



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

## Zoning Map Amendment Staff Report

<b>Case: ZM 2016-001 and CPA2016-003</b>		
<b>Reference Name</b>	Rail Distribution	
<b>Request</b>	Proposed Zoning	Light Industrial (LI)
	Proposed Use	Rail Distribution
<b>Existing Site Characteristics</b>	Existing Zoning	Regional Business District (RBD)
	Existing Use	Former chemical distribution center & currently vacant
	Site Acreage	5.82
<b>Applicant</b>	Richard Roskind	
<b>Submittal Date</b>	8/11/16	
<b>Location</b>	Northwest quadrant of Wesley Chapel Stouts Road and CSX Railroad	
<b>Tax Map Numbers</b>	07069122 (2.26 acres) & 07069122A (3.56 acres)	
<b>Plan Consistency</b>	Town of Indian Trail Comp. Plan	Mixed Use
		Inconsistent with Request, requiring an amendment to the Comprehensive Plan
<b>Recommendations &amp; Comments</b>	Planning Staff	Recommends Approval for Light Industrial Zoning

### Project Summary

To rezone two parcels totaling 5.82 acres located on Wesley Chapel Stouts Road from Regional Business District to Light Industrial. The properties are owned by Herbert Roskind Jr and are located at the northwest quadrant of Wesley Chapel Stouts Road and the CSX Railroad. Any potential future development of the vacant property will be reviewed as part of the Town Site Plan review process and associated outside agency processes. The Light Industrial zoning district is needed to market the property for potential industrial uses.

This Zoning Map Amendment is inconsistent with the Comprehensive Plan's Future Land Use Map, requiring a Comprehensive Plan Amendment. The Future Land Use Map designates these parcels as Mixed Use. The Comprehensive Plan Amendment is proposing to designate the parcels as Industrial.

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

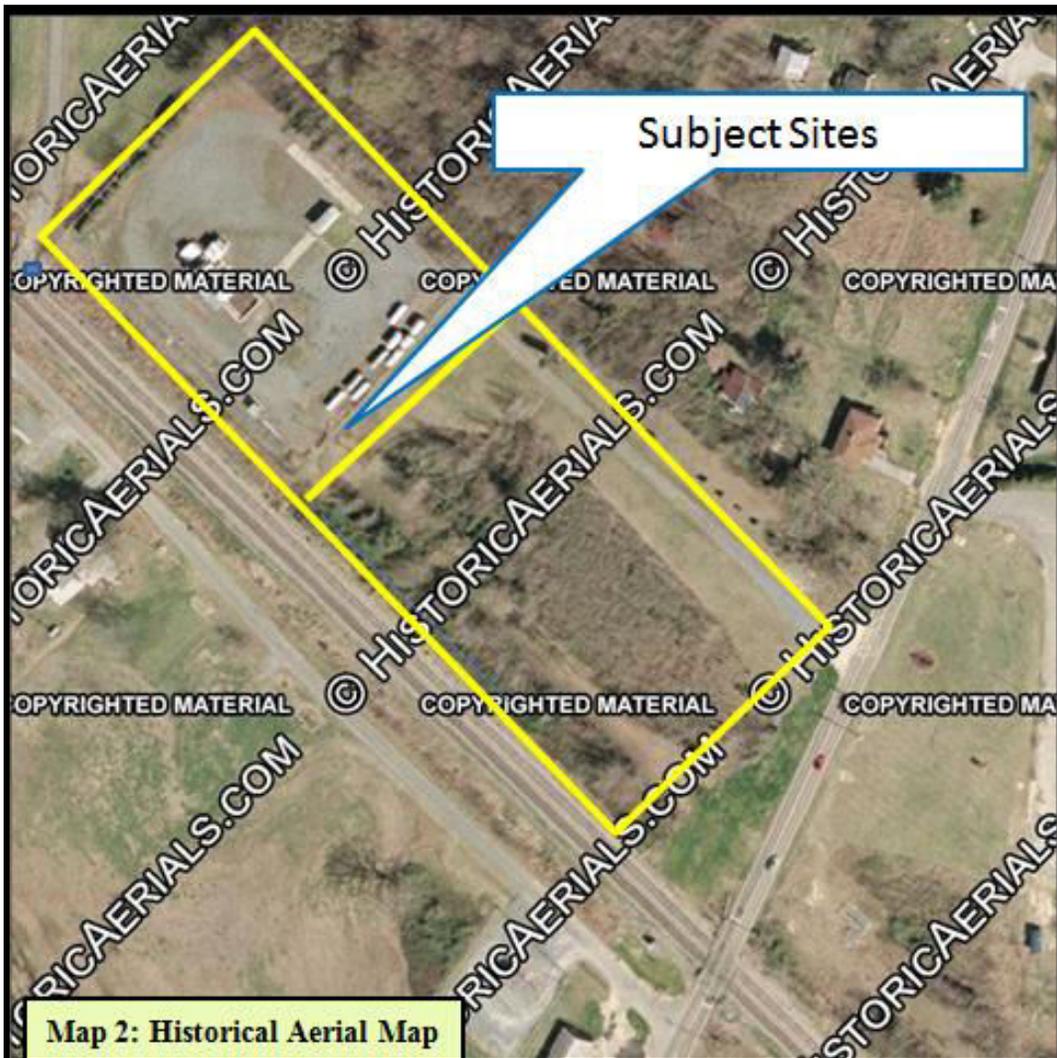
### General Information

The subject properties proposed for rezoning comprise approximately of 5.82 acres.

As reflected in Map 1 below, the subject properties are adjacent to residential uses to the north, an industrial use located across Wesley Chapel Stouts Road to the east, the railroad and a mixture of residential and vacant commercial uses to the south along Orr Road, and vacant property to the adjacent west. The single-family residences along Wesley Chapel Stouts Road and Orr Road are nonconformities, as they are residential uses located in nonresidential zoning districts.



From a historical perspective, aerial photography from 2002 (Map 2 below) reflects the northernmost parcel once being an active use for chemical storage. The photo depicts several storage tanks on the property. Many of these tanks have been removed from the site.



Map 2: Historical Aerial Map

## Zoning Information

The subject properties are currently zoned Regional Business District (RBD), which is a nonresidential zoning district with direct access to thoroughfares. This application proposes to rezone this property to Light Industrial District (LI). The Light Industrial District is established to provide regulations for the development of areas generally devoted to light manufacturing, processing and assembly uses. Warehousing, distribution and servicing enterprises and office and ancillary service activities controlled by performance standards to limit the effect of such uses on uses within the district and on adjacent districts.

Map 3 below provides the zoning district information in the project area. The existing zoning in the subject properties area is generally consistent with the previously noted existing conditions map. Regional Business District (RBD) is adjacent to the subject sites to the northwest, north, east and also across Wesley Chapel Stouts Road to the southeast. There are several parcels to the southwest across the railroad along Orr Road zoned Light Industrial (L-I).

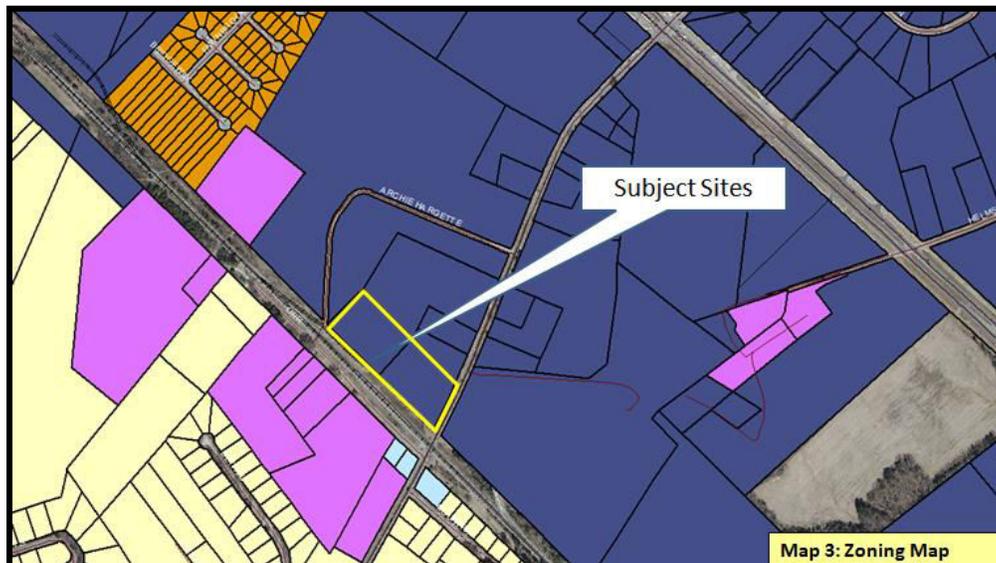


Table 1 below provides a comparison of dimensional requirements between the existing Regional Business District and proposed Light Industrial. The proposed L-I has the larger dimensional/separation requirements between the existing zoning classifications.

**TABLE 1: DIMENSIONAL REQUIREMENT COMPARISON**

	<b>Regional Business District (RBD)</b>	<b>Light Industrial District (L-I)</b>
Lot Width	60-ft	100-ft
Front Setback	40-ft; 20-ft if parking is located behind the building	50-ft
Rear Setback	20-ft	50-ft
Side Yard	10-ft not abutting residential 15-ft abutting a residential district	20-ft not abutting a residential district 25-ft abutting a residential district

### **Recent Planning Initiatives**

The subject properties being considered for rezoning historically has had industrial zoning. In 2008 the property was designated Regional Business District (RBD), a zoning classification with the adoption of the 2008 Comprehensive Plan. The zoning district with the prior 2005 Comprehensive Plan was Heavy Commercial (HC). The Future Land Use category with that Comprehensive Plan was Railroad. The proposed rezoning would correctly place these properties in a zoning district consistent with the operations of the former use. There are industrial uses and industrial zoning in this area, adjacent to the CSX Railroad.

### **Community Meeting**

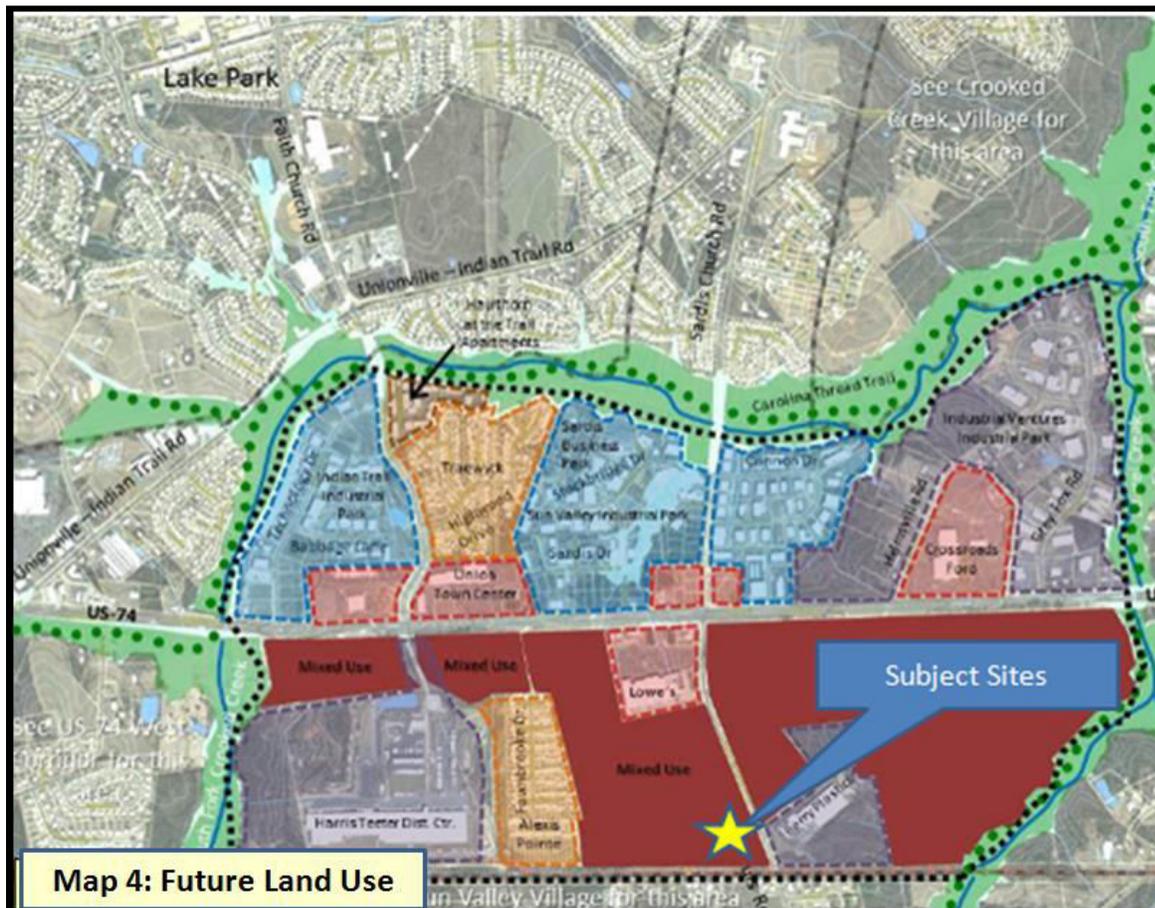
Town staff facilitated a community meeting on October 6, 2016 from 6-8 p.m. at the Indian Trail Civic Building. No attendees were present.

## Plan Consistency

### *Comprehensive Plan*

The subject properties are located within the US-74 East Corridor Plan of the Comprehensive Plan (Map 4 below). The Future Land Use Map designates these parcels as Mixed Use and the current zoning, Regional Business District, is consistent with the plan. The proposed Zoning Map Amendment to Light Industrial is an Industrial category on the Future Land Use Map, which is inconsistent with the Future Land Use Map.

This Zoning Map Amendment requires a Comprehensive Plan Amendment. The Comprehensive Plan Amendment would be designating these parcels as Industrial instead of Mixed Use. It should be noted that in the 2005 Comprehensive Plan, The Future Land Use Map classified these parcels as Railroad, which was an industrial classification. The 2008 Comprehensive Plan designated the zoning on the property as Regional Business District, a new zoning district with that Comprehensive Plan. The Future Land Use Map classification was Mixed Use. If the Comprehensive Plan Amendment is approved to Industrial, the Zoning Map Amendment would be consistent with the Comprehensive Plan.



## Action Required

The Planning Board must make findings prior to motioning for recommendation. The findings must be made that the proposed amendment is both reasonable and consistent with the Comprehensive Plan. Staff is of the opinion the following goal can be found:

***Land Use and Housing Goal 6:*** The rezoning of the subject properties to Light Industrial will allow uses not permitted in the Regional Business District. The former use on site would not be allowed under the existing zoning. Manufacturing, production, and freight movement are permitted uses in the Light Industrial zoning district. The rezoning to a zoning district that is more suitable within the existing area will provide more opportunity for investment in the community.

***Economic Development Goal 2:*** One of the parcels had a former business which would be a nonconforming use if operating today. In talking with the applicant and discussing options such as rezoning, the rezoning to Light Industrial will allow the property to be marketed for uses more suitable for the area which would not be permitted under the current zoning .

The request for this zoning reclassification is a reasonable request and is in the public interest because it promotes the goals of the adopted Indian Trail Comprehensive Plan in the areas of *Land Use and Housing and Economic Development* and is consistent with the adopted plans within the Town of Indian Trail.

## Recommendation

Planning Staff believes that the findings can be made to support the Comprehensive Plan Amendment. With staff recommending approval of the Comprehensive Plan Amendment, staff supports the petition requesting a rezone to a Light Industrial because it is consistent with the Comprehensive Plan.

### Staff Contact:

**Meade Bradshaw III**

704 821-5401

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

### Attachments:

Attachment 1- Application



**ATTACHMENT ONE:  
APPLICATION**



R-000722  
Inv 29064

# ZONING MAP AMENDMENT APPLICATION



**PLANNING & NEIGHBORHOOD SERVICES**  
**PO Box 2430**  
**Indian Trail, NC 28079**  
**Telephone (704) 821-5401**  
**Fax (704) 821-9045**

**DEADLINE: THE FIRST DAY OF EACH MONTH**

**ONLY COMPLETE APPLICATIONS ACCEPTED**

Processing Fee: Less than 2 acres \$250, 2-10 acres \$600, >10 acres \$800  
Notification Fee \$2.50 per adjoining property owner

**\*TECHNOLOGY FEE, 10% OF APPLICABLE FEES, WILL BE APPLIED TO THE TOTAL FEE\***

## ZONING MAP AMENDMENT APPLICATION

## 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 3107 Wesley Chapel Strouts + 000 Wesley Chapel  
 City INDIAN TRAIL/MONROE State NC Zip 28110  
 Tax Parcel ID 07-064-122, 07-071-000 Designation INDUSTRIAL  
07-064-122A (Light)  
 Total Acres 5.827 Impervious Area \_\_\_\_\_  
 Project Description RAIL DISTRIBUTION

## Contact Information - Applicant

Contact Name ~~HERBERT~~ RICHARD ROSKIND  
 Company Name LEASE EVALUATIONS, INC  
 Address 4300 SHARON ROAD # 544  
 City CHARLOTTE State NC Zip 28211  
 Phone 704-905-6175 Fax 866-517-8523  
 Email RCROSKIND@AOL.COM

## Contact Information - Property Owner

Contact Name HERBERT ROSKIND, JR.  
 Company Name \_\_\_\_\_  
 Address 10629 E. DESERT WILLOW DR  
 City SCOTTSDALE State AZ Zip 85257  
 Phone 602-312-3322 Fax \_\_\_\_\_  
 Email HROSKIND@COX.NET



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of Los Angeles )

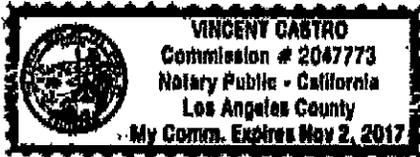
On 8/11/16 before me, Vincent Castro, Notary Public  
*Date Here Insert Name and Title of the Officer*

personally appeared HERBERT G. ROSKIND  
*Name(s) of Signer(s)*

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]  
*Signature of Notary Public*

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: ZONING MAP AMENDMENT Document Date: 8/11/16  
Number of Pages: 1 Signer(s) Other Than Named Above: N/A

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer is Representing: \_\_\_\_\_

**JURAT WITH AFFIANT STATEMENT**

State of Arizona } ss.  
County of Maricopa }

- See Attached Document (Notary to cross out lines 1-7 below)
- See Statement Below (Lines 1-7 to be completed only by document signer[s], not Notary)

1 \_\_\_\_\_  
 2 \_\_\_\_\_  
 3 \_\_\_\_\_  
 4 \_\_\_\_\_  
 5 \_\_\_\_\_  
 6 \_\_\_\_\_  
 7 \_\_\_\_\_

Signature of Document Signer No. 1 [Signature]      Signature of Document Signer No. 2 (if any) \_\_\_\_\_

Subscribed and sworn to (or affirmed) before me

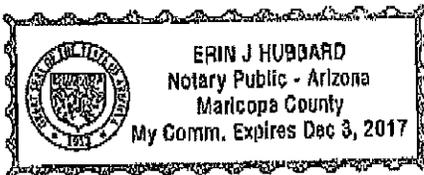
this 6<sup>th</sup> day of JUNE, 2016, by  
Date                      Month                      Year

Herbert G Roskind Jr  
Name of Signer No. 1

N/A  
Name of Signer No. 2 (if any)

[Signature]  
Signature of Notary Public

N/A  
Any Other Required Information  
(Residence, Expiration Date, etc.)



Place Notary Seal/Stamp Above

**OPTIONAL**

This section is required for notarizations performed in Arizona but is optional in other states. Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: Zoning Map Amendment Application

Document Date: 06/06/16      Number of Pages: 9

Signer(s) Other Than Named Above: N/A