



**P.O. Box 2430**  
**Indian Trail, North Carolina 28079**  
**Telephone (704) 821-5401**  
**Fax (704) 821-9045**  
**PLANNING AND NEIGHBORHOOD SERVICES**

### Zoning Map Amendment Staff Report

<b>Case: ZM 2016-002 Auto Bell Car Wash</b>		
<b>Reference Name</b>	Auto Bell Car Wash	
<b>Request</b>	Proposed Zoning	General Business District (GBD), within Village Center Overlay
<b>Existing Site Characteristics</b>	Existing Zoning	Single Family Residential (SF-1), within Village Center Overlay
	Site Acreage	0.89 acres
<b>Applicant</b>	Charles A. Howard, III (Autobell Car Wash)	
<b>Submittal Date</b>	8.29.16	
<b>Location</b>	4332 Old Monroe Road	
<b>Tax Map Number</b>	07-114-018	
<b>Plan Consistency</b>	Town of Indian Trail Comprehensive Plan	Mixed Use
		Consistent with Request
<b>Recommendations &amp; Comments</b>	Planning Staff	Recommends Approval for General Business District (GBD), within Village Center Overlay

**Project Summary**

This is a request to rezone a parcel of land (approx. 0.89 acres) to the General Business District, within Village Center Overlay. The existing zoning is SF-1, Single Family Residential.

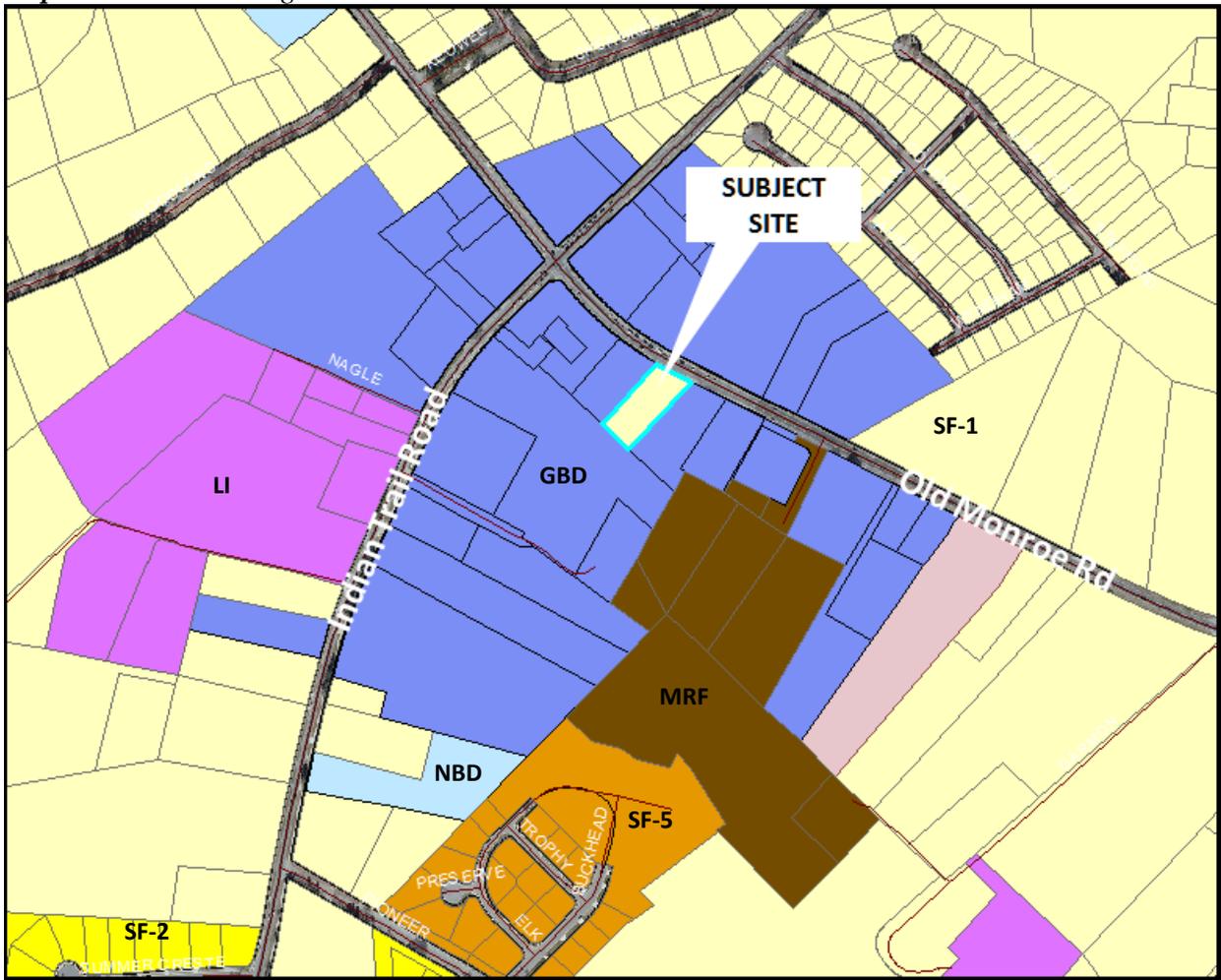
**Staff Recommendation**

Staff recommends, based on the guidance of the adopted plans, that the map amendment be supported by recommending its approval to Town Council.

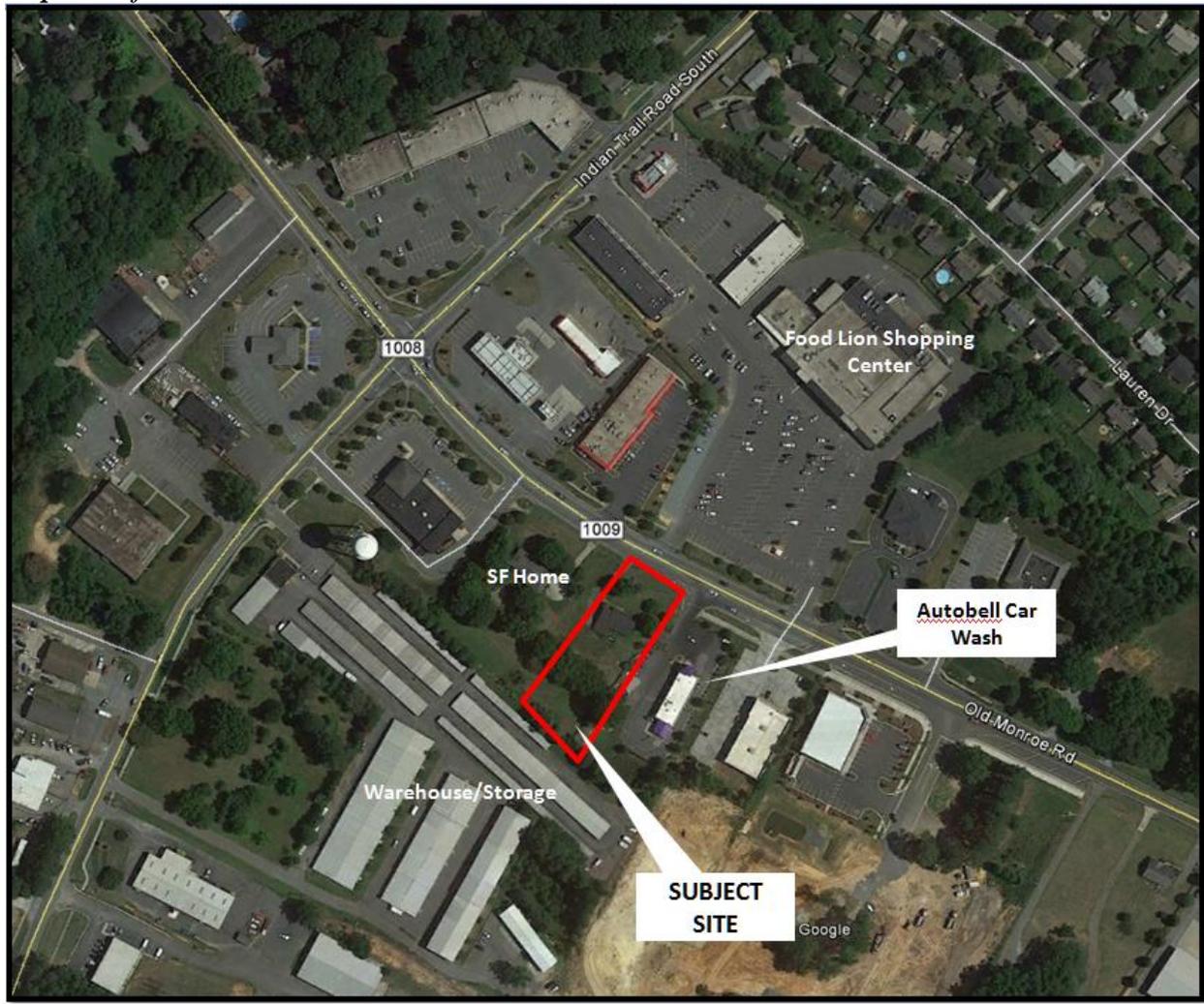
**Background**

The subject property is located on the west side of Old Monroe Road, adjacent to the existing Autobell Car Wash (parcel to the south). The subject parcel is currently zoned for single-family residential uses (SF-1). The intent is to expand the existing car wash use onto the subject parcel.

*Map 1: Current Zoning*



*Map 2: Adjacent Uses*



### **Staff Analysis**

#### ***Consistency with Surrounding Zoning***

The proposal requests to rezone the subject property to General Business District (GBD), within the Village Center Overlay. GBD zoning districts are intended to allow development of goods and services including but not limited to convenience goods stores, food and beverage establishments, offices, personal services, and general retail.

Adjacent zoning classifications and uses in the surrounding area are as follows: to the North is an existing non-conforming single family house zoned GBD; to the South is Autobell Car Wash zoned GBD; to the East of the subject property across Old Monroe Road is the Food Lion shopping center zoned GBD; to the West is warehouse/storage use zoned and GBD. All properties are within the Village Center Overlay District.

The proposed GBD zoning district is consistent with current commercial uses in the areas immediately adjacent to and nearby the subject property.

### ***Community Meeting***

A community meeting was held on October 7, 2016 at the Town of Indian Trail at 100 Navajo Trail. No members of the public attended and no public comments were received before or after the community meeting.

### ***Consistency with the Town of Indian Trail's Comprehensive Plan***

The subject property is located within the Old Monroe Village. Indian Trail's Comprehensive Plan designates the future land use for the subject property as Mixed-Use intended for commercial and other supporting uses and supports the envisioned urban development. The rezoning request for General Business District (GBD) is consistent with the Town of Indian Trail's Comprehensive Plan in this regard.

***Map 3: Future Land Use for Old Monroe Village***



### **Required Consistency Findings**

The Planning Board is required to make two consistency findings: one regarding consistency with the Town's adopted plans and another regarding the benefit of the public. Staff recommends the following findings be made:

*Economic Development Goals #1 and 6: The proposed amendment helps create a more balanced tax base and promotes a diverse local economy by allowing business growth and expansion in the appropriate commercial area within the Town.*

The request for this zoning reclassification is a reasonable request and is in the public interest because it promotes business expansion and growth within an area of the Town that is compatible with surrounding uses.

### **Staff Recommendation**

Staff recommends the Planning Board receive the report and recommend **Approval** to the Town Council as presented.

Gretchen Coperine, AICP  
Senior Planner

[gcooperine@planning.indiantrail.org](mailto:gcooperine@planning.indiantrail.org)

Attachment 1 – Application  
Attachment 2 – Draft Ordinance

**ATTACHMENT 1: APPLICATION**

ZONING MAP AMENDMENT APPLICATION

R-000727  
Inv 31569

**Submittal Requirements**

- Completed Application
- Notarized signatures of applicant and property owner
- Letter of Intent
- Articles of Incorporation, Certificate of Incorporation, Articles of Organization, Corporate Charter, or similar (unless applicant is an individual)
- Fees associated with review
- **\*\*A TECHNOLOGY FEE, 10% OF ALL APPLICABLE FEES, WILL BE APPLIED TO THE TOTAL FEE.**

**General Information**

Project Address 4332 Old Monroe Road

City Indian Trail State NC Zip 28079

Tax Parcel ID 07114018 Zoning Designation Residential

Total Acres 0.89 Impervious Area To be determined

Project Description Expansion of car wash parking lot

**Contact Information – Applicant**

Contact Name Charles A. Howard, II, President

Company Name Autobell Car Wash

Address 1521 East Third Street

City Charlotte State NC Zip 28204

Phone 704/731-2051 Fax 704/333-0526

Email chuck@autobell.com

**Contact Information – Property Owner**

Contact Name Charles A. Howard, II, Reg. Agt.

Company Name CAH Holdings, LLC

Address 1521 East Third Street

City Charlotte State NC Zip 28204

Phone 704/731-2051 Fax 704/333-0526

Email \_\_\_\_\_

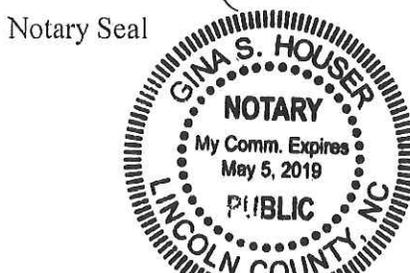
ZONING MAP AMENDMENT APPLICATION

**Applicant's Certification**

Signature CA Howard Date 08/18/16

Printed Name/Title Charles A. Howard II President

Signature of Notary Public Gina S. Houser Date 8/18/16

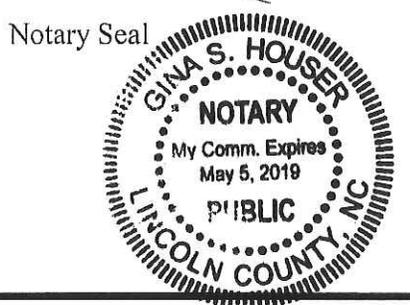


**Property Owner's Certification**

Signature CA Howard Date 08/18/16

Printed Name/Title Charles A. Howard II Manager

Signature of Notary Public Gina S. Houser Date 8/18/16



**TOWN OF INDIAN TRAIL OFFICE USE ONLY**

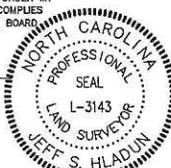
Case Number: RM 21 2016-002

Date Received: 8-29-16 Amount of Fee: \$385-

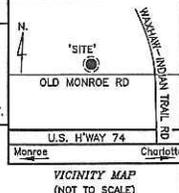
Received By: Gretch Cooper Receipt #: /

I HEREBY CERTIFY THAT THIS MAP WAS DRAWN FROM AN ACTUAL FIELD SURVEY, MADE UNDER MY DIRECT SUPERVISION ON THE DATE SHOWN BELOW; AND THAT THIS SURVEY AND MAP COMPLIES WITH THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA, BOARD OF SURVEYING, RULE 21-56.1000

Jeff S. Hladun 11-14-15  
 JEFF S. HLADUN N.C.P.L.S. # 3143 (signature) DATE  
 DATE OF FIELD SURVEY: NOV. 4, 2015

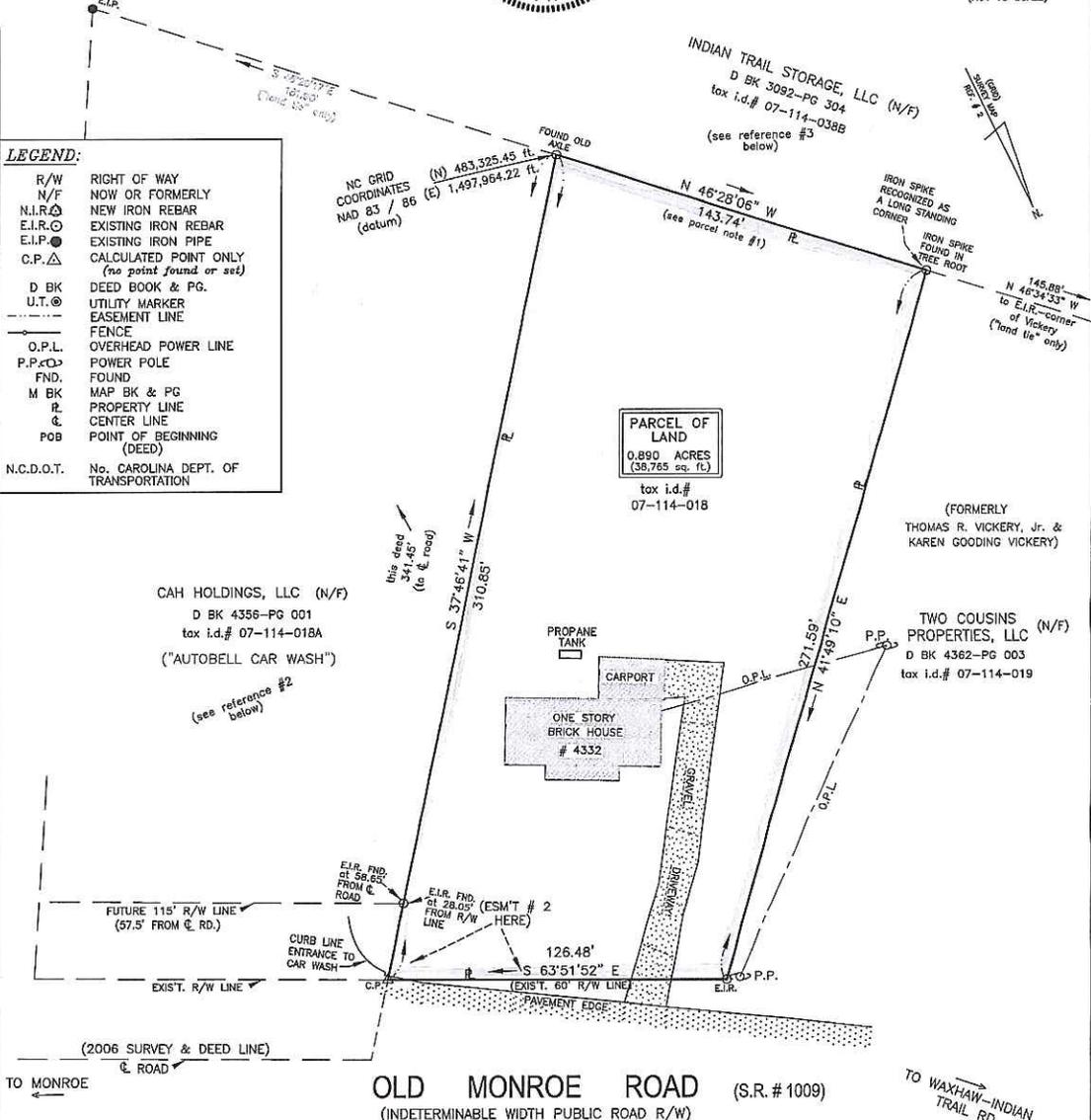


**ZONING JURISDICTION:**  
 TOWN OF INDIAN TRAIL  
 classic: B-4 BUSINESS IMPROVEMENT  
 (from GIS data)  
 BUILDING SETBACK LINES AREA AS FOLLOWS:  
 FRONT=40 FT. SIDES=10 FT. REAR=20 FT.



**LEGEND:**

R/W	RIGHT OF WAY
N/F	NOW OR FORMERLY
N.I.R.	NEW IRON REBAR
E.I.R.	EXISTING IRON REBAR
E.I.P.	EXISTING IRON PIPE
C.P.	CALCULATED POINT ONLY (no point found or set)
D BK	DEED BOOK & PG.
U.T.	UTILITY MARKER
EASEMENT	EASEMENT LINE
FENCE	FENCE
O.P.L.	OVERHEAD POWER LINE
P.P.	POWER POLE
FND.	FOUND
M BK	MAP BK & PG
PL	PROPERTY LINE
CL	CENTER LINE
POB	POINT OF BEGINNING (DEED)
N.C.D.O.T.	No. CAROLINA DEPT. OF TRANSPORTATION

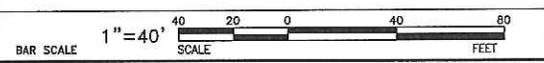


**PARCEL NOTES:**  
 1-THERE ARE DISCREPANCIES IN DIMENSIONS FOR SUBJECT DEED PARCEL. DEED CALLS FOR DIST. OF 127 FT. ALONG REAR LINE. EXIST. MONUMENTATION ALONG REAR LINE HAS BEEN RECOGNIZED AS CORNERS BY OTHERS.

**LEGAL REFERENCES:**  
 1.- DEED-RECORDED IN D BK 208, PG 632. (into CLYDE & CAROLYN CROOK) [SUBJECT PARCEL]  
 2.- ADJACENT SURVEY MAP, BY THIS OFFICE, FOR AUTOBELL CAR WASH . . . DATED 3-3-2006.  
 3.- ADJACENT SURVEY MAP, BY C. L. RUSHING, PLS, DATED 02-02-06. ("INDIAN TRAIL STORAGE")  
 4.- ADJACENT OWNER DEEDS AS NOTED ABOVE ON MAP.

**EASEMENT # 1 & # 2**  
 5.- EASEMENT-RECORDED IN D BK 324, PG 411, TO N.C.D.O.T., on 6-19-1979. (for Road R/W easement)  
 6.- EASEMENT-RECORDED IN D BK 5282, PG 471, TO CAH HOLDINGS, LLC., on 2-4-2010 (For temporary construction & slope esm't.) (No specific dimensions)

**GENERAL NOTES:**  
 1. PARCEL IS NOT LOCATED IN ANY SPECIAL F.E.M.A. FLOOD HAZARD AREA.  
 2. DIMENSIONS SHOWN ARE IN FEET (FT.) & DECIMAL PARTS OF A FT. ("").  
 (ex: 0.5" = 6 inches / 0.75" = 9 inches / 1.0" = 12 inches).



FOR  
**CAH HOLDINGS, LLC** (Proposed Purchaser)

**LEGAL LOCATION**  
 PARCEL OF LAND  
 (from a metes and bounds deed description)  
 TOWN OF INDIAN TRAIL  
 UNION Co., No. CAROLINA  
 DEED BK 208-PG 632

**STREET ADDRESS:** 4332 OLD MONROE RD., INDIAN TRAIL

**RECORD OWNER:** CLYDE CROOK & CAROLYN H. CROOK

**JEFF HLADUN**  
 LAND SURVEYOR  
 5848 LEBANON ROAD  
 CHARLOTTE, NC 28227  
 Ph. (704) 618-2341  
 Hladunsurveying@carolina.rr.com

**MAP DATE:** NOVEMBER 14, 2015  
**FILE #** 265401.01  
**TAX I.D.#** 07 114 018  
**DISK #** cd 4. DWG  
 carlson 15  
 field crew jeff h./james g.

**HRL** | HELMS ROBISON & LEE, PA  
Attorneys at Law

R. Kenneth Helms, Jr.  
Rebecca L. Robison<sup>o</sup>  
James Allen Lee<sup>♦</sup>  
Stephen M. Bennett  
Aimee E. Brockington

Travis F. Greene  
Lea E. Morgan  
Sherrie C. Smith

August 26, 2016

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<sup>o</sup> Board Certified Family Law Specialist  
<sup>♦</sup> Licensed in NC & SC

**VIA CERTIFIED MAIL #9414 7118 9956 3694 1102 17**

Town of Indian Trail  
Planning & Neighborhood Services  
PO Box 2430  
Indian Trail, NC 28079

Re: Letter of Intent Regarding Proposed Rezoning of Parcel #07114018  
and UDO Text Amendment Application

To Whom It May Concern:

I have been retained by my client, Autobell Car Wash, Inc. ("Autobell"), in connection with the enclosed Zoning Map Amendment Application and enclosed UDO Text Amendment Application for Parcel #07114018 in Indian Trail, North Carolina.

CAH Holdings, LLC is the current owner, and a sister company to Autobell, of Parcels #07114018A and #07114018 in Indian Trail, North Carolina. As you may be aware, Autobell currently operates a car wash facility on Parcel #07114018A, the street address of which is 4416 Old Monroe Road, Indian Trail, North Carolina ("Monroe Road location"). Since Autobell opened its doors at the Monroe Road location on February 25, 2009, the business has been successfully meeting the car washing needs of the surrounding community while hiring local workers. In fact, business at the Monroe Road location has increased drastically since it was opened, to the point where Autobell is now in need of additional space to keep up with current demand. In particular, the current "finishing area" (the area where vehicles are hand dried and detailed) of the Monroe Road location is not adequate in size to meet customer demand. In the hopes of being able to expand its finishing area in the future, Autobell acquired the parcel of real property adjacent to the Monroe Road location, Parcel #07114018, on February 11, 2016.

Under the Town of Indian Trail Unified Development Ordinance ("UDO"), the Monroe Road location (Parcel #07114018A), and all contiguous parcels, are zoned General Business District. In contrast, Parcel #07114018 is zoned Single Family, Low Density ("SF-1"). Since Autobell opened the Monroe Road location, the Town of Indian Trail created a Village Center Overlay zoning district that encompasses both parcels at issue, as well as the nearby intersection of Old Monroe Road and Waxhaw-Indian Trail Road. Prior to the creation of the Village Center Overlay zoning district, a car wash was a permitted use for properties zoned General Business District. However, a car wash such as Autobell is now a non-conforming use in the Village Center Overlay, a classification that greatly complicates Autobell's desire to expand its "finishing area" onto Parcel #07114018.

Town of Indian Trail  
Planning & Neighborhood Services  
August 26, 2016  
Page 2

Through its enclosed applications, Autobell seeks two things: (1) a rezoning of Parcel #07114018 from SF-1 to General Business District and (2) either an exemption/exclusion of the prohibition of an expansion of a non-conforming use or a text amendment to the UDO reclassifying a car wash as a Permitted or Special Use within a Village Center Overlay zoning district.

As mentioned above, Autobell seeks to rezone Parcel #07114018 from SF-1 to General Business District. Currently, Parcel #07114018 is the only property located near the intersection of Old Monroe Road and Waxhaw-Indian Trail Road that is zoned in anything other than a business classification. In fact, the property immediately adjacent to Parcel #07114018, and the only other residential home close to the intersection (Parcel #07114019; 4324 Old Monroe Road) is zoned General Business District. Currently, Parcel #07114018 is the lone island of Residential zoning in a sea of General Business zoning as every other property in the general proximity of the intersection of Old Monroe Road and Waxhaw-Indian Trail Road is currently zoned General Business District. The rezoning of Parcel #07114018 would bring uniformity to the area, would be in conformity with the current development of the intersection, and would achieve the goals set forth in the UDO.

In addition to the rezoning request detailed above, Autobell is also submitting an application for an exemption/exclusion of prohibition of an expansion of a non-conforming use or text amendment to the UDO reclassifying a car wash as a Permitted or Special Use within a Village Center Overlay. As detailed above, Autobell desperately needs additional space for its "finishing area" and employee parking. Assuming that Autobell's rezoning request is approved, Autobell would like to use Parcel #07114018 to create additional space for its "finishing area" and employee parking. However, such a use is not permitted under the current UDO because a non-conforming use is not permitted to expand in any way. In order to utilize Parcel #07114018 as its expanded "finishing area", Autobell requests that it be given an exemption/exclusion from the prohibition on the expansion of a non-conforming use or, alternatively, that the text of the UDO be amended to reclassify a car wash located in a Village Center Overlay as a Permitted or Special Use.

Autobell sincerely hopes that the Town of Indian Trail would give due consideration to the applications contained herein. Should the Town of Indian Trail have any questions regarding any of the information contained in the enclosed applications or in this letter, please do not hesitate to contact me at (704) 289-4577.

Yours truly,

HELMS ROBISON & LEE, P.A.



Stephen M. Bennett

/smb



# NORTH CAROLINA

## Department of The Secretary of State

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To all whom these presents shall come, Greetings:

I, **ELAINE F. MARSHALL**, Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached to be a true copy of

ARTICLES OF INCORPORATION  
OF  
AUTOBELL CAR WASH, INC.

the original of which is now on file and a matter of record in this office.



IN WITNESS WHEREOF, I have hereunto  
set my hand and affixed my official seal at the  
City of Raleigh, this 29th day of January, 2003

*Elaine F. Marshall*

Secretary of State

137167

FILED

ARTICLES OF INCORPORATION OF

SEP 3 9 46 AM 1968 AUTOBELL CAR WASH, INC.

THAD EURE  
SECRETARY OF STATE  
NORTH CAROLINA

Witnessed, being natural persons of the age of Twenty-one (21) years or more, do hereby associate ourselves into a business corporation under the laws of the State of North Carolina, as contained in Chapter 55 of the General Statutes of North Carolina, entitled "Business Corporation Act," and the several amendments thereto, and to that end hereby set forth:

ARTICLE I

The name of the corporation shall be Autobell Car Wash, Inc.

ARTICLE II

The period of duration of the corporation shall be perpetual.

ARTICLE III

The purposes for which this corporation is organized are:

1. To engage in the construction, installation, sale, purchase, leasing, maintenance, and franchising of a car-washing business. To buy, sell, maintain, repair, operate, lease, and franchise facilities for the washing, waxing, cleaning, or servicing in any nature or manner automobiles, trucks, and vehicles of any and every type, description or form.
2. To engage in any other lawful activity including, but not limited to, constructing, manufacturing, or otherwise producing and repairing, servicing, storing, or otherwise caring for any type of structure, commodity, or livestock whatsoever; buying, leasing, processing, selling, brokering, or distributing any type of property whether real or personal; extracting and processing natural resources; transporting freight and passengers by land, sea or air; collecting and disseminating information or advertisement through any medium whatsoever; performing personal services of any nature; and entering into or serving any type of management or investigative, advisory, promotional, protective, insurance, guarantyship, suretyship, fiduciary or representative capacity or relationship for any person, persons or corporations whomsoever.
3. The purposes enumerated above shall be construed liberally in respect to all items; specifically, the purposes enumerated above are to be construed

in their broadest possible sense and it is not intended, nor shall it be so construed, as to limit the corporation to these purposes but the corporation shall have as a purpose to engage in any activity not in conflict with the laws of this State.

ARTICLE IV

The aggregate number of shares which the corporation shall have authority to issue is Ten Thousand (10,000) shares which shall be of one common class and of Ten Dollars (\$10.00) par value each.

ARTICLE V

The minimum amount of consideration which the corporation shall commence business with is Five Hundred Dollars (\$500.00).

ARTICLE VI

There shall be no limitation of the shareholders' pre-emptive right to acquire additional shares of the corporation.

ARTICLE VII

The address of the initial registered office of the corporation is 812 Atando Avenue, Charlotte, Mecklenburg County, North Carolina, and the name of the initial registered agent is Fred H. Shivadecker.

ARTICLE VIII

The number of Directors of the corporation shall be fixed from time to time as prescribed by the By-laws but shall not be less than three (3).

The number of Directors constituting the initial Board of Directors shall be four (4); the names and addresses of the persons who are to serve as Directors until the first meeting of the shareholders or until their successors are elected and qualified are:

<u>NAMES</u>	<u>ADDRESSES</u>
Fred H. Shivadecker	4146 Sheradon Drive, Charlotte, Mecklenburg County, North Carolina
Charles Andrew Howard	7910 East Lane Drive, Charlotte, Mecklenburg County, North Carolina
James Ray Costin	2830 Belvedere Avenue, Charlotte, Mecklenburg County, North Carolina
Robert J. MacNaughton	3121 Airlie Street, Charlotte, Mecklenburg County, North Carolina

ARTICLE IX

The names and addresses of all the incorporators are:

<u>NAMES</u>	<u>ADDRESSES</u>
Fred H. Shivadecker	4146 Sheradon Drive, Charlotte, Mecklenburg County, North Carolina
Charles Andrew Howard	7910 East Lane Drive, Charlotte, Mecklenburg County, North Carolina
James Ray Costin	2830 Belvedere Avenue, Charlotte, Mecklenburg County, North Carolina
Robert J. MacNaughton	3121 Airlie Street, Charlotte, Mecklenburg County, North Carolina

IN TESTIMONY WHEREOF, we have hereunto set our hands and seals, this the 30<sup>th</sup> day of August, 1968, A.D.

Fred H. Shivadecker (SEAL)  
Charles A. Howard (SEAL)  
Robert J. MacNaughton (SEAL)  
J. R. Costin (SEAL)

STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG

This is to certify that on this the \_\_\_ day of August, 1968, before me, a Notary Public, personally appeared Fred A. Shivadecker, Charles A. Howard, James Ray Costin, and Robert J. MacNaughton, who I am satisfied are the persons named in and who executed the foregoing Articles of Incorporation of Autobell Car Wash, Inc., and I having first made known to them the contents thereof, they did each acknowledge that they signed, sealed and delivered the same as their voluntary act and deed for the purposes and uses therein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, this the 30<sup>th</sup> day of August, 1968.

Alice M. Mitchell  
Notary Public

My Commission Expires: 1-31-69

**ATTACHMENT 2: DRAFT ORDINANCE**

STATE OF NORTH CAROLINA)

ORDINANCE #

)  
TOWN OF INDIAN TRAIL )

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF INDIAN TRAIL REZONING PARCEL 07-114-018 LOCATED ON OLD MONROE ROAD SOUTH OF WAXHAW-INDIAN TRAIL ROAD FROM SINGLE-FAMILY RESIDENTIAL DESIGNATION (SF-1), WITHIN THE VILLAGE CENTER OVERLAY TO GENERAL BUSINESS DISTRICT (GBD), WITHIN THE VILLAGE CENTER OVERLAY IN THE TOWN OF INDIAN TRAIL, UNION COUNTY, NORTH CAROLINA**

WHEREAS, this Zoning Map Amendment (ZM2016-002) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, a community meeting was held on October 7, 2016 to discuss this zoning map amendment and no public comments were received; and

WHEREAS, a public meeting was held by the Planning Board on October \_\_\_, 2016 to consider this zoning map amendment; and

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

***Economic Development Goals #1 and 6:** The proposed amendment helps create a more balanced tax base and promotes a diverse local economy by allowing business growth and expansion in the appropriate commercial area within the Town.*

WHEREAS, the Planning Board further found this zoning reclassification zoning reclassification is a reasonable request and is in the public interest because it promotes business expansion and growth within an area of the Town that is compatible with surrounding uses; and

WHEREAS, after making the required findings, the Planning Board voted \_\_\_ to transmit a recommendation to **approve/deny** to the Town Council; and

WHEREAS, the Town Council held a public hearing on November \_\_\_, 2016 to consider said request and recommendation of **approval/denial** from the Planning Board; and

WHEREAS, the Town Council made the required findings.

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

**Section 1** – Makes the required findings as stated herein; and

**Section 2** - Approves ZM 2016-002 Zoning Petition thereby granting the Zoning Map amendment to establish a General Business District (GBD), within the Village Center Overlay zoning designation on parcel **07-114-018**.

**Section 3** – This ordinance shall be effective immediately upon adoption.

**AND IT IS SO ORDAINED** this            day of November, 2016.

**TOWN OF INDIAN TRAIL COUNCIL**

Attest:

\_\_\_\_\_  
Kelley Southward, Town Clerk

\_\_\_\_\_  
Michael L. Alvarez, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
TOWN ATTORNEY