



**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 May 10, 2011 Town Council Meeting

Reference Name	Case: ZT 2011-005 Off Site Signs		
PB Meeting Date	April 19, 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 checked="" type="checkbox"/>
	Sidney Sandy <input checked="" type="checkbox"/>	Cathi Higgins <input 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 Sidney Sandy		
Second the motion	Board member Robert Rollins		
Vote	6-1		

Summary

A request to amend Chapter 790 Off-Premise Sign; Chapter 930 Exempt Signs; and Chapter 990 Freestanding and Ground Mounted Signs– to allow for off-site signs located adjacent to Hwy 74/Independence Blvd for use of advertising various types of entertainment and sports venues, meeting or gathering halls accommodating a minimum of 2000 people. The Planning Board heard this request on April 19, 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 the amendment.*

Background

The applicant requested to amend Chapter 990 – Freestanding & Ground Mounted Signs – of the Unified Development Ordinance (UDO) authorizing the placement of off-site signs located adjacent to Hwy 74/Independence Blvd for use of advertising various types of entertainment and sports venues, meeting or gathering halls accommodating a minimum of 2000 people. Staff reviewed the request and proposed the following modifications to the Board:

1. Chapter 990 – expand on the proposed amendment criteria to include sport venues that host local, regional, and national sporting events with documented annual attendance of 150,000 attendees. This modification would open the off-site sign opportunity to businesses such as Carolina Courts or Extreme Ice.
2. Chapter 790 – Off-Premises Signs – expand this existing section to include a cross reference for 990.130 and general housekeeping modifications.
3. Chapter 930 – Exempt Signs – expand this section to include exempting off-premise Town identification and wayfinding signs as part of the Town’s beautification program.

Planning Board

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

1. Concerns regarding Electronic Board Messaging. Staff explained these types of signs are already permissible within the 74 Corridor.
2. Concerns about limiting the off-site sign opportunities to specific uses. One boardmember recommended the Town table the item and examine in a holistic approach. The applicant explained that these large uses are more unique because of their regional draw and the associated economic development benefit to the Town.
3. Concerns from the applicant regarding the minimum of the 1000-foot radius from another off-premise sign. Staff has modified this section within Chapter 790.

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

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 and promoting a more balance tax base through the use of signage.
2. This UDO ordinance amendment request is reasonable and in the best interest of the public because it promotes economic development and a more balanced tax base while establishing criteria to further Town beautification.

Making the required findings the Board voted 6-1 to transmit a recommendation to approve.

Shelley DeHart, AICP
srd@planning.indiantrail.org
704 821-5401

Attachment 1 – Planning Board Report
Attachment 2 – Draft Ordinance

TC ATTACHMENT 1 – PLANNING BOARD REPORT



Town of
INDIAN TRAIL
north carolina

P.O. Box 2430

Indian Trail, North Carolina 28079

Telephone (704) 821-5401

Fax (704) 821-9045

PLANNING AND NEIGHBORHOOD SERVICE DEPARTMENT

Zoning Staff Report

Case: ZT 2011-005 Off-Premise Signage		
Reference Name	Chapter 990 – Freestanding & Ground Mounted Signs	
Applicant	Wesley S. Hinson, Esq. on behalf of Sun Valley Commons, LLC	
Submittal Date	3/30/2011	
Location	Hwy 74 Corridor	
Tax Map Number	n/a	
Plan Consistency	Comprehensive Plan	
Recommendations & Comments	Planning Staff	Recommend approval to Town Council.

Project Summary

A request to amend Chapter 990 – Freestanding & Ground Mounted Signs – of the Unified Development Ordinance (UDO) authorizing the placement of off-site signs located adjacent to Hwy 74/Independence Blvd for use of advertising various types of entertainment and sports venues, meeting or gathering halls accommodating a minimum of 2000 people.

Analysis

The applicant is requesting the ability to place off-site signage on parcels located adjacent to Hwy 74/Independence Blvd for businesses or facilities located elsewhere in the Town. Such off-site signage would provide the opportunity to advertise and provide direction to such facilities for the purpose of promoting economic development for large entertainment venues, sporting venues, and meeting halls or conference centers within our Town (Attachment 1).

The proposed amendment is as follows:

Proposed Text Amendment:

Section 990.130: Off-site signs located adjacent to Hwy 74/Independence Blvd shall be allowed under the Ordinance for use in advertising an entertainment venue, sports venue, motion picture theater, theatrical playhouse or meeting and gathering hall accommodating a minimum of 2000 people. In such instances, it shall be permissible to have two freestanding signs on a single parcel located adjacent to Highway 74/Independence Blvd; one being designated for the on-site use related to that parcel pursuant to 990.010 and the second being designated for the off-site use as described herein. Off-site freestanding signs being used for the purposes described herein shall have a maximum height of 25 feet, a maximum allowable sign area of 120 square feet and shall be located on private property at least 10 feet from the edge of Highway 74/Independence Blvd Right of Way.

Staff has reviewed the proposed amendment and offers the following comments and possible additions:

1. The proposed amendment would require the amendment of Chapter 790 Off-Premises Signs (RBD) District in addition to Chapter 990 for cross referencing purposes.
 - a. Chapter 790 of the UDO provides the ability for non-residential uses to locate an off-premises sign if it meets the following:
 - i. Within 1000 foot radius of principal building used for said business within the RBD;
 - ii. Not located within 500 foot radius of a residential use;
 - iii. Not located within 1000 foot radius of an existing off-premise sign.
 - b. Amending this section will aid the town in some minor housekeeping of the Chapter such as including Town identification and wayfinding signs.
2. The proposed amendment provides the following criteria:
 - a. Establishes a minimum of 2000 people occupancy of the facility. The Board may want to consider other criteria such as:
 - i. **Or** the facility has documented annual attendance of 150,000 people through hosting regional and local complete sporting events. This amendment would provide opportunity for businesses such as Carolina Courts to qualify for off-premise signage.
 - b. Allow for two freestanding per parcel in the case when an off-premise sign is proposed. Staff supports this request with the addition of applying existing Section 790.040:
 - i. No off-premise sign may be located within a 1,000 foot radius of any other pre-existing off-premise sign. Staff is of the opinion this will aid in preventing sign clutter or concentration within any one area.
 - c. Establishes a maximum height of 25-feet from grade. Maximum height regulations within the Hwy 74 corridor area ranges from 20 feet to 25 feet in height depending upon the acre size of the lot. Staff suggests the following:

- i. Maximum height shall be consistent within this Chapter. This would follow the existing tables making the height associated with the parcel size as found within Section 990.060 and 990.070. This would result in the same maximum height of freestanding signs on any one parcel.
- d. Establishes a maximum off-premise sign area of 120 square feet. The UDO currently regulations sign area proportional to the size of the lot. The purpose of this proposed amendment is to promote economic development of large entertainment, sports, playhouse, or meeting hall venues within an existing highway corridor providing direction to such venue. In recognition of the purpose of said amendment, staff is supportive of such request. However, there may be times where the sign associated with the business located on the off-premise site location will be smaller than the off-premise sign itself. Staff believes this issue is best left to the property owner/business owner of the subject property and the business owner requesting the off-premise sign. In other words, the placing of an off-premise sign is at the discretion of the property owner. Written authorization from the property owner and recording of a sign easement will be required for permit issuance.
- e. Establishes a minimum of a 10-foot setback from property line (right-of-way). This is consistent with existing regulations within the Chapter. Staff also suggests:
 - i. All said signs shall be located out of the sight-triangle; and
 - ii. Off-premise signs shall be located a minimum of 50-feet from second freestanding sign on the same parcel.

Town Monument and Wayfinding Signs

Staff is adding to this amendment the request to amend Chapter 930 Exempt Signs – to allow for off-premise signs for the Town in the form of Town Identification Signs and wayfinding Signs. Wayfinding signs are those signs that direct people to historical sites, parks, government buildings, libraries or similar uses.



The proposed amendment is as follows:

930.070 Permanent off-premise Town identification signs and wayfinding signs as authorized by the Indian Trail Town Council.

Summary

In summary, this amendment proposes the following amendments:

1. Chapter 990 – authorizing off-premise signs for large entertainment, sports, meeting halls or conference center venues as described in section 990.130.
2. Chapter 790 – Off-Premises Signs – as a cross reference for 990.130 and general housekeeping modifications.
3. Chapter 930 – Exempt Signs – adding off-premise Town identification and wayfinding signs to the list of exempt signs.

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:

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 and promoting a more balance tax base through the use of signage.
2. This UDO ordinance amendment request is reasonable and in the best interest of the public because it promotes economic development and a more balanced tax base.

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

Attachment 1- Application
Attachment 2- Draft Amendment



Planning and Development Department
PO Box 2430
Indian Trail, NC 28079
Telephone (704) 821-5401
Fax (704) 821-9045

Submittal Requirements

- Completed Application
- Notarized signature of applicant
- Letter of Intent (which has separate explanation(s) as to the text amendment(s) specifically being offered, along with the purpose of the amendment(s))
- Fees associated with review

Timeline/Procedures

- The Town Council meets the 2nd and 4th Tuesday of every month; the Planning Board meets the 3rd Tuesday of every month.
- All submittal requirements must be met by the first day of the month before the UDO Text Amendment is heard. For instance, if you wanted to present your UDO Text Amendment before the 3rd Tuesday in March, then you need to have all of your materials in to us by February 1st.
- The Planning Board will meet on the 3rd Tuesday of that same month to discuss and transmit a recommendation to the Town Council at their next meeting regarding the proposed UDO Text Amendment.
- A public hearing will be called for by the Town Council at their next scheduled meeting (either the second or fourth Tuesday of the month) to discuss the proposed UDO Text Amendment.
- You must demonstrate to the Planning Board and to the Town Council that this amendment of the UDO conforms to the intent and letter of the Indian Trail Comprehensive Plan, along with being in harmony with the UDO.

Contact Information – Applicant

Name Wesley S. Hinson, Esq. on behalf of Sun Valley Commons, LLC

Address 309 Post Office Drive, Indian Trail, NC 28079

City Indian Trail State NC Zip 28079

Phone (704) 684-0031 Fax (704) 684-0035

Email whinson@goodwinhinson.com



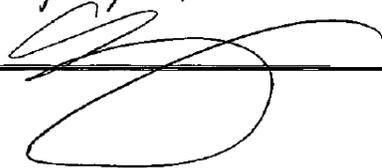
Planning and Development Department
PO Box 2430
Indian Trail, NC 28079
Telephone (704) 821-5401
Fax (704) 821-9045

Applicant's Certification

Signature  Date 3/28/11
Printed Name/Title Wesley S. Hinson, Attorney

Signature of Notary Public  Date 3-28-2011

Notary Seal 

TOWN OF INDIAN TRAIL OFFICE USE ONLY	
CASE NUMBER: <u>ZT 2011-005</u>	
DATE RECEIVED: <u>3/30/2011</u>	AMOUNT OF FEE: <u>\$400</u>
RECEIVED BY: <u></u>	RECEIPT #:

Letter of Intent re: Proposed Text Amendment to Indian Trail UDO

The purpose of this proposed text amendment to the Indian Trail UDO is to create a provision in the Ordinance permitting the erection of off-site signage located along the Hwy 74/Independence Blvd to be used for the advertising of large entertainment venues, sports venues, motion picture theaters, theatrical playhouses or meeting and gathering halls accomadating at least 2000 people. This amendment is necessary to promote the economic development of such venues in the Town of Indian Trail.

Proposed Text Amendment:

Section 990.130: Off-site signs located adjacent to Hwy 74/Independence Blvd shall be allowed under the Ordinance for use in advertising an entertainment venue, sports venue, motion picture theater, theatrical playhouse or meeting and gathering hall accommodating a minimum of 2000 people. In such instances, it shall be permissible to have two freestanding signs on a single parcel located adjacent to Highway 74/Independence Blvd; one being designated for the on-site use related to that parcel pursuant to 990.010 and the second being designated for the off-site use as described herein. Off-site freestanding signs being used for the purposes described herein shall have a maximum height of 25 feet, a maximum allowable sign area of 120 square feet and shall be located on private property at least 10 feet from the edge of Highway 74/Independence Blvd Right of Way.

TC ATTACHMENT 2 – DRAFT ORDINANCE

Section 1 – Hereby amends Chapter 790 of the UDO as follows:

Chapter 790 Off-Premises Signs (RBD District)

Off-premises signs are permissible in the RBD zoning district for placement *on Hwy 74/Independence Blvd* with a zoning permit only if and to the extent that such signs *comply with one of two section below as follows:*

790.010 *Advertisement for a non-residential use located within the 74-Business corridor or RBD where such use does not have frontage on Hwy 74 subject to the following:*

- A.** Comply with all of the applicable requirements of Division 900 of this ordinance *or as authorized in this section;* and
- B.** Are located within a 1,000 foot radius of any principal building used for non-residential purposes *advertised on said sign;* and
- C.** Are not located within a 500 foot radius of a pre-existing residence not owned by the owner of the land where the sign is to be located. A residence shall be deemed pre-existing for purposes of this subsection if, at the time an application is filed for a sign permit authorizing initial construction of the sign, the residence was constructed or under construction or if there is outstanding a valid building permit authorizing the construction of such residence.
- D.** No off-premises sign may be located within a 1,000 foot radius of any other pre-existing off-premises sign
- E.** *All off-premise signs authorized under this section shall:*
 - 1.** *Be located a minimum of 50-feet from any other freestanding sign on the property; and*
 - 2.** *Have a maximum area of 65 square feet; and*
 - 3.** *Have a maximum height of 10-feet from finished grade.*

790.020 *Advertisement for various types of large entertainment, sports, or meeting hall venues in compliance with Section 990.130.*

Section 2 – Hereby amends Chapter 930 of the UDO as follows:

930.070 *Permanent off-premise Town identification and wayfinding signs as authorized by the Indian Trail Town Council.*

Section 3 – Hereby amends Chapter 990 of the UDO as follows:

990.130 *Off-Premises Signage for entertainment venue, sports venue, motion picture theater, theatrical playhouse, or meeting and gathering hall such as a conference center shall be authorized by zoning permit when in compliance with the following:*

- A.** *The venue can accommodate a minimum of 2000 people or has documented annual attendance of 150,000 people through hosting regional and local complete sporting events; and*
- B.** *A maximum of two freestanding signs per parcel is authorized when an off-premise sign is proposed; and*
- C.** *No off-premises sign may be located within a 1,000 radius of any other pre-existing off-premise sign approved under this section.*
- D.** *Maximum height of off-premise sign shall be consistent with primary sign authorized on subject property as stated within this chapter; and*
- E.** *Maximum sign area for off-premise sign shall be 120 square feet in area; and*
- F.** *Off-premise sign is not located within the existing or future sight triangle, is a minimum of 10-feet from property line adjacent to right-of-way, and shall be a minimum of 50-feet from primary freestanding sign on the same property.*

Section 4 - This ordinance shall be effective immediately upon adoption.

SO ORDAINED THIS 10TH DAY OF MAY, 2011.

THE TOWN COUNCIL OF INDIAN TRAIL

By _____
Honorable John J. Quinn, Mayor

Attest:

Peggy Piontek, Town Clerk