



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

PLANNING AND NEIGHBORHOOD SERVICES

Planning Board Transmittal for the August 11, 2015 Town Council Public Hearing

Case: CZ 2015-002			
Reference Name	Bonterra Future Phases Conditional Zoning		
Planning Board Meeting Date	July 21, 2015		
Members Present	Chair Cowan <input checked="" type="checkbox"/>	Jan Brown <input checked="" type="checkbox"/>	Vice Chair Larry Miller <input type="checkbox"/>
	Cathi Higgins <input type="checkbox"/>	Kelly D' Onofrio <input type="checkbox"/>	Steve Long <input type="checkbox"/>
	Alan Rosenberg <input checked="" type="checkbox"/> (Present but not voting)	Jorge Aponte <input checked="" type="checkbox"/> Alternate 1	Shamir Ally <input checked="" type="checkbox"/> Alternate 2 Present not voting
	Sidney Sandy <input checked="" 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 Shamir Ally		
Second the Motion	Board member Jan Brown		
Vote	5 to 0; Board Member Alan Rosenberg recused himself		

Purpose of the Amendment: This is a request to reclassify two parcels totaling 33 acres from a low density single-family residential zoning district (SF-1) to a moderate to high density single-family residential zoning district (SF-5) with a conditional zoning district - Pre-existing Development -1 Planned Unit Development (PED-1/SF-5) SUP2001-005-CZ) Overlay **AND** to reflect changes to lot configuration, roadway design, architectural and setbacks along with other development requirements affecting parcels known as the northern tract. The intent of this request is to expand the existing conditional zoning overlay associated with Bonterra Village onto the two parcels totaling 33 acres in order to incorporate same within the development. In addition to the rezoning of said 33 acres, there are proposed changes to the existing Master Plan for the northern tract. The subject property is located on Faith Church Road, south of Indian Trail Fairview Road.

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.*

Proposed Development

The Bonterra Future Phases proposal contemplates the addition of 33 acres into Bonterra Village and modification of several elements in order to develop approximately 400 single-family homes within the future phases. The gross density for the overall Bonterra Village with the additional acreage and proposed development is approximately 2.7-units per acre, and is less than the original approved density of 3.1 units per acre.

The conceptual plan offers two (2) access points on Faith Church Road and the frontage will include curb/gutter, sidewalk, and trees. There will be a bridge which connects Phase 4 of Bonterra to the proposed community, as well as a roundabout at the center of the community to provide a direct connection from the bridge through the entrance/exit at Faith Church Road. Other feature of the concept plan include: increase lot sizes and setbacks from the original approved Master Plan, an amenity center with associated parking and additional on-street parking, a natural walking trail around the community, as well as pockets of open space.

The conceptual site plan is provided below and within attachment 1 of this report.

CONCEPTUAL SITE PLAN



Planning Board Meeting

This request was heard by the Indian Trail Planning Board on July 21, 2015. There was no Board discussion or public comments other than the applicant's overview of the project at the meeting. The meeting can be heard on Granicus and be reviewed in the attached Draft PB Meeting Minutes (Attachment 3).

The Planning Board voted 5 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:

- *Land Use and Housing Goals #1, 2 and 5:* The proposed project promotes compatibility of land uses between neighboring properties and surrounding municipalities, provides a range of housing options, and proposes high quality design to promote attractive land development; and
- *Mobility and Transportation Goal #3:* The proposed development incorporates pedestrian amenities by way of a walking trail, providing pedestrian connectivity within the community.

The request for this conditional zoning district (PED-1/SF-5 – SUP2015-002-CZ) is a reasonable request and is in the public interest because supports the goals of the adopted Comprehensive Plan and includes elements that benefit the general public in the areas of transportation, land use and housing.

Town Council Action - Based on the transmittal, public testimony, and deliberations, the Council may take one of the following actions:

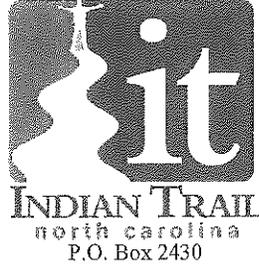
1. *Concur with the findings and transmittal of the Planning Board to approve; or*
2. *Concur with the findings and approve as modified by Council; or*
3. *Do not make the findings and disapprove the amendment.*

Gretchen Coperine
704 821-5401
gcoperine@planning.indiantrail.org

Attachment -1- Planning Board Report and Draft Minutes

Attachment- 2 – Draft Ordinance

Attachment 3- Draft PB Meeting Minutes



Indian Trail, North Carolina 28079
 PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

Conditional Zoning Staff Report

Case: CZ 2015-002			
Reference Name	Bonterra Future Phases		
Request	Proposed Zoning	CZ Single-family Residential (SF-5) with PED -1 Overlay District	
	Proposed Uses	Single-Family Residential	
Existing Site Characteristics	Existing Zoning	Single-Family Residential (SF-1)	
	Existing Use	Vacant	
	Site Acreage	Approximately 33 new acres	
*Note:	The northern tract (already existing in the Bonterra Master Plan with a zoning designation of SF-5) is included in the analysis of this Conditional Zoning application as there are proposed changes to the existing Master Plan which affect this area		
Applicant	Eagle Engineering		
Submittal Date	April 15, 2015		
Location	Faith Church Road, south of Indian Trail Fairview Road		
Tax Map Number(s)	Rezoning: 07039034A and 07039034B and Modifying the conceptual plan for: 07042045A, 07042045B, 07042045, 07039036, 07039036A and a portion of 07021001		
Plan Consistency	Comprehensive Plan	Designation	North Fork Village
		Consistent with Request	Yes
Recommendations & Comments	Planning Staff	Recommends approval of a Conditional Zoning District	

Project Summary

This is a request to reclassify two parcels totaling 33 acres from a low density single-family residential zoning district (SF-1) to a moderate to high density single-family residential zoning district (SF-5) with a conditional zoning district - Pre-existing Development -1 Planned Unit Development (PED-1/SF-5) SUP2001-005-CZ) Overlay **AND** to reflect changes to lot configuration, roadway design, architectural and setbacks along with other development requirements affecting parcels known as the northern tract. The intent of this request is to expand the existing conditional zoning overlay associated with Bonterra Village onto the two parcels totaling 33 acres in order to incorporate same within the development. In addition to the rezoning of said 33 acres, there are proposed changes to the existing Master Plan for the northern tract. The subject property is located on Faith Church Road, south of Indian Trail Fairview Road. (See Attachment 1, Application and Aerial).

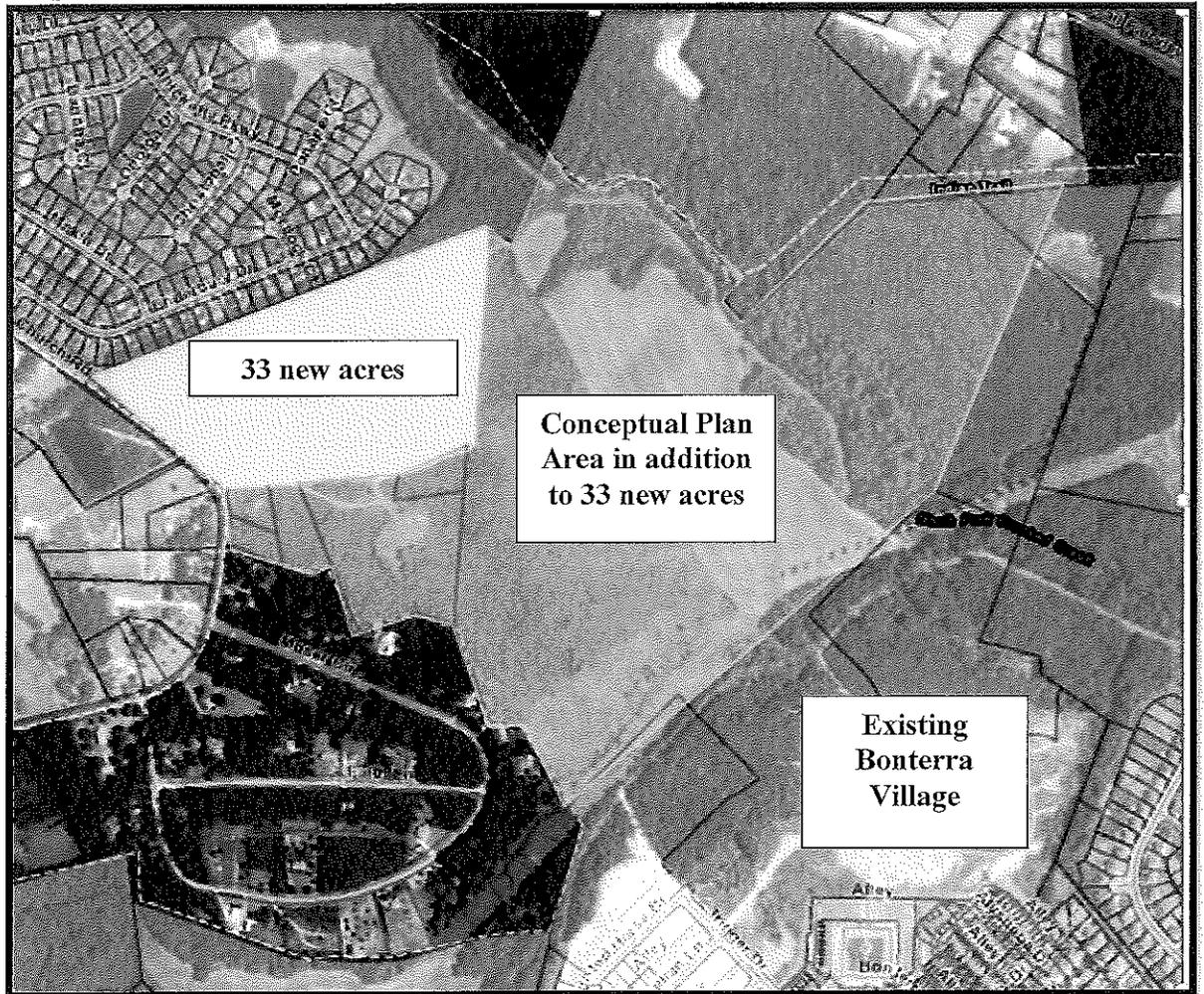
Staff Recommendation

Staff is of the opinion the necessary findings can be made to support this Conditional Zoning request.

Background

The subject new 33 acre parcels, also known as the Chase/Leighton property, were annexed into the Town of Indian Trail via Annexation 89, adopted March 12, 2002. See below Map 1: Location Map.

Map1: Location Map



Bonterra Village History

Bonterra was originally approved under SUP 2001-005 with a mix of residential and non-residential uses. (See Attachment 2, SUP 2001-005). With regard to the residential uses, the original approved total number of dwelling units is 1,395 on 449.89 acres (or a density of 3.1 dwelling units per acre). Bonterra is an equestrian themed planned community. In 2013 via Conditional Zoning application CZ2013-005, a one acre parcel was included within the Bonterra Village community. That parcel is located directly south of the proposed 33 new acres.

TOTAL	1315	
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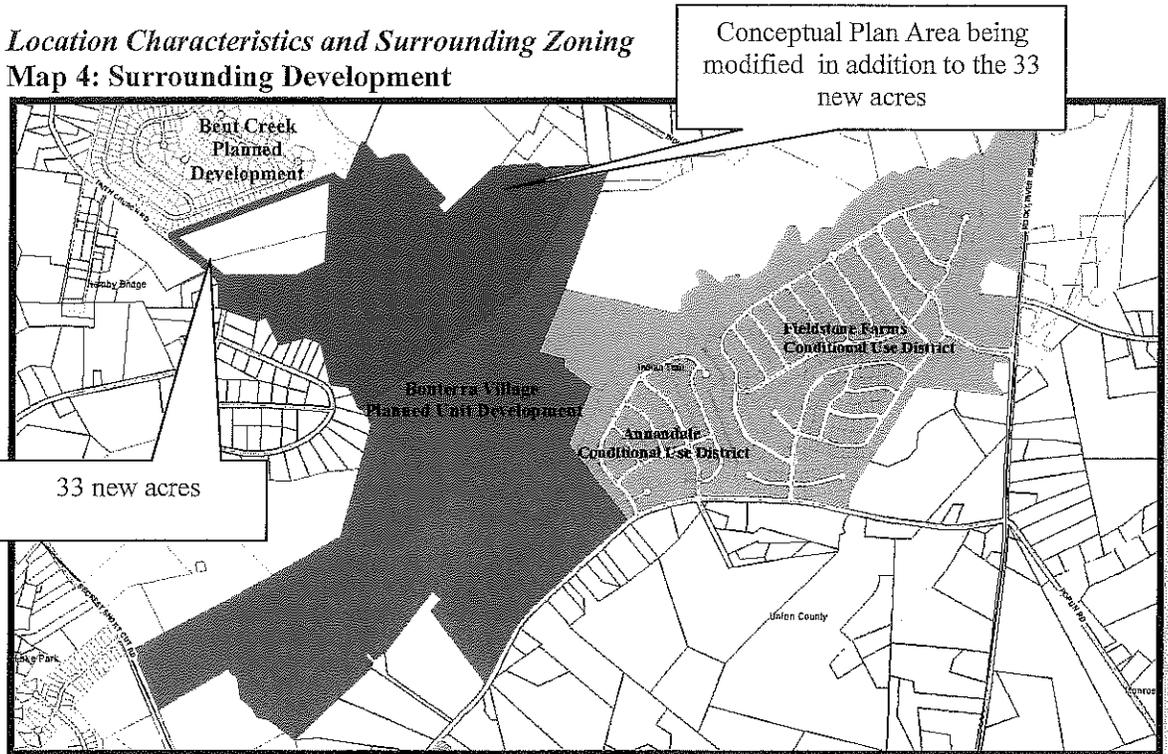
Staff Analysis

This modification request includes the incorporation of 33-additional acres into Bonterra that will reclassify (rezone) the new parcel's zoning from a low density single-family residential classification (SF-1) to a moderate to high single-family residential (SF-5) classification and apply the Pre-existing planned unit development zoning overlay associated with the Bonterra Village development (PED -1 SUP2001-005 CZ). The applicant is required to process this request through a Conditional Zoning application because of the newly added acreage. This rezoning also reconfigures the layout of the original master plan to incorporate the additional 33 acres and other related changes. See Attachment 4, Conceptual Plan.

Current Use and Zoning

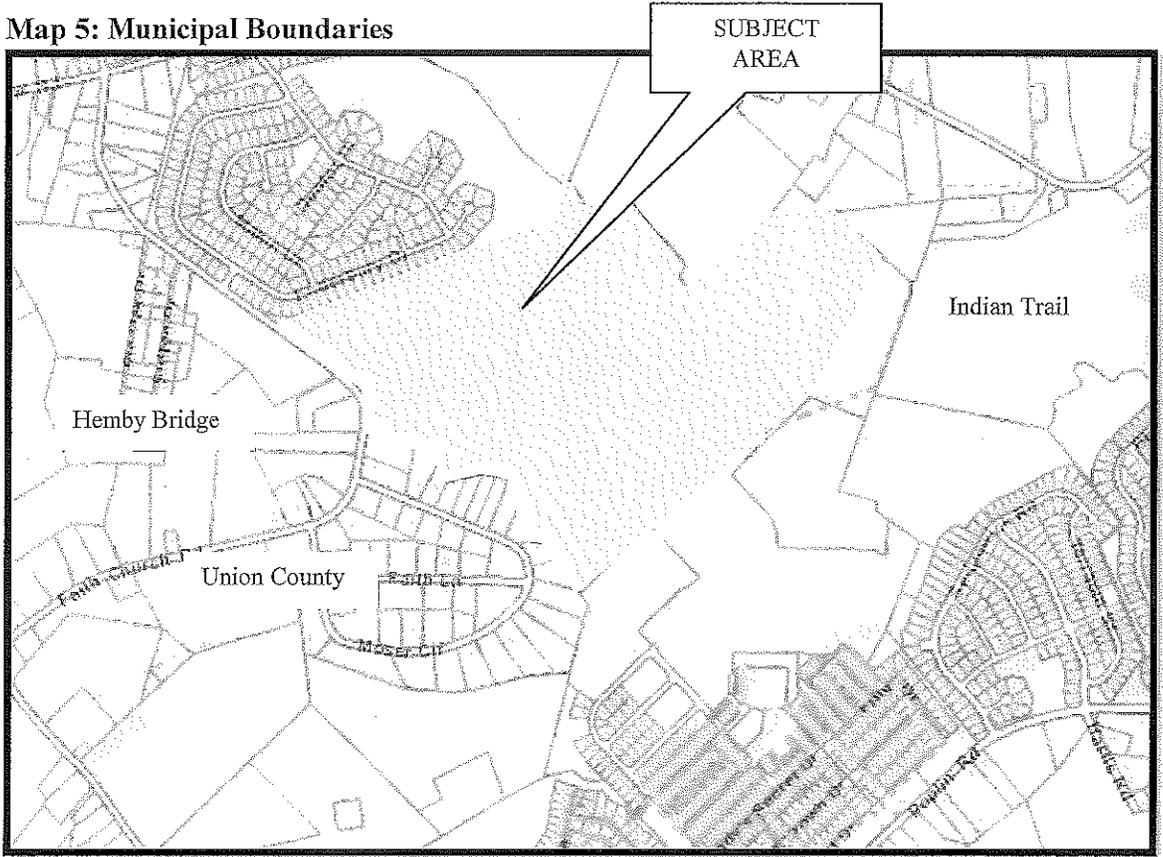
The subject property consists of two parcels which are located on Faith Church Road. The parcels are wooded and vacant. In addition to the new 33 acres, the area reflected in red in Map 4 below is being modified through the Conceptual Plan to provide overall consistency in development standards. The location map below identifies the subject property and other planned developments in the area. See below Map 4: Surrounding Development.

Location Characteristics and Surrounding Zoning
Map 4: Surrounding Development



The subject property is located within an area that is characterized by residential uses with varying densities and within multiple municipalities. Map 4 above illustrates the subject property is adjacent to the approved Bonterra Village planned unit development which was approved with an overall density of 3.1 dwelling units to the acre and varying lot sizes. Parcels located within the jurisdiction of Hemby Bridge, and the unincorporated areas of Union County, are rural in nature ranging in size from half acre lots to over 20 acres in size. (See Map 5 below). Those located within Indian Trail planned subdivisions such as Bent Creek have lots closer to quarter-acre in size. The proposed development is consistent with surrounding single-family residential development.

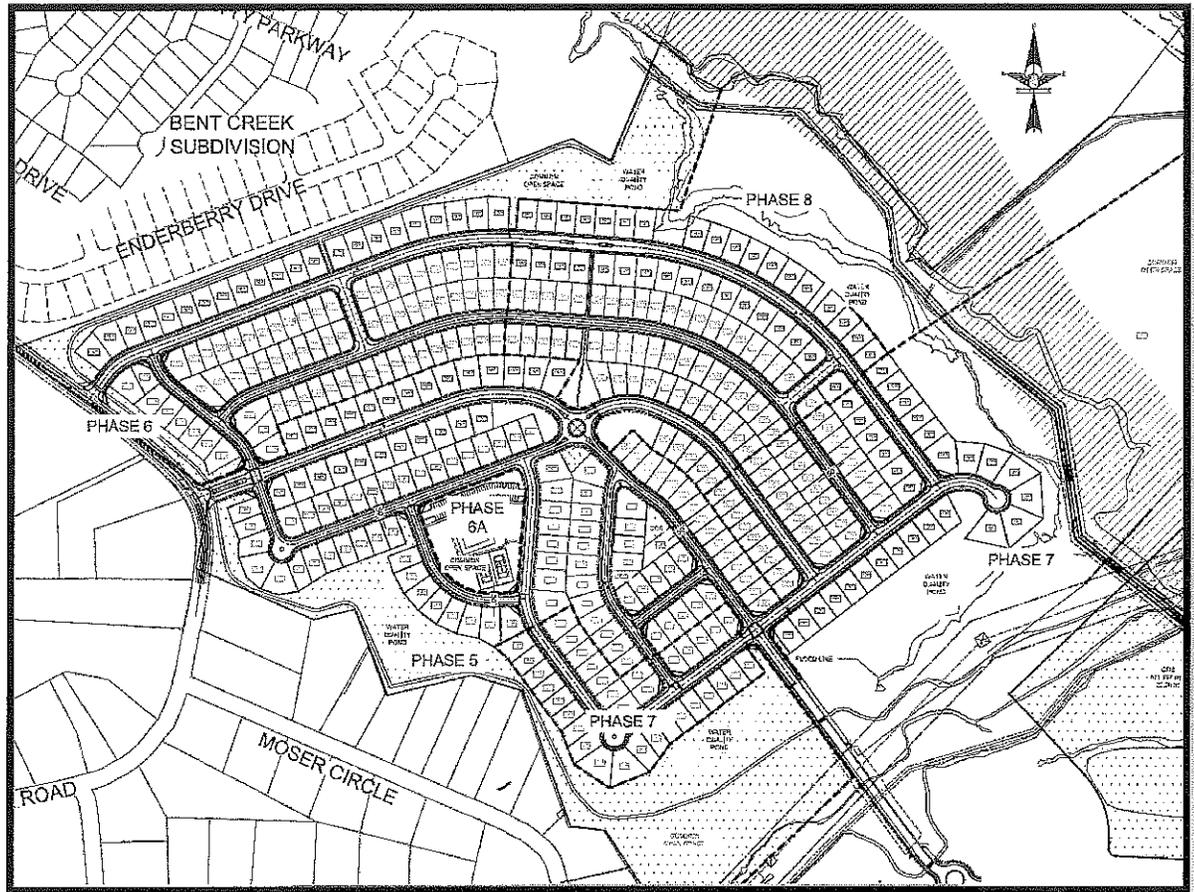
Map 5: Municipal Boundaries



Concept Plan

The Conceptual Plan (see below) reflects development of an approximately 400 home neighborhood with corresponding recreational amenities, and proposed road improvements to mitigate traffic impacts. The following will provide a brief overview of key elements of the Concept Plan.

Concept Plan



Site Layout: The Concept Plan contemplates lots with minimum widths reflecting 50 foot, 60 foot and 70 foot wide, several detention ponds, a natural walking trail, and an amenity area which includes a clubhouse, pool and associated parking area, as well as on-street parking in key locations. At the center of the Conceptual Plan is a roundabout, which will connect the bridge from Phase 4 and direct traffic onto the entrance/exit on Faith Church Road. The entrance road into the development will be shifted from its original alignment onto a portion of the subject property, to help address an existing sight distance issue associated with original road alignment at Faith Church Road and minimize vehicle headlight disturbance of existing homes. A second access point will be added along Faith Church Road. Roadway Improvements per the attached Traffic Impact Analysis and updated Memo must be provided at the time of development.

Onsite Roadway Improvements: Access within the site will be provided by a series of interconnected roads with 50-ft to 60-ft wide Rights-of-Way (ROW) that will be designed with curb/gutter, sidewalks, street lights and street trees. Cul-de-sac roads will include an ornamental, center island turning feature.

Frontage Improvements: Faith Church Road will be improved with curb/gutter, sidewalk, and street trees.

Architectural Design: Supplementary architectural design guidelines have been provided in Exhibit 3 to the Ordinance to ensure development of an attractive, well-coordinated community. All development features must be consistent with the supplemental design guidelines attached. Requirements reflect those found in UDO Chapter 1310, Integrity and Design Standards.

Lot Types and Dimensions: Setbacks proposed with this conditional zoning project provide an increased setback at the front and rear compared to the originally approved Bonterra setbacks of 5 feet for the front, rear and sides.

Setbacks proposed with this conceptual plan are as follows:

Lots	Setback Requirements
50 foot (5,500 square foot minimum)	Front façade: 20 feet
60 foot (6,600 square foot minimum)	Front porch: 15 feet
70 foot (7,700 square foot minimum)	Rear: 20 feet
	Sides: 5 feet
Height shall not exceed 35 feet	

The garage in all instances must be recessed 2 feet from the front façade or 22 feet from the edge-of-pavement, whichever is greater. The garage setback will provide sufficient space for a car/truck to park in the driveway without obstructing the sidewalk.

Green Space and Tree Retention: A proposed 30 foot buffer is being provided along the northern property line abutting Bent Creek subdivision. This buffer is above and beyond any UDO requirement and will consist of a natural walking trail and undisturbed natural vegetated landscaping. Green space and open areas between lots have been provided throughout the community which connect and provide access to the walking trail. See Attachment 4, Concept Plan and Buffer Exhibit.

Senior Housing Future Option

During Staff's review of the Conceptual Plan, the applicant inquired about the possibility of providing a Senior Housing component within the proposed development. At this time, there has been no definitive proposal from the Applicant regarding same. However, to memorialize the conditions under which the developer may reconfigure a portion of the site in the Conceptual Plan, Staff has included a Condition of Approval which states that in the event a portion of the subject area depicted on the conceptual plan is desired for senior housing in the future, a minor modification of the Conceptual Plan shall be filed with and approved by the Town. At a minimum, such modification must be consistent with the Conceptual Plan approved with this conditional zoning in the following regard: it shall not increase the density or intensity of development; must provide a similar ownership structure as single-family residences (i.e., fee simple ownership, townhome, condominium); shall not include apartment rental homes or similar development; and shall not propose substantive changes in the open space and community amenity features, and/or the architectural design. Any major changes to implement the Senior Housing concept would require a Major Conditional Rezoning Application pursuant to Unified Development Ordinance Chapter 330.

Traffic Impact Analysis

An updated Traffic Impact Memorandum was prepared by DRMP on June 29, 2015. An original Traffic Impact Analysis, dated July 2013, for the entire area depicted in the Conceptual Plan was provided with the Conditional Zoning application for CZ 2013-005. The updated Memo

analyzes traffic generated by the additional 33 acres. The original Traffic Impact Analysis (TIA) can be found at:

http://www.indiantrail.org/cms_wfc/uploads/comment/OriginalTIAdatedJuly20135419.pdf. The original TIA and updated Memo provide a list of improvements to be constructed by the developer in order to mitigate any road impacts. The following will summarize the key recommendations in the report:

Traffic Impact Memorandum, dated June 29, 2015

- On Faith Church Road (SR 1518): Provide a southbound, left turn lane with 75 feet of storage

Traffic Impact Analysis, dated July 2013

- Intersection of Indian Trail Fairview Road (SR 1520) and Faith Church Road (SR 1518): Provide a westbound, left turn lane with a minimum of 150 feet storage and an eastbound, right turn lane with minimum 100 feet storage on Indian Trail Fairview Road (SR 1520).
- Access Road (Site Entrance) on Faith Church Road (SR 1518):
Provide a separate southbound, left turn lane on Faith Church Road (SR 1518) with a minimum 125 feet storage; and
Provide a separate northbound, left turn lane on Faith Church Road (SR 1815) with a minimum 100 feet storage; and
Provide separate turn lanes on Access Road.

NCDOT has approved the updated Traffic Impact Memorandum and listed improvements as having acceptably mitigated traffic impacts created by the proposed development.

Community Meetings

The applicant held two community meetings as required by UDO Section 330.020. The purpose of the meetings is to solicit comments and concerns from surrounding property owners. Notices for the community meetings consisted of advertising in the newspaper, sending first class mailed notices to the owners of surrounding properties and Homeowners Associations within 500 feet of the project site. The first community meeting was held at the Indian Trail Civic Building on June 29, 2015 from 3pm-5pm and the second was held from 6pm-8pm. The following will provide a brief summary of the Town required community meetings.

- *3pm-5pm Meeting:* This meeting was attended by 3 members of the public, the applicant's team, and staff. General questions were raised regarding:
 - Bonterra Village as a whole including the number of lots within the development, open space, trail type, lot sizes and school enrollment.
 - Faith Church roadway improvements and concerns regarding traffic in the area.
 - For complete minutes (questions and answers) see Attachment 3A of the report.
- *6pm-8pm Meeting:* There were approximately 11 members of the public in attendance in addition to the applicant's team and town staff. General questions were raised regarding:
 - Bonterra Village as a whole including the number of lots within the development, open space, trail type, lot sizes and school enrollment.
 - Faith Church roadway improvements and concerns regarding traffic in the area.
 - For complete minutes (questions and answers) see Attachment 3A of the report.

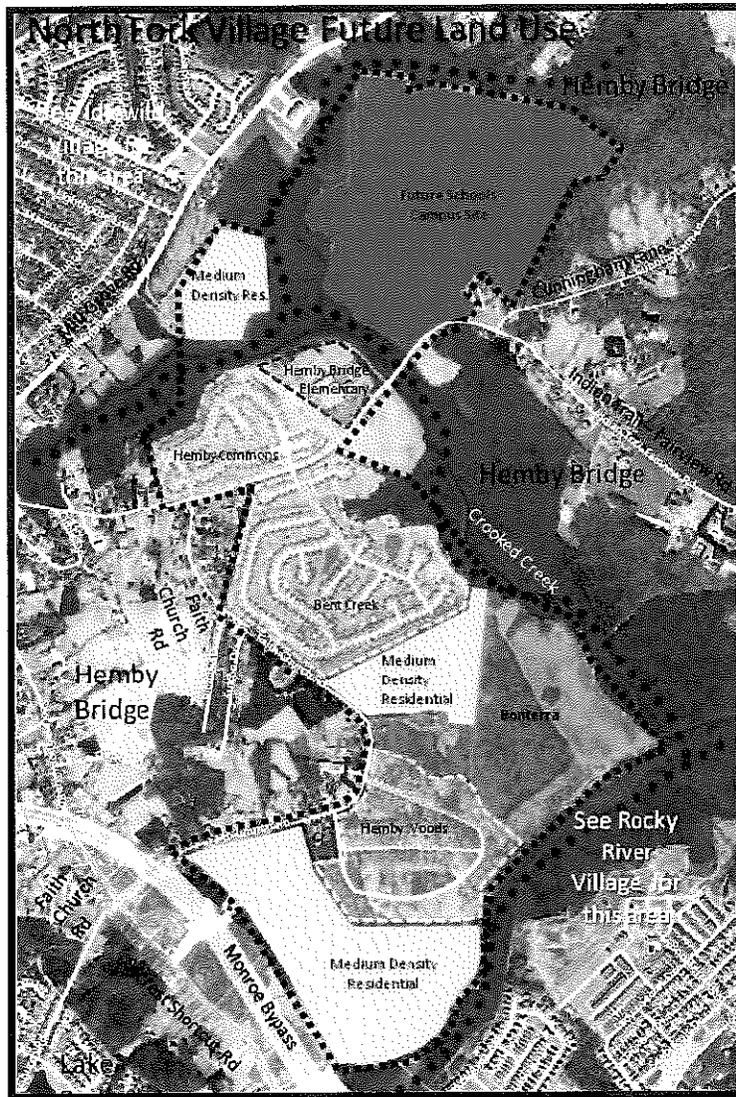
HOA Letter of Support

The Bonterra Community Association, Inc., has provided a letter expressing its support of the incorporation of the additional acreage into the Bonterra Master Planned Community. See Attachment 3B.

Comprehensive Plan

The Indian Trail Comprehensive Plan organizes the Town into a series of interconnected villages which not only helps create a well managed growth and community development pattern, but also provides meaningful identify for Indian Trail residents. The subject property is located within North Fork Village of the Comprehensive Plan. Map 6 below delineates the North Fork Village. This Village is intended to consist of land uses that promote a neighborhood setting with single-family detached houses as its primary development type however other types of housing types are also supported within the village. The proposed future land use of the subject property is Medium Residential, which allows for a density of 2 to 4 dwelling units per acre. The proposed overall project density of 2.7 dwelling units per acre is consistent with the future land use map. Staff is of the opinion that the proposal is consistent with the goals of the Comprehensive Plan. Please note, in order to provide consistency within the Comprehensive Plan, upon adoption of this conditional zoning application, the Comprehensive Plan map will be changed to reflect the Bonterra SF-5, PED overlay.

Map 6: North Fork Village Future Land Use Map



Draft Conditions

Conditions of approval have been developed in order to ensure the proposed rezoning is consistent with the Comprehensive Plan and the existing Conditional Zoning for the Bonterra Village Planned Unit Development. The applicant has agreed to comply with the conditions noted below.

1. *Consistency with SUP 2001-005, Conditional Zoning Pre-Existing Development for Bonterra Village District:* Unless otherwise stated in the requirements herein, the proposed site shall be subject to all conditions approved with the Pre-Existing Bonterra Village District (SUP 2001-005). Exhibit 1
2. *Subject Parcels:* Rezoning – 07039034A and 07039034B; Modifying Conceptual Plan for - 07042045A, 07042045B, 07042045, 07039036, 07039036A and a portion of 07021001
3. *Permitted Uses:* The permitted use on the subject property is single-family detached residential and accessory uses as permitted in SUP 2001-005 and the UDO. It is noted that a limited portion of the community may be modified to develop for senior housing

that may contemplate townhome or condominium ownership and development typologies.

4. *Maximum Density:* The maximum density of the entire Bonterra Village development shall not exceed 1,395 units, as previously approved in SUP 2001-005 based on the original site acreage of 449.89 acres and the maximum density of 3.1 units per acre.
5. *Conceptual Plan and Community Design Guidelines:* The proposed new 33 acres area depicted in the Conceptual Plan shall be incorporated into Bonterra Village and developed in conjunction with the planned future phases of Bonterra Village as generally depicted in the Conceptual Plan, referenced as Exhibit 2. The proposed single-family development and associated amenity improvements (including site entrance, pool and cabana) shall comply with the requirements of SUP 2001-005, and the supplemental Design Guidelines approved herein attached as Exhibit 3.
 - a. *On-street parking:* on-street parking shall be provided at key locations as generally depicted on the Conceptual Plan.
 - b. *30 foot natural buffer along the northern property line:* A 30 foot buffer shall be provided along the northern property line abutting Bent Creek subdivision. The buffer shall contain a 12 foot wide walking/horse natural trail and as much undisturbed natural landscaping as feasible. In the event any cleared area results in visibility of the adjacent neighborhood in Bent Creek, supplemental plantings shall be provided to the satisfaction of the Town of Indian Trail.
 - c. *Amenities:* The community amenity area (cabana, tennis courts and pool with associated parking) shall be under construction prior to the issuance of Zoning Compliance permits for the 99th home. Any amenities must be consistent with the Architectural Design of the proposed development. The community amenities may be substituted with other major common area amenities of equal or greater financial investment. Community amenities shall not be substituted with amenities of lesser value than those depicted on the Conceptual Plan.
6. *Architecture:* Architectural design and details shall be in accordance with the Integrity and Design Standards in Unified Development Ordinance (UDO) Chapter 1310.010, 1310.020, 1310.030(A)-(G), (C)-(D), (H)-(K) and 1310.040(A)-(B) attached herein as Exhibit 3.
7. *Lot Frontage, Lot sizes, Setbacks and Height:* Lots shall provide 50', 60' or 70' of width, as generally referenced on the concept plan (Exhibit 2). The minimum lot sizes are 5,500 square feet (50' lots), 6,600 square feet (60' lots) and 7,700 square feet (70' lots). Setbacks shall be provided as follows:

Lots	Setback Requirements
50 foot (5,500 square foot minimum)	Front façade: 20 feet
60 foot (6,600 square foot minimum)	Front porch: 15 feet
70 foot (7,700 square foot minimum)	Rear: 20 feet
	Sides: 5 feet
Height shall not exceed 35 feet	

The side building walls shall not be constructed with highly flammable building materials.

Garages: Garages shall be recessed a minimum of 2' from the front façade (conditioned living space) of the house or 22' from the edge of right-of-way, whichever is greater.

Corner Lots: Special consideration shall be given to corner lots. Additional landscaping shall be used within the side yards of corner lots to soften the hard edges of the homes. Such landscaping may include shrubs or appropriate sized trees located outside all sight distance areas.

Foundations: All homes shall be built on a raised stem wall slab or a crawl space foundation (with vents). All raised foundation walls shall have a minimum exposed height at the front of 16” above finished grade.

8. *Tree Retention:* The development is conditioned to comply with Chapter 830- Tree Preservation Ordinance of the UDO. A Heritage tree survey and tree canopy plan is required within the site plan review process. All reasonable efforts will be made to retain the existing Heritage Trees on the site, however, it is recognized that several may need to be removed and mitigation will be undertaken in accordance with UDO Chapter 830(E) requirement.
9. *TIA Roadway Improvements:* Prior to the issuance of Town Zoning Compliance for any home, the developer shall be responsible for constructing all roadway improvements identified in the Traffic Impact Memorandum dated June 29, 2015 and those identified in the Traffic Impact Study, prepared by DRMP dated July 2013. All required roadway improvements shall be constructed and any associated public ROW dedicated prior to the issuance of Town Zoning Compliance for any home unless a phasing plan is approved by the Town of Indian Trail Engineer and the North Carolina Department of Transportation (NCDOT). Required improvements are summarized below.

Traffic Impact Memorandum, dated June 29, 2015

- On faith Church Road (SR 1518): Provide a southbound, left turn lane with 75 feet of storage

Traffic Impact Study, dated July 2013

- Intersection of Indian Trail Fairview Road (SR 1520) and Faith Church Road (SR 1518): Provide a westbound, left turn lane with a minimum of 150 feet storage and an eastbound, right turn lane with minimum 100 feet storage on Indian Trail Fairview Road (SR 1520).
- Access Road (Site Entrance) on Faith Church Road (SR 1518):
Provide a separate southbound, left turn lane on Faith Church Road (SR 1518) with a minimum 125 feet storage; and
Provide a separate northbound, left turn lane on Faith Church Road (SR 1815) with a minimum 100 feet storage; and
Provide separate turn lanes on Access Road.

10. *Frontage Improvements:* Roadway improvements along Faith Church Road shall be provided and include curb/gutter, sidewalks, and street trees. A minimum ROW measured 35 foot from the center line of the existing road shall be provided and dedicated to NCDOT or its assigns. All required frontage improvements shall be constructed and any associated public ROW dedicated prior to the issuance of Town Zoning Compliance for any home unless a phasing plan is approved by the Town of Indian Trail Engineer and NCDOT.
11. *Onsite Roadway Improvements:* Internal Roads within the subject site and associated phases shall be constructed with a minimum of 50’ and 60’ right-of-way. Improvements shall consist of two travel lanes in opposite direction, curb/gutter, sidewalks and street trees. Traffic calming features are required throughout the development and shall include a combination of raised intersections, pedestrian crossings, speed tables and/or other traffic calming mechanisms, as approved by the Town Engineering Department. All roadways shall be constructed in accordance with Town Engineering Standards.
12. *Traffic Knuckles:* Knuckles or roundabouts shall provide at the center such features as landscaping (excluding trees) or similar treatment.
13. *Stormwater Detention Ponds:* The size of the proposed stormwater management facilities identified on the Conceptual Plan is for illustrative purposes only. The exact

size shall be determined during Site Plan submittal. At a minimum, vegetation screening and fence shall be provided around the stormwater management improvements to minimize any visual obtrusiveness. It is recognized not all detention ponds will provide an amenity. However, where possible and appropriate in the design of the facility, detention ponds shall provide amenities including but not limited to water fountains, gathering areas and/or similar passive recreation areas for residents.

14. *Public Trail Easement:* A 20 foot trail easement shall be provided for access to a public trail along the eastern boundary of Bonterra Village that runs north/south along North Fork Crooked Creek.
15. *Sketch Plan Approval from UCPW:* Prior to submittal for Site Plan review, the developer shall obtain sketch plan approval from Union County Public Works.
16. *Future Senior Housing Homes/Pods:* In the event that a portion of the subject area depicted on the conceptual plan is desired for senior housing in the future, a minor modification of the Conceptual Plan shall be filed with and approved by the Town. At a minimum, such modification must be consistent with the Conceptual Plan approved with this conditional zoning in the following regards: Shall not increase the density or intensity of development; must provide a similar ownership structure as single-family residences (i.e., fee simple ownership, townhome, condominium); shall not include apartment rentals or similar development; and shall not propose substantive changes in the open space and community amenity features, and/or the architectural design. Any major changes, other than those described above, to implement the Senior Housing concept would require a Major Conditional Rezoning Application pursuant to Unified Development Ordinance Chapter 330.050(A)1-5.
17. *Revocation:* The Town Council may act to revoke the conditional zoning district designation if the applicant fails to meet the terms of the district.

Comments from Outside Agencies

- *North Carolina Department of Transportation (NCDOT):* NCDOT has reviewed and is in agreement with the attached Updated Traffic Memorandum, dated June 29, 2015. See Attachment 5.
- *Union County Public Works (UCPW):* County water is located along the road frontage of the subject parcels on Faith Church Road. County sewer is currently not accessible to this site. The nearest County sewer is approximately 900 feet east of the subject parcels within the Bonterra subdivision and will require a public sewer main extension.
- *Union County Public Schools (UCPS):* The subject parcels are within the following school attendance areas for the 2015-2016 school year: Hemby Bridge Elementary School and Porter Ridge Middle and High Schools.
Hemby Bridge Elementary School: is currently below the watch level for enrollment and is expected to remain so for the foreseeable future.
Porter Ridge Middle School: is currently in the watch level.
Porter Ridge High School: is approaching the watch level.
Additional residential construction can accelerate the approach to cap levels. Prior to reaching a cap, high enrollments contribute to such problems as additional mobile classrooms, inadequate capacity for food services and restroom facilities, rationing of access to the media center, insufficient parking and queuing space for parents to safely deliver or pick up their children, and adequate planning/meeting space for additional staff.

**Please Note:* With the adoption of the original Bonterra Village SUP 2001-005, the entire original approved 1395 dwelling units were contemplated in the school impact analysis. This proposal does not generate additional students to those contemplated with SUP 2001-005.

- *Union County Fire Marshall (UCFM):* No comments at this time. The site plan will be routed to UCFM Office during the site plan review stage of development.
- *Union County Sherriff:* Comments regarding concern with the number of off-street parking provided and ensuring the driveway depths were adequate to accommodate a car or truck parked without obstructing the sidewalk.

Action Required

The Planning Board must adopt a statement of consistency and reasonableness prior to making a motion for recommendation. The finding must be made that the proposed amendment is both reasonable and consistent with the Comprehensive Plan. Staff is of the opinion the goals of the Comprehensive Plan are satisfied as follows:

- *Land Use and Housing Goals #1, 2 and 5:* The proposed project promotes compatibility of land uses between neighboring properties and surrounding municipalities, provides a range of housing options, and proposes high quality design to promote attractive land development; and
- *Mobility and Transportation Goal #3:* The proposed development incorporates pedestrian amenities by way of a walking trail, providing pedestrian connectivity within the community.

The request for this conditional zoning district (PED-1/SF-5 – SUP2015-002-CZ) is a reasonable request and is in the public interest because supports the goals of the adopted Comprehensive Plan and includes elements that benefit the general public in the areas of transportation, land use and housing.

Recommendation

Staff is of the opinion that the findings can be made to support a conditional zoning district for the subject property. The proposed conditional rezone is consistent with the Town's Comprehensive Plan.

Attachment 1 – Application w/Aerial of Site

Attachment 2 – SUP 2001-005

Attachment 3A and 3B – Community Meeting Minutes and HOA Letter of Support

Attachment 4 – Conceptual Site Plan and Buffer Exhibit

Attachment 5 – Updated Traffic Impact Analysis Memo, dated June 2015

Attachment 6 – Draft Ordinance with attached Design Guidelines

Staff Contact

Gretchen Coperine

704 821-5401

gcoperine@planning.indiantrail.org

CONDITIONAL ZONING APPLICATION

R-000601

Inv 23748



PLANNING AND NEIGHBORHOOD SERVICES

PO Box 2430

Indian Trail, NC 28079

Telephone (704) 821-5401

Fax (704) 821-9045

ONLY COMPLETE APPLICATIONS ACCEPTED

Processing Fee: <2 acres \$400, 2-10 acres \$800, >10 acres \$1,500, Minor Modification \$250

Engineering Fees: <2 acres \$100, 2-10 acres \$175, >10 acres \$250

Notification Fee \$2.50 per adjoining property owner

Date Received _____

CONDITIONAL ZONING APPLICATION

Submittal Requirements

- Completed Application
- Notarized signatures of applicant and property owner
- Letter of Intent
- 5 copies of Concept Plan (must be drawn to scale by architect, landscape architect, professional surveyor, or engineer licensed in North Carolina)
- Boundary Survey (acreage, current zoning, location of existing buildings, setbacks)
- List, address labels, and digital copy of all adjoining property owners within 500 feet of subject parcel
- Traffic Impact Analysis, if necessary
- Statement of Appraisal, if necessary
- Fees associated with review

General Information

Project Address Faith Church Road

City Indian Trail State NC Zip 28079
07 039 034A

Tax Parcel ID 07 039 034B Zoning Designation SF-1

Total Acres 32.978 Impervious Area Approx. 15 ac.

Project Description Future Phase of Bonterra Village

Contact Information – Applicant

Name John H. Ross, PE

Address Eagle Engineering, Inc. 2013-A Van Buren Ave

City Indian Trail State NC Zip 28079

Phone 704-882-4222 Fax 866-775-0329

Email jross@eagleonline.net

Contact Information – Property Owner

Name Walton North Carolina, LLC

Address 10735 David Taylor Drive, Suite 150

City Charlotte State NC Zip 28262

Phone 704-879-2474 Fax _____

Email arathke@walton.com

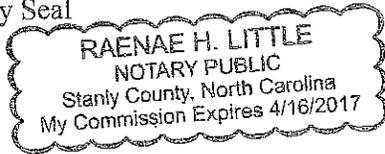
CONDITIONAL ZONING APPLICATION

Applicant's Certification

Signature *JHR* Date 4/6/15
Printed Name/Title John H. Ross/Principal

Signature of Notary Public *Raenae H. Little* Date 4/6/15

Notary Seal



Property Owner's Certification

Signature see attached Date _____

Printed Name/Title _____

Signature of Notary Public _____ Date _____

Notary Seal

TOWN OF INDIAN TRAIL OFFICE USE ONLY	
CASE NUMBER:	_____
DATE RECEIVED:	_____ AMOUNT OF FEE: _____
RECEIVED BY:	_____ RECEIPT #: _____

SCHEDULE

CONDITIONAL ZONING APPLICATION

1. Technical Review Committee
 - Project is reviewed by staff.
 - Comments, questions, and concerns are sent to applicant to ensure project complies with ordinance.
 - Once all comments are addressed and the plans are resubmitted, the community meeting may be scheduled.
2. Community Meeting
 - To provide a framework for a shared vision with community involvement.
 - Applicant, with assistance from planning staff, shall conduct two public meetings of at least two hours each. Two hours shall be scheduled during normal business hours and two hours shall be devoted to an evening period.
3. Planning Director
 - The Planning Director shall provide suggestions following the community meeting.
 - The comments will follow 30 days after a revised application is submitted or 60 days following the community meeting if there are no revisions.
4. Planning Board
 - Reviews application to ensure it is consistent with UDO and all adopted town plans.
 - Meets the 3rd Tuesday of every month.
5. Town Council
 - Legislative action to approve, approve with modifications, deny approval, or submit to the Planning Board for further study.
 - Meets 2nd and 4th Tuesday of every month.

Property Owner's Certification:

WALTON NORTH CAROLINA, LLC,
a North Carolina limited liability company

By: **Walton International Group, Inc.,**
a Nevada corporation,
Its: Manager

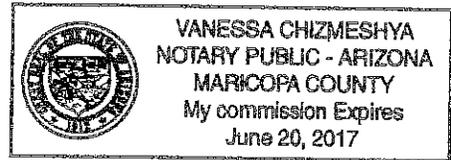
By: *Gordon A. Price*
Name: GORDON A. PRICE
Title: AUTHORIZED SIGNATORY

By: *Wayne G. Souza*
Name: WAYNE G. SOUZA
Title: AUTHORIZED SIGNATORY

[Signature]
Signature of Notary Public

Notary Seal

Date: 4/14/15





April 6, 2015

Mr. Rox Burhans
Director of Planning
Town of Indian Trail
130 Blythe Drive
Indian Trail, NC 28079

Re: Letter of Intent
Rezoning into Bonterra Village PED-1
Parcels 07 039 034A and 07 039 034B (32.978 Acres)
Indian Trail, North Carolina

Dear Mr. Burhans:

On behalf of our client, Walton North Carolina, LLC (Walton), it is our intent and our formal request to rezone the subject parcels totaling 33 acres (+/-) into existing Bonterra Village PED-1 zoning district. The subject parcels are currently within the Town Limits of Indian Trail and are currently zoned SF-1.

It is intended that the parcels will be incorporated into the remaining phases of Bonterra Village and will be developed in a manner that is consistent with the "Traditional Neighborhood Development" (TND) standards that have been established in the recent phases developed by Walton. The subject parcels adjoin the existing Bonterra Village community along the Faith Church Road frontage and will provide for the and additional future access to the public right of way.

Phases I and II of the Bonterra Village development utilized a private street system and individual lots extending to the centerline of the roadway system. In accordance with the current Unified Development Ordinance, streets within Phase III, Phase IV and future phases of the development will be dedicated to the Town as public streets. The dedication of public street rights of way will result in the reduction of the developable area of the future phases and compared to Phases I and II. Proposed lot sizes and resultant open space dedications within the subject parcels will remain consistent with the standards established by previous phases.

The original Bonterra Village master plan was approved with a mix of 1395 residential units. Phases I - IV have yielded approximately 835 residential units. It is anticipated that future phases, including the 33 acres (+/-) within this zoning petition, will yield approximately 450 additional single family home sites for a total of approximately 1285 residential units.

Atlanta
PO Box 551
Alpharetta, GA 30004
Ph 678 339 0640
Fax 678 339 0534

www.eagleonline.net

Charlotte
2013-A Van Buren Avenue
Indian Trail, NC 28079
Ph 704 882 4222
Fax 704 882 4232

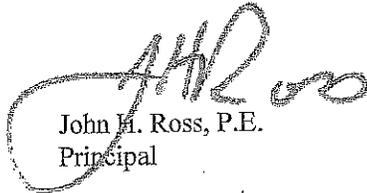
Mr. Rox Burhans
4/21/2015
Page 2

We believe this request is consistent with the intent of the existing Bonterra PED-1 and request your consideration and approval of the attached petition. Included herein is a complete application package in support of this request.

Should you have any questions or require additional information, please feel free to call at your convenience.

Sincerely,

EAGLE ENGINEERING, INC.



John H. Ross, P.E.
Principal

Attachments
cc: Walton\Rabon; file 4698



2013 Van Buren Avenue, Suite A
 Indian Trail, NC 28079
 (704) 882-4222 phone
 www.eagleonline.net

Letter of Transmittal

Attention: Mr. Rox Burhans Date: April 20, 2015
Town of Indian Trail EEI Job Number: 4698
130 Blythe Drive Re: Bonterra Village-Chase Leighton
Indian Trail, NC 28079 Conditional Zoning Application

Delivered by: Hand UPS Mail Fedex Courier Other

We are transmitting the following items:

- Prints Copy of Letter Specifications Application Mylars Report
 Plans Shop Drawings Calculations As Built Check Other

No.	Date	Copies	Items to be Transmitted
1	6/6/2013	1	Completed Application
2	6/6/2013	1	Notarized Signatures of Property Owner and Applicant
3	6/6/2013	1	Letter of Intent
4	6/6/2013	6	Copies of Color Concept Plan (1 - 30" x 42"; 5 - 11" x 17")
5	6/6/2013	5	B&W Copies of Concept Plan
6	6/6/2013	1	Boundary Survey
7	6/6/2013	1	1 Disk/1 Copy of Labels/1 Print of List of Adjoiners within 500 Feet
8	6/6/2013	1	Check #1168 (\$1500)

These are transmitted as checked below:

- For Approval For Review Approved as Submitted
 For Your Use Corrected Prints Approved as Noted
 As Requested Copies for Distribution Copies for Approval

Remarks: Please receive the attached items submitted in support of the Conditional Zoning request. If you have any questions please contact our office.

Note: Unless revision block states "Released for Construction", all plans enclosed are to be considered "Preliminary" and "Not for Construction", and are provided for permitting, information and bidding use only.

Cc: File/4698; Walton/Rathke

Signed: John H. Ross, PE

Bonterra Village

Aerial



BK 1866PG350

2001-005

Town Of Indian Trail



Filed for record
Date 7-17-2002
Time 11:00 o'clock A m.
JUDY G. PRICE, Register of Deeds
Union County, Monroe, North Carolina

27424

P.O. Box 2430
Indian Trail, North Carolina 28079
Telephone 704/821-5401

SPECIAL USE PERMIT GRANTED

On the date listed below, the Town Council for the Town of Indian Trail met and held a public hearing to consider the following application.

Applicant: Bonterra Village, LLC (formerly Insight Communities)
Property location: Poplin Road, Secret Shortcut, Faith Church Road
Tax Map #: 07-021-001, 07-039-036, 07-039-036-A
07-042-010A, 7-042-010D, 07-042-002-B, 07-042-045, & 07-042-045-B
Proposed Use of Property: Mixed Use Development
Meeting Date: April 10, 2001

RECORDED
AND
VERIFIED
AMR

Having heard all of the evidence and argument presented at the hearing, the Town Council finds that the application is complete, that the application complies with all of the applicable requirements of the Indian Trail Zoning Ordinance for the development proposed, and that therefore the application to make use of the above described property for the purpose indicated is hereby approved, subject to all applicable provision of the Town Ordinances and the following conditions:

1. The applicant shall complete the development in accordance with the plans submitted to and approved by the Town Council, a copy of which is filed in the Town of Indian Trail Planning Department.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

If this permit authorizes development on a tract of land larger than one acre, nothing authorized by the permit may be done until the property owner properly executes and returns to the Town of Indian Trail the attached acknowledgement of the issuance of this permit so that the Town of Indian Trail may have it recorded with the Union County Register of Deeds.

BK 1866PG351

Therefore, APPROVAL OF SUP-2001-005 IS WITH THE FOLLOWING CONDITIONS:

Develop in general accordance with the site plan submitted, with modifications as may be needed to meet the conditions of the Special Use Permit.

1. Restrict the use of the property uses and structures as follows:

A) Limit the development of the proposed commercial use of B-4 to no more than thirty (30) acres. The uses will be limited to retail sales and service as allowed in the Indian Trail Zoning Ordinance not to exceed 130,000 square feet as identified on site plan fronting Secret Short Cut Road.

B) Limit the development of the proposed commercial use of B-3 to no more than thirty-five (35) acres. The uses contained in the B-3 zoning district would be as follows: 15 office buildings with the option of live/work for each. The proposed buildings would be limited to no more than 8,000 square feet each as identified on the site plan. Also within the B-3 zoning district there could be 75 live/work units not to exceed 8000 square feet each.

C) Limit the development of the proposed commercial use of B-2 to no more than twenty (20) acres. The uses will be limited to retail sales and service.

D) Limit the development of the proposed office use of O (Office) to no more than two (2) acres. The uses will be limited to office uses as allowed in the Indian Trail Zoning Ordinance.

E) The following uses are not permitted within the entire development: halfway houses, rooming houses, boarding houses, wholesale sales, manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods and merchandise, pool halls, drive-in movie theaters, parking garages, kennels, mining operations, waste disposal, telecommunication towers, bus stations, and taxi operations.

2. To satisfy the following site development considerations:

A) All non residential structures and building facades to be constructed with either brick, stone, wood, shake siding with no vinyl or composite siding.

B) Provide a 10,000 square foot open space preserving the natural vegetation crossing along the frontage of Faith Church Road only bisected by the entrance road and utility easements. The entrance will contain three tier white vinyl fencing with ornamental caps approximately four feet high providing a permanent visual screen from Faith Church Road.

C) Provide a pasture along Poplin Road approximately 150x1500 and 150x900 on either side of the entrance road. This area will be designated open space containing pastureland and horses. The area will be bounded by white vinyl fencing with ornamental caps having a minimum height of four feet.

D) A planting strip along the frontage of Secrest Short Cut Road outside of any designated road right-of-way, will contain an area 300 x 40 and 150 x 25 planted with dwarf Burfidia Holly bushes 4 foot on center and other planting materials to enhance the road side view of the development. Lighting shall be contained in cut-off type luminaries and shall be directed toward the property so as not to reflect into adjacent residential properties.

3. Restrict the residential density of the property to no more than 3.1 units to the acre for the entire project with the following conditions:

A) All front yards shall be sodded or seeded and strawed with the development of sidewalks, streetlights and street trees for the proposed phase prior to the issuance of zoning compliance by the Town of Indian Trail.

4. To abide by the following requirements, dedications and improvements:

A) Provide 5-foot sidewalks and curb and gutter along the frontage of Secrest Short Cut Road.

B) Provide improvements to Faith Church Road, Poplin Road, and Secrest Short Cut Road as required by the Ordinances of the Town of Indian Trail and the North Carolina Department of Transportation.

C) The 20-acre site designated on the Bonterra site plan as a school site shall be reserved for the purposes of primary education facility, for a period of five years and, if not utilized, shall become the property of the homeowners association to be used for such purposes as allowed for in common area.

D) The developer is proposing a six (6) acre tract of land be dedicated to Boy Scouts for primitive camping and other scouting activities.

E) The developer is proposing a one (1) acre tract of land be dedicated to the Town so it can be given to the appropriate fire department for emergency services to include EMS or other facilities which may be needed to better serve the area.

F) Thirty-five percent of the development shall be required to be open space approximately one hundred and fifty-seven (157) acres.

G) Along the interior streets of the development provide streetlights along the sidewalk from 100 feet to 300 feet apart depending on illumination (candle wattage) of the lights installed. See detail in subdivision regulations.

White in the area

HEREFORE, ON THE BASIS OF THE FOREGOING, IT IS ORDERED THAT THE APPLICATION FOR SPECIAL USE PERMIT 2001-005 BE GRANTED

BK 1866PG353

Therefore, on the basis of the foregoing, it is ordered that the application for Special Use Permit 2001-005 be granted.

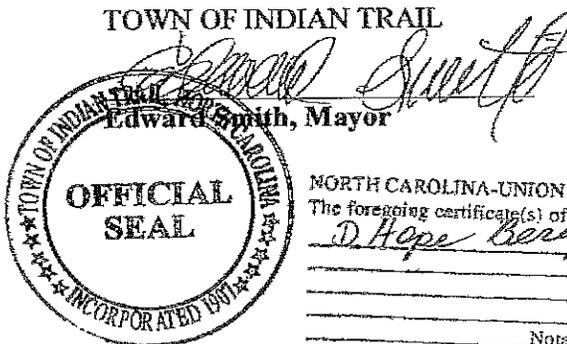
Ordered this the 16 day of July, 2002.

TOWN OF INDIAN TRAIL

ATTEST:

Karen B. Price
Karen B. Price, Town Clerk

Dean Harrell
Dean Harrell, Applicant



NORTH CAROLINA-UNION COUNTY
The foregoing certificate(s) of D. Hope Bergamini

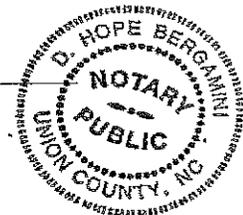
Notary(y) (ies) Public
is/are certified
to be correct.
JUDY G. PRICE, REGISTER OF DEEDS,
BY: May B. Ruster
ASST. DEPT

STATE OF NORTH CAROLINA
COUNTY OF UNION

I, D. Hope Bergamini, a Notary Public of said County, do hereby certify that Karen B. Price personally came before me this day and acknowledged that she is Town Clerk of the Town of Indian Trail, a municipal corporation of said state, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Mayor, sealed with the corporate seal, and attested by its Town Clerk. Witness my hand and official seal, this the 16 day of July, 2002

My commission expires: 3/26/2006

D. Hope Bergamini
Notary Public

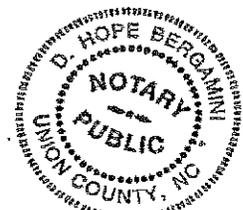


STATE OF NORTH CAROLINA
COUNTY OF UNION

I, D. Hope Bergamini, a Notary Public of said County, do hereby certify that Dean Harrell, managing member of Bonterra Village, LLC (formerly Insight Communities), Applicant, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the 16 day of July, 2002

My commission expires: 3/26/2006

D. Hope Bergamini
D. Hope Bergamini, Notary Public



Community Meeting Minutes



To: Gretchen Coperine (Town of Indian Trail)
From: Eagle Engineering, Inc.
CC: File
Date & Time: June 29, 2015 from 3:00pm - 5:00pm
Location: Indian Trail Civics Building
Re: Chase-Leighton (33 Acres) Rezoning (Community Meeting #1)

Summary:

1. Development team gave a general description of the Chase-Leighton site and its proximity to the Bonterra Village PUD (Planned Unit Development):
 - a. The Chase-Leighton site contains two individual parcels which when combined total 33 acres. If the rezoning is approved the Chase-Leighton site is proposed to be adopted into the Bonterra Village development. The parcels are currently zoned SF-1, however through rezoning the site will be zoned to a PED-1 Overlay. A 30' buffer (with trail) is proposed along the exterior perimeter of the proposed site even though it is not required as part of the Town of Indian Trail UDO. The development will utilize the Town of Indian Trail's UDO and the Bonterra Village Design requirements as a set of design guidelines that will guide architectural controls for the proposed community.
 - b. Bonterra Village was originally approved to have 1,395 units (density of 3.1 units/ac), however due to the reduction of townhomes, and larger lots than originally proposed the unit count is being reduced to. This reduced unit count includes the Chase-Leighton parcels.
2. Is there capacity in the local schools to accommodate this development?
 - a. The subject parcels are currently slated to attend Hemby Bridge ES, Porter Ridge MS and Porter Ridge HS. However, UCPS is planning for the future construction of District D school cluster which will serve this proposed development. District D does not have a date set for construction.
3. What is the schedule for approvals of this rezoning?
 - a. If approvals continue as planned this application will be before the Planning Board in July and the Town Council in August.
4. How will the additional traffic be handled from this development?
 - a. In conjunction with the NCDOT review of the Traffic Impact Analysis for this development road widening and turn lanes into this development will be installed.
 - b. A second entrance into the subdivision is proposed to an additional means for entrance/exit from this phase of Bonterra Village.

- c. The traffic pattern from this portion of Bonterra to Highway 74 is likely to be along Faith Church Road.

Community Meeting Minutes



To: Gretchen Coperine (Town of Indian Trail)
From: Eagle Engineering, Inc.
CC: File
Date & Time: June 29, 2015 from 6:00pm - 8:00pm
Location: Indian Trail Civics Building
Re: Chase-Leighton (33 Acres) Rezoning (Community Meeting #2)

Summary:

1. Development team gave a general description of the Chase-Leighton site and its proximity to the Bonterra Village PUD (Planned Unit Development):
 - a. The Chase-Leighton site contains two individual parcels which when combined total 33 acres. If the rezoning is approved the Chase-Leighton site is proposed to be adopted into the Bonterra Village development. The parcels are currently zoned SF-1, however through rezoning the site will be zoned PED-1 Overlay. A 30' buffer (with trail) is proposed along the exterior perimeter of the proposed site even though it is not required as part of the Town of Indian Trail UDO. The development will utilize the Town of Indian Trail's UDO and the Bonterra Village Design requirements as a set of design guidelines that will guide architectural controls for the proposed community.
 - b. Bonterra Village was originally approved to have 1,395 units (density of 3.1 units/ac), however due to the reduction of townhomes, and larger lots than originally proposed the unit count is being reduced to 1,285 (density of 2.66 units/ac). This reduced unit count includes the Chase-Leighton parcels.
 - c. The Boy Scout Troop land as been donated.
2. How can the Town ensure that the development is completed per the approved plans?
 - a. The construction documents are reviewed and approved by the Town of Indian Trail (including the planning staff) who will review plans for completeness prior to approval.
3. What will the homes be like and what is the price point?
 - a. The Chase-Leighton parcels are proposed to be adopted into the Bonterra Village development which will include the design guidelines for home construction. The price point will be determined by market conditions.
4. Is there capacity in the local schools to accommodate this development?
 - a. The parcels are currently slated to attend Hemby Bridge ES, Porter Ridge MS and Porter Ridge HS. However, UCPS is planning for the future construction of District D school cluster which will serve this proposed development. District D does not have a date set for construction.
5. How will the additional traffic be handled from this development?

- a. In conjunction with the NCDOT review of the Traffic Impact Analysis for this development road widening and turn lanes into this development will be installed.
 - b. A second entrance into the subdivision is proposed to an additional means for entrance/exit from this phase of Bonterra Village.
 - c. The traffic pattern from this portion of Bonterra to Highway 74 is likely to be along Faith Church Road.
6. Will there be a buffer adjacent to the Bent Creek Subdivision?
 - a. While a buffer is not required the proposed layout includes a 30 ft buffer adjacent to Bent Creek. A trail system will be within the proposed buffer. There is not a fence proposed within the buffer. The proposed 30 ft buffer will be in addition to an existing 30 ft buffer on the Bent Creek HOA property, for a total of 60 ft between rear property lines.
7. Will there be any stormwater management proposed? During storm events there are stormwater drainage issues along the Bent Creek HOA property adjacent to the Chase-Leighton parcels.
 - a. There are multiple stormwater management basins planned for the northern portion (including Chase-Leighton) of Bonterra Village. Runoff from the Chase-Leighton parcels will be routed through stormwater management basins per the requirements of the Town of Indian Trail and NCDENR.

April 27, 2015

WB Village, LP

c/o Walton Development & Management, LLC

10735 David Taylor Drive, Suite 150

Charlotte, NC 28262

Attention: Andy Rathke

WB Village, LP

c/o Walton International Group (USA), Inc.

4800 North Scottsdale Road, Suite 4000

Scottsdale, Arizona 85251

Attention: Wayne G. Souza, Esq.

Re: Addition of approximately 33 acres of land described on Exhibit "A" attached hereto (the "Property") to the Bonterra planned community.

Dear Sirs:

Please be advised that the Bonterra Community Association, Inc., through its board of directors (the, "Board"), supports WB Village, LP's application for inclusion of the Property into the master plan for the Bonterra planned community.

Further, the Board will support future annexation of this Property into the Bonterra planned community provided that Phases IV, V and VI are first annexed into Bonterra and the membership approves the annexation of the Property as provided for and required in the Declaration of Covenants, Conditions and Restrictions for Bonterra.

We look forward to working with you on this matter and hope to complete this process in a swift and amicable manner. Should you have any questions, please feel free to contact the undersigned Board members.

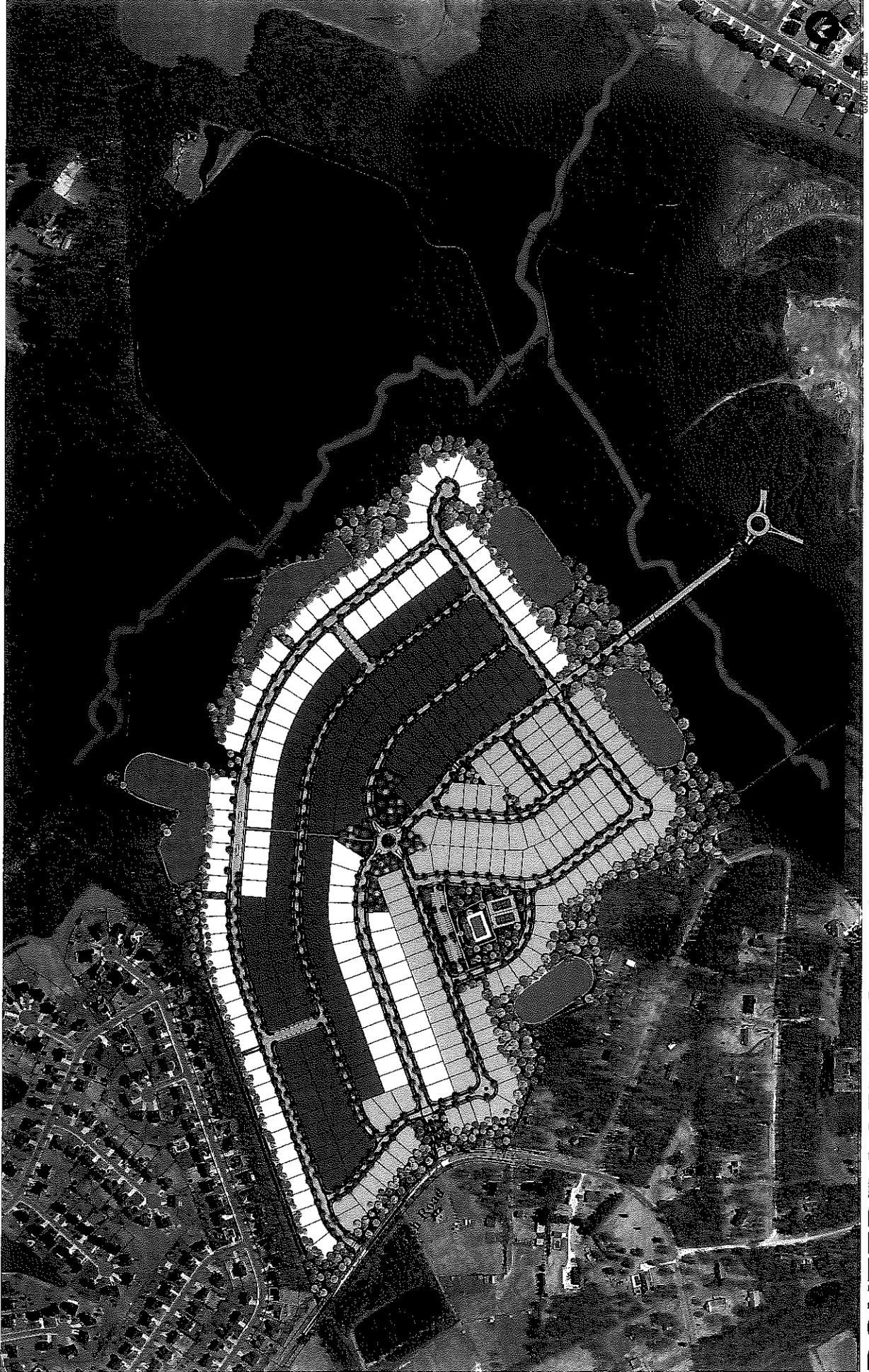
Very truly yours,



Name: Alan Rosenberg, Board Member



Name: Shaun Wallace, Board Member



BONTERRA VILLAGE - Concept Plan

Indian Trail, NC

This site plan is for illustrative purposes only and is subject to change without notice.



Walton™
APPRECIATE THE LAND

July 15, 2016

1" = 100' (AS SHOWN)
1" = 100' (AS SHOWN)



NO.	DATE	BY	CHKD.

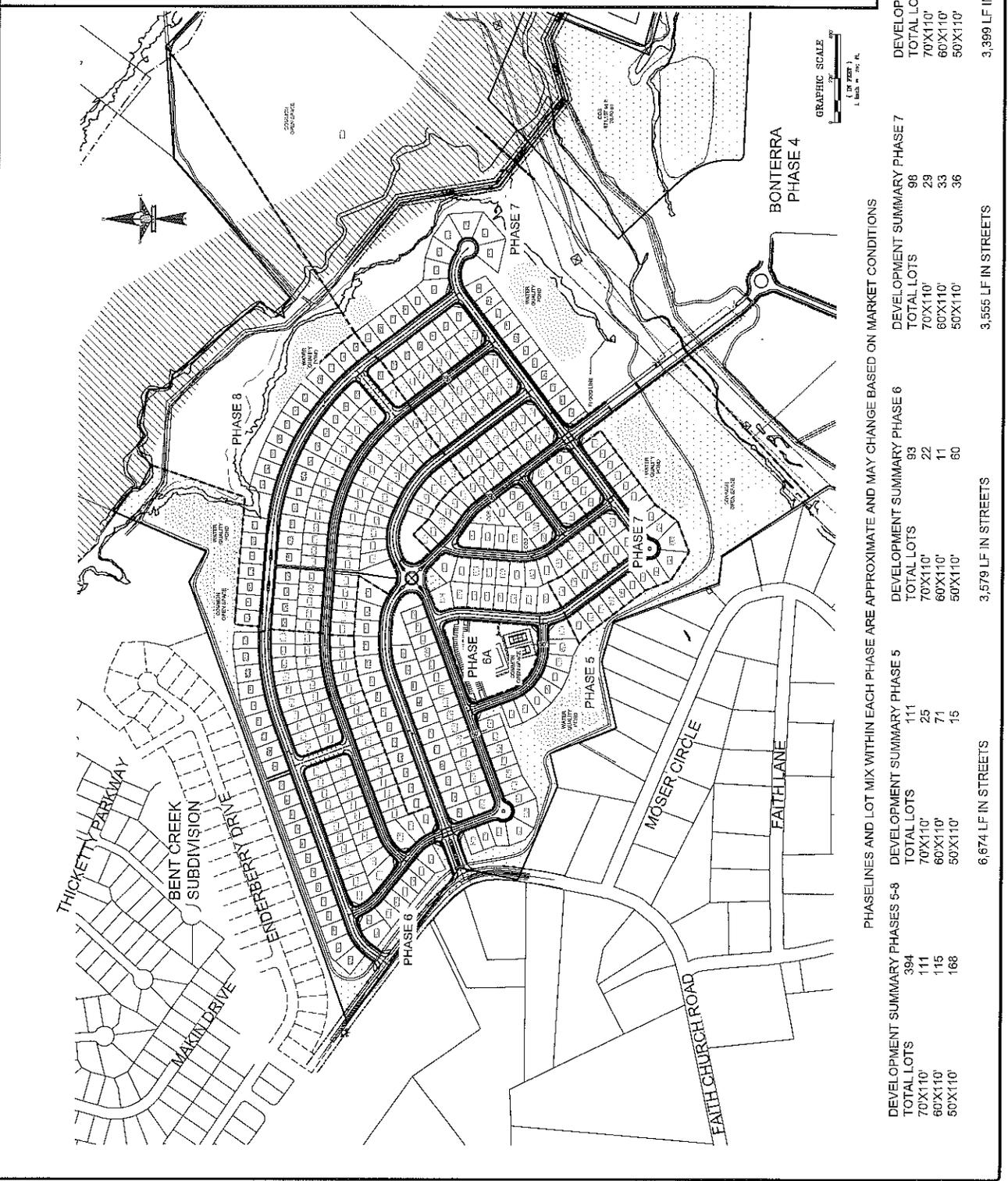
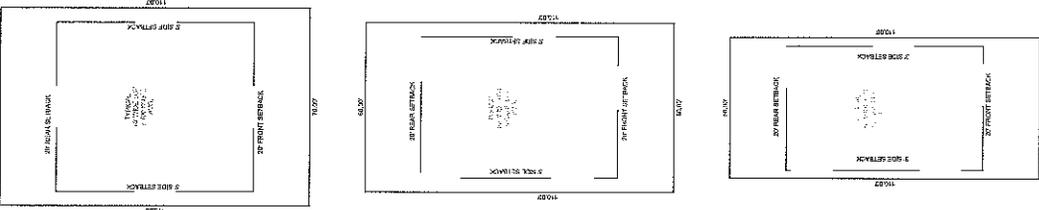
BONTERRA
PHASES 5-8
 WALTON DEVELOPMENT & MGT (USA), INC.
 1155 CARRIE COMPTON BLVD., SUITE 102
 CHARLOTTE, NC

SITE PLAN EXHIBIT
FAITH CHURCH ROAD ACCESS
 PROJECT NO. 197714
 DATE 12/17/14
 REVISIONS
 DATE 12/17/14
 DRAWN BY
 CHECKED BY

PRELIMINARY
NOT FOR
CONSTRUCTION

EXHIBIT

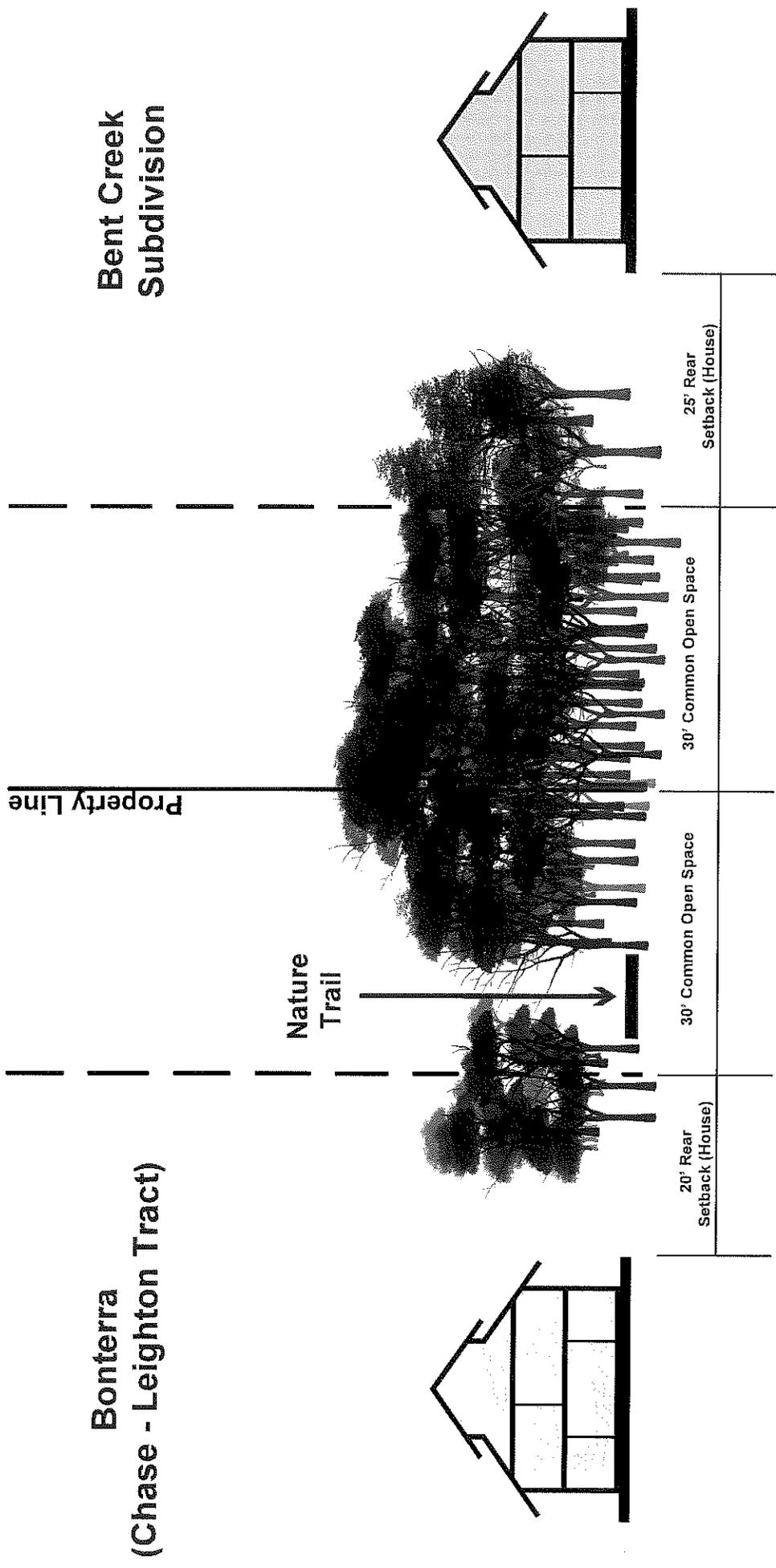
PROPOSED LOT DETAIL
 SCALE 1"=20'



DEVELOPMENT SUMMARY PHASES 5-8		DEVELOPMENT SUMMARY PHASE 5		DEVELOPMENT SUMMARY PHASE 6		DEVELOPMENT SUMMARY PHASE 7		DEVELOPMENT SUMMARY PHASE 8	
TOTAL LOTS	394	TOTAL LOTS	111	TOTAL LOTS	93	TOTAL LOTS	96	TOTAL LOTS	92
70'X110'	111	70'X110'	25	70'X110'	22	70'X110'	29	70'X110'	30
60'X110'	115	60'X110'	71	60'X110'	11	60'X110'	33	60'X110'	30
50'X110'	168	50'X110'	15	50'X110'	60	50'X110'	36	50'X110'	57
6,674 LF IN STREETS		3,579 LF IN STREETS		3,579 LF IN STREETS		3,555 LF IN STREETS		3,399 LF IN STREETS	

PHASELINES AND LOT MIX WITHIN EACH PHASE ARE APPROXIMATE AND MAY CHANGE BASED ON MARKET CONDITIONS

Neighborhood Buffer Exhibit (Chase - Leighton at Bent Creek)



**Bonterra
(Chase - Leighton Tract)**

**Bent Creek
Subdivision**

Principals

Wayne D. Chalfoux
 Donaldson K. Barton, Jr.
 Lucius J. Cushman, Jr.
 Jon S. Meadows
 Lawrence L. Smith, Jr.
 William T. Stone

June 29, 2015

DRMP Job # 13-0178.000

Lee Ainsworth, III, PE
 North Carolina Department of Transportation
 Acting District Engineer
 130 S. Sutherland Avenue
 Monroe, NC 28112

**Subject: Bonterra Expansion
 Walton Development and Management
 SR 1518 (Faith Church Road)
 Traffic Impact Memorandum**

Mr. Ainsworth:

The proposed residential development as further defined by the attached Bonterra Village – Concept Plan is an extension of the existing Bonterra Village. The new phase of the development consists of 145 single family dwelling units. According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, the proposed development will generate approximately 1,478 average daily weekday trips.

Land Use Code 210 (Single-Family Detached Housing)

Daily Traffic Generation:

Single Family (LUC-210): $Ln(T) = 0.92 Ln(X) + 2.72$; (50%in, 50% out)

AM Peak Hour Generation:

Single Family (LUC-210): $T = .70(X) + 9.74$; (25%in, 75% out)

PM Peak Hour Generation:

Single Family (LUC-210): $Ln(T) = 0.90 Ln(X) + 0.51$; (63%in, 37% out)

Land Code	Units	Daily (veh)			AM Peak Hour (veh)			PM Peak Hour (veh)		
		Total	Entering	Exiting	Total	Entering	Exiting	Total	Entering	Exiting
210 Single Family Detached Housing	145	1478	739	739	111	28	83	147	93	54

The 1,478 average daily weekday trips is below the 3,000 trips for which NCDOT requires a TIA. Therefore, we submit this traffic impact memorandum in lieu of a detailed TIA per email from Sean Epperson dated June 4, 2015. The proposed development is anticipated to have a minimal impact on the surrounding transportation

5950 Fairview Road
 Suite 320
 Charlotte, NC 28210
 Phone: 704.332.2289
 Fax: 704.332.2294

Boca Raton, Florida
 Chipley, Florida
 Gainesville, Florida
 Jacksonville, Florida
 Lakeland, Florida
 Orlando, Florida
 Panama City, Florida
 Pensacola, Florida
 Raleigh, North Carolina
 Tallahassee, Florida
 Tampa, Florida

Based on the "NCDOT Policy on Street and Driveway Access to North Carolina Highways" guidelines, turn lane warrant analyses were performed on SR 1518 (Faith Church Road) at the proposed Bonterra Village site entrance. Figure "Warrant for Left and Right-Turn Lanes" at page 80 of the NCDOT Policy on Street and Driveway Access to North Carolina Highways was used to evaluate the turn lanes.

The results of the analyses are attached. Based on the guidelines and projected traffic volumes (obtained from the previously approved TIA for Bonterra Village, Phases 3-6) the following recommendations are suggested on SR 1518 (Faith Church Road) at the proposed site entrance:

- Provide a southbound left-turn lane with 75 feet of storage

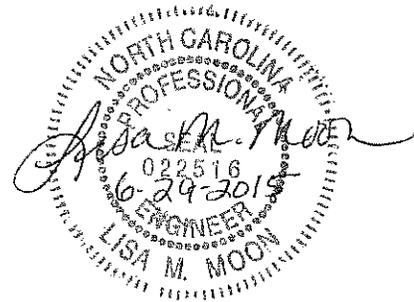
An un-signalized analysis was also completed. The level of service for the southbound left turn lane into the site is an 'A' for both the AM and PM peak periods. The westbound movement from the site has a level of service of 'B' in both the AM and PM peaks. There are no queuing issues based on the analysis.

I trust that the information provided in this memorandum satisfies NCDOT requirements for the proposed development. Please contact me with any questions or if you need additional information.

Sincerely,
DRMP, Inc. (NC License No. C-2213)



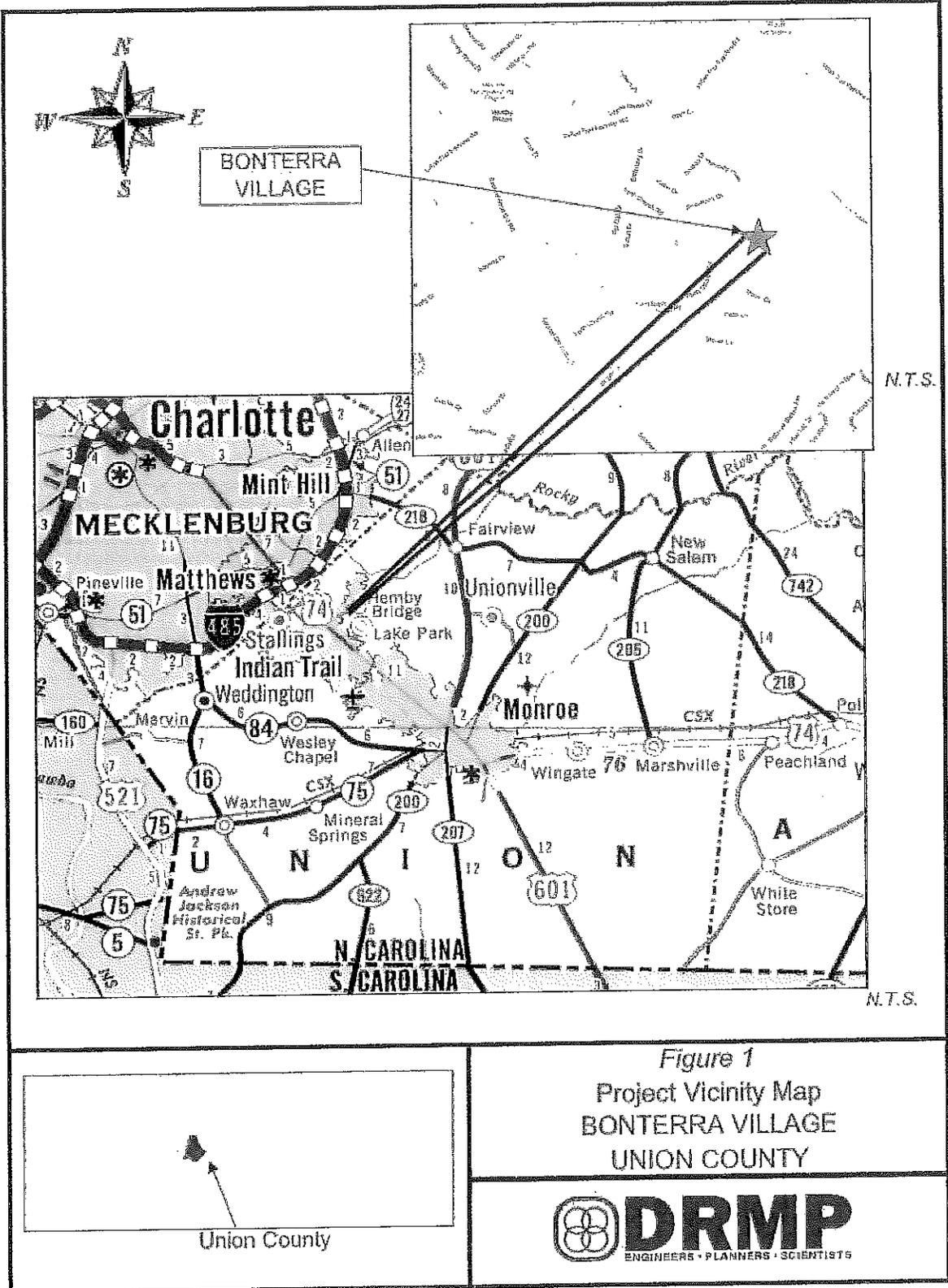
Lisa M. Moon, PE
Senior Traffic Engineer

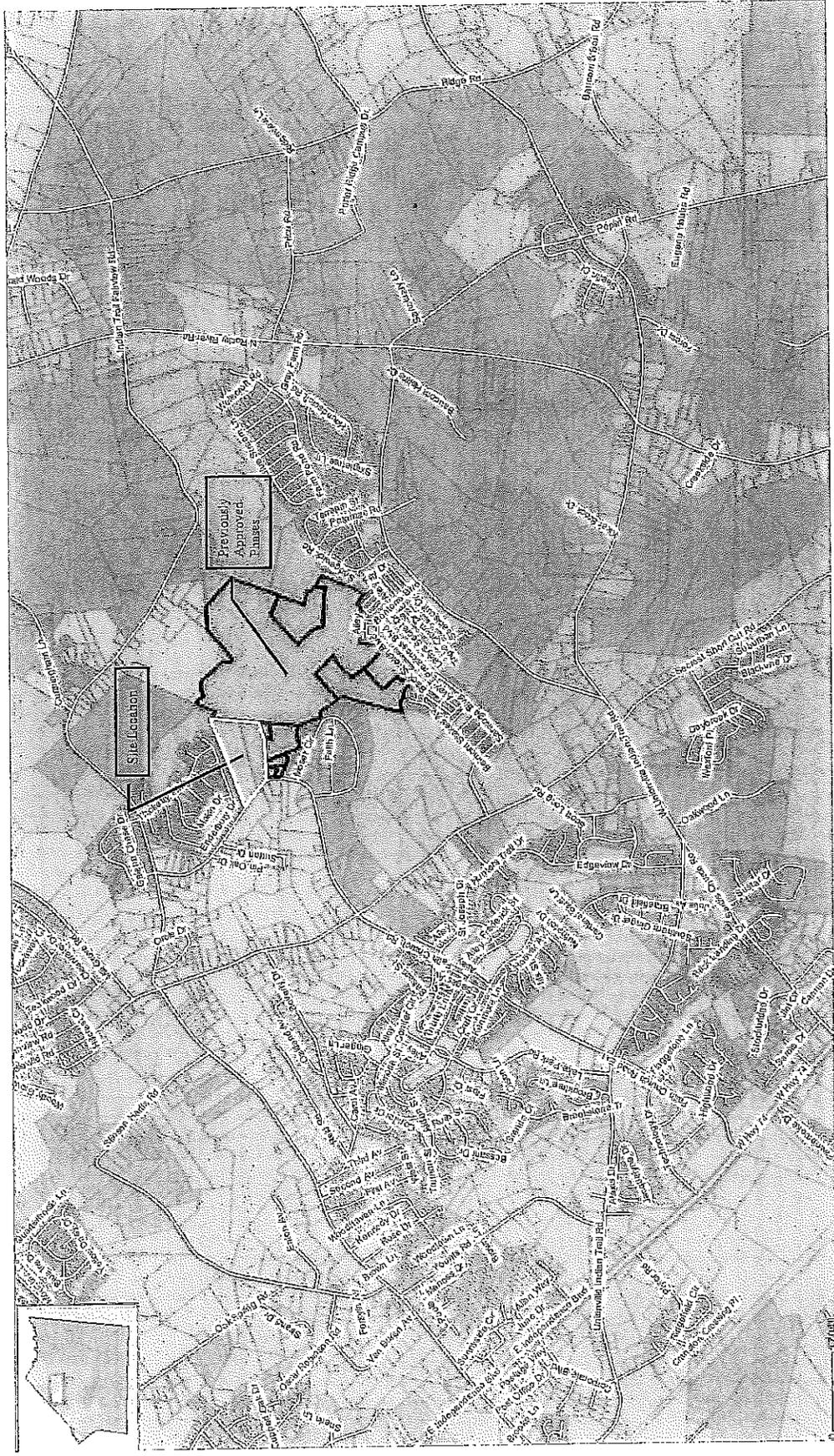


Attachments:

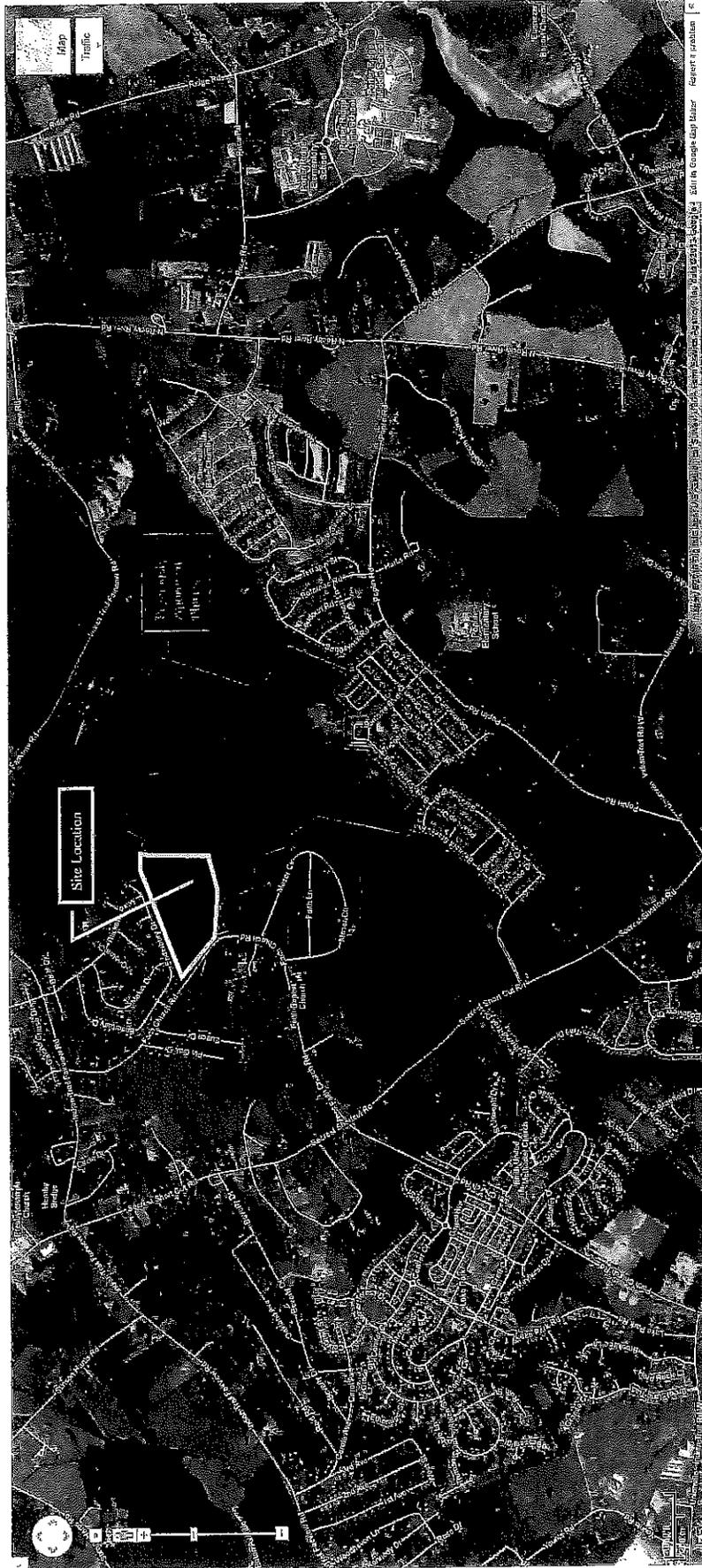
- Vicinity Map
- Site location maps
- Aerial Map
- Bonterra Village – Concept Plan
- Bonterra Village – Future Site Volumes
- Bonterra Village Phase 3-6 Build-out Volumes
- Lane Warrant Analysis
- Synchro Analysis – Un-signalized Intersection
- SimTraffic Queuing Reports

CC: Rox Burhans
Sean Epperson

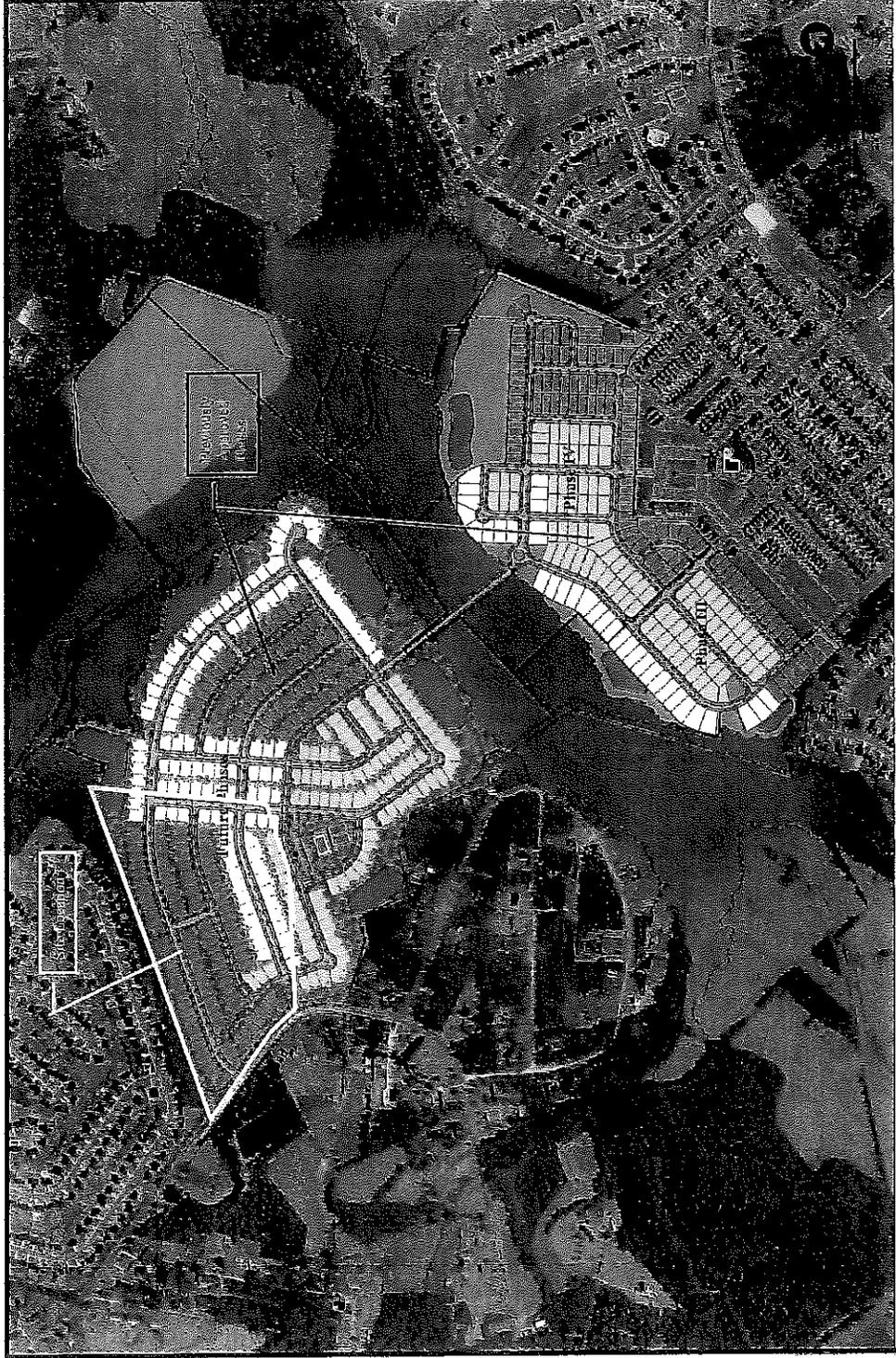




Bonterra (Future Phase) - Site Location



Bonterra (Future Phase) – Aerial Map

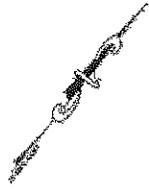


Indian Trail, NC

The site plan is conceptual in nature and subject to change without notice.

Bonterra Village - Concept Plan





FAITH CHURCH RD.
(SR 1518)

78 (173)
21 (67)

187 (201)
20 (67)

61 (39)
80 (39)

PROPOSED
SITE

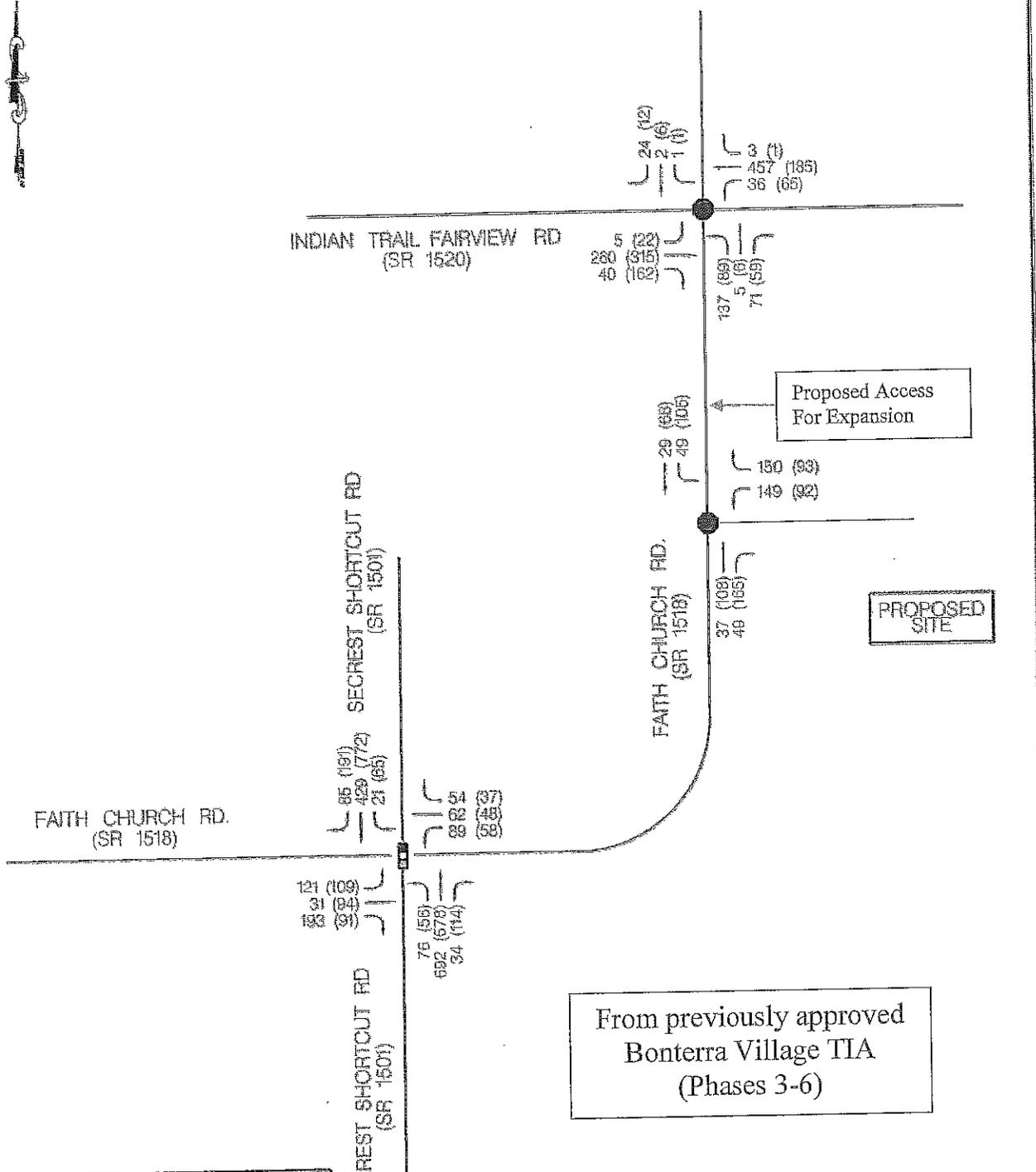
LEGEND	
XX	AM PEAK HOUR TRAFFIC
(XX)	PM PEAK HOUR TRAFFIC



PROPOSED DEVELOPMENT
BONTERRA VILLAGE
INDIAN TRAIL, NORTH CAROLINA

2020 AM & PM PEAK HOUR
BUILDOUT TRAFFIC VOLUMES

FIGURE 2
NOT TO SCALE



LEGEND	
XX	AM PEAK HOUR TRAFFIC
((XX))	PM PEAK HOUR TRAFFIC

	PROPOSED DEVELOPMENT BONTERRA VILLAGE INDIAN TRAIL, NORTH CAROLINA	2020 AM & PM PEAK HOUR BUILDOUT TRAFFIC VOLUMES	FIGURE 8
			NOT TO SCALE

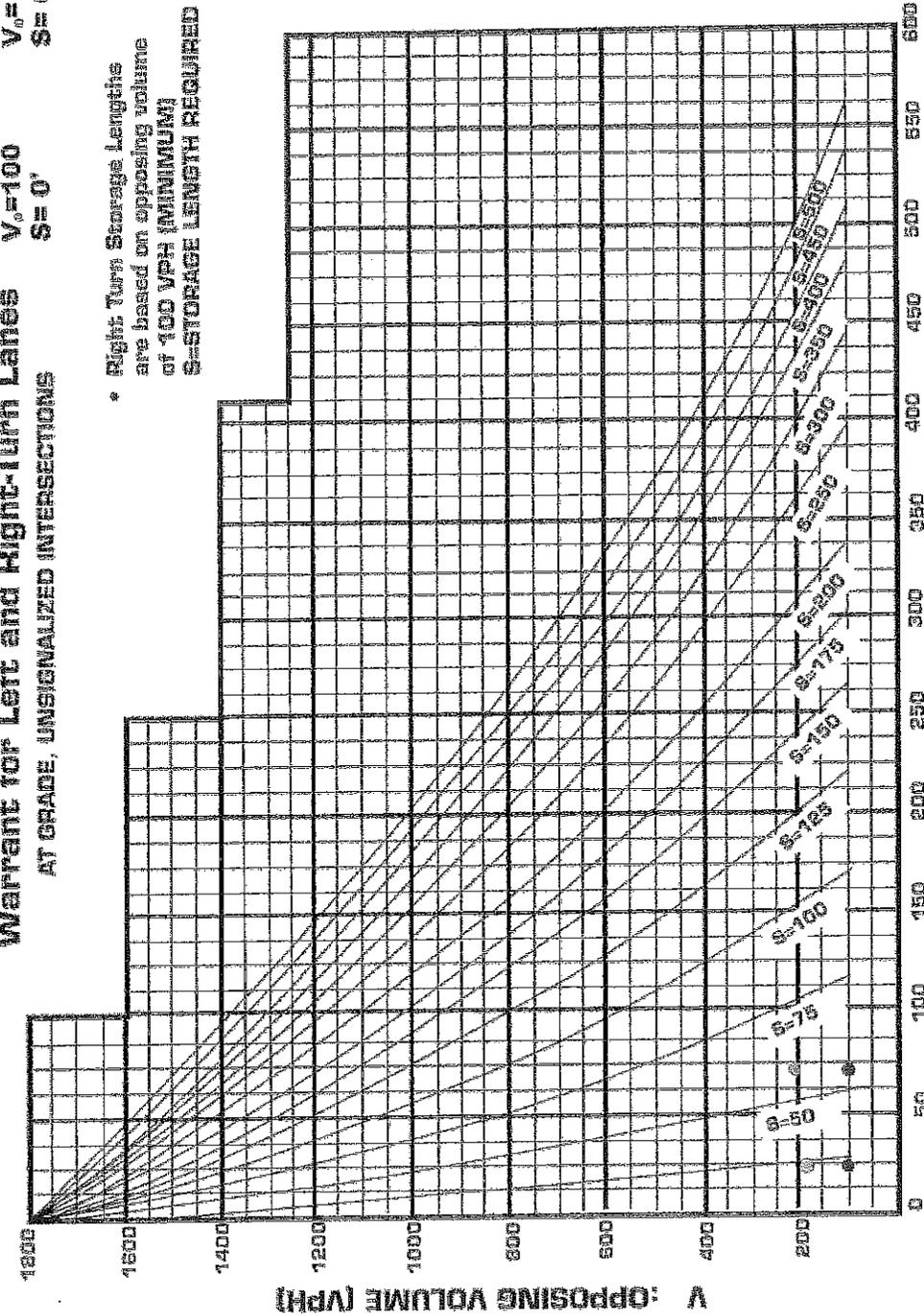
**Bonterra Access Road - 2020
BuildOut Conditions**

Right Lane

AM peak $V_L=21$ PM peak $V_L=68$
 $V_R=100$ $V_R=100$
 $S=0'$ $S=0'$

**Warrant for Left and Right-Turn Lanes
AT GRADE, UNSIGNALIZED INTERSECTIONS**

* Right Turn Storage Lengths
are based on opposing volume
of 100 VPH (MINIMUM)
S=STORAGE LENGTH REQUIRED



Left Lane

AM peak $V_L=21$ $V_R=187$
 $S=0'$

PM peak $V_L=68$ $V_R=201$
 $S=75'$

Note: Where adjacent signalization may provide opportunities for gaps in the traffic stream a reduction in the above storage values can be considered on a case by case basis.

V_L : LEFT TURNING VOLUME (VPH)
 V_R : RIGHT TURNING VOLUME (VPH)

HCM Unsignalized Intersection Capacity Analysis
 11: Faith Church Rd & Access Rd

2020 AM Build
 6/10/2015

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Volume (veh/h)	60	61	187	20	21	78
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	65	66	203	22	23	85
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type			TWLT			None
Median storage (veh)			2			
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	345	214			225	
vC1, stage 1 conf vol	214					
vC2, stage 2 conf vol	130					
vCu, unblocked vol	345	214			225	
IC, single (s)	6.4	6.2			4.1	
IC, 2 stage (s)	5.4					
IF (s)	3.5	3.3			2.2	
p0 queue free %	91	92			98	
cM capacity (veh/h)	759	826			1344	

Direction, Lane #	WB 1	NB 1	SB 1	SB 2
Volume Total	132	225	23	85
Volume Left	65	0	23	0
Volume Right	66	22	0	0
cSH	791	1700	1344	1700
Volume to Capacity	0.17	0.13	0.02	0.05
Queue Length 95th (ft)	15	0	1	0
Control Delay (s)	10.5	0.0	7.7	0.0
Lane LOS	B		A	
Approach Delay (s)	10.5	0.0	1.6	
Approach LOS	B			

Intersection Summary			
Average Delay		3.3	
Intersection Capacity Utilization		31.2%	ICU Level of Service A
Analysis Period (min)		15	

Queuing and Blocking Report
Baseline

6/10/2015

Intersection: 11: Faith Church Rd & Access Rd

Movement	WB	SB
Directions Served	LR	L
Maximum Queue (ft)	56	26
Average Queue (ft)	35	5
95th Queue (ft)	52	22
Link Distance (ft)	524	
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		75
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

HCM Unsignalized Intersection Capacity Analysis
 11: Faith Church Rd & Access Road

2020 Build PM
 6/10/2015

	↙	↖	↑	↗	↘	↓
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	↙		↑		↘	↓
Volume (veh/h)	39	39	201	67	57	173
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	42	42	218	73	73	188
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type			None			None
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	589	255			291	
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	589	255			291	
IC, single (s)	6.4	6.2			4.1	
IC, 2 stage (s)						
tF (s)	3.5	3.3			2.2	
p0 queue free %	90	95			91	
cM capacity (veh/h)	444	784			1270	

Direction, Lane #	WB 1	NB 1	SB 1	SB 2
Volume Total	85	291	73	188
Volume Left	42	0	73	0
Volume Right	42	73	0	0
cSH	587	1700	1270	1700
Volume to Capacity	0.15	0.17	0.06	0.11
Queue Length 95th (ft)	13	0	5	0
Control Delay (s)	12.5	0.0	8.0	0.0
Lane LOS	B		A	
Approach Delay (s)	12.5	0.0	2.2	
Approach LOS	B			

Intersection Summary			
Average Delay		2.6	
Intersection Capacity Utilization		35.5%	ICU Level of Service
Analysis Period (min)		15	A

Queuing and Blocking Report
Baseline

6/10/2015

Intersection: 11: Faith Church Rd & Access Road

Movement	WB	SB
Directions Served	LR	L
Maximum Queue (ft)	30	53
Average Queue (ft)	29	16
95th Queue (ft)	31	51
Link Distance (ft)	524	
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		75
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

STATE OF NORTH CAROLINA)
)
TOWN OF INDIAN TRAIL)

ORDINANCE # DRAFT

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF INDIAN TRAIL REZONING PARCELS 07-039-034A AND 07-039-034B FROM SF-1 SINGLE FAMILY TO CZ-PED-1/SF-5 SINGLE FAMILY FOR APPROVED SUP 2001-005 (CONDITIONAL ZONING PRE-EXISTING DEVELOPMENT- FOR BONTERRA VILLAGE DISTRICT) AND AMENDING THE CONCEPTUAL PLAN FOR FUTURE BONTERRA PHASES, IN THE TOWN OF INDIAN TRAIL, UNION COUNTY, NORTH CAROLINA

WHEREAS, the applicant John Ross of Eagle Engineering on behalf of the property owners Walton North Carolina, LLC petitioned to rezone tax parcels 07-039-034A and 07-039-034B (Faith Church Road) from SF-1 Single Family classification to a Conditional Zoning District of PED-1 Overlay and SF-5 Single Family for the purpose of including the 33 acre parcel into the Planned Unit Development Bonterra Village and amending the Conceptual Plan for the Future Bonterra Phases; and

WHEREAS, this Conditional Zoning Amendment (CZ2015-002) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, two community meetings were held on June 29, 2015; and

WHEREAS, a public meeting was held by the Planning Board on July 21, 2015 to consider this conditional zoning request; and

WHEREAS, the Planning Board after hearing the case and public comments found the proposed map amendment is consistent with the following goals of the Comprehensive Plan:

- *Land Use and Housing Goals #1, 2 and 5:* The proposed project promotes compatibility of land uses between neighboring properties and surrounding municipalities, provides a range of housing options, and proposes high quality design to promote attractive land development; and
- *Mobility and Transportation Goal #3:* The proposed development incorporates pedestrian amenities by way of a walking trail, providing pedestrian connectivity within the community.

WHEREAS, the request for this conditional zoning district (PED-1/SF-5 – SUP2015-002-CZ) is a reasonable request and is in the public interest because supports the goals of the adopted Comprehensive Plan and includes elements that benefit the general public in the areas of transportation, land use and housing.

WHEREAS, after making the draft findings the Planning Board approved 5 to 0 the motion to transmit a recommendation to approve as conditioned to the Town Council; and

WHEREAS, the Town Council held a public hearing on August 11, 2015 to consider said request and recommendation of approval from the Planning Board; and

WHEREAS, the Town Council concurred with the Planning Board's consistency findings and hereby endorses said findings; and

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 – Approves CZ 2015-002 Conditional Zoning Petition thereby granting the Zoning Map amendment to establish Conditional Zoning District of PED-1 Overlay and SF-5 Single Family for the purpose of including the 33 acre parcel into the Planned Unit Development Bonterra Village a subject to the following conditions:

1. *Consistency with SUP 2001-005, Conditional Zoning Pre-Existing Development for Bonterra Village District:* Unless otherwise stated in the requirements herein, the proposed site shall be subject to all conditions approved with the Pre-Existing Bonterra Village District (SUP 2001-005). Exhibit 1
2. *Subject Parcels:* Rezoning – 07039034A and 07039034B; Modifying Conceptual Plan for - 07042045A, 07042045B, 07042045, 07039036, 07039036A and a portion of 07021001
3. *Permitted Uses:* The permitted use on the subject property is single-family detached residential and accessory uses as permitted in SUP 2001-005 and the UDO. It is noted that a limited portion of the community may be modified to develop for senior housing that may contemplate townhome or condominium ownership and development typologies.
4. *Maximum Density:* The maximum density of the entire Bonterra Village development shall not exceed 1,395 units, as previously approved in SUP 2001-005 based on the original site acreage of 449.89 acres and the maximum density of 3.1 units per acre.
5. *Conceptual Plan and Community Design Guidelines:* The proposed new 33 acres area depicted in the Conceptual Plan shall be incorporated into Bonterra Village and developed in conjunction with the planned future phases of Bonterra Village as generally depicted in the Conceptual Plan, referenced as Exhibit 2. The proposed single-family development and associated amenity improvements (including site entrance, pool and cabana) shall comply with the requirements of SUP 2001-005, and the supplemental Design Guidelines approved herein attached as Exhibit 3.
 - a. *On-street parking:* on-street parking shall be provided at key locations as generally depicted on the Conceptual Plan.
 - b. *30 foot natural buffer along the northern property line:* A 30 foot buffer shall be provided along the northern property line abutting Bent Creek subdivision. The buffer shall contain a 12 foot wide walking/horse natural trail and as much undisturbed natural landscaping as feasible. In the event any cleared area results in

visibility of the adjacent neighborhood in Bent Creek, supplemental plantings shall be provided to the satisfaction of the Town of Indian Trail.

- c. *Amenities:* The community amenity area (cabana, tennis courts and pool with associated parking) shall be under construction prior to the issuance of Zoning Compliance permits for the 99th home. Any amenities must be consistent with the Architectural Design of the proposed development. The community amenities may be substituted with other major common area amenities of equal or greater financial investment. Community amenities shall not be substituted with amenities of lesser value than those depicted on the Conceptual Plan.
- 6. *Architecture:* Architectural design and details shall be in accordance with the Integrity and Design Standards in Unified Development Ordinance (UDO) Chapter 1310.010, 1310.020, 1310.030(A)-(G), (C)-(D), (H)-(K) and 1310.040(A)-(B) attached herein as Exhibit 3.
- 7. *Lot Frontage, Lot sizes, Setbacks and Height:* Lots shall provide 50', 60' or 70' of width, as generally referenced on the concept plan (Exhibit 2). The minimum lot sizes are 5,500 square feet (50' lots), 6,600 square feet (60' lots) and 7,700 square feet (70' lots). Setbacks shall be provided as follows:

Lots	Setback Requirements
50 foot (5,500 square foot minimum)	Front façade: 20 feet
60 foot (6,600 square foot minimum)	Front porch: 15 feet
70 foot (7,700 square foot minimum)	Rear: 20 feet
	Sides: 5 feet
Height shall not exceed 35 feet	

The side building walls shall not be constructed with highly flammable building materials.

Garages: Garages shall be recessed a minimum of 2' from the front façade (conditioned living space) of the house or 22' from the edge of right-of-way, whichever is greater.

Corner Lots: Special consideration shall be given to corner lots. Additional landscaping shall be used within the side yards of corner lots to soften the hard edges of the homes. Such landscaping may include shrubs or appropriate sized trees located outside all sight distance areas.

Foundations: All homes shall be built on a raised stem wall slab or a crawl space foundation (with vents). All raised foundation walls shall have a minimum exposed height at the front of 16" above finished grade.

- 8. *Tree Retention:* The development is conditioned to comply with Chapter 830- Tree Preservation Ordinance of the UDO. A Heritage tree survey and tree canopy plan is required within the site plan review process. All reasonable efforts will be made to retain the existing Heritage Trees on the site, however, it is recognized that several may need to be removed and mitigation will be undertaken in accordance with UDO Chapter 830(E) requirement.
- 9. *TIA Roadway Improvements:* Prior to the issuance of Town Zoning Compliance for any home, the developer shall be responsible for constructing all roadway improvements identified in the Traffic Impact Memorandum dated June 29, 2015 and those identified in the Traffic Impact Study, prepared by DRMP dated July 2013. All required roadway improvements shall be constructed and any associated public ROW dedicated prior to the issuance of Town Zoning Compliance for any home unless a phasing plan is approved by

the Town of Indian Trail Engineer and the North Carolina Department of Transportation (NCDOT). Required improvements are summarized below.

Traffic Impact Memorandum, dated June 29, 2015

- On Faith Church Road (SR 1518): Provide a southbound, left turn lane with 75 feet of storage

Traffic Impact Study, dated July 2013

- Intersection of Indian Trail Fairview Road (SR 1520) and Faith Church Road (SR 1518): Provide a westbound, left turn lane with a minimum of 150 feet storage and an eastbound, right turn lane with minimum 100 feet storage on Indian Trail Fairview Road (SR 1520).
- Access Road (Site Entrance) on Faith Church Road (SR 1518):
Provide a separate southbound, left turn lane on Faith Church Road (SR 1518) with a minimum 125 feet storage; and
Provide a separate northbound, left turn lane on Faith Church Road (SR 1518) with a minimum 100 feet storage; and
Provide separate turn lanes on Access Road.

10. *Frontage Improvements:* Roadway improvements along Faith Church Road shall be provided and include curb/gutter, sidewalks, and street trees. A minimum ROW measured 35 feet from the center line of the existing road shall be provided and dedicated to NCDOT or its assigns. All required frontage improvements shall be constructed and any associated public ROW dedicated prior to the issuance of Town Zoning Compliance for any home unless a phasing plan is approved by the Town of Indian Trail Engineer and NCDOT.
11. *Onsite Roadway Improvements:* Internal Roads within the subject site and associated phases shall be constructed with a minimum of 50' and 60' right-of-way. Improvements shall consist of two travel lanes in opposite direction, curb/gutter, sidewalks and street trees. Traffic calming features are required throughout the development and shall include a combination of raised intersections, pedestrian crossings, speed tables and/or other traffic calming mechanisms, as approved by the Town Engineering Department. All roadways shall be constructed in accordance with Town Engineering Standards.
12. *Traffic Knuckles:* Knuckles or roundabouts shall provide at the center such features as landscaping (excluding trees) or similar treatment.
13. *Stormwater Detention Ponds:* The size of the proposed stormwater management facilities identified on the Conceptual Plan is for illustrative purposes only. The exact size shall be determined during Site Plan submittal. At a minimum, vegetation screening and fence shall be provided around the stormwater management improvements to minimize any visual obtrusiveness. It is recognized not all detention ponds will provide an amenity. However, where possible and appropriate in the design of the facility, detention ponds shall provide amenities including but not limited to water fountains, gathering areas and/or similar passive recreation areas for residents.
14. *Public Trail Easement:* A 20 foot trail easement shall be provided for access to a public trail along the eastern boundary of Bonterra Village that runs north/south along North Fork Crooked Creek.

15. *Sketch Plan Approval from UCPW:* Prior to submittal for Site Plan review, the developer shall obtain sketch plan approval from Union County Public Works.
16. *Future Senior Housing Homes/Pods:* In the event that a portion of the subject area depicted on the conceptual plan is desired for senior housing in the future, a minor modification of the Conceptual Plan shall be filed with and approved by the Town. At a minimum, such modification must be consistent with the Conceptual Plan approved with this conditional zoning in the following regards: Shall not increase the density or intensity of development; must provide a similar ownership structure as single-family residences (i.e., fee simple ownership, townhome, condominium); shall not include apartment rentals or similar development; and shall not propose substantive changes in the open space and community amenity features, and/or the architectural design. Any major changes, other than those described above, to implement the Senior Housing concept would require a Major Conditional Rezoning Application (Unified Development Ordinance Chapter 330.050(A)1-5).
17. *Revocation:* The Town Council may act to revoke the conditional zoning district designation if the applicant fails to meet the terms of the district.

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

AND IT IS SO ORDAINED this day of August, 2015.

TOWN OF INDIAN TRAIL COUNCIL

Attest:

VACANT, Town Clerk

Michael Alvarez, Mayor

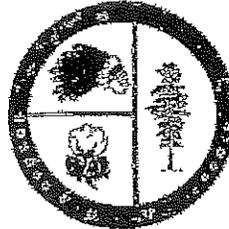
APPROVED AS TO FORM:

TOWN ATTORNEY

BK 1866PG350

2001-005

Town Of Indian Trail



Filed for record
Date 7-17-2002
Time 1:00 o'clock P.m
JUDY G. PRICE, Register of Deeds
Union County, Merree, North Carolina

27424

P.O. Box 2430
Indian Trail, North Carolina 28079
Telephone 704/821-5401

SPECIAL USE PERMIT GRANTED

On the date listed below, the Town Council for the Town of Indian Trail met and held a public hearing to consider the following application.

Applicant: Bonterra Village, LLC (formerly Insight Communities)
Property location: Poplin Road, Secrest Shortcut, Faith Church Road
Tax Map #: 07-021-001, 07-039-036, 07-039-036-A
07-042-010A, 7-042-010D, 07-042-002-B, 07-042-045, & 07-042-045-B
Proposed Use of Property: Mixed Use Development
Meeting Date: April 10, 2001

RECORDED
AND
VERIFIED
AMR

Having heard all of the evidence and argument presented at the hearing, the Town Council finds that the application is complete, that the application complies with all of the applicable requirements of the Indian Trail Zoning Ordinance for the development proposed, and that therefore the application to make use of the above described property for the purpose indicated is hereby approved, subject to all applicable provision of the Town Ordinances and the following conditions:

1. The applicant shall complete the development in accordance with the plans submitted to and approved by the Town Council, a copy of which is filed in the Town of Indian Trail Planning Department.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

If this permit authorizes development on a tract of land larger than one acre, nothing authorized by the permit may be done until the property owner properly executes and returns to the Town of Indian Trail the attached acknowledgement of the issuance of this permit so that the Town of Indian Trail may have it recorded with the Union County Register of Deeds.

Therefore, APPROVAL OF SUP-2001-005 IS WITH THE FOLLOWING CONDITIONS:

Develop in general accordance with the site plan submitted, with modifications as may be needed to meet the conditions of the Special Use Permit.

1. Restrict the use of the property uses and structures as follows:

A) Limit the development of the proposed commercial use of B-4 to no more than thirty (30) acres. The uses will be limited to retail sales and service as allowed in the Indian Trail Zoning Ordinance not to exceed 130,000 square feet as identified on site plan fronting Secret Short Cut Road.

B) Limit the development of the proposed commercial use of B-3 to no more than thirty-five (35) acres. The uses contained in the B-3 zoning district would be as follows: 15 office buildings with the option of live/work for each. The proposed buildings would be limited to no more than 8,000 square feet each as identified on the site plan. Also within the B-3 zoning district there could be 75 live/work units not to exceed 8000 square feet each.

C) Limit the development of the proposed commercial use of B-2 to no more than twenty (20) acres. The uses will be limited to retail sales and service.

D) Limit the development of the proposed office use of O (Office) to no more than two (2) acres. The uses will be limited to office uses as allowed in the Indian Trail Zoning Ordinance.

E) The following uses are not permitted within the entire development: halfway houses, rooming houses, boarding houses, wholesale sales, manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods and merchandise, pool halls, drive-in movie theaters, parking garages, kennels, mining operations, waste disposal, telecommunication towers, bus stations, and taxi operations.

2. To satisfy the following site development considerations:

A) All non residential structures and building facades to be constructed with either brick, stone, wood, shake siding with no vinyl or composite siding.

B) Provide a 10,000 square foot open space preserving the natural vegetation crossing along the frontage of Faith Church Road only bisected by the entrance road and utility easements. The entrance will contain three tier white vinyl fencing with ornamental caps approximately four feet high providing a permanent visual screen from Faith Church Road.

C) Provide a pasture along Poplin Road approximately 150x1500 and 150x900 on either side of the entrance road. This area will be designated open space containing pastureland and horses. The area will be bounded by white vinyl fencing with ornamental caps having a minimum height of four feet.

D) A planting strip along the frontage of Secrest Short Cut Road outside of any designated road right-of-way, will contain an area 300 x 40 and 150 x 25 planted with dwarf Burfidia Holly bushes 4 foot on center and other planting materials to enhance the road side view of the development. Lighting shall be contained in cut-off type luminaries and shall be directed toward the property so as not to reflect into adjacent residential properties.

3. Restrict the residential density of the property to no more than 3.1 units to the acre for the entire project with the following conditions:

A) All front yards shall be sodded or seeded and strawed with the development of sidewalks, streetlights and street trees for the proposed phase prior to the issuance of zoning compliance by the Town of Indian Trail.

4. To abide by the following requirements, dedications and improvements:

A) Provide 5-foot sidewalks and curb and gutter along the frontage of Secrest Short Cut Road.

B) Provide improvements to Faith Church Road, Poplin Road, and Secrest Short Cut Road as required by the Ordinances of the Town of Indian Trail and the North Carolina Department of Transportation.

C) The 20-acre site designated on the Bonterra site plan as a school site shall be reserved for the purposes of primary education facility, for a period of five years and, if not utilized, shall become the property of the homeowners association to be used for such purposes as allowed for in common area.

D) The developer is proposing a six (6) acre tract of land be dedicated to Boy Scouts for primitive camping and other scouting activities.

E) The developer is proposing a one (1) acre tract of land be dedicated to the Town so it can be given to the appropriate fire department for emergency services to include EMS or other facilities which may be needed to better serve the area.

F) Thirty-five percent of the development shall be required to be open space approximately one hundred and fifty-seven (157) acres.

G) Along the interior streets of the development provide streetlights along the sidewalk from 100 feet to 300 feet apart depending on illumination (candle wattage) of the lights installed. See detail in subdivision regulations.

*1/10/10
in the act*

HEREFORE, ON THE BASIS OF THE FOREGOING, IT IS ORDERED THAT THE APPLICATION FOR SPECIAL USE PERMIT 2001-005 BE GRANTED

BK 1866 PG 353

Therefore, on the basis of the foregoing, it is ordered that the application for Special Use Permit 2001-005 be granted.

Ordered this the 16 day of July, 2002.

TOWN OF INDIAN TRAIL

ATTEST:

Karen B. Price
Karen B. Price, Town Clerk

Dean Harrell
Dean Harrell, Applicant



Edward Smith
Edward Smith, Mayor

NORTH CAROLINA-UNION COUNTY

The foregoing certificate(s) of D. Hope Bergamini

Notar(y) (ies) Public is/are certified to be correct.

JUDY G. PRICE, REGISTER OF DEEDS, BY: May B. Price ASSISTANT

STATE OF NORTH CAROLINA
COUNTY OF UNION

I, D. Hope Bergamini, a Notary Public of said County, do hereby certify that Karen B. Price personally came before me this day and acknowledged that she is Town Clerk of the Town of Indian Trail, a municipal corporation of said state, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Mayor, sealed with the corporate seal, and attested by its Town Clerk. Witness my hand and official seal, this the 16 day of July, 2002.

My commission expires: 3/26/2006

D. Hope Bergamini
Notary Public

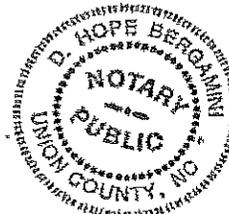


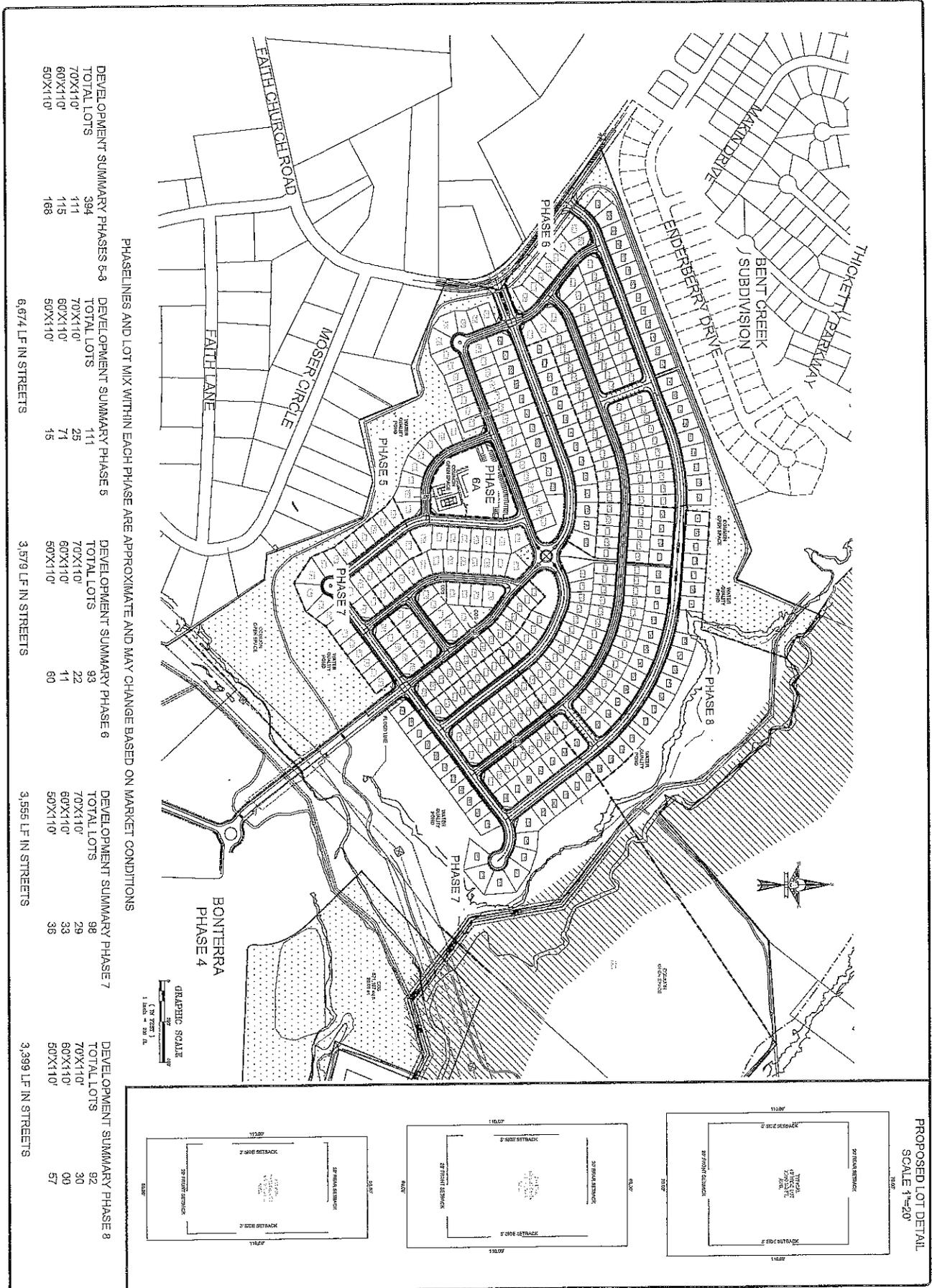
STATE OF NORTH CAROLINA
COUNTY OF UNION

I, D. Hope Bergamini, a Notary Public of said County, do hereby certify that Dean Harrell, managing member of Bonterra Village, LLC (formerly Insight Communities), Applicant, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the 16 day of July, 2002.

My commission expires: 3/26/2006

D. Hope Bergamini
D. Hope Bergamini, Notary Public





DEVELOPMENT SUMMARY PHASES 5-8	
TOTAL LOTS	394
70'X110'	111
60'X110'	115
50'X110'	168

DEVELOPMENT SUMMARY PHASE 5	
TOTAL LOTS	111
70'X110'	25
60'X110'	71
50'X110'	15

DEVELOPMENT SUMMARY PHASE 6	
TOTAL LOTS	93
70'X110'	22
60'X110'	11
50'X110'	60

DEVELOPMENT SUMMARY PHASE 7	
TOTAL LOTS	98
70'X110'	29
60'X110'	33
50'X110'	36

DEVELOPMENT SUMMARY PHASE 8	
TOTAL LOTS	92
70'X110'	30
60'X110'	09
50'X110'	57

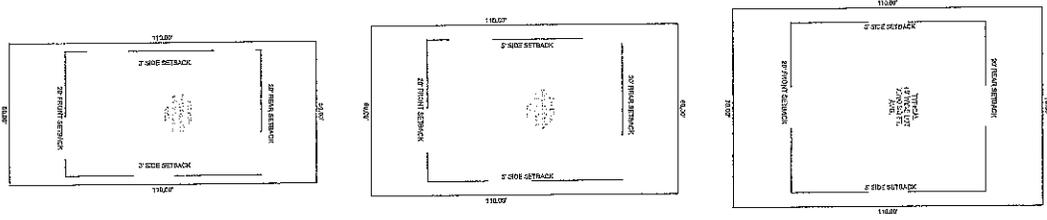
PHASE LINES AND LOT MIX WITHIN EACH PHASE ARE APPROXIMATE AND MAY CHANGE BASED ON MARKET CONDITIONS

6,674 LF IN STREETS

3,579 LF IN STREETS

3,555 LF IN STREETS

3,399 LF IN STREETS



EXHIBIT

PRELIMINARY CONSTRUCTION

SITE PLAN EXHIBIT
FAITH CHURCH ROAD ACCESS

DESIGNED BY	KEL	CHECKED BY	KEL	DATE	11/17/11
DRAWN BY	AS	DATE	11/17/11	SCALE	AS SHOWN

BONTERRA
PHASES 5 - 8

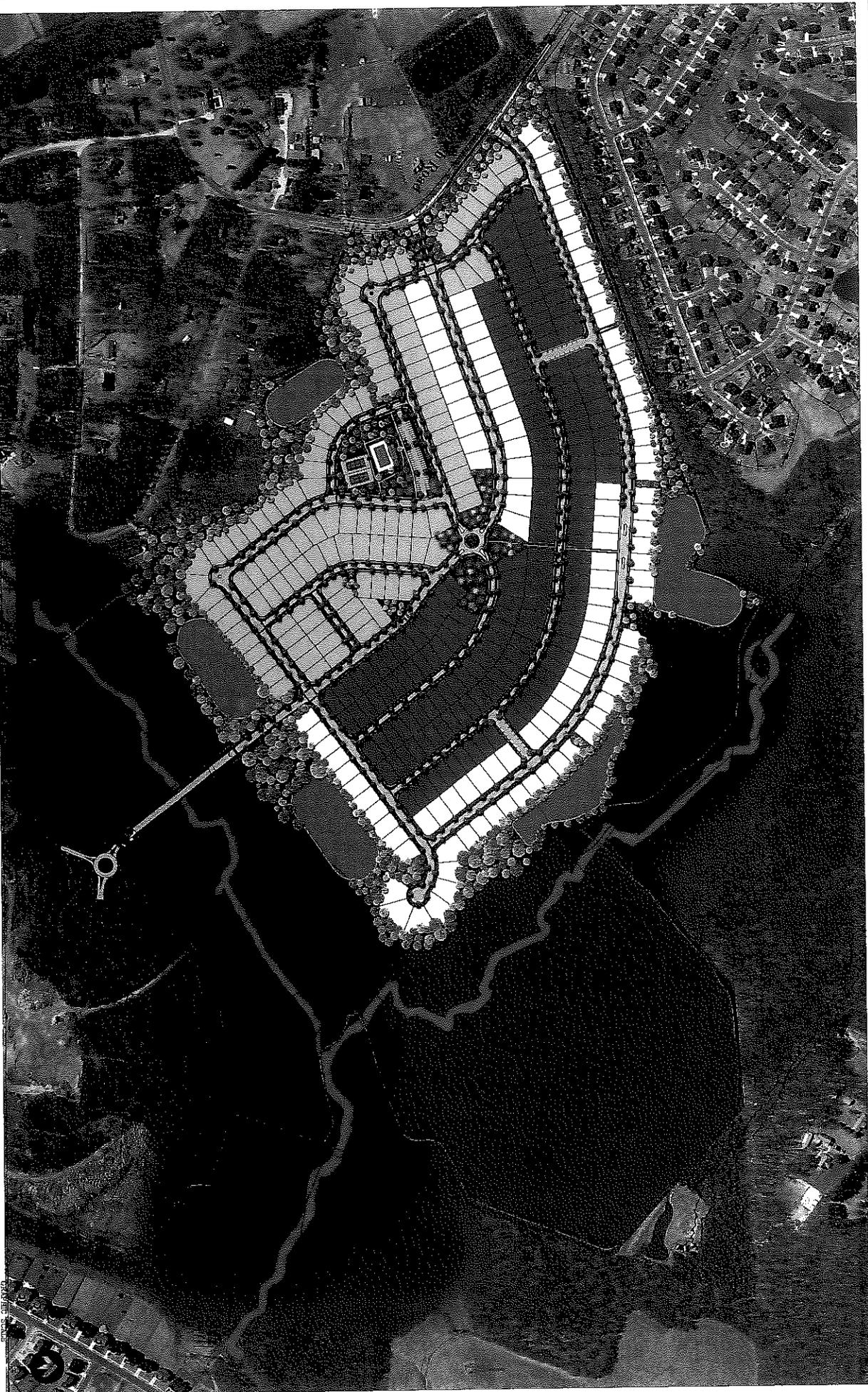
WALTON DEVELOPMENT & MGT (USA), INC.
11555 CARMEL COMMONS BLDG, SUITE 102
CHARLOTTE, NC

NO.	DATE	BY	ISSUE

ENGINEERING

3811A Via Ruess Avenue
Indian Trail, NC 28079
(704) 963-0202
www.mpboufford.com

T.D. BOUXE III
Alyssa G. G. 30889
(704) 535-8848



BONTERRA VILLAGE - Concept Plan

Indian Trail, NC

This site plan is for illustrative purposes only and is subject to change without notice.

DATE: 07/15/2015
1:00 PM
1 inch = 80 ft
July 15, 2015



Neighborhood Buffer Exhibit (Chase - Leighton at Bent Creek)

**Bonterra
(Chase - Leighton Tract)**

**Bent Creek
Subdivision**

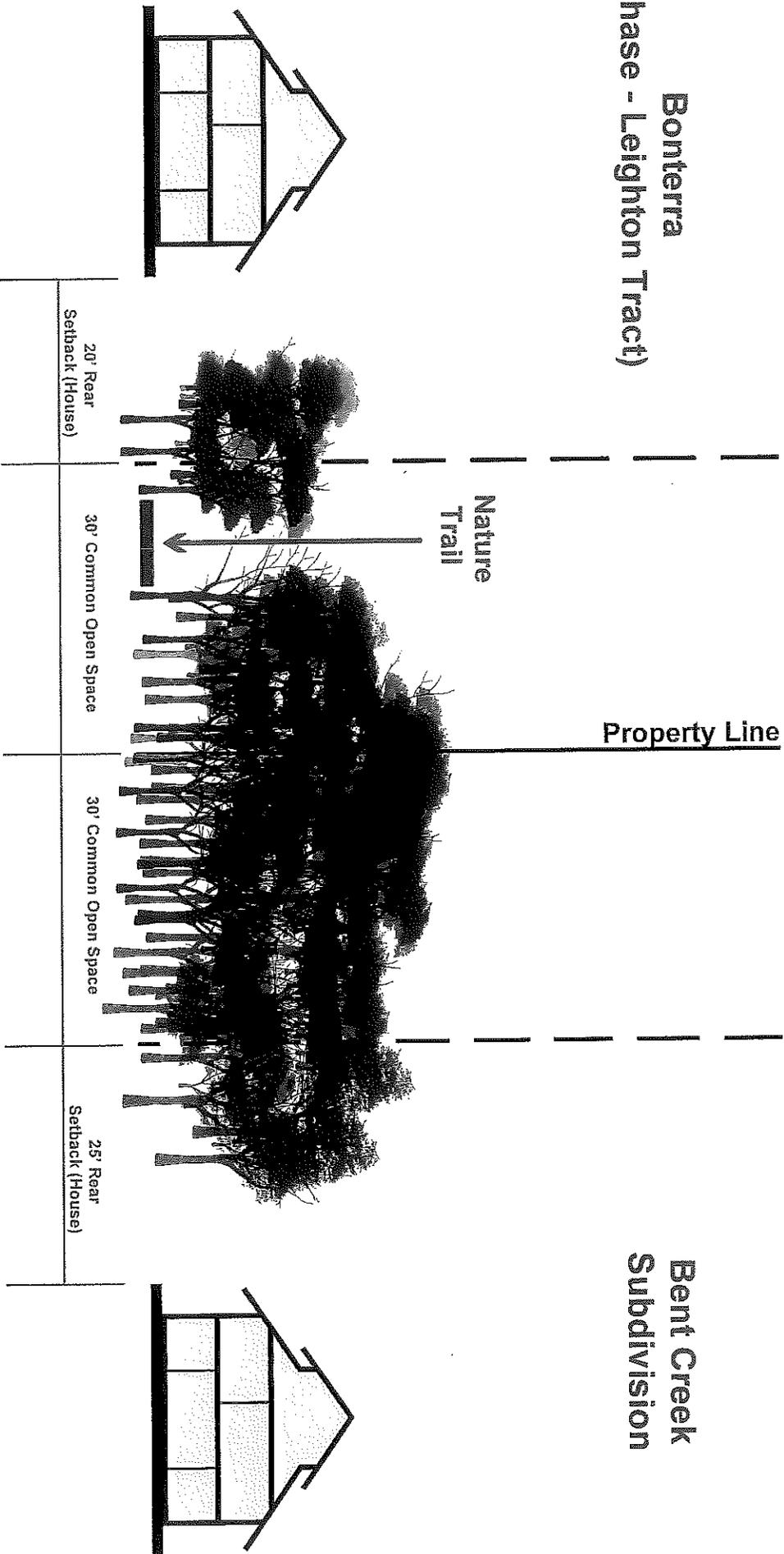


EXHIBIT 3

Bonterra Future Phases Design Guidelines

Architectural Design Architectural design and details shall be in accordance with the Integrity and Design Standards in Unified Development Ordinance (UDO) Chapter 1310 attached herein.

Setbacks, Garages, Corner Lots and Foundations

- 1. Lot Frontage, Lot sizes, Setbacks and Height:** Lots shall provide 50', 60' or 70' of width, as generally referenced on the concept plan (Exhibit 2). The minimum lot sizes are 5,500 square feet (50' lots), 6,600 square feet (60' lots) and 7,700 square feet (70' lots). Setbacks shall be provided as follows:

Lots	Setback Requirements
50 foot (5,500 square foot minimum)	Front façade: 20 feet
60 foot (6,600 square foot minimum)	Front porch: 15 feet
70 foot (7,700 square foot minimum)	Rear: 20 feet Sides: 5 feet
Height shall not exceed 35 feet	

- Side building walls shall not be constructed with highly flammable building materials.
- 2. Garages:** Garages shall be recessed a minimum of 2' from the front façade (conditioned living space) of the house or 22' from the edge of right-of-way, whichever is greater.
 - 3. Corner Lots:** Special consideration shall be given to corner lots. Additional landscaping shall be used within the side yards of corner lots to soften the hard edges of the homes. Such landscaping may include shrubs or appropriate sized trees located outside all sight distance areas.
 - 4. Foundations:** All homes shall be built on a raised stem wall slab (with vents) or a crawl space foundation. All raised foundation walls shall have a minimum exposed height at the front of 16" above finished grade.

EXHIBIT 3

Chapter 1310. Integrity and Design Standards

1310.010 Purpose

The regulations of this Chapter are intended to promote quality, aesthetically pleasing development throughout Indian Trail and to provide a wide range of nonresidential and residential structure types to accommodate the life-styles and economic levels of the projected population. The regulations are further intended to promote quality development that complies with all Town and state regulations and minimizes land use conflicts.

1310.020 Compliance

Plans demonstrating compliance with the design standards of this Chapter will be reviewed by the authorizing permit authority at the time of development's initial review and consideration for approval.

- A. A. Any proposed changes to an approved Integrity and Design Permit such as a change in building design or building materials, shall require approval by the Planning and Development Director.
- B. B. Any proposed changes to an approved Integrity and Design Permit associated with a Planned Development (PUD, PRD, PND, CZ) shall be bound by the conditions of approval, this Chapter, and the following:
 - i. Building materials and colors shall be similar to the materials already being used in the neighborhood, and/or if dissimilar materials are being proposed, other characteristics such as scale, proportion, form, architectural detailing, color, and texture shall be used to ensure that enough similarity exists for the buildings to relate to the rest of the neighborhood.
 - ii. Any proposed deviation from conditions of approval of a Planned Development approved by the Town Council or Board of Adjustment shall require an amendment of the approval permit authorized by the appropriate discretionary board.

1310.030 Articulation Standards for All Residential Buildings

All residential buildings on individual lots in R districts must include at least 5 of the following design features:

-
- A. Bay or bow windows on the front façade (Note: the provision of one such window is sufficient);
 - B. Dormers (Note: the provision of one such roof feature is sufficient);
 - C. A roof pitch greater than or equal to a 6 to 12 (6:12) for primary roof;
 - D. Eaves with a minimum 10-inch projection on all sides of the building;
 - E. Decks or patios with a minimum size of 64 square feet per dwelling unit;
 - F. Front porch and entry facing the front lot line (Note: entryway can be located on the long or short axis of the dwelling);
-
- G. Off-sets on building face with a minimum depth of 12 inches;
-

Chapter 1310. Integrity and Design Standards

1310.040. Building Material Standards for All Site-Built & Modular Housing

- C. Decorative pillars or posts. Square post or columns shall not be less than six (6) nominal inches on any side and round columns shall not be smaller than eight (8) nominal inches in diameter from the bottom of the column unless consistent with a distinct architectural style. (Note: requires at least one pair, decorative or plain, but finished in manner that is consistent with the dwelling exterior);
- D. Distinct Architectural Style (2 point value). The use of a distinct architectural style shall be determined by a qualified professional contracted by the Town at the cost of the applicant.

The following design features are required on all residential structures:

- H. Openings including doors and/or windows on street facing building facades. Windows are required to have appropriate window trim per style of architecture. Blank walls are prohibited.
- I. Masonry (preferably brick) perimeter enclosure at base but also including poured concrete so that each home has the appearance of a raised foundation (Note: wood products covered with a treatment to appear as masonry do not qualify). Poured concrete shall be treated with brick, stone, or color and textured material appropriate foundation style per style of architecture.
- J. Changes in the use of wall facing materials should occur at wall setbacks or projections, or to articulate the transition between the building base middle and top. Material changes should return to inside corners of front façade. Those materials however, are not required to wrap the outermost front corner of the home.
- K. Front loading garages shall not extend further than 4 feet past the predominant front façade of the house unless a front porch is used and then the garage shall not extend further than 4 feet past the porch excluding side loading garages. A maximum of ¼ of the front façade is allowed to be front facing garage door(s).

1310.040 Building Material Standards for All Site-Built & Modular Housing

All residential buildings constructed on-site must be improved with quality materials and these materials must be durable, safe, and require limited maintenance. Materials shall be selected for suitability to the type of building and design for which they are used. All facades visible from public or private streets must be constructed of the following materials: Such materials may include, but need not be limited to:

- A. Brick, natural stone, wood, architectural cast stone, hardcoat stucco, cementitious siding, glass or EIFS – Exterior Insulation Finishing System (when applied according to manufacturer specifications and the North Carolina Building Code).
- B. Vinyl siding (minimum of 44mm), galvanized, aluminum coated, or zinc-aluminum coated metal finishes provided such materials do not exceed 20% of those façades visible from public or private streets.

Town of Indian Trail



P.O. Box 2430

Indian Trail, North Carolina 28079

Telephone 704-821-5401

Fax 704-821-9045

PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

PLANNING BOARD MINUTES

July 21, 2015

06:30 P.M.

CALL TO ORDER

ROLL CALL

The following members of the governing body were present:

Board Members: Patricia Cowan, Jan Brown, Sidney Sandy, Jorge Aponte, and Dr Shamir Ally.

Members Present but not Voting: Alan Rosenberg.

not Voting:

Absent: Larry Miller, Cathi Higgins, Kelly D'Onofrio, and Steve Long.

Staff Members: Rox Burhans-Planning Director, Gretchen Coperine-Senior Planner, Lindze Small-Planner/GIS Technician, and Pam Good- Board Secretary

APPROVAL OF MINUTES- June 16, 2015

Motion by Member Rosenberg to approve the minutes. Seconded by Member Sandy. Approval was unanimous.

PUBLIC ITEMS- CZ2015-002 Bonterra Future Phases - proposed rezoning of 33 acres to be integrated into Bonterra Village, and intended to be developed as single-family residential homes.

Senior Planner Gretchen Coperine presented the case which was a request to reclassify two parcels totaling 33 acres from a low density single-family residential zoning district (SF-1) to a moderate to high density single-family residential zoning district (SF-5) with a conditional zoning district - Pre-existing Development -1 Planned Unit Development (PED-1/SF-5) SUP2001-005-CZ) Overlay and to reflect changes to lot configuration, roadway design, architectural and setbacks along with other development requirements affecting parcels known as the northern tract. The intent of this request is to expand the existing conditional zoning overlay associated with Bonterra Village onto the two parcels totaling 33 acres in order to incorporate same within the development. In addition to the rezoning of said 33 acres, there are proposed changes to the existing Master Plan for the northern tract. The subject property is located on Faith Church Road, south of Indian Trail Fairview Road.

Staff Coperine presented a power point of the background, location map, Bonterra Village history, and the phases and development to-date as well as the current request and future phases.

Staff Analysis

This modification request includes the incorporation of 33-additional acres into Bonterra that will reclassify (rezone) the new parcel's zoning from a low density single-family residential classification (SF-1) to a moderate to high single-family residential (SF-5) classification and apply the Pre-existing planned unit development zoning overlay associated with the Bonterra Village development (PED -1 SUP2001-005 CZ). The applicant is

required to process this request through a Conditional Zoning application because of the newly added acreage. This rezoning also reconfigures the layout of the original master plan to incorporate the additional 33 acres and other related changes.

Traffic Impact Analysis- Key recommendations:

Traffic Impact Memorandum, dated June 29, 2015

- On Faith Church Road (SR 1518): Provide a southbound, left turn lane with 75 feet of storage

Traffic Impact Analysis, dated July 2013

- Intersection of Indian Trail Fairview Road (SR 1520) and Faith Church Road (SR 1518): Provide a westbound, left turn lane with a minimum of 150 feet storage and an eastbound, right turn lane with minimum 100 feet storage on Indian Trail Fairview Road (SR 1520).
- Access Road (Site Entrance) on Faith Church Road (SR 1518):
Provide a separate southbound, left turn lane on Faith Church Road (SR 1518) with a minimum 125 feet storage; and
Provide a separate northbound, left turn lane on Faith Church Road (SR 1518) with a minimum 100 feet storage; and
Provide separate turn lanes on Access Road.

NCDOT has approved the updated Traffic Impact Memorandum and listed improvements as having acceptably mitigated traffic impacts created by the proposed development.

Two Community meetings were held and attended by approximately 14 members of the public.

General questions were raised regarding:

- Bonterra Village as a whole including the number of lots within the development, open space, trail type, lot sizes and school enrollment.
- Faith Church roadway improvements and concerns regarding traffic in the area.

An HOA letter of support from the Bonterra Community Association for the addition of the acreage into the Bonterra Master Plan Community was provided in the staff report.

Draft Conditions were presented.

The applicant has agreed to comply with the conditions noted below.

1. *Consistency with SUP 2001-005, Conditional Zoning Pre-Existing Development for Bonterra Village District:* Unless otherwise stated in the requirements herein, the proposed site shall be subject to all conditions approved with the Pre-Existing Bonterra Village District (SUP 2001-005). Exhibit 1
2. *Subject Parcels:* Rezoning – 07039034A and 07039034B; Modifying Conceptual Plan for - 07042045A, 07042045B, 07042045, 07039036, 07039036A and a portion of 07021001
3. *Permitted Uses:* The permitted use on the subject property is single-family detached residential and accessory uses as permitted in SUP 2001-005 and the UDO. It is noted that a limited portion of the community may be modified to develop for senior housing that may contemplate townhome or condominium ownership and development typologies.
4. *Maximum Density:* The maximum density of the entire Bonterra Village development shall not exceed 1,395 units, as previously approved in SUP 2001-005 based on the original site acreage of 449.89 acres and the maximum density of 3.1 units per acre.
5. *Conceptual Plan and Community Design Guidelines:* The proposed new 33 acres area depicted in the Conceptual Plan shall be incorporated into Bonterra Village and developed in conjunction with the planned future phases of Bonterra Village as generally depicted in the Conceptual Plan, referenced as Exhibit 2. The proposed single-family development and associated amenity improvements (including site entrance, pool and cabana) shall comply with the requirements of SUP 2001-005, and the supplemental Design Guidelines approved herein attached as Exhibit 3.

- a. *On-street parking*: on-street parking shall be provided at key locations as generally depicted on the Conceptual Plan.
 - b. *30 foot natural buffer along the northern property line*: A 30 foot buffer shall be provided along the northern property line abutting Bent Creek subdivision. The buffer shall contain a 12 foot wide walking/horse natural trail and as much undisturbed natural landscaping as feasible. In the event any cleared area results in visibility of the adjacent neighborhood in Bent Creek, supplemental plantings shall be provided to the satisfaction of the Town of Indian Trail.
 - c. *Amenities*: The community amenity area (cabana, tennis courts and pool with associated parking) shall be under construction prior to the issuance of Zoning Compliance permits for the 99th home. Any amenities must be consistent with the Architectural Design of the proposed development. The community amenities may be substituted with other major common area amenities of equal or greater financial investment. Community amenities shall not be substituted with amenities of lesser value than those depicted on the Conceptual Plan.
6. *Architecture*: Architectural design and details shall be in accordance with the Integrity and Design Standards in Unified Development Ordinance (UDO) Chapter 1310.010, 1310.020, 1310.030(A)-(G), (C)-(D), (H)-(K) and 1310.040(A)-(B) attached herein as Exhibit 3.
 7. *Lot Frontage, Lot sizes, Setbacks and Height*: Lots shall provide 50', 60' or 70' of width, as generally referenced on the concept plan (Exhibit 2). The minimum lot sizes are 5,500 square feet (50' lots), 6,600 square feet (60' lots) and 7,700 square feet (70' lots). Setbacks shall be provided as follows:

Lots	Setback Requirements
50 foot (5,500 square foot minimum)	Front façade: 20 feet
60 foot (6,600 square foot minimum)	Front porch: 15 feet
70 foot (7,700 square foot minimum)	Rear: 20 feet
	Sides: 5 feet
Height shall not exceed 35 feet	

The side building walls shall not be constructed with highly flammable building materials.

Garages: Garages shall be recessed a minimum of 2' from the front façade (conditioned living space) of the house or 22' from the edge of right-of-way, whichever is greater.

Corner Lots: Special consideration shall be given to corner lots. Additional landscaping shall be used within the side yards of corner lots to soften the hard edges of the homes. Such landscaping may include shrubs or appropriate sized trees located outside all sight distance areas.

Foundations: All homes shall be built on a raised stem wall slab or a crawl space foundation (with vents). All raised foundation walls shall have a minimum exposed height at the front of 16" above finished grade.

8. *Tree Retention*: The development is conditioned to comply with Chapter 830- Tree Preservation Ordinance of the UDO. A Heritage tree survey and tree canopy plan is required within the site plan review process. All reasonable efforts will be made to retain the existing Heritage Trees on the site, however, it is recognized that several may need to be removed and mitigation will be undertaken in accordance with UDO Chapter 830(E) requirement.
9. *TIA Roadway Improvements*: Prior to the issuance of Town Zoning Compliance for any home, the developer shall be responsible for constructing all roadway improvements identified in the Traffic Impact Memorandum dated June 29, 2015 and those identified in the Traffic Impact Study, prepared by DRMP dated July 2013. All required roadway improvements shall be constructed and any associated public ROW dedicated prior to the issuance of Town Zoning Compliance for any home unless a phasing plan is approved by the Town of Indian Trail Engineer and the North Carolina Department of Transportation (NCDOT). Required improvements are summarized below.

Traffic Impact Memorandum, dated June 29, 2015

- On faith Church Road (SR 1518): Provide a southbound, left turn lane with 75 feet of storage
- Traffic Impact Study, dated July 2013*

- Intersection of Indian Trail Fairview Road (SR 1520) and Faith Church Road (SR 1518): Provide a westbound, left turn lane with a minimum of 150 feet storage and an eastbound, right turn lane with minimum 100 feet storage on Indian Trail Fairview Road (SR 1520).
 - Access Road (Site Entrance) on Faith Church Road (SR 1518):
Provide a separate southbound, left turn lane on Faith Church Road (SR 1518) with a minimum 125 feet storage; and
Provide a separate northbound, left turn lane on Faith Church Road (SR 1815) with a minimum 100 feet storage; and
Provide separate turn lanes on Access Road.
10. *Frontage Improvements:* Roadway improvements along Faith Church Road shall be provided and include curb/gutter, sidewalks, and street trees. A minimum ROW measured 35 foot from the center line of the existing road shall be provided and dedicated to NCDOT or its assigns. All required frontage improvements shall be constructed and any associated public ROW dedicated prior to the issuance of Town Zoning Compliance for any home unless a phasing plan is approved by the Town of Indian Trail Engineer and NCDOT.
 11. *Onsite Roadway Improvements:* Internal Roads within the subject site and associated phases shall be constructed with a minimum of 50' and 60' right-of-way. Improvements shall consist of two travel lanes in opposite direction, curb/gutter, sidewalks and street trees. Traffic calming features are required throughout the development and shall include a combination of raised intersections, pedestrian crossings, speed tables and/or other traffic calming mechanisms, as approved by the Town Engineering Department. All roadways shall be constructed in accordance with Town Engineering Standards.
 12. *Traffic Knuckles:* Knuckles or roundabouts shall provide at the center such features as landscaping (excluding trees) or similar treatment.
 13. *Stormwater Detention Ponds:* The size of the proposed stormwater management facilities identified on the Conceptual Plan is for illustrative purposes only. The exact size shall be determined during Site Plan submittal. At a minimum, vegetation screening and fence shall be provided around the stormwater management improvements to minimize any visual obtrusiveness. It is recognized not all detention ponds will provide an amenity. However, where possible and appropriate in the design of the facility, detention ponds shall provide amenities including but not limited to water fountains, gathering areas and/or similar passive recreation areas for residents.
 14. *Public Trail Easement:* A 20 foot trail easement shall be provided for access to a public trail along the eastern boundary of Bonterra Village that runs north/south along North Fork Crooked Creek.
 15. *Sketch Plan Approval from UCPW:* Prior to submittal for Site Plan review, the developer shall obtain sketch plan approval from Union County Public Works.
 16. *Future Senior Housing Homes/Pods:* In the event that a portion of the subject area depicted on the conceptual plan is desired for senior housing in the future, a minor modification of the Conceptual Plan shall be filed with and approved by the Town. At a minimum, such modification must be consistent with the Conceptual Plan approved with this conditional zoning in the following regards: Shall not increase the density or intensity of development; must provide a similar ownership structure as single-family residences (i.e., fee simple ownership, townhome, condominium); shall not include apartment rentals or similar development; and shall not propose substantive changes in the open space and community amenity features, and/or the architectural design. Any major changes, other than those described above, to implement the Senior Housing concept would require a Major Conditional Rezoning Application pursuant to Unified Development Ordinance Chapter 330.050(A)1-5.
 17. *Revocation:* The Town Council may act to revoke the conditional zoning district designation if the applicant fails to meet the terms of the district.

Comments from Outside Agencies were noted.

Staff Coperine read the required findings into the record.

Recommendation

Staff is of the opinion that the findings can be made to support a conditional zoning district for the subject property. The proposed conditional rezone is consistent with the Town's Comprehensive Plan.

Member Rosenberg recused himself from the discussion.

Chair Cowan opened the public comments portion of the meeting.

John Ross with Eagle Engineering at 2013A Van Buren Indian Trail stepped to the podium to speak. He spoke of the two public meetings that had 3-4 recurring themes: traffic, density, school impacts and buffering to Bent Creek. He then addressed the buffering questions that were addressed earlier in the evening. He also spoke about having reached out to the Union County public schools. 33 acres of the development is slated to attend Hemby Bridge Elementary School, then Porter Ridge Middle and High School. Area schools were aware of the plans since early 2000's.

Jim Beck of 5950 Fairview Rd Ste 320, Charlotte was part of the traffic engineering consultants for the traffic impact study. Dr Ally asked if there were future plans for another lane on Faith Church Rd. Mr. Beck answered that there is no present plans for such. Mr. Sandy asked Mr. Beck to verify that the right of way was 70 ft. He also asked about any long range plans for a traffic signal on intersection of Indian Trail Fairview Rd and Faith Church Rd. Mr. Beck stated that the study in 2013 showed that a signal was not warranted with present NCDOT standards. Jan Brown asked what amount of traffic would be need before a light was warranted. Mr. Beck said other factors are also in the formula for that and the volume of traffic wasn't enough to warrant a light at this time.

Andy Rathke of 7739 Woodmere Dr, Harrisburg, North Carolina gave a background on the property. He also stated that the development would give them an opportunity to have two entrances on Faith Church Rd for the Bonterra development. He received good feedback from the Bent Creek community.

Closed the public portion.

There was no board discussion.

A motion by Dr Ally for approval of CZ2015-002 with the draft conditions. Mr. Brown seconded. Vote to approve was unanimous.

Plan Report was presented by Planning Director Rox Burhans.

The Town had successful Fourth of July celebration and parade.

The legislation regarding Zoning and Aesthetics Control Ordinance passed with the House and is now law.

Staff Burhans reported about the progress of the future Popeyes as well as other active commercial developments. Member Sandy asked about a potential Credit Union on Wesley Chapel Rd. Staff Burhans reported that they have not submitted construction plans yet. Jan Brown asked about the progress of a dog park at Crooked Creek Park. Staff Burhans answered that it was in process.

Chair Cowan spoke about the great addition that Carolina Courts is to the community.

Adjourn

Member Rosenberg made a motion to adjourn. Member Sandy seconded. The meeting was adjourned at 7:15pm

Chairman: _____

Secretary: _____

