Town of Indian Trail

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PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT
PLANNING BOARD MINUTES
September 20, 2016
6:30 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 summaries and a location map of the town showing approved residential development to board members. (see subdivision projects below in Info Requested #8)

Town of Indian Trail - Road Projects Summary

Project	Start Date	Completion Date
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, and 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 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 were approved, 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 16th 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:
2. **Request: By-Right Plan showing development allowed under the current zoning.**
   Response: (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 2024
   - 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 for the proposed development 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 what a typical by-right plan would look like and stated that his team had presented it to Indian Trail staff for feasibility. The open space was pointed out as significantly reduced.

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 (the applicant does 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 being similar amounts. The overall tax base is $40,000,000 in the by-right plan vs $104,000,000 in the plan being presented. The Carolina 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 that connectivity is required by the Unified Development Ordinance (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 needed could be run from Downing Court to another area nearby that was currently tree filled. Mr. Jenest answered that there is nothing to connect it to at that point. Staff Coperine added that there was no right-of-way at that point, that the Town had preserved to build a stub road at Downing Court. The 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 to provide the connectivity, 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 disperse traffic. Connectivity is a tenet of good planning and engineeringt.

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 one project received an exemption and not another.

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 Ramiges, and 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. Additional 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 in favor of 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 homes include Wesley Chapel. The proposed development has a grand total of 436 homes.

Member Spurr stated that the UDO was written after Taylor Glen was built. He suggested making Taylor Glen a grandfather clause that wouldn't be affected by the development. Staff Coperine answered that Downing Court was never intended to be a cul-de-sac, but that the Planning Board can make recommendations to Town Council to delete the Downing Court connection.

Acting Chair Gay stated that Town Council has the ability to make changes to protect Downing Court. He also stated that the present Town Council is citizen friendly and could negotiate on their behalf.

Member Spurr stated that this developer has been doing everything they can do to protect and work with area residents.

Staff Coperine stated that the Town is undergoing a study headed by the Town's engineering department to abandon the Faith Church Road extension south of Old Monroe Rd. Town Council will likely vote on this issue in October. The Hawfield/Heritage development approval is contingent on the abandonment of the road extension.

The developer stated that no matter what development is built on the proposed site, the Faith Church Road extension cannot be physically built because of multiple factors that prevent it. An alternative route is being studied.

Member Derosier asked for clarification that there is minimum of connectivity, regulated by the state. Director Burhans answered that there are minimum standards, in regard to public safety, for connectivity for emergency vehicle access. He also stated that it would be acceptable to ask for exceptions, as in Downing Court case, because of particular conditions.

Acting Chair asked if the Fire Department insist that the stub road be specifically at Downing Court. Can another route be offered? Staff Coperine answered that the Fire Department didn't point this out as an absolute connection but looked at the overall connectivity to the development. Director Burhans offered to talk to the Fire Department about the connection to Downing Court and find out if that is critical for public safety, then report the findings to Town Council.

Member Head stated he is concerned about setting precedence. Director Burhans answered that because this is a conditional zoning, there can be negotiation for unique circumstances. That, also, can be researched and presented to the Town Council.

A member of the audience mentioned that the connectivity has been greatly surpassed on the minimum standards of connectivity.

Another member of the audience stated he was concerned about how fast this project has moved and concerned he saw recent activity by a bull dozer.

The developer explained that soil samples were a necessary part of phase 1 to satisfy a lender involved in the development.

Member Spurr asked what the minimum amount of connectors in this size of development. Staff Coperine answered that the minimum is three connectors for this size.

Acting Chair Gay asked when would be the earliest this project would be presented to Town Council. Staff Coperine answered that October 11th would be the earliest date possible.

Member Derosier stated that the state owns most of the roads involved. He reminded all present that 16,000-18,000 autos travelling on roads before the state will consider a necessary change on a road. Union County is rated in the top 15 growing counties in the country at this time.

Member Spurr stated that if this development is approved, traffic calming and safety measures need to be added to Taylor Glen and Brandon Oaks neighborhood streets. Director Burhans stated that there is an extensive traffic study that can be applied to areas of Town that need to be studied for additional safety measures of the roads. Planning Board can recommend that adjacent communities be studied for possible need of traffic calming measures as part of the additional conditions of approval.

Staff Coperine added some roads are town roads and some are state roads in Taylor Glen. Art Spurr made motion with the following modifications, with the draft conditions as recommended by staff: Modifications- is to not connect Downing Court- to make it cul-de sac, study traffic in Brandon Oaks and Taylor Glen, have traffic calming as required in neighborhoods that existed before present UDO also additional buffer/landscaping between Brandon Oaks and Taylor Glenn, developer will show cross section of the buffer, and suggested that Town Council have a community meeting with area residents regarding development. A question was brought forth regarding whether the residents of Downing Court would like a future cul-de-sac created at the end of the road. Mr. Jenest agreed that if that is requested, the developer agreed they would cover the cost of making Downing Court a cul-de-sac with the usual circular turnabout that part of a typical cul-de-sac design.

Acting Chair Dennis Gay reread the options for the board regarding this case.

Staff Coperine reiterated the modifications for the record as previously stated by Member Spurr:

Not connect Downing Court (either cul-de-sac or zero connectivity)
Study traffic in Brandon Oaks and Taylor Glen regarding traffic calming measures
Content of buffer (minimum species) recommendation to be provided to Council
Suggested if possible to schedule a community meeting with Council to make sure everyone is comfortable with the buffering offered by the developer

Acting Chair Gay recommended that Town Council hold a community meeting to meet with area residents involving this project.
Staff Coperine re-read the required consistency findings from August 16, 2016 into the record. Motion to approve by Member Spurr, seconded by Member Head. Vote was unanimous in favor.

Member Spurr made a motion to approve with modifications, seconded by Member Derosier. Vote to approve was unanimous.

b) **ZT2016-004 Private Roads:** Proposed UDO text amendment to limit the use of private roads.
Applicant: Town of Indian Trail

Staff Zweifel gave the presentation to the board.

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.

Required Consistency Findings

Staff Zweifel read the consistency findings into the record and stated that staff recommends adoption of this UDO Text Amendment ZT2016-004 as presented.

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).

Board Questions
Member Spurr clarified that the Town will own the roads so will guarantee the roads will be to Town standards. Staff Zweifel answered that before town staff would accept the road and release the sureties, the town engineering department would need to inspect them.

Member Aponte asked about private roads in commercial areas. Staff Zweifel answered that business or industrial parks could have private roads with conditional zoning approval. Typically, these situations have property owners associations and historically have done well maintaining their roads.

Member Spurr asked if we could also require a parking plan. Director Burhans answered that parking on subdivision streets will be regulated under a town parking ordinance that is being developed that will apply to all public streets in the community.

Motion to accept the Consistency Findings as stated by Member Spurr, seconded by Member Head . Approval was unanimous in favor.

Motion to recommend approval of ZT2016-004 as presented by Member Derosier, seconded by Member Head . Approval was unanimous in favor.

OTHER BUSINESS -none

ADJOURN -Adjourned at 9:30pm

Chairman: Jan W. Brown

Date: 10-18-16

Secretary: Pamela L Good