Town of Indian Trail

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PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT
PLANNING BOARD MINUTES
July 21, 2015
6:30 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.
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 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.

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):
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  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 Trial 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: Patricia S. Cowan

Secretary: Pamela L Doole