

STATE OF NORTH CAROLINA)

TOWN OF INDIAN TRAIL)

ORDINANCE # **DRAFT**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF INDIAN TRAIL REZONING PARCEL 07-084-336. LOCATED AT 100 PLYLER ROAD FROM LIGHT INDUSTRIAL TO CZ-MFR (CONDITIONAL ZONING MULTI-FAMILY RESIDENTIAL) IN THE TOWN OF INDIAN TRAIL, UNION COUNTY, NORTH CAROLINA

WHEREAS, the property owners Coldwater Veneer Indian Trail, LLC. and the designated applicant Plyler Road Partners, petitioned to rezone tax parcel 07-084-336 from Light Industrial to CZ-MFR (Conditional Zoning Multi-Family Residential District) with the intent of developing a 348-unit multi-family community; and

WHEREAS, this Conditional Zoning Amendment (CZ2013-009) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, two community meetings were held on March 5, 2014; and

WHEREAS, a public meeting was held by the Planning Board on March 18, 2014 and March 20, 2014 to consider this conditional zoning request; and

WHEREAS, the Planning Board found the proposed map amendment, as conditioned, is consistent with the following goal of the Comprehensive Plan:

Goal – Land Use and Housing - The proposed conditional district provides for quality multi-family residential use at an appropriate location providing a more appropriate transition between land uses than the existing abandoned light industrial use.

Goal- Mobility and Transportation – The proposed conditional district includes the construction of curb, gutter, and sidewalk enhancing mobility in the area, construction of a roadway improvements (turn-lane and storage), construction of a enhanced pedestrian crossing, a cash contribution for intersection improvements, and dedication of right-of-way on adjacent roadways to meet the future transportation needs of our community.

Goal- Infrastructure-The proposed conditional district will expand utilities in the area, underground overhead utilities where feasible.

WHEREAS, request for this conditional zoning district is a reasonable request and is in the public interest because it eliminates an abandoned light industrial site, establishes a more appropriate transitional use between the single-family community, creates a mix of housing sizes within the US 74-West corridor provides expanded housing opportunities for Indian Trail citizens and business owners, includes transportation and utility infrastructure investment, and is in general conformity of the Comprehensive Plan.

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

WHEREAS, the Town Council held a public hearing on March 25, 2014 to consider said request and recommendation of approval from the Planning Board; and

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

NOW, THEREFORE, IT SHALL BE ORDAINED by the Town Council of the Town of Indian Trail, North Carolina hereby takes the following action:

Section 1 – Approves CZ 2013-009 Conditional Zoning Petition thereby granting the Zoning Map amendment to establish a Conditional Multi-Family Residential District on parcel number 07-084-336 subject to the following conditions:

1. *Concept Plan and Architectural Requirements:* The development shall be designed and constructed consistent with the concept site plan and conditions of approval found herein. The concept plan shall be attached to the approval documents for CZ2013-009 and recorded at the Union County Records of Deeds office.
 - a. The structures shall be built in compliance with applicable fire and building codes as reviewed and approved by the Union County Fire Marshal and Building Inspectors.
 - b. The multi-family units shall be constructed with sound-attenuating wall materials to achieve an "average rating" of NC25-30 (37dB(A)) as defined within HUD Guidelines. – This guideline is used for the sole purpose of a measurable performance standard and is not associated with any funding or status of this development.
 - c. The entire property shall be fenced. The fence style may be altered adjacent to the railroad right-of-way and in screened areas to ensure an appropriate barrier is achieved. Highly visible fencing shall be decorative. Fencing adjacent to the ROW shall be an appropriate height in the arts and craft style community.
 - d. The community shall be developed as a market-rate multi-family community.
 - e. The storage units located within the garage structures may not be use as habitable or office space use. Use of storage areas is restricted to tenants of the community.
2. *Exterior Wall Siding Materials:* The exterior wall materials shall consist of fiber cement siding, brick, stone, and vinyl shake as accent. The use of vinyl as a wall siding is prohibited.
3. *Multi-family units:* The maximum dwelling units is capped at 348 units and shall be limited to the following mix:

<i>Garden apartment units-300 units</i>	
1-bedrooms	66
2-bedrooms	185
3-bedrooms	49
<i>48- Six-plex units</i>	
2-bedrooms	48

The three bedroom units may be reduced however no additional units beyond the 348 units may result from such a reduction. The maximum density is 12.8du/acre on the subject property.

4. *Building Setbacks:* Building setbacks shall comply with the requirements of Chapter 510.040 B for the Multi-family Residential District. The proposed accessory garage/storage units shall maintain the minimum 5-ft from property line on the east property consistent with regulations for accessory structures. However, a potential of a 3-foot setback may be authorized within this area only based on request from adjacent light industrial use property owner and building and fire codes.
5. *Frontage Improvements:*
 - a. Unionville-Indian Trail Road will be improved with curb, gutter, 6-ft. wide sidewalk, decorative pedestrian street lights, and street trees. Plyler Road frontage will be improved with curb, gutter, 6-ft wide sidewalk, decorative pedestrian street lights, and street trees.
 - b. Right-of-way (ROW) dedication is required on both Unionville-Indian Trail Road and Plyler Road to meet a 2-lane boulevard design identified within the Comprehensive Plan.
 - c. The applicant shall construct an enhanced pedestrian crossing at the intersection of Plyler/Corporate and Unionville-Indian Trail Road. This will provide pedestrian access to sidewalk on the north side of Unionville-Indian Trail Road which continues into the historic downtown area. The crossing shall be in compliance with NCDOT and Town regulations.
 - d. Construction equipment associated with this development shall have restricted access on Plyler Road. The construction access for phase I of the development shall be located on Unionville-Indian Trail Road- the access on Plyer Road may only be used in the event of an emergency. Construction access for phase II may be at the Plyler Road access point. Any damage to the existing roadway as a result of said construction equipment shall be repaired prior to final occupancy of the last two buildings of the community. The roads shall remain clear of debris during construction.
 - e. Construction deliveries shall be restricted as much as possible to the use of US 74 and Unionville Indian Trail Road.
6. *Traffic Study Improvements:* The applicant is required to construct required improvements as identified in the Traffic Study prepared by Davenport (10/7/2013) and by the Town and NCDOT based on their final approval of required TIA. The applicant has also committed a cash payment of \$38,000 to be placed in an intersection improvement fund for the construction of auxiliary lanes at the intersection of Indian Trail Road and Matthews-Indian Trail Road. The payment is proposed to be paid to the Town in installments over a maximum of a three year term or in full by the close of the project whichever comes first. The first installment shall be paid upon release of site plan approval.
7. *Interior Improvements:* The development shall include decorative pedestrian lighting, passive park furniture, sidewalks throughout the community, mail-box center, and enhanced trash enclosures. An amenity center with pool shall be constructed consistent with concept plan. The applicant shall incorporate enhanced amenities such as smartboards and computer stations, dog wash facility, and carwash facilities.
8. *Perimeter Landscaping:* Perimeter landscaping is required along the site frontage on Unionville-Indian Trail Road and Plyler Road. A Memorandum of Understanding (MOU) shall be reached with property owners of parcel 07084335A & 07084335C regarding landscape buffer agreement. Said agreement shall be submitted to the Town at the site plan review stage for review and implementation.

9. *Open Space and Tree Retention:* The proposed community has been designed with approximately five acres of open space. The open space area shall include pedestrian lights, benches, and poop bag stations (if pets are allowed) throughout the community. Chapter 830- Tree Preservation Ordinance of the UDO identifies a 15% Tree Canopy coverage requirement on the property. A tree survey and tree canopy plan is required within the site plan review process.
10. *Stormwater Detention Pond:* The applicant shall comply with Town regulations for stormwater detention and water quality. The applicant shall consider the use of fencing around the large pond located at the southwest corner if not used as an amenity such as a fishing pond. This will be determined at the site plan review process.
11. *Overhead Utilities:* All utilities shall be placed underground within the community. Every effort shall be made to place utilities located adjacent to Plyler Road and Unionville-Indian Trail Road.
12. *Sidewalk on Plyler Road:* The applicant shall provide funds for a 5-ft wide side walk on the west side of Plyler Road. Said funds are due at the time of site plan approval based on cost estimates approved by the Town.
13. *Compliance with various agencies:* The project shall comply with local, state, and federal permitting regulations.
14. The Town Council may act to revoke the conditional zoning district designation if the applicant fails to meet the terms of the district.

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

AND IT IS SO ORDAINED this 25th day of March, 2014.

TOWN OF INDIAN TRAIL COUNCIL

Attest:

Peggy Piontek, Town Clerk

Michael Alvarez, Mayor

APPROVED AS TO FORM:

TOWN ATTORNEY