



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

Planning Board Transmittal for the November 15, 2016 Town Council Public Hearing

Case: ZT2016-008			
Reference Name	Food Vendors		
Planning Board Meeting Date	October 18, 2016		
Members Present	Chair Jan Brown <input checked="" type="checkbox"/>	John Killman <input checked="" type="checkbox"/>	Samantha Towns <input checked="" type="checkbox"/>
	Vice Chair Dennis Gay <input checked="" type="checkbox"/>	Mike Head <input checked="" type="checkbox"/>	Sidney Sandy <input checked="" type="checkbox"/>
	Jayson Derosier <input checked="" type="checkbox"/>	Arthur Spurr <input type="checkbox"/> Alternate 1	Vacant <input type="checkbox"/> Alternate 2
	Vacant <input type="checkbox"/> Alternate 3		
Case Found Complete	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Motion	Recommend approval as conditioned to Town Council		
Member Making the Motion	Board Member Samantha Townes		
Second the Motion	Vice Chair Member Gay		
Vote	7 to 0		

Project Summary

This is a request to amend Chapter 440 of the Unified Development Ordinance (UDO) to update existing ordinances for temporary food vendors in town owned park properties.

Town Council Action: *Receive the Planning Board 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.*

Analysis/Overview

This request was initiated by the Town of Indian Trail Parks & Recreation Department in order to have food trucks on Town owned park property when the Town is hosting an event. A contract would have to be signed between the vendor and the Town.

Outline of Text Amendment

- **Chapter 440.020:** states that food vendors must be in conjunction with a local restaurant or non-profit sponsored event.

Planning Board Meeting

This request was heard by the Indian Trail Planning Board on October 18, 2016. The Board had questions regarding hours of operation. The entire meeting can be heard on [Granicus](#) and be reviewed in the attached Draft Planning Board Meeting Minutes (Town Council Attachment 3).

The Planning Board voted 7 to 0 to transmit a recommendation to approve as conditioned to the Town Council and made the following required findings: The project as conditioned is consistent with the goals of the Comprehensive Plan are satisfied as follows:

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:

- ***Quality of Life Goal #2:*** *This amendment shows support for our cultural amenities and our park system, which will bring more people to these locations*
- ***Parks, Recreation, Open Space, and Natural Environment Goal #1:*** *Allowing temporary food vendors to operate on Town properties under a business agreement will support diverse active and passive recreational opportunities that meet the needs of all Indian Trail residents.*
- ***Economic Development Goal#3:*** *Creating an opportunity for business to operate on property open to the public is fostering public-private partnerships, encouraging business development and investment within the town.*

2. The request for this Text Amendment is a reasonable request and is in the public interest because it supports the goals of the adopted Comprehensive Plan and includes elements that benefit the general public in the areas of Quality of Life; Parks and Recreation, Open Space, and Natural Environment; and Economic Development.

Meade Bradshaw III

704 821-5401

mbradshaw@planning.indiantrail.org

Attachment -1- Planning Board Report and PB Attachments

Attachment- 2 – Draft Ordinance

Attachment 3- PB Meeting Minutes

TC ATTACHMENT 1: Planning Board Report and PB Attachments



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 PLANNING AND NEIGHBORHOOD SERVICES

Zoning Text Amendment Staff Report

Case: ZT 2016-008 Food Vendors		
Reference Name	Amendment of UDO Chapter 440	
Applicant	Town of Indian Trail	
Submittal Date	October 3, 2016	
Location	Town-wide	
Tax Map Number	N/A	
Plan Consistency	Town of Indian Trail Comprehensive Plan	Consistent With Goals of the Adopted Comprehensive Plan
Recommendations & Comments	Planning Staff	Recommends Approval of Proposed Text Amendment.

Project Summary

This is a request to amend Chapter 440 of the Unified Development Ordinance (UDO) to update existing ordinances for temporary food vendors in town owned park properties.

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

Analysis/Overview

This request is initiated by the Town of Indian Trail to allow food vendors in the town parks and other town properties as long as the food vendor has a signed contract with the town. The UDO currently requires temporary food vendors to be in conjunction with a local restaurant or a nonprofit sponsored event. This amendment would allow a food vendor who is not in conjunction with a local restaurant or not associated with a nonprofit sponsored event to operate on Town of Indian Trail park property as long as a contract has been executed between the Town of Indian Trail and the food vendor.

Based on staff's findings, we offer the following modifications for the Board's consideration. For ease of reference, proposed new text is referenced in red/underlined font and deletions are referenced in ~~strikethrough~~ font.

Chapter 440. Types of Temporary Uses

440.020 Types of Temporary Uses

Examples of temporary non-residential uses include the following and are subject to the specific regulations of DIVISION 700, Supplementary Use Regulations:

A. Food vendors

1. Food vendors must be in conjunction with a local restaurant, ~~or a~~ non-profit sponsored event: or be operating under contract with the Town of Indian Trail on Town owned property.

Required Consistency Findings

The Planning Board is required to make two consistency 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 of the Comprehensive Plan:
 - **Quality of Life Goal #2:** This amendment shows support for our cultural amenities and our park system, which will bring more people to these locations.
 - **Parks and Recreation, Open Space, and Natural Environment Goal #1:** Allowing temporary food vendors to operate on Town properties under a business agreement will support diverse active and passive recreational opportunities that meet the needs of all Indian Trail residents.
 - **Economic Development #3:** Creating an opportunity for businesses to operate on property open to the public is fostering public-private partnerships, encouraging business development and investment within the town.
2. This UDO ordinance amendment is in the best interest of the public because it encourages the public to visit public facilities and creates opportunities for the private businesses.

Staff recommends that the Planning Board make the required consistency findings and recommend adoption of this UDO Text Amendment ZT2016-008 as presented.

Staff Contact:

Meade Bradshaw III

704-821-5401

mbradshaw@planning.indiantrail.org

Attachments:

Attachment 1: Application

UDO TEXT AMENDMENT APPLICATION



PLANNING & NEIGHBORHOOD SERVICES

130 Blythe Drive

PO Box 2430

Indian Trail, NC 28079

Telephone (704) 821-5401

Fax (704) 821-9045

ONLY COMPLETE APPLICATIONS ACCEPTED

Processing Fee \$500.00

A TECHNOLOGY FEE, 10% OF PROCESSING FEE, WILL BE APPLIED TO THE TOTAL FEE.

UDO TEXT AMENDMENT APPLICATION

Subject Section of the UDO:

Name Jason Tryon

Chapter: 440.020 (A)

Purpose: Update existing policies for food vendors in the parks

Contact Information – Applicant

Name **Jason Tryon**
Address **130 Blythe Dr**
City **Indian Trail** State **NC** Zip **28079**
Phone **704-821-8114** Fax **704-821-9045**
Email **Jtryon@Admin.indiantrail.org**

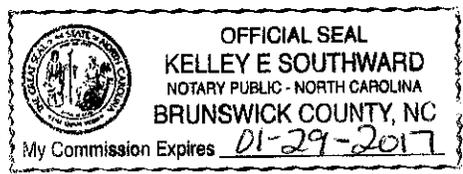
Applicant's Certification

Signature *Jason Tryon* Date 9/1/16

Printed Name/Title Jason Tryon

Signature of Notary Public *Kelley E Southward* Date 9/1/2016

Notary Seal



09-01-16 10:21:10

TOWN OF INDIAN TRAIL OFFICE USE ONLY

CASE NUMBER: 272016-008

DATE RECEIVED: 9/1/16

AMOUNT OF FEE: N/A

RECEIVED BY: M.B.

RECEIPT #: _____

NOW THEREFORE, BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL,
NORTH CAROLINA HEREBY TAKES THE FOLLOWING ACTION:

Section 1 – UDO CHAPTER 440 is hereby Approved as shown in TC Attachment 2;

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

SO ORDAINED THIS DAY OF , 2016. THE TOWN COUNCIL OF INDIAN TRAIL

By _____ Honorable Michael L. Alvarez, Mayor

Attest:

Kelley Southward, Town Clerk

APPROVED AS TO FORM:

TOWN ATTORNEY

TC ATTACHMENT 3: PB DRAFT MEETING MINUTES

Town of Indian Trail



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PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT PLANNING BOARD MINUTES

October 18, 2016
6:30 P.M.

CALL TO ORDER

The meeting was called to order by Chair Jan Brown

ROLL CALL

The following members of the governing body were present:

Board Members: Jan Brown, Sidney Sandy, Samantha Towns, Dennis Gay, Jayson Derosier, John Killman, and Mike Head.

Members Present but not Voting: Arthur Spurr.

Absent: Jorge Aponte, Joseph Lytch.

Staff Members: Rox Burhans-Planning Director, Gretchen Coperine- Senior Planner, Meade Bradshaw-Senior Planner, and Pam Good- Board Secretary

APPROVAL OF MINUTES- SEPTEMBER 20, 2016

Motion to approve as written by Member Derosier, seconded by Member Gay. Vote to approve was unanimous.

PUBLIC ITEMS

a) ZM2016-001 and CPA2016-003 Rail Distribution- This is a Zoning Map Amendment to rezone to Light Industrial (L-I). The parcels included are parcel numbers 07069122A and 07069122, totaling approximately 5.82 acres. The parcels are located on the west side of Wesley Chapel Stouts Road. Applicant: Richard Roskind.

The case was presented by Senior Planner Meade Bradshaw. He began his presentation with an overview of the project. He then spoke about the existing zoning in the subject properties area which 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).

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

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 currently 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.

Staff is of the opinion the following goals 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. 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.

Opened Public Comment.

Applicant Richard Roskind, of 4300 Sharon Rd #544 Charlotte, NC addressed the board and gave some brief statements to the board regarding the property. He is a brother to the owner of the property.

Closed Public Comment.

Motion to approved ZM2016-001 by Member Gay, seconded by Member Towns. Vote to approve was unanimous.

- b) **ZT2016-008- Food Vendors** A request to amend Chapter 440 of the Unified Development Ordinance (UDO) to update existing ordinances for temporary food vendors in town-owned park properties. Applicant: Town of Indian Trail.

The case was presented by Senior Planner Meade Bradshaw.

Analysis/Overview

This request is initiated by the Town of Indian Trail to allow food vendors in the town parks and other town properties as long as the food vendor has a signed contract with the town. The UDO currently requires temporary food vendors to be in conjunction with a local restaurant or a nonprofit sponsored event. This amendment would allow a food vendor who is not in conjunction with a local restaurant or not associated with a nonprofit sponsored event to operate on Town of Indian Trail park property as long as a contract has been executed between the Town of Indian Trail and the food vendor.

Based on staff's findings, staff offers the following modifications for the Board's consideration. For ease of reference, proposed new text is referenced in red/underlined font and deletions are referenced in ~~strike through~~ font.

Chapter 440. Types of Temporary Uses

440.20 Types of Temporary Uses

Examples of temporary non-residential uses include the following and are subject to the specific regulations of DIVISION 700, Supplementary Use Regulations:

A. Food vendors

1. Food vendors must be in conjunction with a local restaurant, ~~or a non-profit sponsored event-~~ or be operating under contract with the Town of Indian Trail on Town owned property.

Required Consistency Findings

Staff Bradshaw read the following required consistency findings into the record.

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
 - **Quality of Life Goal #2:** This amendment shows support for our cultural amenities and our park system, which will bring more people to these locations.
 - **Parks and Recreation, Open Space, and Natural Environment Goal #1:** Allowing temporary food vendors to operate on Town properties under a business agreement will support diverse active and passive recreational opportunities that meet the needs of all Indian Trail residents.
 - **Economic Development #3:** Creating an opportunity for businesses to operate on property open to the public is fostering public-private partnerships, encouraging business development and investment within the town.
2. This UDO ordinance amendment is in the best interest of the public because it encourages the public to visit public facilities and creates opportunities for the private businesses.

Staff recommended that the Planning Board make the required consistency findings and recommend adoption of this UDO Text Amendment ZT2016-008 as presented.

Opened Public Comment.

Staff Hayden Kramer from Indian Trail Parks and Recreation Department, stepped forward to answer questions.

Chair Brown asked if there is a limit to the hours of operation. Staff Kramer answered that when the town hosts special events, vendors would only be allowed to sell items during the special event hours. An advantage of this change would

be that the vendors would need to show town staff documentation of their health inspection, insurance, menu, and pictures of their vehicle.

Member Towns asked if there will be enough receptacles to be able to handle trash at each event with extra vendors. Staff Kramer answered that permanent and portable receptacles are provided at the events.

Member Sandy asked what is considered town property. Staff Kramer answered that Town Property to be used for event would be the parks. The town receives 20 % of all gross sales for the day.

Closed public comment.

Motion to approve ZT2016-008 and the consistency findings as read into the record, by Member Towns, seconded by Member Gay. Vote to approve was unanimous.

c) **ZT2016-009 Car Wash within VCO** This is a request to amend Chapter 520 new Chapter 7220 to the Unified Development Ordinance (UDO) to allow the expansion of existing car wash uses within the Old Monroe Village Center Overlay only. Applicant: Charles A Howard II.

The case was presented by Senior Planner Gretchen Coperine.

Analysis/Overview

This request was initiated by Charles A. Howard, II of Auto Bell Car Wash in order to permit the expansion of existing car wash uses within the Old Monroe Village Center Overlay in the Town of Indian Trail. The intent from Auto Bell Car Wash is to combine the existing Auto Bell Car Wash parcel (parcel 07114018A) with the property directly to the north being rezoned under ZM2016-002 (parcel 07114018) in order to expand the site and accommodate a finishing area (i.e., hand drying and detailing).

Outline of Text Amendment

- **Chapter 520.020:** lists existing car wash uses within the Old Monroe Village Center Overlay as a permitted use.
- **Chapter 7220:** further clarifies that any existing permitted car wash use within the Old Monroe Village Center has full rights to expand and allows the combination of adjacent parcels of land for said expansion as long as all other sections of the UDO are met.

With regard to the proposed amendment, staff worked with the applicant to craft language that would make existing car wash uses a permitted use within the Old Monroe Village Center only. Under the current UDO, car washes are not permitted within any Village Center Overlay. The existing Autobell Car Wash use was permitted prior to the adoption of the UDO in December 2008. In order for Autobell to be able to expand, this text amendment is needed to give it full rights as a permitted use.

To date, there exist two (2) car wash uses within the Old Monroe village center overlay which have been in existence before any UDO requirements in our current code. See the table below. In this case, said uses become permitted uses with full rights to expand and rebuild in the case of a natural disaster. Below is a table of the two (2) parcels with existing car wash uses within the Old Monroe Village Center. Again, this amendment proposes language that legitimizes the uses below, as they have been in existence before UDO requirements were established.

Parcel	Current Use
07114018A	Car Wash use for Autobell Car Wash
07114073	Car Wash use for Exxon gas station at the corner of Indian Trail Road and Old Monroe Road

Required Consistency Findings

Staff read the following consistency findings into the record:

1. The proposed UDO 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.*
2. This UDO ordinance amendment 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 recommends that the Planning Board make the required consistency findings and recommend adoption of this UDO Text Amendment ZT2016-009 as presented.

Questions:

Steven Bennett of Helms, Robison and Lee in Monroe NC, attorney for the applicant, presented a power point presentation to the board regarding the project.

Chair Brown asked if the basic expansion will be for the detail of the cars. He also mentioned that he didn't believe Auto Bell was in competition with other car wash in the area as the other car wash is self-service except for one bay and there is no attendant. Conversely, Auto Bell is a full service car wash.

Member Derosier asked about the current traffic flow. Staff Coperine stated that if the project gets approved, the entrance would change so the traffic pattern would change.

Member Gay mentioned that the proposed text amendment does not open doors for new car washes, does it restrict trade? Staff Coperine answered that the amendment would remove the "non-conforming" portion of the ordinance. Staff Burhans reiterated that the amendment would not restrict any new car washes more than the present regulations currently allow or restrict. It would only affect existing car washes.

Member Towns asked if the property will tie into the road directly behind the property. Staff Coperine answered no and that the applicant is only trying to tie into the adjacent parcel. Mr. Bennett stated that there would likely be a new entrance but a site plan has not be submitted yet.

Motion to approve ZT2016-009 with consistency findings as read into the record by Member Derosier, seconded by Member Sandy. Vote to approve was unanimous.

d) ZM2016-002 Auto Bell Car Wash- 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.

This case was presented by Staff Coperine who began with an overview and background of the project. 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 Auto Bell 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.

Required Consistency Findings

Staff Coperine read the following required consistency findings into the record.

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

Opened Public Comments.

Closed Public Comments.

Questions

Chair Brown mentioned that the expansion in the finishing area would help with safety of the public . Member Derosier agreed.

Member Killman asked the single family home next door has been notified? Staff Coperine answered that all public within 500 feet have been notified. It was mentioned that the home is zoned General Business.

Motion to approve ZM2016-002 and the consistency findings as read into the record was by Member Towns, seconded by Member Gay. Vote to approve was unanimous.

Motion to reconsider agenda item #4a. by Member Derosier, seconded by Member Gay. Vote was unanimous in favor. Recommendation to approve **ZM2016-001 and CPA2016-003** with consistency findings as read into the record was made by Member Gay, seconded by Member Head. Vote was unanimous in favor.

OTHER BUSINESS

a) **Approval of 2017 meeting schedule.** Motion to approve draft schedule by Member Derosier, seconded Member Gay. Vote to approve was unanimous.

November 2016 meeting reschedule. Town Council needed November 15th for their meeting. Motion to move November Planning Board meeting to Thursday November 17 by Member Head, seconded by Member Killman. Vote to approve was unanimous.

PLANNING REPORT

Planning Report

- Public Meeting- Old Monroe widening. Series of detailed maps in hallway of town hall. Last day of comments is Nov 15th.
- Release of Solid Waste/Recycling proposal. Town Council asked to re-bid. Getting proposals back in January 2017.
- Staffing change- Planner Julia Zweifel is leaving her position in the Indian Trail Planning Department to take a position with the City of Charlotte.
- November is National Planning Month. Box City

ADJOURN

Motion to adjourn by Member Sandy, seconded by Member Gay. Vote was unanimous in favor. Meeting adjourned at 7:40pm

Chairman: _____

Date: _____

Secretary: _____