Section C. ***ACCEPTANCE:***

Patricia A. Rader

Patricia A. Rader, Manager
N·Focus Planning & Design, Inc.

October 5, 2016

Date

ACCEPTED on behalf of Local Government by:

Signature

Date

Printed name of authorized person signed above

Seal of Local Government

ATTEST:

Clerk to the governing board/council of
Local Government

Date

PRE-AUDIT:
This document has been pre-audited in accordance with applicable North Carolina General Statute.

Finance Officer

Date

N·Focus Planning & Design, Inc.

- Town of Indian Trail
- FY 17 Code Enforcement Agreement

Payment Schedule

	Contract Payment Due Dates	Payment Dates	Check Number		(7) Bi-Weekly Payments in the Amount of	Contract Balance	Notes
					$ 1,040.00	$ 7,280.00	
	2016						
1	Nov. 1st			1	$ 1,040.00	$ 6,240.00	
2	Nov. 15th			2	$ 1,040.00	$ 5,200.00	
3	Nov. 29th			3	$ 1,040.00	$ 4,160.00	
4	Dec. 13th			4	$ 1,040.00	$ 3,120.00	
5	Dec. 27th			5	$ 1,040.00	$ 2,080.00	
6	Jan. 10th			6	$ 1,040.00	$ 1,040.00	

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

Planning Board Transmittal for the October 11, 2016 Town Council Public Hearing

Case: ZT2016-004 Private Roads			
Reference Name	Private Roads, Chapters 1110.090(C) and 1110.090(D) of the Unified Development Ordinance		
Planning Board Meeting Date	September 20, 2016		
Members Present	Acting Chair Gay ☒	Jan Brown ☐	Jayson Derosier ☒
	Arthur Spurr ☒	Sidney Sandy ☐	John Killman ☒
	Mike Head ☒	Jorge Aponte ☒ Alternate 1	Samantha Towns ☐ Alternate 2
	Vacant ☐ Alternate 3		
Case Found Complete	Yes ☒ No ☐		
Motion	Recommend approval		
Member Making the Motion	Board Member Arthur Spurr		
Second the Motion	Board Member Mike Head		
Vote	6-0		

Purpose of the Amendment: This request is initiated by the Town Council to prohibit new construction of private roads except when subject to conditional zoning approval in the instances of business and/or industrial parks. Section 1110.090(C) and 1110.090(D) of the UDO are proposed to be amended in regards to the circumstances which allow private roads to be constructed.

Town Council Action: Receive Planning Board Recommendation and public comments and:

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

Analysis

This request is initiated by the Town Council to prohibit new construction of private roads except when subject to conditional zoning approval in the instances of business and/or industrial parks. Section 1110.090(D) of the UDO allows private streets to be platted in a subdivision with guarantees and/or surety after the issuance of a Zoning Permit for the subdivision. In addition Section 1110.090(C) pertains to the required number of entrances needed for a new subdivision based on lot number. This section does not currently address gated subdivisions, which by their nature necessitate private streets.

In the past, private streets that have remained private, such as First Avenue, with no ability for acceptance by the Town have suffered from lack of maintenance and upkeep. The intent is to promote high quality development of the Town's transportation system and to provide avenues of remediation for infrastructure issues.

While a subdivision is in development, the street network remains developer-owned with guarantees held as maintenance surety for a period of three years to allow the infrastructure to go through several freeze-thaw cycles. In order to release the surety, the Town will conduct another inspection and request any repairs as needed before the streets are taken over by the Town. Once all the repairs are made and the road has passed all inspections from the town, the surety is released and the road becomes a Town-owned road. This process will not change through the adoption of this proposed text amendment prohibiting new private roads. All subdivisions with new road networks will still be required to post maintenance sureties and maintain ownership over the road until the Town deems that all development and improvement requirements have been met. This text amendment does, however, prohibit the development of new private roads that could have in the past remained private.

This text amendment is applied to all new development with the exception of business and/or industrial parks. In this instance, applicants must receive conditional zoning approval from the Town Council to construct private roads. Business parks are definite in UDO Section 1620.140 as a defined area of land with multiple employment-generating establishments in fields such as manufacturing, processing and assembly, warehousing, distribution and service enterprises, office, and ancillary service establishments. Business parks are typically defined by common or shred development features that may include, but are not limited to architectural design, landscaping, signage, roadway access, stormwater management, and other features. A single, standalone building located outside a park environment would not be considered a business park.

This proposed text amendment also does not apply to private driveways found in commercial developments, which are roadways serving two or fewer lots, building sites, or other division of land and not intended to be public ingress or egress.

Planning Board

The Planning Board heard this item at its September 20, 2016 public meeting. Planning Board Members asked questions regarding guarantees that new Town-owned roads will be constructed to Town standards, private roads in commercial areas, and the proposed Town parking ordinance that is being developed that will apply to all public streets in the community. The Planning Board voted unanimously to transmit a recommendation to approve to the Town Council. Please see the

attached minutes for the September 20, 2016 Planning Board meeting, and link to the audio file in Granicus.

The following consistency statements were found:

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
   - ☐ **Land Use and Housing Goals #5 and #6**: The proposed text will ensure high quality design because all new roads will be required to become Town-owned roads and must therefore be constructed to Town standards. In addition, the proposed text will limit instances where private roads are allowed so that the land development and road acceptance process will be efficient and predictable and will encourage community investment.
2. This UDO ordinance amendment is in the best interest of the public because it requires a high quality of design and construction of road networks in new subdivisions because of the requirement that all new roads become Town-owned roads after the three year surety period per UDO Section 1110.090(D)(2).

Staff Contact
Julia Zweifel
jzweifel@admin.indiantrial.org

Attachment 1- Planning Board Report
Attachment 2- Draft Ordinance
Attachment 3 – Planning Board Minutes of September 20, 2016

TC ATTACHMENT 1- PLANNING BOARD REPORT

P.O. Box 2430
Indian Trail, North Carolina
28079
PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

Zoning Staff Report

Case: ZT 2016-004 Private Roads		
Reference Name	Amendment of UDO Chapter 1110	
Applicant	Town of Indian Trail	
Submittal Date	September 6, 2016	
Location	Town-wide	
Tax Map Number	N/A	
Plan Consistency	Town of Indian Trail Comprehensive Plan	Consistent With Goals of the Adopted Comprehensive Plan
Recommendations & Comments	Planning Staff	Recommends Approval of Proposed Text Amendment.

Project Summary

This is a request to amend Chapter 1110 of the Unified Development Ordinance (UDO) to prohibit new construction of private roads except when subject to conditional zoning approval in the instances of business and/or industrial parks.

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

Analysis/Overview

This request is initiated by the Town Council to prohibit new construction of private roads except when subject to conditional zoning approval in the instances of business and/or industrial parks. Section 1110.090(D) of the UDO allows private streets to be platted in a subdivision with guarantees and/or surety after the issuance of a Zoning Permit for the subdivision. In addition Section 1110.090(C) pertains to the required number of entrances needed for a new subdivision based on lot number. This section does not currently address gated subdivisions, which by their nature necessitate private streets.

In the past, private streets that have remained private, such as First Avenue, with no ability for acceptance by the Town have suffered from lack of maintenance and upkeep. The intent is to promote high quality development of the Town's transportation system and to provide

avenues of remediation for infrastructure issues.

While a subdivision is in development, the street network remains developer-owned with guarantees held as maintenance surety for a period of three years to allow the infrastructure to go through several freeze-thaw cycles. In order to release the surety, the Town will conduct another inspection and request any repairs as needed before the streets are taken over by the Town. Once all the repairs are made and the road has passed all inspections from the town, the surety is released and the road becomes a Town-owned road. This process will not change through the adoption of this proposed text amendment prohibiting new private roads. All subdivisions with new road networks will still be required to post maintenance sureties and maintain ownership over the road until the Town deems that all development and improvement requirements have been met. This text amendment does, however, prohibit the development of new private roads that could have in the past remained private.

This text amendment is applied to all new development with the exception of business and/or industrial parks. In this instance, applicants must receive conditional zoning approval from the Town Council to construct private roads. Business parks are definite in UDO Section 1620.140 as a defined area of land with multiple employment-generating establishments in fields such as manufacturing, processing and assembly, warehousing, distribution and service enterprises, office, and ancillary service establishments. Business parks are typically defined by common or shred development features that may include, but are not limited to architectural design, landscaping, signage, roadway access, stormwater management, and other features. A single, standalone building located outside a park environment would not be considered a business park.

This proposed text amendment also does not apply to private driveways found in commercial developments, which are roadways serving two or fewer lots, building sites, or other division of land and not intended to be public ingress or egress.

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

Division 1100. Subdivision Regulations

Chapter 1110. General Provisions

1110.090 Street and Sidewalk Improvements

C. Access to Subdivision Lots

Every major subdivision with more than 50 lots and/or building units must have at least two entrances, 200 lots or more shall have at least three, to the subdivision that afford reasonable means of ingress and egress for emergency vehicles as well as for all residents/visitors who need or desire access to the subdivision. These two entrances shall be on different roads wherever feasible.

<u>Regardless of the number of lots, residential streets and their corresponding entrances shall not be gated or otherwise restricted to public access.</u>

D. Private Streets

1. Private streets may be platted subject to conditional zoning approval and only within a business and/or industrial park.

2. Private streets allowed pursuant to Section 1110.090(D)(1) above may be platted in a subdivision with guarantees and/or surety as required by this section and only after the issuance of a Zoning Permit for the subdivision. A construction bond in the amount of the cost of construction plus twenty-five percent must be posted, and can be reduced to ten percent once construction is complete and the road has passed the inspections from the Town. The reduced surety will be held in the form of a maintenance surety for a period of three years to allow the infrastructure to go through several freeze-thaw cycles. In order to release the surety, the Town will conduct another inspection and request any repairs needed. The surety will be released once all repairs are made.

Required Consistency Findings

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

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

   - **Land Use and Housing Goals #5 and #6**: The proposed text will ensure high quality design because all new roads will be required to become Town-owned roads and must therefore be constructed to Town standards. In addition, the proposed text will limit instances where private roads are allowed so that the land development and road acceptance process will be efficient and predictable and will encourage community investment.

2. This UDO ordinance amendment is in the best interest of the public because it requires a high quality of design and construction of road networks in new subdivisions because of the requirement that all new roads become Town-owned roads after the three year surety period per UDO Section 1110.090(D)(2).

Staff recommends that the Planning Board make the required consistency findings and recommend adoption of this UDO Text Amendment ZT2016-004 as presented.

Staff Contact
Julia Zweifel,
704-821-5401
jzweifel@admin.indiantrail.org

Attachment 1: Application
Attachment 2: Ordinance

UDO TEXT AMENDMENT APPLICATION

Subject Section of the UDO:

Name Private Roads

Chapter: 1110

Purpose: prohibit new construction of private roads

Contact Information – Applicant

Name Town of Indian Trail

Address 130 Blythe Drive

City Indian Trail State NC Zip 28079

Phone 704-821-5401 Fax —

Email

Applicant's Certification

Signature Date 9/6/16

Printed Name/Title Scott J. Lansford Town Manager

Signature of Notary Public Pamela L Good Date 9-6-16

Notary Seal

PAMELA L GOOD
Notary Public, North Carolina
Mecklenburg County
My Commission Expires
June 25, 2019

TOWN OF INDIAN TRAIL OFFICE USE ONLY

CASE NUMBER: ZT 2016-004

DATE RECEIVED: 9.6.16 AMOUNT OF FEE:

RECEIVED BY: Julia Zweifel RECEIPT #:

TC Attachment 2: Draft Ordinance

STATE OF NORTH CAROLINA)

) ORDINANCE #

TOWN OF INDIAN TRAIL)

AN ORDINANCE AMENDING CHAPTER 1100, SUBDIVISION REGULATIONS, OF THE INDIAN TRAIL UNIFIED DEVELOPMENT ORDINANCE (UDO) RELATED TO PRIVATE STREETS IN INDIAN TRAIL, NORTH CAROLINA

WHEREAS, the Town is the applicant for ZT 2016-004 requesting to amend Chapter 1110 Subdivision Regulations, to prohibit the construction of private roads and related changes within the Unified Development Ordinance (UDO); and

WHEREAS, this Zoning Amendment (ZT 2016-004) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, the amendment was heard by Planning Board on September 20, 2016 in a public meeting; and

WHEREAS, the Planning Board after hearing the amendment and deliberations made the following findings and recommended approval to the Town Council:

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

   - **Land Use and Housing Goals #5 and #6**: The proposed text will ensure high quality design because all new roads will be required to become Town-owned roads and must therefore be constructed to Town standards. In addition, the proposed text will limit instances where private roads are allowed so that the land development and road acceptance process will be efficient and predictable and will encourage community investment.

2. This UDO ordinance amendment is in the best interest of the public because it requires a high quality of design and construction of road networks in new subdivisions because of the requirement that all new roads become Town-owned roads after the three year surety period per UDO Section 1110.090(D)(2).

WHEREAS, the Town Council received the Planning Board transmittal in the required public hearing held on September 20, 2016, and after receiving the transmittal, public comment, and deliberation, voted to approve the amendment with the required findings and amendment recommendation as transmitted by the Planning Board.

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

Section 1 – UDO CHAPTER 1100 is hereby Approved as shown in Exhibit A of this Ordinance;

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

SO ORDAINED THIS 11TH DAY OF OCTOBER, 2016. THE TOWN COUNCIL OF INDIAN TRAIL

By _

_____

Honorable Michael L. Alvarez, Mayor

Attest:

_____

Kelley Southward, Town Clerk

APPROVED AS TO FORM:

_____

TOWN ATTORNEY

ZT2016-004 EXHIBIT A

Division 1100. Subdivision Regulations

Chapter 1110. General Provisions

1110.090 Street and Sidewalk Improvements

C. Access to Subdivision Lots

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TC Attachment 3: Planning Board Draft Minutes Sept. 20, 2016 Meeting

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
September 20, 2016
06:30 P.M.

CALL TO ORDER- Meeting was called to order by Acting Chair Dennis Gay.

ROLL CALL
The following members of the governing body were present:

Board Members:	Jorge Aponte, Dennis Gay, Jayson Derosier, Arthur Spurr, John Killman, and Mike Head.
Members Present but not Voting:	None.
Absent:	Jan Brown, Sidney Sandy, Samantha Towns
Staff Members:	Rox Burhans-Planning Director, Gretchen Coperine- Senior Planner, Meade Bradshaw- Senior Planner, Julia Zweifel-Planner Pam Good-Board Secretary,

APPROVAL OF MINUTES- August 16, 2016
Motion to approve as written by Member Spurr, seconded by Member Head. Vote to approve was unanimous.

PLANNING REPORT
Motion to move Planning Report from Item 6 to Item 4 on the agenda by Member Head, seconded by Member Derosier. Motion was unanimous in favor. Planning Director Rox Burhans introduced new staff Meade Bradshaw-Sr. Planner and Julia Zweifel-Planner.

Director Burhans passed out copies of Indian Trail project summary and Powell Map Amendment to the board members. (see subdivision projects below)

Indian Trail Road Projects Summary

Monroe Expressway	Under construction	FY 2018
Us 74 Superstreets	FY2017	FY2018

Unionville-IT/Sardis Rd Traffic Circle	FY2017	FY2018
Chestnut Pkwy Connector (3 phases)	Phase 1 complete	Ph 2: FY 2020 Ph 3: FY 2022
Old Monroe Rd Widening	FY 2022	FY2024
Rocky River Rd Traffic Circle	2015	Completed

Member Spurr stated that he was concerned the Unionville-IT/ Sardis Rd future traffic circle, felt that it won't slow traffic.

Director Burhans answered that traffic circles are shown to be better for safety. The high majority of crashes occur at intersections of roads.

Member Desier commented about the Crismark project and pointed out the US 74 superstreet map hanging on the back wall.

Member Head stated that he and others who use the Rocky River Rd traffic circle have welcomed that and has done well.

Member Spurr stated that when the Town Center apartments and Plyler Townhomes, there was discussion that a walkway could be built over the railroad tracks and was going to be combined with the downtown mixed use project. Director Burhans replied that it was discussed but that the project isn't progressing presently.

PUBLIC ITEMS

(Continued from August 16, 2016 Planning Board meeting)

a) **CZ2016-005 Hawfield (Heritage) and Annexation 143:** This is a rezone request to establish a Conditional Zoning Single Family district (CZ-SF-4) for approximately 316 single-family detached units on parcels 07120005 90 and 07120008 (Annexation 143), and 07120003, 07120005A and 07123001J totaling approximately 160 acres. This project is being undertaken with a sister project located in the Village of Wesley Chapel, which could raise the total lot count to approx. 440-lots (combined). The parcels are located on the north side of Wesley Chapel Road. Applicant: Queen City Land, LLC

Senior Planner Gretchen Coperine continued the case from the August meeting. She gave a brief overview of the project that was presented on the August 18th Planning Board. The following were questions asked by board members for staff to research:

Information Requested

1. **Request: Additional information on the tax base within the Town, and how it is affected by the proposed project.**
   Response: See Attachment 1 (Provided by Developer)
2. **Request: By-Right Plan showing development allowed under the current zoning.**
   Response: See Attachment 2 (Provided by Developer)

3. **Request: Additional age-restricted information and how the community is intended to function.**
   Response: Kolter's visions of the community and of the house type offering is to meet the demands of the market. We see the opportunity for retirees to be close to the remainder of the family and vice versa. The traditional homes section of the community offers 102 two-story homes and the age-restricted section of the community offers 333 ranch-type homes. The 80/20 rule dictated by the HOPA Act will be applied within the age-restricted section and not take into account the traditional section. Each section of the community will be separate and distinct. There will be a set of covenants that guide each section. The Homeowner's Association (HOA) will be the sole management of the covenants. If by chance, the community is in violation of the 80/20 rule, the community will most importantly be in violation of the zoning. We have offered and will file annual reports to show community compliance with the aforementioned rule. The HOA will manage and file these reports with the Village of Wesley Chapel and the Town of Indian Trail. Under the HOA documents, the developer will be the declarant and retain oversight and control of the community until the last home is sold. (Provided by Developer)
4. **Request: What happens if there are people with children who have disabilities? How does a disability affect eligibility for age-restricted homes?**
   Response: Regardless of the situation, the eligibility for age restriction would be age 55 and older. (Provided by Developer)
5. **Request: Does the student generation report include the students generated by the 20% of homes that would not need to have a resident that is 55+ within the 80%/20% breakdown for the age-restricted portion?**
   Response: Yes, the student numbers that were previously provided included the 20% of homes without a person age 55 or older. (Provided by Developer)
6. **Request: Timeline for planned improvements to the Roads that follow.**
   Response:
   - Old Monroe Road – anticipated completion date of 2023
   - Waxhaw-Indian Trail Road – None listed at this time in the North Carolina State Transportation Improvement Program
   - Potter Road - None listed at this time in the NC State Transportation Improvement Program

   (Provided by Staff)
7. **Request: Timeline for Unincorporated Union County Moore Farm project:**
   Response: As of September 2016, the developer of the Moore Farm project is working on Construction Documents but has not made any submittal to Union County. There is no additional information regarding when Construction Documents would be submitted to or approved by the County. (Provided by Staff)
8. **Request: Provide a breakdown of the development that is entitled or being built within the Town (in the last 5 years).**
   Response:

Development	Location	Number of Units	Date Approved
Glenn Oaks Apartments	Old Monroe Road	204 apartments	2013
Southgate	Poplin and Rocky River Road Area	542 single family, townhomes and apartments	2013

Union Grove	Unionville-Indian Trail Road (near Faith Church Road)	207 single family	2013
Arbors at Blanchard	Waxhaw-Indian Trail	Approx. 10 single family lot left	2013
Town Center Apartments	Plyler Road and Unionville-Indian Trail Road	348 apartments	2013
Plyler Townhomes	Plyler Road across from Cranston Crossing	35 townhomes	2014
Walden at Austin Village	Chestnut Lane	51 single family age targeted	2015
Waxhaw Indian Trail Road	Waxhaw-Indian Trail Road north of Blanchard Circle	49 single family age targeted	2015

Virginia Trace (Unionville-Indian Trail Road and Oakwood Lane) 92 single family units currently undergoing approval process.
(Provided by Staff)

9. **Request: Is there a Lot that ends in the letter "B" for lot number 07120005A?**
   Response: Based on staff's research through Union County's mapping system, lot 07120005B is a parcel totaling 0.05 acres which has a pump station on it and is located within the jurisdiction of the Village of Wesley Chapel. (map was provided in Staff memo for board members)

10. **Request: Streams and Wildlife being affected:**
    Response:
    Streams – Per Town of Indian Trail Engineering Department requirements for water detention and water quality, the runoff from any impervious area (including any streams which are covered due to development) is required to be detained and treated. Runoff would have to be less than the amount of runoff pre-development. This step is a requirement at the site plan phase.
    Wildlife – Using online resources Staff has done preliminary research of potential endangered wildlife species and did not find any endangered species in the vicinity of the development. The endangered species staff found information on was the Carolina Heelsplitter, a species of mussel found in the Catawba and Pee Dee Rivers. The Catawba and Pee Dee Rivers are not close proximity to the subject project.

Brian Jenest of Cole, Jenest, and Stone at 200 S. Tryon St. Charlotte, NC, stated that the total site of the project is 276 acres (Wesley Chapel and Indian Trail combined). He described the

potential neighborhood as a neighborhood within a neighborhood because it would consist of an age-restricted portion and a conventional neighborhood. He pointed out differences between by right and what they would provide. Examples are:

- Density is 1.94/ acre
- Open space- 126 acres
- Tree Safe- approximately 100 acres
- Architectural- no vinyl
- Amenities- pool, community garden, club house
- Landscape buffers- surrounding the development

Mr. Jenest showed examples of possible monuments at the entrances in the development. He then presented a typical by-right plan would look like and stated that his team had presented it to Indian Trail staff for authenticity. The open space was pointed out as significant.

Acting Chair Gay asked for a definition of a by-right plan. Mr. Jenest answered that the area is already zoned for a particular purpose and a potential developer would not have to have conditional zoning approval for what is permitted to build as long as a potential builder follows the UDO rules (do not need to present to the Planning Board or the Town Council).

Mr. Jenest spoke about student enrollment with age restricted housing as 83 potential additional students vs 238 students in a by right plan. Potential traffic patterns was described as similar amounts. The overall tax base is $40,000,000 the by right plan vs $104,00,000 in the plan being presented. The thread trail that Mr. Jenest's team is proposing would be located along the creek.

Acting Chair stated that the Town Attorney had verified that the land in question, can be developed as long as the potential developer meets the UDO standards.

Mr. Jenest added that the potential connection to Downing Court is required by the Town of Indian Trail, not the developer's request. With a rezoning, developers can request other options.

Member Derosier asked for clarification regarding when DOT will re-examine roads. Was it when traffic reached 15,000-18,000? Mr. Jenest answered yes. Member Derosier asked if the connectivity between the potential development would still be required by the Town if a by right plan were developed. Staff Coperine answered connectivity is required by UDO.

Mr. Jenest spoke about road improvements that were presented at the Wesley Chapel planning board meeting. Wesley Chapel Planning Board had requested enhanced roads (widening, turn lanes).

Member Spurr asked if the connective road that was to be run from Downing Court to another area nearby that was marked with trees. Mr. Jenest answered that there is nothing to connect it to at that point. Staff Coperine added that there was no right away at that point, that the Town preserved to build a stub road there. Taylor Glen neighborhood would need to give permission for the right of way. David Goracke of The Kolter Group at 3737 Glenwood Ave. Raleigh, NC stated that they have presented 3 options to Downing Court residents regarding connectivity:

1. Pedestrian
2. Vehicular
3. Right of way

Staff Coperine stated that staff recommends following the UDO, but that it is the Planning Board's discretion as to what they recommend to Town Council.

Member Killman asked staff to explain what advantages connections would have. Staff Coperine stated that multiple connection points disperses traffic. Good planning and engineering will plan for that.

Member Derosier asked staff to comment about precedence on what will happen in the future for other projects if we offer exceptions to this project. Staff Coperine replied that future applicants may ask why not mine if other projects had exceptions.

Staff Coperine read into the record the items the board had asked answers for:

1. Road improvements

2. Timeline for Moore Farm Project (county project)

3. Lot B

4. Streams and Wildlife

Additional attachments to the memo provided to the board were an impact study for the Ramages, two petitions by the residents of Downing Court: a petition for Downing Court to become a cul-de-sac, and a petition to a minimum buffering of 100 feet. Additions items were mentioned by Staff Coperine that were provided to the board at the opening of the meeting were two emails from community members, one pro and one against the project.

Member Derosier asked if an environmental study would be required in site plans in a by right application. Staff Coperine answered that it is an option.

Public Comments

Pat Mower at 2022 Canopy Dr. asked the board to not build further developments until the roads are upgraded speaking of current traffic problems, loss of nature and tranquility around their homes.

Richard Herman of 1002 Downing Court, spoke of his concern with the connectivity of Downing Court to any community.

Emily Herman of 1002 Downing Court, stated that she strongly opposed the connection of Downing Court to any community, siting safety would be an issue.

Mike Knight of 1000 Frances Knight Place, spoke against more development without improving the roads. Also, he opposed the development because it would cause extra traffic in the Brandon Oaks subdivision and on Wesley Chapel Road.

Walter Hoehn of 1009 Downing Court, opposed the development being stubbed to Downing Court. He stated that Downing Court was built before the current UDO and wanted to know what the plan for the potential connective street was before the present UDO.

Planning Director Burhans spoke about Taylor Glen and other communities that were built prior to the present UDO that was adopted in 2008. Taylor Glen was approved with a Special Use Permit. He stated there was a base zoning ordinance in place but there was opportunity for negotiation of some specifics involved with each project. Town Engineers felt the need to add connectivity as the Town grew.

DA Davis of 6117 Bicket Ridge Dr, Monroe, NC wants to downsize and would like to buy a home in this development. He reminded all present that this development would be built or a by right development.

Mark Fretz of 4018 Magna Ln stated after speaking with staff engineers, that Faith Church Road extension is planned, possibly being eliminated, but hasn't been yet so the burden of paying for it would fall upon the residents of Indian Trail. He also stated good planning is connectivity and better planning is better roads.

Larry Dukes of 5001 Magna Ln, stated that he is concerned about safety with opening the stub road between Downing Court and the potential development. He also spoke about age-restricted, how to manage that and how to control using the amenities by the group that wouldn't have use of them.

Bob Baldwin of 2003 Ladybank Ct. explained about HOPA, a Federal Housing Program for Aging, that one person needs to be at least 55 in the household and 80%/ 320 homes in this potential development would fall under those guidelines. He stated he felt the studies are flawed. He is concerned about traffic speeds through neighborhoods such as Brandon Oaks.

John Laurenzana of 7012 Magna Ln stated that developers don't use local labor. He also spoke about the potential of 3414 potential homes being built in Indian Trail and no road development. He stated that if the stub road must be built, the developer can add traffic calming measures. He stated that he felt the present UDO needs to be changed and what we expect of future developers.

Mark Ramige of 6309 Hawfield Rd spoke about the studies being misleading. He was opposed to age-restricted homes being built and that it would affect his and area property value. He requested a frontage road for his property.

Closed Public Comments

Member Killman encouraged residents to work with the developer for what the residents' needs are, possible concessions, and get it in writing.

Member Head asked for clarification of numbers in the by right totals. Staff Coperine answered that 188 homes are in Indian Trail and 241 total of homes include Wesley Chapel. The development has a grand total of 435 homes.