholesale distribution activities. Staff was also approached by a property owner with an existing office/warehouse building that has had

many such operations over the years. Their concern was the time required for SUP approval and the potential effect it may have on ensuring a new tenant.

Staff is requesting to have the ability to review proposed wholesale distribution businesses for existing office/warehouse buildings on an administrative level in the RBD zoning designation. There are examples of buildings in the RBD whereby wholesale distribution businesses have historically operated. The administrative review would ensure similar uses, that may have lost their nonconforming status, be expediting during the permitting process. Our goal is to issue a permit in a timely manner and assist new businesses in these tough economic times.

SUP approval would still be required for new development with a wholesale distribution component. Likewise, staff would still have the ability to require a SUP for any wholesale distribution uses that may have potential impacts to adjacent properties.



 Regional Business District (RBD)

The amendment is proposed as follows:

RBD

Motor Vehicle Repair Shop not including body work, parking and commercial vehicle repair	-	-	-	P	S	-	
Motor Vehicle Repair Shop including body work, parking and commercial vehicle repair	-	-	-	P	-	-	
RV and Boat Storage	-	-	-	S	-	-	
Vehicle Storage and Towing	-	-	-	S	-	-	
Wholesale Distribution				P/S			Permitted by right for office/warehouse facilities built prior to adoption of UDO on December 30, 2008.

Required Consistency Findings

The Planning Board is required to make two findings with their recommendation. 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:

1. The proposed UDO amendment is consistent with the following goals:
 - 1.3.2 of the Comprehensive Plan – Land Use; the proposed ordinance amendment allows various land uses promoting economic development while considering potential land use conflicts.
2. This ordinance amendment is a reasonable request and in the best interest of the public because it supports and promotes economic development within the appropriate zoning district.

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.

Project Contact

Craig Thomas, Junior Planner
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Attachment 1 – Draft Ordinance

TC ATTACHMENT 2
Draft Ordinance

STATE OF NORTH CAROLINA)
TOWN OF INDIAN TRAIL)

ORDINANCE #

AN ORDINANCE AMENDING SECTION 520.020 ALLOWED USES OF THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA

WHEREAS, the Town of Indian Trail initiated this request to amend Section 520.020 (G) Commercial Use Table and Standard, of the Unified Development Ordinance to allow for wholesale distribution by right for existing office/warehouse facilities within the Regional Business District (RBD).

WHEREAS, this Zoning Amendment (ZT 2011-006) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, the amendment was heard by Planning Board on May 17, 2011 in a public meeting and after hearing the amendment and deliberations made the following findings and transmits a recommendation to approve as presented:

1. The proposed UDO amendment is consistent with the following goals:
of the 1.3.2 Comprehensive Plan – Land Use; the proposed ordinance amendment allows various land uses promoting economic development while considering potential land use conflicts.
2. This ordinance amendment is a reasonable request and in the best interest of the public because it supports and promotes economic development within the appropriate zoning district.

WHEREAS, the Town Council received the Planning Board’s transmittal to approve in a public hearing on June 14, 2011 and after hearing testimony and deliberation concurs with the findings as read into the record and transmittal.

NOW THEREFORE, BE IT ORDAINED by the Town Council:

Section 1 – Section 520.020 is hereby amended as follows:

RBD

Section 2 – This Ordinance shall be effective upon adoption.

Motor Vehicle Repair Shop not including body work, parking and commercial vehicle repair	-	-	-	P	S	-	
Motor Vehicle Repair Shop including body work, parking and commercial vehicle repair	-	-	-	P	-	-	
RV and Boat Storage	-	-	-	S	-	-	
Vehicle Storage and Towing	-	-	-	S	-	-	
Wholesale Distribution				P/S			Permitted by right for office/warehouse facilities built prior to adoption of UDO on December 30, 2008.

SO ORDAINED THIS THE 14th DAY OF JUNE 2011.

THE TOWN COUNCIL OF INDIAN TRAIL

By _____
 Honorable John J. Quinn, Mayor

Attest:

 Peggy Piontek, Town Clerk