

# 106Town 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

August 16, 2016

6:30 P.M.

1. **CALL TO ORDER** - Meeting was called to order by Chair Jan Brown.
2. **ROLL CALL**  
The following members of the governing body were present:  
Board Members: Jan Brown, Dennis Gay, Sidney Sandy, Samantha Towns, Jorge Aponte, Mike Head, and John Killman.  
Members Present but not Voting: Joe Lytch, Jason Derosier, Arthur Spurr  
Absent: None  
Staff Members: Rox Burhans-Planning Director, Gretchen Coperine- Senior Planner, and Pam Good- Board Secretary
3. **SWEARING IN**  
Arthur Spurr was sworn in. Term 7/1/16 to 6/30/19 Alternate #3.
4. **APPROVAL OF MINUTES**- Motion to approve minutes as written by Chair Brown, seconded by Member Aponte. Vote to approve was unanimous.
5. **PUBLIC ITEMS**-
  - 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 a 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

The case was presented by Senior Planner Gretchen Coperine. She began the presentation with an overview and background of the potential project as well as a staff analysis of the current use and zoning for the subject parcels. Staff Coperine then proceeded to give an overview of the surrounding development.

Staff Coperine also described the proposed development as a mixture of conventional lots (102 of 316 within the Town of Indian Trail) and age restricted lots (214 of the 316 within the Town of Indian Trail). The conventional lots and age-restricted lots will have two (2) separate HOAs with separate Covenants, Conditions and Restrictions (CC&Rs). Requirements for age-restricted housing are set forth by the Federal Government under the Housing for Older Persons Act (HOPA) (24 CFR Part 100).

**HOPA:** The Housing for Older Persons Act allows for an exemption to the Fair Housing Act, which prohibits housing discrimination. In essence, HOPA defines exemptions as follows: (1) that the housing be intended and operated for persons 55 years of age or older; (2) that at least 80 percent of the occupied units be occupied by at least one person who is 55 years of age or older; and (3) the housing facility or community publish and adhere to policies and procedures that demonstrate its intent to qualify for the exemption. The housing facility or community must also comply with rules issued by HUD for the verification of occupancy.

The developer has stated the project will comply with the above-mentioned HOPA requirements. The age-restricted portion of the development will have separate CC&Rs and be managed by a separate HOA from the conventional lots portion. As stated previously, the Town of Indian Trail does not have use-specific requirements for age-restricted housing; so would not regulate the CC&Rs.

The developer has offered the following statement with regard to the operations of the overall development:

### **Community Operations**

*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.*

Staff Coperine then presented infrastructure information to the board, including the abandonment of the Faith Church Road extension. Staff Coperine also spoke about potential connectivity of the development to Taylor Glen and Sheridan neighborhoods as recommended by Indian Trail engineering staff.

*Downing Court Connection:* A number of residents have expressed concerns with the particular connection at Downing Court into the Taylor Glenn subdivision. In order to address the concerns regarding additional traffic and potential for speeding cars traveling from the subject development through Downing Court, the developer has worked with the neighborhoods and provided alternatives to the planned stub street.

### **Traffic Impact Analysis**

A traffic impact analysis was provided for the board. The list of improvements to be constructed by the developer in order to mitigate any road impacts are summarized by the key recommendations in the report:

#### Wesley Chapel Road and Hawfield Road / Site Drive 1

- Construct an eastbound Site Drive 1 right turn lane with 100 feet of storage and appropriate taper.
- Construct a northbound Wesley Chapel Road left turn lane with 75 feet of storage.
- Construct a southbound Wesley Chapel Road right turn lane with 50 feet of storage.

The developer will submit a cost estimate for the following improvements:

#### Wesley Chapel Road and Weddington Road

- Construct one southbound Wesley Chapel Road right turn lane with 300 feet of storage and appropriate taper.

#### Wesley Chapel Road and Rogers Road

- Construct one northbound Wesley Chapel Road right turn lane with 175 feet of storage and appropriate taper.

Staff Coperine also covered the topics of architecture and open space. Key features of the architectural design will include: a mix of hardiplank with masonry, stone or shingle accents; articulated front facades, design elements such as bay or bow windows, dormers, decorative posts or pillars, carriage doors; as well as additional decorative elements found in the attached design guidelines. Staff Coperine stated that the proposed development will provide an interconnected network of sidewalks, Carolina Thread Trail, and walking paths.

### **Community Meetings**

The applicant held two community meetings as required by UDO Section 330.020. The following was a brief summary of the meetings:

- *3pm-5pm Meeting:* There were approximately 17 members of the public, the applicant's team, and staff.
- *6pm-8pm Meeting:* There were approximately 10 members of the public in attendance in addition to the applicant's team and town staff. General questions were raised at both meetings regarding:

- Concerns with overall size of the development
- Desire to see the entire development be age-restricted
- Additional traffic generated by the overall development
- Lack of a traffic light at Taylor Glenn entrance or the entrance for this development
- Connectivity to the adjacent neighborhoods as it relates to added traffic, potential for increased crime, and potential for increase in speeding cars cutting through adjacent neighborhoods
- Buffering to the adjacent properties
- Decrease property values
- School Impacts
- Impacts to any wildlife within the subject wooded parcels

In addition to the official community meetings scheduled above, the development team met on several occasions with residents from the neighboring communities in attempts to address their concerns.

Staff received correspondence from residents within the neighboring communities with regard to this project which was included in a staff report attachment.

### Comments from Outside Agencies

- *North Carolina Department of Transportation (NCDOT)*: NCDOT has reviewed and is in agreement with the attached Traffic Impact Analysis, dated June 2016.
- *Union County Public Works (UCPW)*: At present, adequate water and sewer capacity exist to serve the proposed project. Potential off-site improvements may be required (i.e., extension of existing water lines).
- *Union County Public Schools (UCPS)*:  
 The total proposed 435 sfu (320 sfu in Indian Trail) subdivision will be within the following school attendance areas for the 2016-2017 school year:  
 Split between Wesley Chapel Elementary School and Sun Valley Elementary School  
 Sun Valley Middle School  
 Sun Valley High School

Both of the elementary schools, as well as the middle school are expected to remain below their respective Watch Levels for the foreseeable future. However, Sun Valley HS is expected to exceed its Watch Level as soon as 2017. Additional residential construction may accelerate the approach to a Watch Level and conceivably to a Cap Level. Prior to reaching a cap, high enrollments contribute to problems such as additional mobile classrooms, inadequate capacity for food service 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 inadequate planning/meeting space for additional

The applicant has submitted additional information regarding supplemental School Enrollment Impact Study prepared by McKibben Demographic Research. This study provides the total forecasted students generated by this development for the school years 2020-21 and 2025-26. Based on the attached report, the number of student generated by the development within Indian Trail is as follows: 63 total for the years 2020-21 and 83 total for the years 2025-26 with the age restricted portion calculated into those figures. Staff has done an estimate of the student generation for the portion within Indian Trail, assuming that all the units are conventional lots (without any age restricted lots). If the student generation rates within the report are correct, staff's estimate of the number of students that would be generated if the development were all conventional lots are: 260 for the years 2025-26.

- *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. The subject project will provide a reinforced grass area along the spine road to provide emergency vehicles a second access point to the pod of homes at the northwestern portion of the project.
- *Union County Sherriff*:  
 1. The additional parking stalls will help. The remaining areas that do not have on street parking stalls will be where the challenge for residents and motorist will be, since the streets are 24 feet wide. Be mindful that the current

2. town ordinance states there must be 16 feet of open roadway for on street parking, but does not limit drivers as to which side of the road to park on, thus creating a “slalom” effect while driving to avoid parked cars.
3. Traffic calming devices are not shown on the plans.
  - i. \*Connectivity will effect neighboring streets – so traffic calming review can become an issue on those streets not in this project in the future.
4. To have effective sidewalks that are open for pedestrian traffic, we must keep the distance from the sidewalk to garage enough room to adequately park a vehicle and walk around it. Staff suggests using a full sized SUV or Truck for comparison.
5. The narrow divided entrance road will pose a problem for the homeowners along that route because when someone stops a vehicle along the street, it is going to be blocked. This happens with delivery drivers quite often in the Bonterra neighborhood. It will also make backing out of the driveway more difficult for those homeowners.
6. The developer has told Wesley Chapel’s Planning Board that there will be an 8 foot wide sidewalk available for golf carts, bicycles, and walkers. If it is a sidewalk, Golf Carts won’t be allowed by state law because they are a motorized vehicle.
7. The main entrance location on Wesley Chapel Road is close to the problem area already identified at the Taylor Glen neighborhood entrance. The crest of that hill needs to be cut down during this entrance construction or additional problems and complaints will surface as the development gets occupied.

### **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; the proposed project also provides buffering between adjacent uses and preserves naturally sensitive areas within the floodplain; and
- *Mobility and Transportation Goal #3:* The proposed development incorporates pedestrian amenities by way of 0.66 miles of Carolina Thread Trail and 0.81 miles of walking trail, and provides vehicular and pedestrian connectivity both within the community and for area residents.

The request for this conditional zoning district (CZ-SF-4) 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.

### **Conclusion**

Town of Indian Trail staff finds that the proposed 316 dwelling units would be generally compatible with the surrounding single family area.

With regard to the **roadway impacts** of this development, the developer has agreed to provide the recommended roadway improvements found in the June 2016 Traffic Impact Analysis provided by Ramey Kemp & Associates and agreed upon by the North Carolina Department of Transportation. In addition, all interior roads will be required to have traffic calming mechanism where needed.

With regard to **connectivity to adjacent neighborhoods**, the proposed development shows the planned connections to the Taylor Glenn and Sheridan subdivisions as required by UDO Chapter 1100. Alternatives to the connection at Downing Court have been provided.

With regard to **school impacts**, the proposed development is within the Wesley Chapel E and Sun Valley Elementary School and Sun Valley Middle School which are expected to remain below watch level. Sun Valley High School is expected to exceed watch level as soon as 2017. The development is forecasted to generate approximately 63 total student for the years 2020-21 and 83 total students for the years 2025-26 with the age restricted portion calculated into those figures. The numbers represent forecasted students for the development within the Town of Indian Trail. As 214 of the 316 lots within Indian Trail will be age-restricted, the impact to the schools could potentially be mitigated to some extent, by the fact that not everyone within the community will have school-aged children.

## Board Questions

Chair Brown asked Staff Coperine about the flood plain; if there would be any berms to constrict them. Staff Coperine answered that the flood plain is staying as natural as possible. No homes will be built within the flood plains.

Member Towns asked about a needed accessible route/walkway to the entrance as required with age-restricted homes requirements in the Fair Housing Act under HUD and the Department of Justice. Staff Coperine deferred the question to the developer to answer.

Member Gay asked if the spine road will eventually go to Waxhaw-Indian Trail Rd; what is time frame? Staff Coperine showed slides of the future intersecting areas connecting to the Moore Farm development within Unincorporated Union County's jurisdiction. She didn't have set time line and stated she didn't think the developer for the Moore Farm development had submitted any site plans to the county.

Member Aponte asked if there were future plans to widen Wesley Chapel Rd. Staff Coperine answered that it is intended to be a four lane road. This project takes that widening into account.

Member Towns asked about 07120005A if it is a split lot. Staff Coperine answered that it is not a split lot. Member Towns further questioned why the lot had a letter labeled with it and clarified that it was not a Wesley Chapel lot. Staff Coperine stated that she would look it up and verify that it was not a split lot.

Member Sandy asked Staff Coperine to elaborate on why so many age restricted lots were being looked at. Staff Coperine explained that based on the population analysis in the 2013 Comprehensive Plan for the Town, Indian Trail's largest age group was mid to late 30's in population. In the next 7-10 years, the largest age group will be 55 years and older and is forecasted to be approximately 2/3 of the population. The need to provide housing to that demographic will be substantial.

Member Gay mentioned that the development had the conventional housing loaded to the back of the development that would have the increased traffic because there would be additional traffic driving through the subdivision from conventional homes having multiple activities each day that would cause them to drive through the portions of the subdivision that would be age-restricted housing.

Member Sandy asked about the possible confusion of emergency vehicles with two municipalities being served in one development. Director Burhans stated that Wesley Chapel is served by Union County Sherriff's Department as well so would be one agency responding to calls under a contract arrangement. He also addressed the fire emergency response, as set up in area districts, also shouldn't create confusion.

Member Head asked if Downing Court has sub streets. Staff Coperine replied that Downing Ct is a sub street.

Member Brown asked what percentage of the development would be age restricted. Brian Jenest of Cole, Jenest, and Stone at 200 S. Tryon St, Charlotte, NC answered that approximately 2/3 of the development is age restricted. Member Brown asked if that percentage would remain. Mr. Jenest answered in the affirmative. He verified that he was developing the covenants.

Mr. Jenest introduced his development team to the board.

- Travis Manning- The Kolter Group, LLC
- Ramey Kemp-Ramey Kemp and Associates-8307 University Executive Parkway, Charlotte, NC
- David Goracke --The Kolter Group, LLC
- Lucas Shires- Cole, Jenest and Stone
- Jordon Noblin- Cole, Jenest and Stone
- Carl Fochler- Queen City Land, LLC

He proceeded to give a short presentation to the board regarding traffic, schools, open space. He described the acreage as 155 acres in Indian Trail and total development would be 273 acres. Mr. Jenest described the density as less than the

surrounding neighborhoods. Open space totals 61 acres. He spoke about buffers and providing a thread trail. In regard to transportation and connections, Mr. Jenest then addressed the Downing Court neighborhood, explaining that his development team provided what is required by the ordinance, but also suggested alternatives, such as providing the right of way, but not building the road, or building a sidewalk, or doing nothing if that is what the Downing Court residents prefer. Mr. Jenest also addressed Wesley Chapel Road improvements. Mr. Jenest spoke about traffic and that traffic would be less in an age restricted area than a conventional household. He then addressed the proposed design guidelines that are above what is required. Mr. Jenest spoke about the school issue, stating that age restricted homes would be less impact than conventional homes.

Chair Brown asked Mr. Jenest how they would market the 55+ age restricted homes. Mr. David Goracke answered that age restricted homes would be under the HOPA Act. Chair Brown asked what the advantage is of age-restricted homes. Mr. Goracke replied that the great impact difference on the schools is an advantage as well as less impact on the traffic. He also spoke about that age group volunteering community hours as well as available income to support retail in the surrounding area.

Member Towns asked the applicant if he had ever lived in an age restricted community. He answered that he had not. Member Towns stated that services such as ambulances and caretakers cause traffic as this age group gets older, health issues occur. She also brought up the question about persons with disabilities. Mr. Goracke stated that they have been working with staff for adequate road widths. The roads are standard width. He also spoke about working with staff to provide adequate on street parking. Member Towns mentioned that each household should have four parking spaces allotted.

Member Aponte asked how the developer will regulate that the age restricted housing has at least one occupant that is 55 years or older. The applicant replied that they have offered to file an annual report to the Town on the current occupancy of the age-restricted homes.

Member Sandy asked about other recreational activities that would be offered. The applicant pointed out the community amenities. He mentioned that the green space is 46%. He also stated that the walking trails will be paved and the thread trail is 10 feet wide.

Member Gay asked about the buffer. The developer stated that 3 sides would keep the existing vegetation. The front would have a berm and other landscaping.

Member Towns asked why build a development that has two municipalities involved. The applicant replied that the potential development is located on one piece of property. Member Head asked how each municipality's UDO mesh together. The applicant replied that Indian Trail's UDO is more restrictive so they are following that one.

Member Killman asked about the school numbers, whether the total factored in children in the conventional homes. The applicant replied that he would have to research the answer. He stated that the rule of thumb for age-restricted households is 3 children per 100 households. Member Killman asked if the report is specific to the local area. The applicant replied that it was specific to Union County.

Member Towns asked if the applicant has looked at data in Union County regarding how many grandparents that are raising children. The applicant had no data for that question. Member Head asked about average size classroom in the area. Staff Coperine answered that there is no adopted level of services for size of classes in the county at this time. The county uses state recommended sizes at this time. She read the information of state recommendation of class sizes to the board. No information was provided on what Union County class size recommendation currently is.

The question was asked about what Downing Court residents would prefer regarding the possible connection between their subdivision and the projected development. The applicant replied that they do not want a connection to occur. Staff Coperine stated that planning and engineering departments are recommending connections, per the UDO, but that it is at the board's discretion to recommend what it feels is appropriate and eventually the Town Council's decision.

Member Head asked if there is a completion date for Old Monroe being expanded to four lanes. Engineering Director answered that 2023 is the potential starting date. Member Burhans also added that it is now considered one project and verified that from the Town of Matthews to Wesley Chapel Road would be four lanes.

**Public Comments-**

Pat Mower of 2022 Canopy Dr. Indian Trail, NC

- Increased traffic in already inadequate infrastructure that may also be a safety concern.
- Loss of natural habitat in the cutting of trees for the development
- Overcrowding in schools

Mike Mower of 2022 Canopy Dr. Indian Trail, NC

- Streams being covered/ environmental impact
- Suggested Town ask other area communities what they have in their development plans before making decisions how to develop the Town.

John Laurenzana of 7012 Magna Ln. Indian Trail, NC

- No infrastructure in place
- Impact on schools
- Lack of commercial development is affecting tax base

Emily Herman of 1002 Downing Court, Indian Trail, NC

- Concerned with Downing Court connection and safety of children
- Traffic and connection from spine road

Daniel Megard of 1016 Downing Court, Indian Trail, NC

- Spine road will become a cut through
- Topography makes it a dangerous road
- Concerned with number of children being generated from this development

Cathi Higgins of 3002 Clover Hill, Indian Trail, NC

- Definition of court in dictionary is not a major connecting road
- Concerned with traffic and wildlife being affected
- Wesley Chapel Rd not being developed until 2022 in regards to traffic from this development

Joan Buttafucio of 1006 Downing Court, Indian Trail, NC

- Not an age restricted community because children will be able to live here.
- Survey of Union County development shows 1200 units within the County being built, proposed or approved.
- Concerned with roadway capacity and school impacts; no more development should be built until the roads are improved.

Walter Hoehn of 1009 Downing Court, Indian Trail, NC

- Number of students typically in a 4<sup>th</sup> grade UCPS class is between 21-34 students (schools are overcrowded).
- Concerned about the safety of the kids that play on Downing Court.
- Speed humps on Magna Lane are only on one side of the street which does nothing to slow traffic.

Larry Dukes of 5001 Magna Ln, Indian Trail, NC

- Concerned with safety on roadways and interested in knowing how the amenities will work within the community. Taylor Glenn roads were initially private.

Arthur Spurr of 4100 Woodcreek Court, Indian Trail, NC

- Concerned with the width of the roadways for on street parking.
- Recommended a Memorandum of Agreement with the Sheriff so their office can ticket cars parked illegally on the street.
- Concerned with streams being damaged by this development and the effect of other neighborhoods. Developer should provide a topographical plan to show the land elevations.
- Concerns about water and sewer services.

## Closed Public Comments

Ramey Kemp from the development team addressed the traffic discussion with facts about the number of cars typical for this type of development which totals approximately 2000 per day. He began his presentation with the fact that his company performs 250-300 traffic studies each year and explained that his company tries to do an accurate report. He described the major problem of traffic would be the entrances of the development. There is great need for widening Wesley Chapel Rd and Old Monroe Road. The developer reminded everyone present that the land wouldn't be left idle. If it wasn't developed by them, it would likely be developed by someone else with even greater affect on the area. He reminded them the current developers were leaving 40% of the land undeveloped. He agreed the schools are overcrowded but stated that age restricted housing would cause less impact in the schools. He offered to show a plan of what a by-right development would look like.

Staff Coperine reiterated, for clarification:

- 1) The Town would not be regulating the Covenants, Conditions and Restrictions.
- 2) Roads were made public in the Taylor Glen subdivision in 2009; and although they were platted in 2005 as private roads, Downing Court was never a cul-de-sac.

Member Head asked for clarification that anyone can build homes in the projected development site. Staff Coperine answered in the affirmative and also that they would need to have a site plan approved by staff.

Member Gay asked Mr. Ramey to explain his comment about the future widening of Wesley Chapel and Old Monroe Rd. Mr. Ramey replied that his comments were based on future projections in 2021 that approximately 16,000-17,000 cars would be travelling on the northern end of Wesley Chapel Rd. DOT typically takes action to widen to four lanes at this level of traffic. Mr. Ramsey recommended that the Town advocate to DOT when this occurs.

### List of questions to bring back to board:

1. Road improvements and widening for Wesley Chapel Rd, Waxhaw-Indian Trail Rd, and Potter Rd
2. Info on Moore Family development timeline, if available
3. Info on tax base (Brian Jenest of Cole, Jenest and Stone will provide)
4. By right plan of what would be currently permitted on the site property
5. Info on the definition of age restricted housing and requirements
6. Total of lots approved and currently being developed in the Town
7. Is there a Lot B for the lot ending in 005A within the Rural Single Family lot
8. Children with disabilities; how does that affect age-restricted housing
9. Does the student-teacher ratio number include 20% that is the age-restricted portion of the potential development
10. Effects on streams and wildlife

Motion to continue **CZ2016-005** and bring back more information at the September meeting by Member Sandy, seconded by Chair Brown, vote was unanimous in favor.

The board took a brief break between cases.

**b) CZ2016-002 Fuel Station and Outparcels and Annexation 144:** This is a rezone request to establish a Conditional Zoning (CZ-GBD) for a fuel station and two outparcels on parcels: 07090008, 0709006C, 07090761 (Annexation 144). The parcels are located on Old Monroe Road and Mustang Drive. TIA submitted 4/28/16. Applicant: Durban Development LLC.

Chair Brown asked to be recused for the following case. Member Killman made a motion to accept, seconded by Member Sandy. Vote was unanimous in favor. Vice Chair Dennis Gay was Acting Chair for the following case. Alternate Member Jayson Derosier sat at the dais for the case.

The case was presented by Senior Planner Gretchen Coperine. She began with an overview of the project as well as conceptual plan and site layout. She also provided the board with a traffic analysis. Staff Coperine proceeded to give the board with an overview of the two community meetings held for the project that were included in the staff report

attachment.

**Comprehensive Plan-** Staff is of the opinion necessary findings can be made to support the commercial uses for the out parcels requested by this Conditional Zoning and that the goals of the Comprehensive Plan are satisfied by said portion of the amendment as listed below. If the Board does not have concerns regarding the fuel station use, draft findings have been included stating the conditional rezone is consistent with the Town's Comprehensive Plan.

- *Economic Development Goal #1:* The proposed amendment contributes to a more balanced tax base as it provides commercial uses and supports varied employment.
- *Mobility and Transportation Goal #3:* The proposed development incorporates pedestrian amenities by way of sidewalks and pedestrian improvements, as well as dedicating right-of-way for the future widening of Old Monroe Road. The development also creates opportunities for cross connectivity to adjacent property. The request for this conditional zoning district (CZ-GBD) 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 and economic development.

**. Comments from Outside Agencies-**

- *North Carolina Department of Transportation (NCDOT):* NCDOT has reviewed and is in agreement with the attached Traffic Impact Analysis, dated April 2016. See link:

[http://www.indiantrail.org/cms\\_wfc/uploads/comment/MustangDriveCommercialDevelopmentTIS04-26-20163474.pdf](http://www.indiantrail.org/cms_wfc/uploads/comment/MustangDriveCommercialDevelopmentTIS04-26-20163474.pdf)

- *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:*

TRAFFIC

#1) The impending widening of Old Monroe Road should be considered. The setback as shown may actually put the structure closer to the road after any widening project. The lack of traffic improvements shown on the plans is also concerning. I would advise that the converter island be extended East toward the intersection, or at minimum, bollards be placed to prohibit left turns out onto Old Monroe Rd or Left turns from Old Monroe Rd into the subject parcel. The turn lane into the subject property from Old Monroe Rd should be extended.

NEIGHBORS

#2) The residential parcels on Spanish Moss will be directly impacted. Is there a berm, wall, or tree planting required by the developer? The concern with residential meeting commercial is normally noise and lighting (vehicle and parking lot lighting). Without a buffer, vehicle lighting and delivery truck noise can potentially be a problem for neighbors.

**Draft Conditions-** (if board has no reservations about including the fuel station). Staff Coperine read the following into the record.

1. *Subject Parcels:* Rezoning – portion of parcels 07090006C, 07090761 and 07090008 to CZ-General Business District (CZ-GBD). (Exhibit 1).
2. *Permitted Uses:* The permitted use on the subject property shall be limited to those identified in the Conceptual Plan Permitted Uses section (Exhibit 1). The building along Mustang Drive located closest to Brandon Oaks subdivision shall be limited to office or retail use with a maximum height of two stories; restaurant uses shall not be permitted on said parcel.
3. *Building Setbacks:* Primary building setbacks shall comply with GBD, VOC setbacks as represented on the concept plan, however, an allowance for additional setback is permitted for the fuel station canopy as reflected on concept plan. Additional setback may be permitted for outparcel buildings that feature drive thru facilities and similar features.
4. *Architecture:*
  - a. Buildings within the subject parcels shall be in conformance with Chapter 1320 of the Unified Development Ordinance.
  - b. In addition, buildings, including any kiosks and the fuel station canopy, shall be consistent with architectural design within parcel 07090021U. Building materials shall include a combination of brick, EIFS and metal roofing to be consistent with the development within parcel 07090021U (Sun Valley Retail Center).
  - c. Buildings within the commercial out parcels shall provide four (4) sided architecture and conform to Chapter 630 of the Unified Development Ordinance unless otherwise stated herein or reflected in the Concept Plan.

5. *Knee Wall Along Old Monroe Road and Mustang Drive:* A masonry wall along the frontage of the fuel station on Old Monroe Road and Mustang Drive shall be provided at a height of 3 feet. The wall shall match the color and material of the building(s) developed on the subject property.
6. *Rear and Side (west and north) Landscape Buffers Abutting Residential:* A minimum 25 foot landscape buffer shall be provided along the west and north of the property as generally depicted on the concept plan (Exhibit 1). The buffers shall consist of, at minimum, trees, shrubs, ground covering and a 6 foot masonry wall along the west side abutting Brandon Oaks subdivision.
7. *Stormwater Management Measures:* The subject project shall comply with the Town of Indian Trail's Stormwater requirements, to be determined at the time of site plan approval.
8. *Old Monroe Road and Mustang Drive Roadway Improvements:* Prior to the issuance of Town Zoning Compliance, the developer shall be responsible for constructing the ROW improvements listed below:

**Old Charlotte and Site Drive 1**

- Right turn lane into this site shall be built with 100' taper beginning at property line and maximize storage prior to site drive. Lane shall continue on through site drive and end as a right turn lane onto Mustang Dr (as shown in site plan).
- Concrete median island on Old Charlotte shall be extended both directions to a point 50' past the end of the radius for the driveway.

**Mustang and Site Drive 2**

- Providing 100' of internal protected storage for this site driveway.
- The right turn lane into this site shall be extended to provide for the lack of internal protected storage.

All required roadway improvements shall be constructed and any associated public right-of-way (57.5 feet from centerline on Old Monroe Road) dedicated prior to the issuance of Town Zoning Compliance. All roadway improvements shall be constructed to the Town of Indian Trail and NCDOT standards.

9. *Frontage Improvements:* Frontage improvements along Old Monroe Road and Mustang Drive shall be provided and include a 10 foot sidewalk along Old Monroe Road and a 6 foot sidewalk along Mustang Drive, and street lights and curb/gutter. All required frontage improvements shall be constructed and any associated public ROW dedicated prior to the issuance of Town Zoning Compliance for any home.
10. *Connectivity to Parcel:* A stub street shall be provided for future connectivity to parcel 07090009B.
11. *Lighting for Fuel Station:* A lighting plan for the overall development shall be submitted at the site plan phase. The maximum footcandles along the west property line abutting Brandon Oaks shall be one (1) footcandle in accordance with UDO Chapter 1330. Light pole heights within the development shall not exceed 20 feet.
12. *Sketch Plan Approval from UCPW:* Prior to submittal for Site Plan review, the developer shall obtain sketch plan approval from Union County Public Works.
13. *Revocation:* The Town Council may act to revoke the conditional zoning district designation if the applicant fails to meet the terms of the district.

**Board Questions**

Member Aponte asked Staff Coperine to explain what type of commercial building staff was envisioning with the recommendation to remove the fuel station from the project options. Staff Coperine stated that the ordinance table has use options.

Member Gay asked for verification that there was no convenience store, only fuel pumps and payment area.

Staff Coperine answered in the affirmative. Staff Coperine spoke to the question about lighting stating that the draft conditions limit the height of the light poles to 20 feet and foot candles do not exceed one foot candle.

Steven Knudsen of Urban Development at 106 Foster Ave. Charlotte, NC stepped forward to give a brief presentation of his project stating that it will have the Harris Teeter branding. The walk up kiosk would close at 10:00pm with ability to pump fuel with a debit or credit card throughout the night. He mentioned buffers were a concern at the community meetings and they were proposing a 25 foot buffer with an 8 foot wall in the back.

Member Derosier asked for verification that a traffic study was done. Mr. Knutson answered in the affirmative.

Member Gay asked if the fuel station concept was that if you buy a certain amount of groceries at the neighboring grocery store you get a discount on gas. The developer answered that he thought it was if you are a VIC member, you would receive a discount in the fuel price. A question was asked if the fuel station project was because of a study for additional need for a fuel station at the site as there is a gas station several hundred yards away already.

Member Aponte mentioned his concern is increased traffic into Brandon Oaks and the number of children living in the area.

Member Derosier asked if there has been a study done if the fuel rewards program adds more traffic. Staff Coperine answered that the information she had was not specific to this site but from a similar site that the internal recapture rate was 40% of Harris Teeter customers. The developer stated that the left hand turn lane would alleviate much of the problem.

Member Gay asked about the office building height. The office would be a two story high structure. The wall would be at the rear of the property with additional landscaping. In answer to the lighting question, there would be a photometric plan that wouldn't allow lighting to extend off of the property.

Member Towns asked if there had been a study done on the fumes that would possibly emit from the site. Mr. Knutson answered a study has not been done but it is not typically a problem.

Member Gay asked if the price of the fuel at the site would be competitive. Mr. Knudsen answered that he wasn't a representative of Harris Teeter, but with the rewards program, it would be in the competitive range.

Member Derosier asked about fuel delivery times. Mr. Knutson stated that the fuel trucks would not be entering Mustang Drive. Presently, there are no times set for delivery. Staff Coperine stated that it could be written into the draft conditions if the board desired.

### **Opened for Public Comment**

Buddy Brewer of 6732 Old Monroe Rd. Indian Trail, NC, owner of the Shell Station near the proposed development site, spoke of believing in free enterprise, but it is too close to his business on the same side of the road and will affect his business. He stated the residents directly behind the potential fuel station would be affected.

Angie Purtell at 1000 Spanish Moss Rd, Indian Trail, NC (owner/renting out the property) stated her home is directly behind the property, and that fumes and idling cars would have a negative effect on her property. She added that it will devalue her home with more traffic and noise. A twenty foot light would also affect the property.

Art Spurr at 4100 Woodcreek Court, Indian Trail, NC, stated that he has a problem with an additional fuel station so close. He also stated he has a problem with the entrance and exit on Old Monroe Rd. He was concerned with the fuel station being opened 24 hours and the potential loitering it would cause.

Stephen Murdoch at 1002 Spanish Moss Rd. Indian Trail, NC stated that his concern was with potential leakage. Another concern was loitering. He wanted to know how to stop this potential fuel station from being built. He felt that increased traffic to the site would be a problem.

Myrtho Moise at 2015 Fripp Ln. Indian Trail, NC stated that it is challenging for a family with children to have a place to go for activity and entertainment. Aesthetically, to have a fuel station at the entrance isn't pleasing. The left hand turn lane at Mustang would be a problem.

Lawrence Jones at 1007 Spanish Moss Rd, Indian Trail, NC, a recent homeowner, is not in favor of the fuel station at the entrance to his residence area. He enjoys the simplicity and aesthetics of the neighborhood.

Staff Coperine responded to the question about how to stop the process by stating that this is how; by giving their opinions at public meetings. Town Council meeting would be the body that makes the final decision.

Also, she stated that the distance to the present Shell station is 800 feet.

A question was brought forth about where the fuel pumps would be located. Mr. Knutson pointed out the location and stated that land slopes down from the residential area behind it.

Staff Coperine stated, for the record, that any changes that would occur to make the left hand lane, that would be made to the median from Mustang Drive would be a reimbursement to Brandon Oaks subdivision.

**Closed Public Comment**

Motion to approve CZ2016-002 without the fuel station as recommended by staff was made by Member Towns, seconded by Member Derosier. Vote was unanimous in favor.

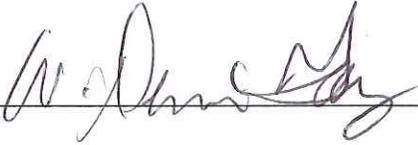
**Other Business-** none.

**Planning Report-** none.

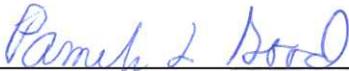
**Adjournment-** Meeting adjourned at 9:40pm

**Date** 9-26-16

**Chairman**

  
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**Secretary**

  
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