Stakeholder Interviews
March 21, 2018

Indian Trail Town Hall
3155 Matthews-Indian Trail Rd.
Indian Trail, NC 28079

Group 1 - Boards, Committees, and Neighborhoods

As most in attendance were unfamiliar with what a unified development ordinance (UDO) is meant to accomplish in the context of land use regulations and standards, Rox Burhans, Planning Director for the Town of Indian Trail, began the meeting by explaining what an ordinance is, what it is meant to accomplish, and explained ways in which this group might interact with it (e.g. accessory buildings, detention ponds, parking, etc.).

What concerns do you have about Indian Trail? What would you like to see changed or addressed in the UDO update?

- Neighborhood concerns are speeding and parking; Mostly parking on the street.
- There are concerns about schools and whether or not they will be able to handle the subdivision growth.
- Public parks, private parks, etc. should be required in new subdivisions.
- The ordinance's index, definitions, and table of contents should all be improved.
- There are concerns about pockets in the community that are sometimes enveloped by the municipal boundaries of Indian Trail, but choose not to be annexed and will build to county standards.
- A UDO should be easy to understand, add more graphics and/or images, and not leave room for interpretation.
- Setback requirements must be clear as most people don't even know that sort of requirement exists. Make sure there is cross-referencing as needed.
- Parking on one side only for streets should be considered. This requirement should depend on the cross-section.
- There needs to be clarity regarding permitted uses and animals is needed. The town needs to ensure those standards are clear for code enforcement officers who are tasked with enforcing the ordinance.
- The standards for pull behind trailers and the locations regarding where they need to be stored should be clearer. Code Enforcement staff has experienced some pushback from storing those trailers on the driveway, and parking on the front lawn is not allowed.
- The town needs to look at accessory structure regulations to include size limitations for accessory structures and accessory dwelling units.
- Take a look at having time limits on permits.
- It would be great if the town provided standards for lot grading in the Land Development Standards manual.
- The town should consider creating a cut sheet or executive summary for each section of the ordinance.

- Links to NCDOT and other related agencies should be provided.

Have you had issues with the usability with the UDO?

- No issues with the ordinance at all. The process is streamlined and the staff is small enough that it is easy to go through the development review process.

What have the individuals on the Town's technical committees seen in Indian Trail?

- It was stated that Indian Trail is a community with a uniquely high "no-rise" encroachment standard. The individual stated that the stricter a community is with these standards, the better. Indian Trail is unique in that it has steeper slopes that surrounding areas. Charlotte has a good example of a first page cut sheet that the town should consider adopting, as it is helpful to the development community.
- Indian Trail has a lot of special watershed districts and the requirements are robust. There are a lot of flooding and draining problems in Indian Trail because of the older infrastructure. The Stormwater Committee regularly addresses community concerns over drainage in older neighborhoods.
- Roadway cross-sections should be looked at along with lot width and setback requirements. Allowing alley loaded lots could eliminate street parking issues.
- There is a need to improve longevity and reduce maintenance for subdivision roads.

Questions from the stakeholder group to the consultants are listed below:

- Does this process address the condition of the streets?
  - Yes; it depends on the situation and if developers are improving the roadways based on UDO regulations, a TIA, etc.
- Does Indian Trail have a maximum size for accessory structures?
  - It does, and the consultant team will look at other ordinances to see how the allowances compare.
- Is there anything that you can do to regulate yard sales?
  - There are additional regulations that could be placed on yard sales, but the Town isn't sure if there should be additional regulations for things like parking and signage. This concern will be taken into consideration.
- Are open space requirements in the existing UDO sufficient?
  - Perhaps the regulations should shift toward active open space trails, etc. New communities across the size spectrum should probably require some sort of active areas such as basketball courts, tennis courts, etc.
- How does the UDO address if someone puts a group home in in a residential district?
  - Halfway houses and group homes are a protected land use type and are typically allowed in all residential districts. This project will make sure that they are regulated appropriately based on state statutes.
- What could we do with the middle yards in between houses? There are sometimes problems in the side yards between houses because that is where a lot of rainwater ends up.

- o Right now, those yards must have drainage away from the house. The UDO could create a detail for this.
- Can covenants be enforced through the ordinance?
  - o No, the town cannot enforce homeowners' association standards.

Group 2 - Business Community

What has your experience been like with developing and owning a business in Indian Trail? Are there sections of the UDO that inhibit/prohibit business growth?

- It has gotten much better, but I frequently hear about individuals' issues with the restrictions and requirements that must be met. Requirements such as surveying and engineering add thousands of dollars to the cost. One size does not fit all, and the standards found in the ordinance should reflect that. Sometimes the process isn't clear, and the town needs to ensure that standards are uniform and clear in the beginning. People complain about coming to the town and getting a permit. It took one individual a year to get the permits needed to expand a parking lot.
- As-built surveys are required for all additions.
- Some feel that the development process is too long and regulations are too extensive.
- The Planning Board is helpful and tries to work with people.
- There have been some issues with the state Department of Transportation over road widening. Also, there are sometimes issues with utilities and whose responsibility it is to widen or improve sidewalks. Communication between all parties should improve.
- One individual had an issue with the requirement of an Energy Recovery Ventilation system , however this may not be an issue that can be addressed with the UDO.
- Every step of the development process needs to be improved, including the website and issues with the third-party vendor that manages online plan submittals.
- People are more willing to go across town lines to county property to not have to deal with the regulations.
- The process for renting could be improved. A special use permit is often required a person to lease space. The individual must also hire a real estate appraiser to make sure that there isn't a loss of value to surrounding real estate.
- Some feel that Indian trail has a reputation for not being business friendly.
- Some feel it is hard to develop commercial property in Indian Trail because of the regulations in place.

What improvements/changes should be made to the UDO?

- The team should take a look at regulations and see if they are more restrictive than regulations found elsewhere in the state.
- The cost to develop should be addressed, as there is a lot of money tied up in the process with sidewalks and stormwater regulations. Infrastructure improvements can cost more that the property that you purchased.
- The downtown overlay district is too restrictive and should allow more land use types.

- Sign regulations should be addressed to ensure that anyone in a multi-tenant commercial development has the ability to advertise on the group sign.
- Address items in the ordinance that perhaps shouldn't be required. For instance, why should someone have to brick the sides of a commercial property because is adjacent to a single-family home when that home is zoned industrial and will eventually be demolished?
- Check on boilerplate-type legislation in the ordinance and see if the application of those regulations makes sense. For example, the town might require bike racks in industrial areas when there is no bike infrastructure in town.
- Need improved predictability in the process.
- See if the town requires too many special use permits compared to other municipalities.
- Improve town board training to ensure that the board members vote based off findings of fact and not opinion.
- The Planning Director should have the discretion to look at these regulations from a business perspective. Regulations were not created to be punitive, but in some cases seem to be.
- Town staff is having really been great to work with. Ultimately, these business owners want to simply run their business and do so with as little cost as possible.
- Requirements for development could be tiered based on the level of improvement.

Group 3 – Development Community

What are some examples of issues related to development or development standards that need to be addressed in this update?

- Front loading the parking for retail projects leads to the traffic stacking up on primary roadways and should be addressed (Sun Valley Commons was listed as an example). This requirement is particularly hard on restaurants. No matter how wide the right-of-way is, it will eventually be used and that will affect the parking at that location.
- Indian Trail needs more intensive land uses in the downtown corridor, Sun Valley corridor and others. There is a need to find a way to get apartments into these areas and to increase density of housing to attract retailers.
- Indian Trail needs a variety of housing types and density options.
- By-right zoning needs to be embraced and should consider eliminating conditions or special use permits. Stallings was cited as an example of a municipality that moved forward with by-right multi-family and removed height restrictions for commercial development. These things need to be by-right without Conditions or special use permits.
- Town of Indian Trail needs to petition Charlotte Area Transit to bring the proposed silver line to Indian Trail and should require complimentary infrastructure in anticipation of that.
- Ensure that town staff and boards are trained on regulations.
- Sometimes Indian Trail and Union County's regulations don't match. They need to compliment each other and not cause conflicts (i.e. street placement, infrastructure, etc.).
- Selected street trees from existing ordinance is sometimes asked to not be planted, so the town should update the preferred planting list.
- Need to update the planting list to a preferred list.
- Indian Trail requires a tree inventory; however, the ordinance is inconsistent as to what is required. Heritage tree definition is undefined so there is a need to identify the types of trees

that the town would like to be identified. A half-acre sample survey of trees should be enough without surveying the whole site. Tree surveys get costly and time consuming on very large tracts.

- Height limits on hotels and apartments should be addressed as they usually require 70 feet height. The ordinance needs to accommodate this market change and consider the elimination of a special use permit for hotels along any transportation corridor.
- Ensure that multi-family density meets market trends to allow for accompanying retail. Market standard seems to be around 20 units per acre.
- Residential setbacks are could be inconsistent with fire code and should be clear on whether the setback is based off the eaves or the side of the building face.
- The ordinance should match existing sight triangle requirements from NC Department of Transportation. There have been instances where trees have been removed after planting.

What has been your experience with development review under current development regulations?

- Some find Indian Trail easier to deal with than most other municipalities. A lot of surrounding municipalities gone to by-right zoning. This puts more pressure on the Technical Review Committee but it eliminates angst for the development community. This will lead to added clarity to the process.
- The addition of the Town Manager has been great for development regulations. His engineering background helps him to understand the issues that the development community experiences.
- Plat approval sometimes does not work as smoothly as it should and seems that Indian Trail and Union County are not on the same page. Oftentimes, one will get the first round of comments addressed and then receive additional comments that make it seem like another person was reviewing or that they are addressing items that the first reviewer missed.
- Parking requirements for multi-family projects are 50 percent stronger than the City of Charlotte. Height requirements in combination with required roof aesthetics can sometimes cause issues.
- There seems to be no typical review time, and developers need a set turnaround. This predictability is needed for timing and financing.
- Recommend a tiered pre-submittal meeting with set group of individuals required to attend based on the type of development (subdivision, commercial, etc.). The town does have pre-submittal meeting offering, however there is so set group that will be around the table for those meetings.
- The town should consider a bi-monthly Design Review Committee. Outside members (fire chief, public utilities) will ultimately experience time savings.

Group 4 - Contractors and Real Estate

What is one thing that works well (e.g. a standard, process, etc.) that works well in Indian Trail's UDO?

- Developers come in and ask realtors how receptive Indian Trail is to mixed-use, how predictable is the municipality, and what is the process like?
- The bypass will be completed in November and that will unlock the north side of town.

- The vision of areas of specific growth (specifically the Villages concept from the comprehensive plan) seems to work well.
- Overlay zoning also seems to work well as it promotes areas that aren't ready for development but have development potential due to that overlay.
- Pleased with how the growth is going on in Indian Trail.
- Most parcels seem to be zoned low density residential that aren't already developed.
- Developers would be willing to pay for an expedited review process.

Do you have any recommendations to improve the Town's UDO?

- Would like for the document to not be subject to subjectivity or based off the current political climate.
- It would be great to remove indecision on the part of planning board and increase flexibility with their decision making.
- Transportation impact analysis thresholds could be reviewed. Consultant team will need to do peer research.
- Consider adding a fast track rezoning process (Monroe has that option). Town staff is interested in speeding up the conditional rezoning process. (e.g. adding a few extra conditions to make sure that anything that would make people uneasy about the rezoning are addressed in the conditions).
- Don't add unnecessary regulation that would negatively impact investor return.
- Standards for signage potentially needs to be addressed. Temporary signage and banners certainly need to be addressed. The Town needs to strike the right balance between businesses needs and maintaining a certain community aesthetic. Pylon height needs to be addressed for areas that do not have direct road frontage.
- Need a good combination of a mix of land. Would love to see more industrial development here but the trend is toward higher density residential development. The town needs high density residential but also needs to ensure that it allows office parks and business developments.
- The ordinance should make it easy to find developmental standards such as setbacks and buildable area within each zoning district. Quickly finding setbacks, buildable area, etc. Consider adding an abstract that hits the high points of what the main users of the document needs to know. Perhaps these standards could be placed in a table?
- Expand on permitted uses tables for institutional and industrial development. Some uses that are only permitted through a special use permit; perhaps they could be a by-right use with some attached standards instead?

- If you aren't streamlined in your processes, then growth might go elsewhere.
- Indian Trail needs a competitive advantage.

Group 5 - Town Staff, Planning Staff from Surrounding Municipalities

Is there a member of town staff that distributes plans to appropriate parties?

- Yes, the Town has a digital permitting system. A staff member routes those plans for review. IT staff does have a review clock (approximately 10 days for comments), however, some agencies have differing review times that sometimes hold up the process.
- The online review process has been in place for approximately 1 year.

As there were individuals from surrounding municipalities, they briefly ran through their recent UDO initiatives and insights gained from the process.

Union County

Before they began their UDO rewrite, staff pretty much hated their ordinance. As it turned out, the ordinance wasn't bad, it was just out of place. For them, a simple reorganization helped a lot.

Matthews

Their rewrite was needed in part to be more customer friendly and eliminate the 'legalese'. Illustrations were added, and they also added a mixed-use zoning district. The council was used to hearing every case; now some processes go through staff review only and they have flexible design standards.

Monroe

They are currently going through an ordinance rewrite, but they too are looking to improve user-friendliness and inserting graphics. Less conditional districts have been requested and staff would instead like to work on improving standards for base zoning districts. They would also like to have an administrative manual with more technical information in it so that changes to some standards could be accomplished without the text amendment process.

Waxhaw

Currently in the middle of a rewrite. They, too, have lots of contradicting sections (like their landscaping standards). They have a need for an updated list of definitions (also LDSM). Downtown Waxhaw also has its own mini-ordinance that is like a form-based code.

NCDOT Comments

A representative spoke on the issue with requiring curb and gutter in some instances. The representative stated that there are some older roads that just aren't made for that design and there may be instances where curb and gutter simply aren't needed on some roads. Also made note that NCDOT enforces a more stringent requirement if a Town's requirements are more stringent than NCDOT.

Public Works

Public Works stated that they do have density issues in Indian Trail. The more density allowed with development means there is less room for utilities to be placed and worked on. Also stated that rear/alley loaded residential units make it hard for utilities to be placed as well.

Placement of utilities are now allowed to go under the sidewalk.

Fire

- Plantings and screenings need to be addressed, as sometimes required plantings meet ordinance requirements but inhibit the fire department's ability to get under a tree canopy (there should be no canopy trees under 13'6")
- Town staff and the fire department staff need to be on the same page for commercial change of uses (there may be instances where a use is allowed but the building isn't set up for that use based off fire code (perhaps sprinklers might be required, etc.)).
- The fire department would prefer that there be no parking on roadways, as fire engines need a lot of room to maneuver. Would also like to see the length of driveways addressed, as some driveways are so short a full-sized truck will encroach into the sidewalk and roadway. Driveways should be able to accommodate vehicles to get them off the sides of residential streets. On-street parking stalls need to be the standard if parking is to be allowed on streets.
- The town needs a standard for cul-de-sac design to ensure that fire engines have enough room to turn around.
- Multiple entrances are needed for subdivisions.
- A property's need for security lighting sometimes don't work with ordinance requirements and that should be addressed.
- There is a need to investigate how far homes should be separated in the event of a fire.
- It would be good for staff to have the flexibility to require temporary turnarounds for fire trucks for special events. Temporary use permitting process is working well with fire and police.
- As far as temporary uses are concerned, parking requirements need to match the use intensity.

Schools

- They deal with 14 to 15 zoning jurisdictions.
- The school system is in the loop about subdivisions and use that to plan for growth.
- Request to be contacted if wholesale changes are made to any UDO in Union County.

What else can Indian Trail learn from other jurisdictions?

- Some towns don't allow much as far as permitted uses and that puts a big strain on enforcement.
- Use tables are out of date.
- Sometimes large landscaped buffers are required and it would benefit the town greatly to internally ask what the purpose of those are and provide options for buffers based off surrounding land uses.
- Required building materials like brick is a good way to create a commercial aesthetic but the town needs to realize that quality construction can still come out of other materials following rhythm, articulation, and transparency standards.

Comments/recommendations from Indian Trail staff:

- Definitions and sign sections need to be addressed, as well as the allowance of accessory buildings.
- The town should review the tree save ordinance and the limitation on temporary signage.
- Conditional zoning is a great tool, but there are concerns internally as to how those conditions are tracked long-term.

- The town should consider more of a variety in building materials for commercial uses, clustering on smaller lots, and review buffer and setback requirements.
- The town needs a mixed-use district, as it seems that separating uses from each other increases traffic problems.
- The updated ordinance needs to strike the right balance that it is a bedroom community to Charlotte but also largely rural. Addressing the allowance for barnyard animals (chickens, bees, etc.) as well as allowing gravel drives in some instances would be beneficial.
- The updated ordinance should consider placing street sections in the Land Development Standards Manual.