



Indian Trail, North Carolina 28079  
 PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

### Conditional Zoning Staff Report

<b>Case: CZ 2015-002</b>			
<b>Reference Name</b>	Bonterra Future Phases		
<b>Request</b>	Proposed Zoning	CZ Single-family Residential (SF-5) with PED -1 Overlay District	
	Proposed Uses	Single-Family Residential	
<b>Existing Site Characteristics</b>	Existing Zoning	Single-Family Residential (SF-1)	
	Existing Use	Vacant	
	Site Acreage	Approximately 33 new acres	
<b>*Note:</b>	The northern tract (already existing in the Bonterra Master Plan with a zoning designation of SF-5) is included in the analysis of this Conditional Zoning application as there are proposed changes to the existing Master Plan which affect this area		
<b>Applicant</b>	Eagle Engineering		
<b>Submittal Date</b>	April 15, 2015		
<b>Location</b>	Faith Church Road, south of Indian Trail Fairview Road		
<b>Tax Map Number(s)</b>	Rezoning: 07039034A and 07039034B and Modifying the conceptual plan for: 07042045A, 07042045B, 07042045, 07039036, 07039036A and a portion of 07021001		
<b>Plan Consistency</b>	Comprehensive Plan	Designation	North Fork Village
		Consistent with Request	Yes
<b>Recommendations &amp; Comments</b>	Planning Staff	Recommends approval of a Conditional Zoning District	

#### Project Summary

This is 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. (See Attachment 1, Application and Aerial).

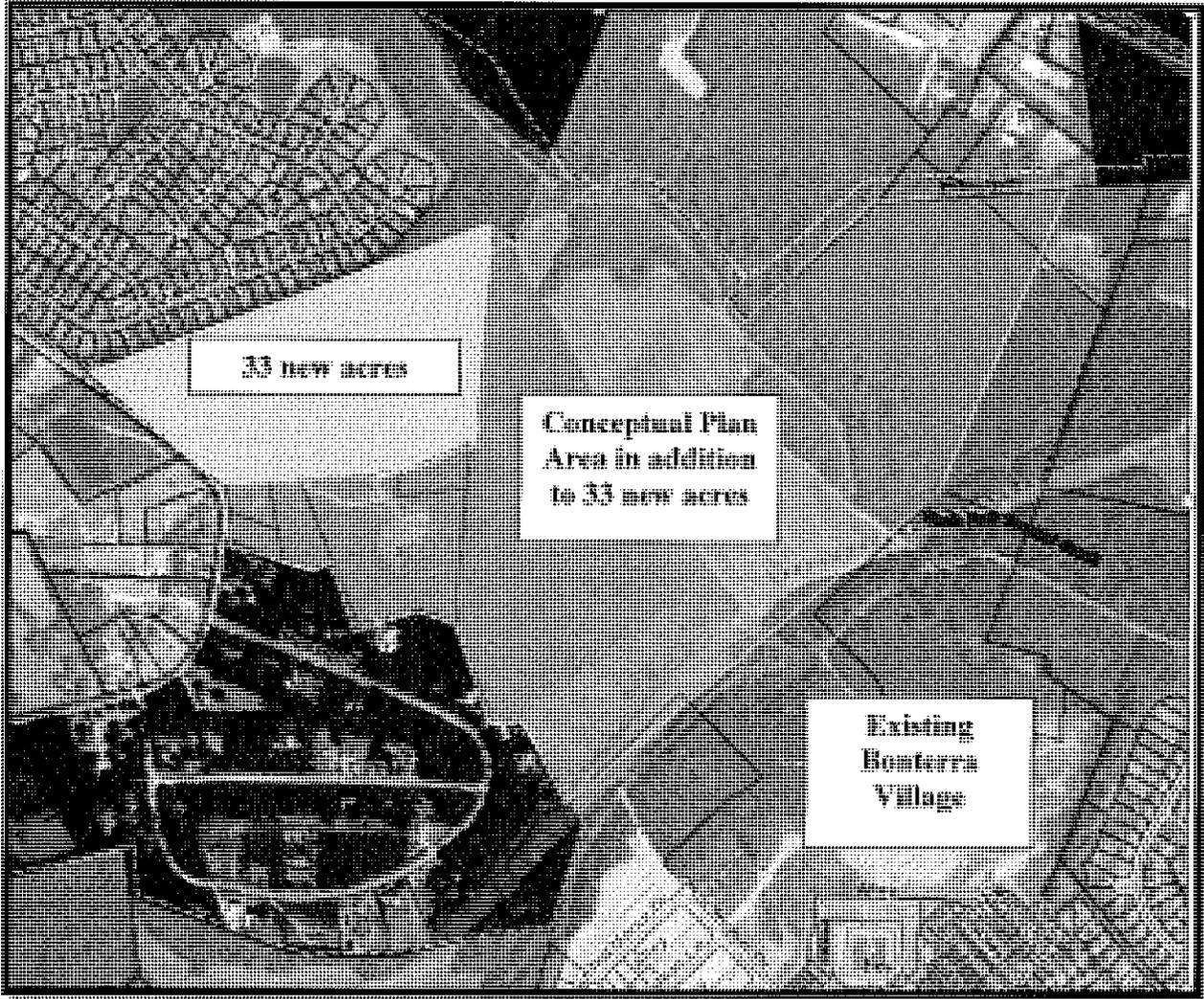
**Staff Recommendation**

Staff is of the opinion the necessary findings can be made to support this Conditional Zoning request.

**Background**

The subject new 33 acre parcels, also known as the Chase/Leighton property, were annexed into the Town of Indian Trail via Annexation 89, adopted March 12, 2002. See below Map 1: Location Map.

**Map 1: Location Map**



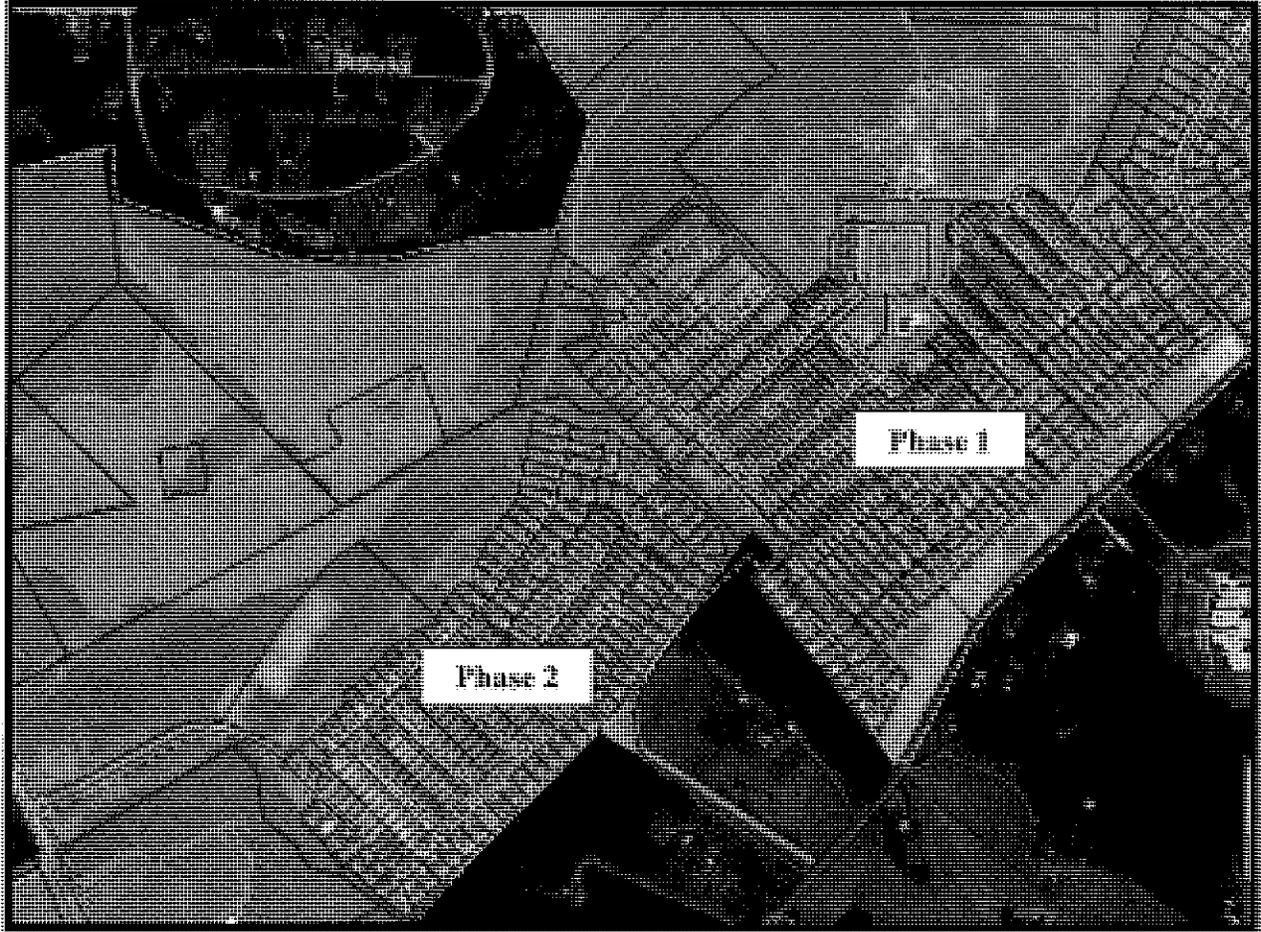
***Bonterra Village History***

Bonterra was originally approved under SUP 2001-005 with a mix of residential and non-residential uses. (See Attachment 2, SUP 2001-005). With regard to the residential uses, the original approved total number of dwelling units is 1,395 on 449.89 acres (or a density of 3.1 dwelling units per acre). Bonterra is an equestrian themed planned community. In 2013 via Conditional Zoning application CZ2013-005, a one acre parcel was included within the Bonterra Village community. That parcel is located directly south of the proposed 33 new acres.

***Phases and Development To-Date***

To present date, approximately 626 units have been built or entitled in Bonterra Phases 1 and 2. (See Map 2 below). Phase 3 and Phase 4 are under development and in the permitting process, respectively, and consist of 78 lots in Phase 3, and 161 lots in Phase 4 (See Map 3 below).

**Map 2: Bonterra Phases 1 and 2**





**Staff Analysis**

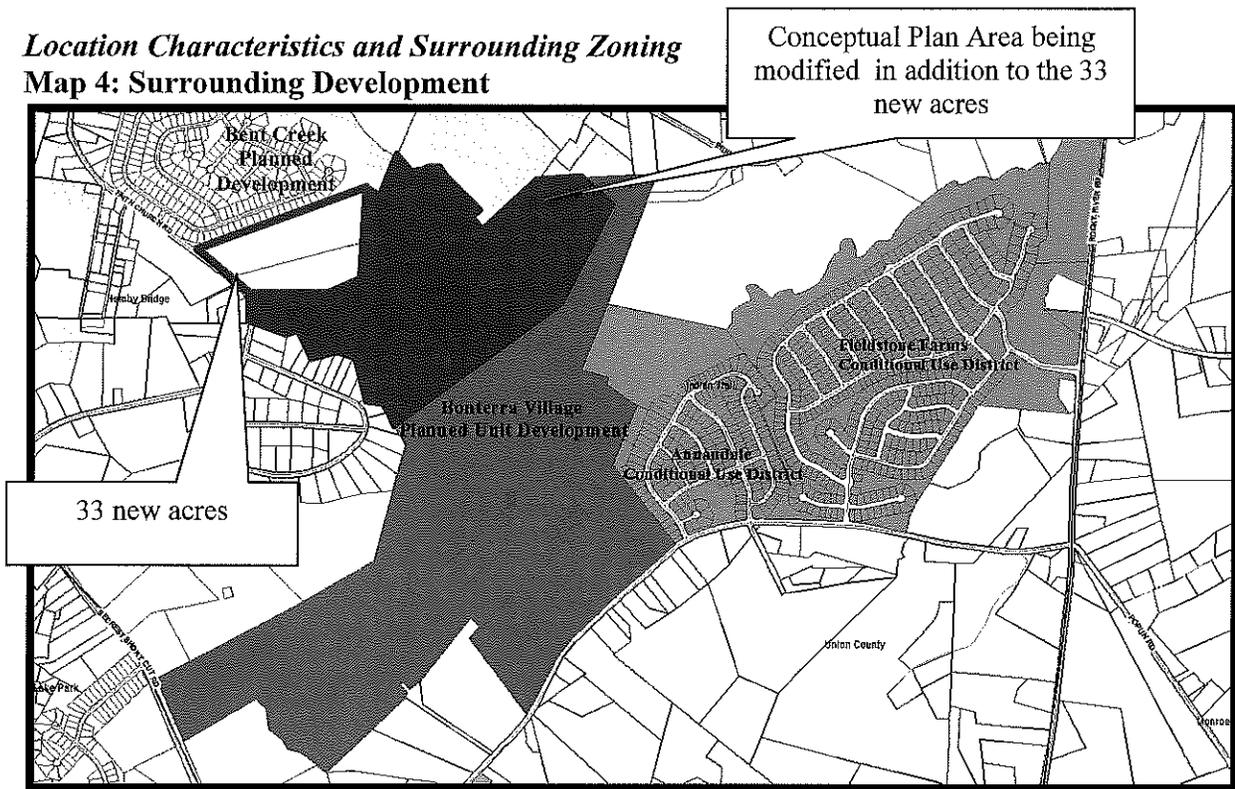
This modification request includes the incorporation of 33-additional acres into Bonterra that will reclassify (rezone) the new parcel’s zoning from a low density single-family residential classification (SF-1) to a moderate to high single-family residential (SF-5) classification and apply the Pre-existing 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. See Attachment 4, Conceptual Plan.

***Current Use and Zoning***

The subject property consists of two parcels which are located on Faith Church Road. The parcels are wooded and vacant. In addition to the new 33 acres, the area reflected in red in Map 4 below is being modified through the Conceptual Plan to provide overall consistency in development standards. The location map below identifies the subject property and other planned developments in the area. See below Map 4: Surrounding Development.

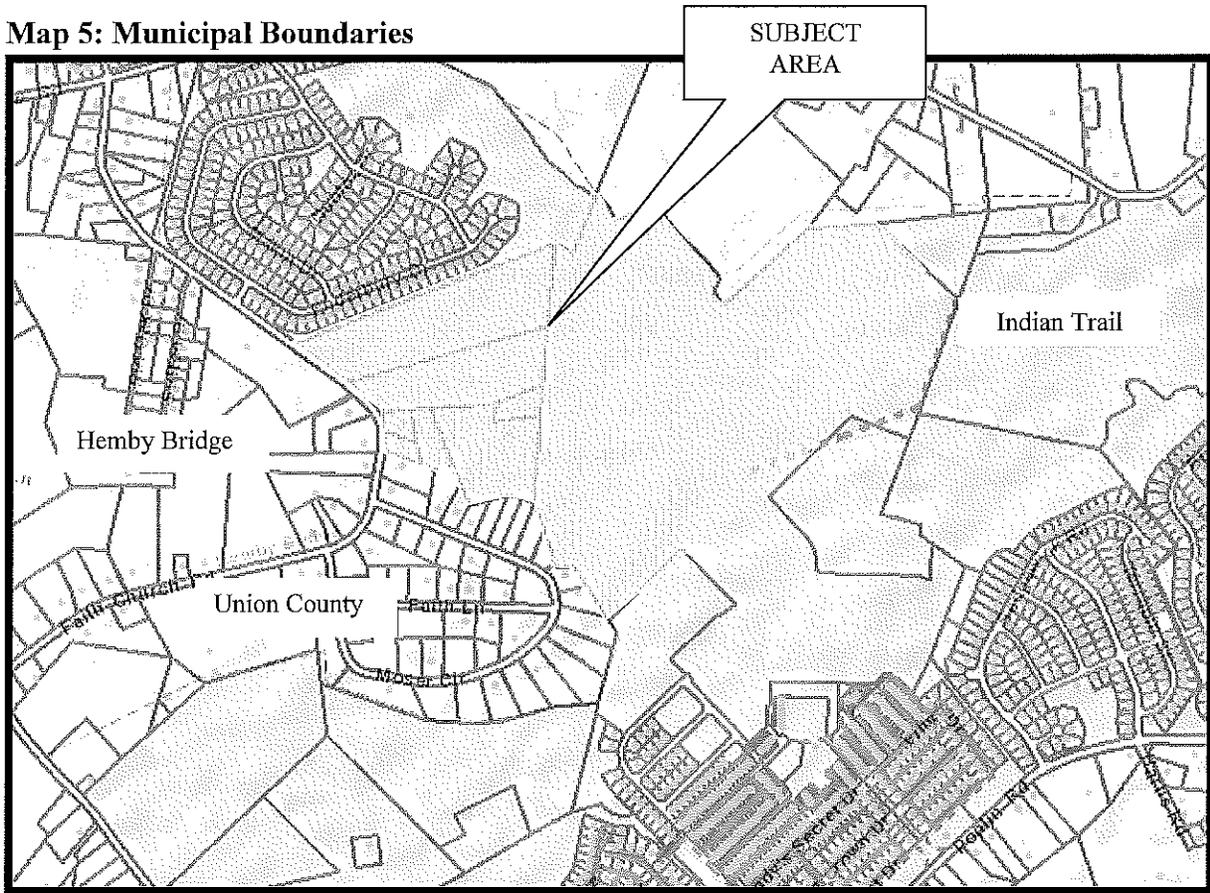
***Location Characteristics and Surrounding Zoning***

**Map 4: Surrounding Development**



The subject property is located within an area that is characterized by residential uses with varying densities and within multiple municipalities. Map 4 above illustrates the subject property is adjacent to the approved Bonterra Village planned unit development which was approved with an overall density of 3.1 dwelling units to the acre and varying lot sizes. Parcels located within the jurisdiction of Hemby Bridge, and the unincorporated areas of Union County, are rural in nature ranging in size from half acre lots to over 20 acres in size. (See Map 5 below). Those located within Indian Trail planned subdivisions such as Bent Creek have lots closer to quarter-acre in size. The proposed development is consistent with surrounding single-family residential development.

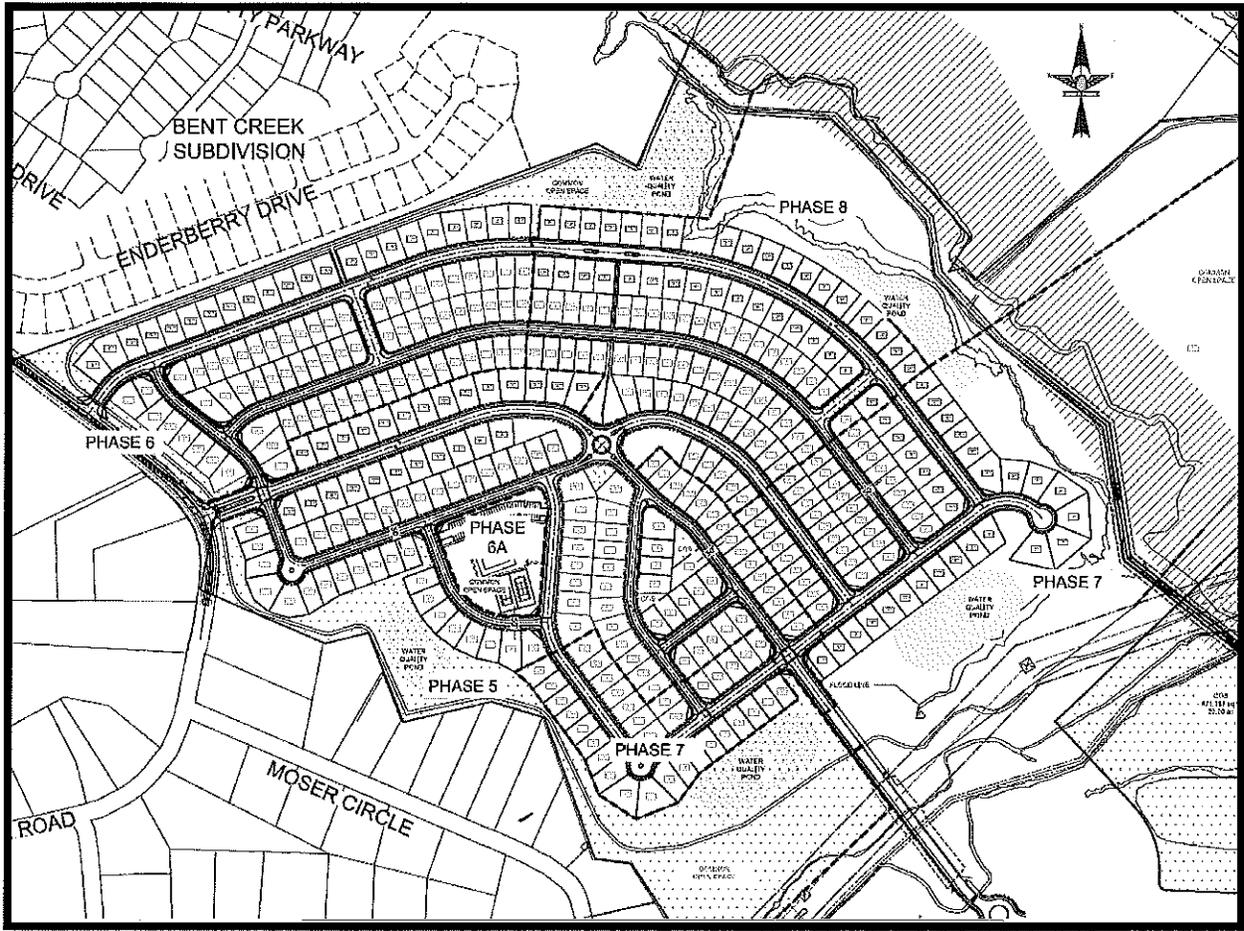
**Map 5: Municipal Boundaries**



***Concept Plan***

The Conceptual Plan (see below) reflects development of an approximately 400 home neighborhood with corresponding recreational amenities, and proposed road improvements to mitigate traffic impacts. The following will provide a brief overview of key elements of the Concept Plan.

## Concept Plan



*Site Layout:* The Concept Plan contemplates lots with minimum widths reflecting 50 foot, 60 foot and 70 foot wide, several detention ponds, a natural walking trail, and an amenity area which includes a clubhouse, pool and associated parking area, as well as on-street parking in key locations. At the center of the Conceptual Plan is a roundabout, which will connect the bridge from Phase 4 and direct traffic onto the entrance/exit on Faith Church Road. The entrance road into the development will be shifted from its original alignment onto a portion of the subject property, to help address an existing sight distance issue associated with original road alignment at Faith Church Road and minimize vehicle headlight disturbance of existing homes. A second access point will be added along Faith Church Road. Roadway Improvements per the attached Traffic Impact Analysis and updated Memo must be provided at the time of development.

*Onsite Roadway Improvements:* Access within the site will be provided by a series of interconnected roads with 50-ft to 60-ft wide Rights-of-Way (ROW) that will be designed with curb/gutter, sidewalks, street lights and street trees. Cul-de-sac roads will include an ornamental, center island turning feature.

*Frontage Improvements:* Faith Church Road will be improved with curb/gutter, sidewalk, and street trees.

*Architectural Design:* Supplementary architectural design guidelines have been provided in Exhibit 3 to the Ordinance to ensure development of an attractive, well-coordinated community. All development features must be consistent with the supplemental design guidelines attached. Requirements reflect those found in UDO Chapter 1310, Integrity and Design Standards.

*Lot Types and Dimensions:* Setbacks proposed with this conditional zoning project provide an increased setback at the front and rear compared to the originally approved Bonterra setbacks of 5 feet for the front, rear and sides.

Setbacks proposed with this conceptual plan are 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 garage in all instances must be recessed 2 feet from the front façade or 22 feet from the edge-of-pavement, whichever is greater. The garage setback will provide sufficient space for a car/truck to park in the driveway without obstructing the sidewalk.

*Green Space and Tree Retention:* A proposed 30 foot buffer is being provided along the northern property line abutting Bent Creek subdivision. This buffer is above and beyond any UDO requirement and will consist of a natural walking trail and undisturbed natural vegetated landscaping. Green space and open areas between lots have been provided throughout the community which connect and provide access to the walking trail. See Attachment 4, Concept Plan and Buffer Exhibit.

#### *Senior Housing Future Option*

During Staff's review of the Conceptual Plan, the applicant inquired about the possibility of providing a Senior Housing component within the proposed development. At this time, there has been no definitive proposal from the Applicant regarding same. However, to memorialize the conditions under which the developer may reconfigure a portion of the site in the Conceptual Plan, Staff has included a Condition of Approval which states that in the event 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 regard: it 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 rental homes 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 to implement the Senior Housing concept would require a Major Conditional Rezoning Application pursuant to Unified Development Ordinance Chapter 330.

#### *Traffic Impact Analysis*

An updated Traffic Impact Memorandum was prepared by DRMP on June 29, 2015. An original Traffic Impact Analysis, dated July 2013, for the entire area depicted in the Conceptual Plan was provided with the Conditional Zoning application for CZ 2013-005. The updated Memo analyzes traffic generated by the additional 33 acres. The original Traffic Impact Analysis (TIA) can be found at:

[http://www.indiantrail.org/cms\\_wfc/uploads/comment/OriginalTIAdatedJuly20135419.pdf](http://www.indiantrail.org/cms_wfc/uploads/comment/OriginalTIAdatedJuly20135419.pdf). The original TIA and updated Memo provide a list of improvements to be constructed by the developer in order to mitigate any road impacts. The following will summarize the key recommendations in the report:

*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.

### ***Community Meetings***

The applicant held two community meetings as required by UDO Section 330.020. The purpose of the meetings is to solicit comments and concerns from surrounding property owners. Notices for the community meetings consisted of advertising in the newspaper, sending first class mailed notices to the owners of surrounding properties and Homeowners Associations within 500 feet of the project site. The first community meeting was held at the Indian Trail Civic Building on June 29, 2015 from 3pm-5pm and the second was held from 6pm-8pm. The following will provide a brief summary of the Town required community meetings.

- *3pm-5pm Meeting:* This meeting was attended by 3 members of the public, the applicant's team, and staff. 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.
  - For complete minutes (questions and answers) see Attachment 3A of the report.
- *6pm-8pm Meeting:* There were approximately 11 members of the public in attendance in addition to the applicant's team and town staff. 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.
  - For complete minutes (questions and answers) see Attachment 3A of the report.

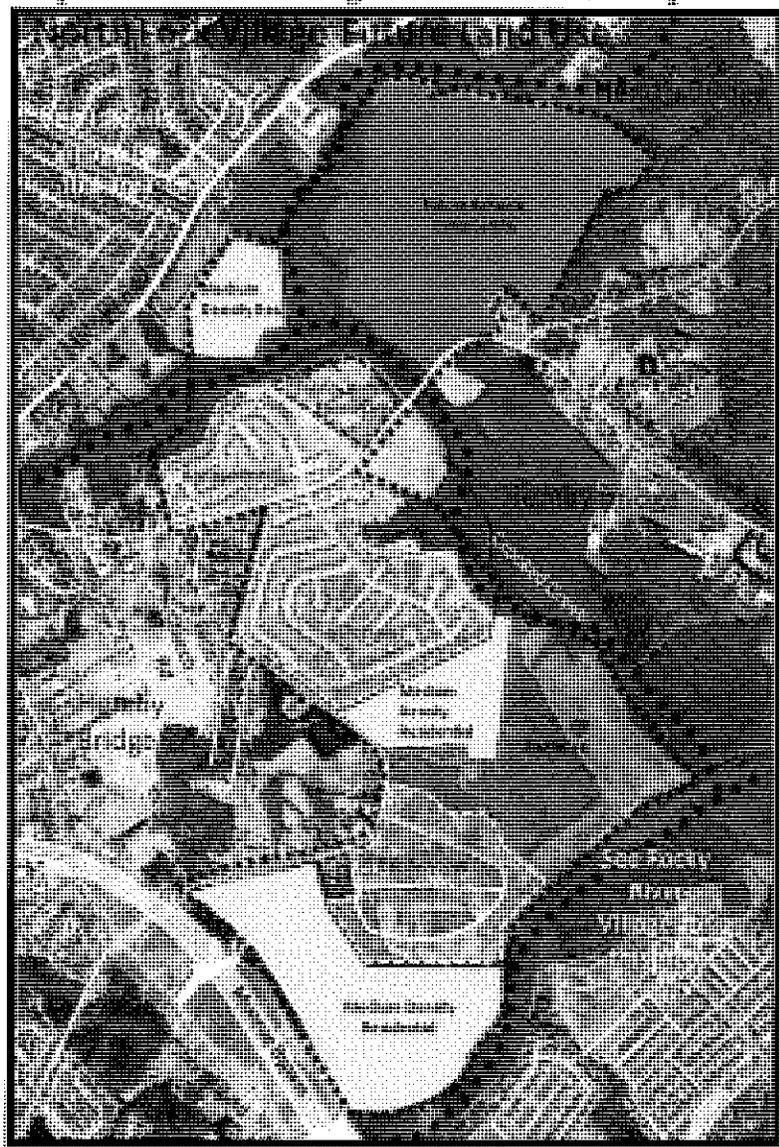
### ***HOA Letter of Support***

The Bonterra Community Association, Inc., has provided a letter expressing its support of the incorporation of the additional acreage into the Bonterra Master Planned Community. See Attachment 3B.

**Comprehensive Plan**

The Indian Trail Comprehensive Plan organizes the Town into a series of interconnected villages which not only helps create a well managed growth and community development pattern, but also provides meaningful identify for Indian Trail residents. The subject property is located within North Fork Village of the Comprehensive Plan. Map 6 below delineates the North Fork Village. This Village is intended to consist of land uses that promote a neighborhood setting with single-family detached houses as its primary development type however other types of housing types are also supported within the village. The proposed future land use of the subject property is Medium Residential, which allows for a density of 2 to 4 dwelling units per acre. The proposed overall project density of 2.7 dwelling units per acre is consistent with the future land use map. Staff is of the opinion that the proposal is consistent with the goals of the Comprehensive Plan. Please note, in order to provide consistency within the Comprehensive Plan, upon adoption of this conditional zoning application, the Comprehensive Plan map will be changed to reflect the Bonterra SF-5, PED overlay.

**Map 6: North Fork Village Future Land Use Map**



## ***Draft Conditions***

Conditions of approval have been developed in order to ensure the proposed rezoning is consistent with the Comprehensive Plan and the existing Conditional Zoning for the Bonterra Village Planned Unit Development. 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 99<sup>th</sup> 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 any 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 (with vents) or a crawl space foundation. 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):  
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.

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**

- *North Carolina Department of Transportation (NCDOT):* NCDOT has reviewed and is in agreement with the attached Updated Traffic Memorandum, dated June 29, 2015. See Attachment 5.
- *Union County Public Works (UCPW):* County water is located along the road frontage of the subject parcels on Faith Church Road. County sewer is currently not accessible to this site.

The nearest County sewer is approximately 900 feet east of the subject parcels within the Bonterra subdivision and will require a public sewer main extension.

- *Union County Public Schools (UCPS):* The subject parcels are within the following school attendance areas for the 2015-2016 school year: Hemby Bridge Elementary School and Porter Ridge Middle and High Schools.

*Hemby Bridge Elementary School:* is currently below the watch level for enrollment and is expected to remain so for the foreseeable future.

*Porter Ridge Middle School:* is currently in the watch level.

*Porter Ridge High School:* is approaching the watch level.

Additional residential construction can accelerate the approach to cap levels. Prior to reaching a cap, high enrollments contribute to such problems as additional mobile classrooms, inadequate capacity for food services 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 adequate planning/meeting space for additional staff.

**\*Please Note:** With the adoption of the original Bonterra Village SUP 2001-005, the entire original approved 1395 dwelling units were contemplated in the school impact analysis. This proposal does not generate additional students to those contemplated with SUP 2001-005.

- *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.

### **Action Required**

The Planning Board must adopt a statement of consistency and reasonableness prior to making a motion for recommendation. The finding must be made that the proposed amendment is both reasonable and consistent with the 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; and
- *Mobility and Transportation Goal #3:* The proposed development incorporates pedestrian amenities by way of a walking trail, providing pedestrian connectivity within the community.

The request for this conditional zoning district (PED-1/SF-5 – SUP2015-002-CZ) 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.

### **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.

**Attachment 1** – Application w/Aerial of Site

**Attachment 2** – SUP 2001-005

**Attachment 3A and 3B** – Community Meeting Minutes and HOA Letter of Support

**Attachment 4** – Conceptual Site Plan and Buffer Exhibit

**Attachment 5** – Updated Traffic Impact Analysis Memo, dated June 2015

**Attachment 6** – Draft Ordinance with attached Design Guidelines

**Staff Contact**

Gretchen Coperine

704 821-5401

[gcoperine@planning.indiantrail.org](mailto:gcoperine@planning.indiantrail.org)

**PB Attachment 1- Application & Aerial Map**

**CONDITIONAL ZONING  
APPLICATION**

R-000601

Inv 23748



**PLANNING AND NEIGHBORHOOD SERVICES**  
PO Box 2430  
Indian Trail, NC 28079  
Telephone (704) 821-5401  
Fax (704) 821-9045

**ONLY COMPLETE APPLICATIONS ACCEPTED**

Processing Fee: <2 acres \$400, 2-10 acres \$800, >10 acres \$1,500, Minor Modification \$250

Engineering Fees: <2 acres \$100, 2-10 acres \$175, >10 acres \$250

Notification Fee \$2.50 per adjoining property owner

Date Received \_\_\_\_\_

# CONDITIONAL ZONING APPLICATION

## Submittal Requirements

- Completed Application
- Notarized signatures of applicant and property owner
- Letter of Intent
- 5 copies of Concept Plan (must be drawn to scale by architect, landscape architect, professional surveyor, or engineer licensed in North Carolina)
- Boundary Survey (acreage, current zoning, location of existing buildings, setbacks)
- List, address labels, and digital copy of all adjoining property owners within 500 feet of subject parcel
- Traffic Impact Analysis, if necessary
- Statement of Appraisal, if necessary
- Fees associated with review

## General Information

Project Address Faith Church Road

City Indian Trail State NC Zip 28079  
07 039 034A

Tax Parcel ID 07 039 034B Zoning Designation SF-1

Total Acres 32.978 Impervious Area Approx. 15 ac.

Project Description Future Phase of Bonterra Village

## Contact Information – Applicant

Name John H. Ross, PE

Address Eagle Engineering, Inc. 2013-A Van Buren Ave

City Indian Trail State NC Zip 28079

Phone 704-882-4222 Fax 866-775-0329

Email jross@eagleonline.net

## Contact Information – Property Owner

Name Walton North Carolina, LLC

Address 10735 David Taylor Drive, Suite 150

City Charlotte State NC Zip 28262

Phone 704-879-2474 Fax \_\_\_\_\_

Email arathke@walton.com

CONDITIONAL ZONING APPLICATION

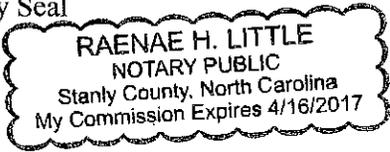
Applicant's Certification

Signature [Signature] Date 4/6/15

Printed Name/Title John H. Ross/Principal

Signature of Notary Public [Signature] Date 4/6/15

Notary Seal



Property Owner's Certification

Signature see attached Date \_\_\_\_\_

Printed Name/Title \_\_\_\_\_

Signature of Notary Public \_\_\_\_\_ Date \_\_\_\_\_

Notary Seal

TOWN OF INDIAN TRAIL OFFICE USE ONLY
CASE NUMBER: \_\_\_\_\_
DATE RECEIVED: \_\_\_\_\_ AMOUNT OF FEE: \_\_\_\_\_
RECEIVED BY: \_\_\_\_\_ RECEIPT #: \_\_\_\_\_

SCHEDULE

## CONDITIONAL ZONING APPLICATION

### 1. Technical Review Committee

- Project is reviewed by staff.
- Comments, questions, and concerns are sent to applicant to ensure project complies with ordinance.
- Once all comments are addressed and the plans are resubmitted, the community meeting may be scheduled.

### 2. Community Meeting

- To provide a framework for a shared vision with community involvement.
- Applicant, with assistance from planning staff, shall conduct two public meetings of at least two hours each. Two hours shall be scheduled during normal business hours and two hours shall be devoted to an evening period.

### 3. Planning Director

- The Planning Director shall provide suggestions following the community meeting.
- The comments will follow 30 days after a revised application is submitted or 60 days following the community meeting if there are no revisions.

### 4. Planning Board

- Reviews application to ensure it is consistent with UDO and all adopted town plans.
- Meets the 3<sup>rd</sup> Tuesday of every month.

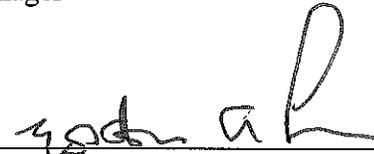
### 5. Town Council

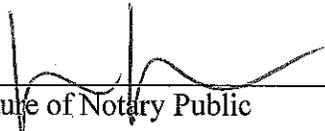
- Legislative action to approve, approve with modifications, deny approval, or submit to the Planning Board for further study.
- Meets 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of every month.

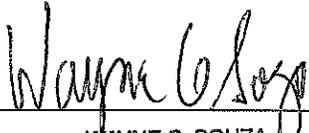
**Property Owner's Certification:**

**WALTON NORTH CAROLINA, LLC,**  
a North Carolina limited liability company

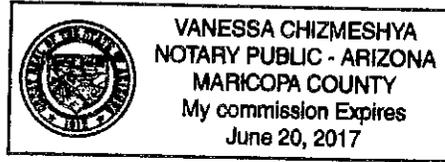
**By: Walton International Group, Inc.,**  
a Nevada corporation,  
Its: Manager

By:   
Name: GORDON A. PRICE  
Title: AUTHORIZED SIGNATORY

  
Signature of Notary Public  
Notary Seal

By:   
Name: WAYNE G. SOUZA  
Title: AUTHORIZED SIGNATORY

Date: 4/14/15



04-21-15 11:20 18



April 6, 2015

Mr. Rox Burhans  
Director of Planning  
Town of Indian Trail  
130 Blythe Drive  
Indian Trail, NC 28079

Re: Letter of Intent  
Rezoning into Bonterra Village PED-1  
Parcels 07 039 034A and 07 039 034B (32.978 Acres)  
Indian Trail, North Carolina

Dear Mr. Burhans:

On behalf of our client, Walton North Carolina, LLC (Walton), it is our intent and our formal request to rezone the subject parcels totaling 33 acres (+/-) into existing Bonterra Village PED-1 zoning district. The subject parcels are currently within the Town Limits of Indian Trail and are currently zoned SF-1.

It is intended that the parcels will be incorporated into the remaining phases of Bonterra Village and will be developed in a manner that is consistent with the "Traditional Neighborhood Development" (TND) standards that have been established in the recent phases developed by Walton. The subject parcels adjoin the existing Bonterra Village community along the Faith Church Road frontage and will provide for the and additional future access to the public right of way.

Phases I and II of the Bonterra Village development utilized a private street system and individual lots extending to the centerline of the roadway system. In accordance with the current Unified Development Ordinance, streets within Phase III, Phase IV and future phases of the development will be dedicated to the Town as public streets. The dedication of public street rights of way will result in the reduction of the developable area of the future phases and compared to Phases I and II. Proposed lot sizes and resultant open space dedications within the subject parcels will remain consistent with the standards established by previous phases.

The original Bonterra Village master plan was approved with a mix of 1395 residential units. Phases I - IV have yielded approximately 835 residential units. It is anticipated that future phases, including the 33 acres (+/-) within this zoning petition, will yield approximately 450 additional single family home sites for a total of approximately 1285 residential units.

Atlanta  
PO Box 551  
Alpharetta, GA 30004  
Ph 678 339 0640  
Fax 678 339 0534

[www.eagleonline.net](http://www.eagleonline.net)

Charlotte  
2013-A Van Buren Avenue  
Indian Trail, NC 28079  
Ph 704 882 4222  
Fax 704 882 4232

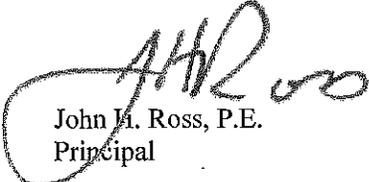
Mr. Rox Burhans  
4/21/2015  
Page 2

We believe this request is consistent with the intent of the existing Bonterra PED-1 and request your consideration and approval of the attached petition. Included herein is a complete application package in support of this request.

Should you have any questions or require additional information, please feel free to call at your convenience.

Sincerely,

**EAGLE ENGINEERING, INC.**



John H. Ross, P.E.  
Principal

Attachments  
cc: Walton\Rabon; file 4698



2013 Van Buren Avenue, Suite A  
 Indian Trail, NC 28079  
 (704) 882-4222 phone  
 www.eagleonline.net

**Letter of Transmittal**

Attention: Mr. Rox Burhans  
Town of Indian Trail  
130 Blythe Drive  
Indian Trail, NC 28079

Date: April 20, 2015  
 EEI Job Number: 4698

Re: Bonterra Village-Chase Leighton  
Conditional Zoning Application

Delivered by:  Hand  UPS  Mail  Fedex  Courier  Other

We are transmitting the following items:

- Prints  Copy of Letter  Specifications  Application  Mylars  Report  
 Plans  Shop Drawings  Calculations  As Builts  Check  Other

No.	Date	Copies	Items to be Transmitted
1	6/6/2013	1	Completed Application
2	6/6/2013	1	Notarized Signatures of Property Owner and Applicant
3	6/6/2013	1	Letter of Intent
4	6/6/2013	6	Copies of Color Concept Plan (1 - 30" x 42"; 5 - 11" x 17")
5	6/6/2013	5	B&W Copies of Concept Plan
6	6/6/2013	1	Boundary Survey
7	6/6/2013	1	1 Disk/1 Copy of Labels/1 Print of List of Adjoiners within 500 Feet
8	6/6/2013	1	Check #1168 (\$1500)

These are transmitted as checked below:

- For Approval  For Review  Approved as Submitted  
 For Your Use  Corrected Prints  Approved as Noted  
 As Requested  Copies for Distribution  Copies for Approval

Remarks: Please receive the attached items submitted in support of the Conditional Zoning request. If you have any questions please contact our office.

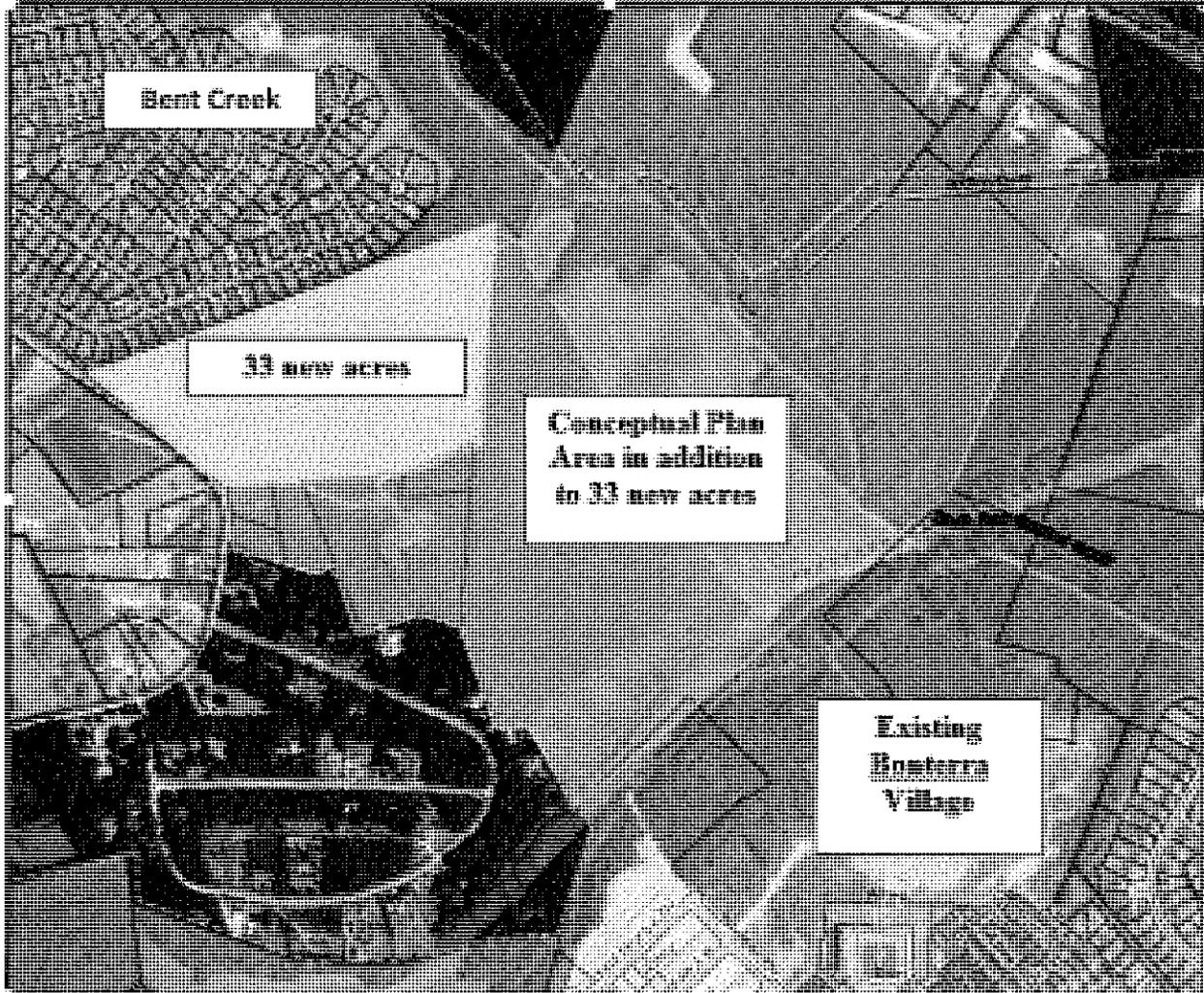
**Note:** Unless revision block states "*Released for Construction*", all plans enclosed are to be considered "*Preliminary*" and "*Not for Construction*", and are provided for permitting, information and bidding use only.

Cc: File/4698; Walton/Rathke

Signed: John H. Ross, PE

# Bonterra Village

## Aerial





## Town Of Indian Trail



P.O. Box 2430  
Indian Trail, North Carolina 28079  
Telephone 704/821-5401

Filed for record  
Date 7-17-2002  
Time 11:00 o'clock A.m.  
JUDY G. PRICE, Register of Deeds  
Union County, Monroe, North Carolina

27424

**SPECIAL USE PERMIT GRANTED**

On the date listed below, the Town Council for the Town of Indian Trail met and held a public hearing to consider the following application.

**Applicant:** Bonterra Village, LLC (formerly Insight Communities)  
**Property location:** Poplin Road, Secrest Shortcut, Faith Church Road  
**Tax Map #:** 07-021-001, 07-039-036, 07-039-036-A  
07-042-010A, 7-042-010D, 07-042-002-B, 07-042-045, & 07-042-045-B  
**Proposed Use of Property:** Mixed Use Development  
**Meeting Date:** April 10, 2001

RECORDED  
AND  
VERIFIED  
ANR

Having heard all of the evidence and argument presented at the hearing, the Town Council finds that the application is complete, that the application complies with all of the applicable requirements of the Indian Trail Zoning Ordinance for the development proposed, and that therefore the application to make use of the above described property for the purpose indicated is hereby approved, subject to all applicable provision of the Town Ordinances and the following conditions:

1. The applicant shall complete the development in accordance with the plans submitted to and approved by the Town Council, a copy of which is filed in the Town of Indian Trail Planning Department.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

If this permit authorizes development on a tract of land larger than one acre, nothing authorized by the permit may be done until the property owner properly executes and returns to the Town of Indian Trail the attached acknowledgement of the issuance of this permit so that the Town of Indian Trail may have it recorded with the Union County Register of Deeds.

**Therefore, APPROVAL OF SUP-2001-005 IS WITH THE FOLLOWING CONDITIONS:**

Develop in general accordance with the site plan submitted, with modifications as may be needed to meet the conditions of the Special Use Permit.

1. Restrict the use of the property uses and structures as follows:

A) Limit the development of the proposed commercial use of B-4 to no more than thirty (30) acres. The uses will be limited to retail sales and service as allowed in the Indian Trail Zoning Ordinance not to exceed 130,000 square feet as identified on site plan fronting Secrest Short Cut Road.

B) Limit the development of the proposed commercial use of B-3 to no more than thirty-five (35) acres. The uses contained in the B-3 zoning district would be as follows: 15 office buildings with the option of live/work for each. The proposed buildings would be limited to no more than 8,000 square feet each as identified on the site plan. Also within the B-3 zoning district there could be 75 live/work units not to exceed 8000 square feet each.

C) Limit the development of the proposed commercial use of B-2 to no more than twenty (20) acres. The uses will be limited to retail sales and service.

D) Limit the development of the proposed office use of O (Office) to no more than two (2) acres. The uses will be limited to office uses as allowed in the Indian Trail Zoning Ordinance.

E) The following uses are not permitted within the entire development: halfway houses, rooming houses, boarding houses, wholesale sales, manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods and merchandise, pool halls, drive-in movie theaters, parking garages, kennels, mining operations, waste disposal, telecommunication towers, bus stations, and taxi operations.

2. To satisfy the following site development considerations:

A) All non residential structures and building facades to be constructed with either brick, stone, wood, shake siding with no vinyl or composite siding.

B) Provide a 10,000 square foot open space preserving the natural vegetation crossing along the frontage of Faith Church Road only bisected by the entrance road and utility easements. The entrance will contain three tier white vinyl fencing with ornamental caps approximately four feet high providing a permanent visual screen from Faith Church Road.

C) Provide a pasture along Poplin Road approximately 150x1500 and 150x900 on either side of the entrance road. This area will be designated open space containing pastureland and horses. The area will be bounded by white vinyl fencing with ornamental caps having a minimum height of four feet.

D) A planting strip along the frontage of Secrest Short Cut Road outside of any designated road right-of-way, will contain an area 300 x 40 and 150 x 25 planted with dwarf Burfidia Holly bushes 4 foot on center and other planting materials to enhance the road side view of the development. Lighting shall be contained in cut-off type luminaries and shall be directed toward the property so as not to reflect into adjacent residential properties.

3. Restrict the residential density of the property to no more than 3.1 units to the acre for the entire project with the following conditions:

A) All front yards shall be sodded or seeded and strawed with the development of sidewalks, streetlights and street trees for the proposed phase prior to the issuance of zoning compliance by the Town of Indian Trail.

4. To abide by the following requirements, dedications and improvements:

A) Provide 5-foot sidewalks and curb and gutter along the frontage of Secrest Short Cut Road.

B) Provide improvements to Faith Church Road, Poplin Road, and Secrest Short Cut Road as required by the Ordinances of the Town of Indian Trail and the North Carolina Department of Transportation.

C) The 20-acre site designated on the Bonterra site plan as a school site shall be reserved for the purposes of primary education facility, for a period of five years and, if not utilized, shall become the property of the homeowners association to be used for such purposes as allowed for in common area.

D) The developer is proposing a six (6) acre tract of land be dedicated to Boy Scouts for primitive camping and other scouting activities.

E) The developer is proposing a one (1) acre tract of land be dedicated to the Town so it can be given to the appropriate fire department for emergency services to include EMS or other facilities which may be needed to better serve the area.

F) Thirty-five percent of the development shall be required to be open space approximately one hundred and fifty-seven (157) acres.

G) Along the interior streets of the development provide streetlights along the sidewalk from 100 feet to 300 feet apart depending on illumination (candle wattage) of the lights installed. See detail in subdivision regulations.

*where  
is the acre*

Therefore, on the basis of the foregoing, it is ordered that the application for Special Use Permit 2001-005 be granted.

BK 1866 PG 353

Therefore, on the basis of the foregoing, it is ordered that the application for Special Use Permit 2001-005 be **granted**.

Ordered this the 16 day of July, 2002.

TOWN OF INDIAN TRAIL

ATTEST:

Karen B. Price  
Karen B. Price, Town Clerk

Dean Harrell  
Dean Harrell, Applicant



Edward Smith  
Edward Smith, Mayor

NORTH CAROLINA-UNION COUNTY

The foregoing certificate(s) of D. Hope Bergamini

Notar(y) (ies) Public  
to be correct. is/are certified

JUDY G. PRICE, REGISTER OF DEEDS  
BY: Mary B. Minton  
ASST./DEPT

STATE OF NORTH CAROLINA  
COUNTY OF UNION

I, D. Hope Bergamini, a Notary Public of said County, do hereby certify that **Karen B. Price** personally came before me this day and acknowledged that she is Town Clerk of the Town of Indian Trail, a municipal corporation of said state, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Mayor, sealed with the corporate seal, and attested by its Town Clerk. Witness my hand and official seal, this the 16 day of July, 2002.

My commission expires: 3/26/2006

D. Hope Bergamini  
Notary Public



STATE OF NORTH CAROLINA  
COUNTY OF UNION

I, D. Hope Bergamini, a Notary Public of said County, do hereby certify that **Dean Harrell**, managing member of **Bonterra Village, LLC (formerly Insight Communities)**, Applicant, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the 16 day of July, 2002.

My commission expires: 3/26/2006

D. Hope Bergamini  
D. Hope Bergamini, Notary Public





# Community Meeting Minutes



**To:** Gretchen Coperine (Town of Indian Trail)  
**From:** Eagle Engineering, Inc.  
**CC:** File  
**Date & Time:** June 29, 2015 from 3:00pm - 5:00pm  
**Location:** Indian Trail Civics Building  
**Re:** Chase-Leighton (33 Acres) Rezoning (Community Meeting #1)

---

## Summary:

1. Development team gave a general description of the Chase-Leighton site and its proximity to the Bonterra Village PUD (Planned Unit Development):
  - a. The Chase-Leighton site contains two individual parcels which when combined total 33 acres. If the rezoning is approved the Chase-Leighton site is proposed to be adopted into the Bonterra Village development. The parcels are currently zoned SF-1, however through rezoning the site will be zoned to a PED-1 Overlay. A 30' buffer (with trail) is proposed along the exterior perimeter of the proposed site even though it is not required as part of the Town of Indian Trail UDO. The development will utilize the Town of Indian Trail's UDO and the Bonterra Village Design requirements as a set of design guidelines that will guide architectural controls for the proposed community.
  - b. Bonterra Village was originally approved to have 1,395 units (density of 3.1 units/ac), however due to the reduction of townhomes, and larger lots than originally proposed the unit count is being reduced to. This reduced unit count includes the Chase-Leighton parcels.
2. Is there capacity in the local schools to accommodate this development?
  - a. The subject parcels are currently slated to attend Hemby Bridge ES, Porter Ridge MS and Porter Ridge HS. However, UCPS is planning for the future construction of District D school cluster which will serve this proposed development. District D does not have a date set for construction.
3. What is the schedule for approvals of this rezoning?
  - a. If approvals continue as planned this application will be before the Planning Board in July and the Town Council in August.
4. How will the additional traffic be handled from this development?
  - a. In conjunction with the NCDOT review of the Traffic Impact Analysis for this development road widening and turn lanes into this development will be installed.
  - b. A second entrance into the subdivision is proposed to an additional means for entrance/exit from this phase of Bonterra Village.

- c. The traffic pattern from this portion of Bonterra to Highway 74 is likely to be along Faith Church Road.

# Community Meeting Minutes



**To:** Gretchen Coperine (Town of Indian Trail)  
**From:** Eagle Engineering, Inc.  
**CC:** File  
**Date & Time:** June 29, 2015 from 6:00pm - 8:00pm  
**Location:** Indian Trail Civics Building  
**Re:** Chase-Leighton (33 Acres) Rezoning (Community Meeting #2)

---

## Summary:

1. Development team gave a general description of the Chase-Leighton site and its proximity to the Bonterra Village PUD (Planned Unit Development):
  - a. The Chase-Leighton site contains two individual parcels which when combined total 33 acres. If the rezoning is approved the Chase-Leighton site is proposed to be adopted into the Bonterra Village development. The parcels are currently zoned SF-1, however through rezoning the site will be zoned PED-1 Overlay. A 30' buffer (with trail) is proposed along the exterior perimeter of the proposed site even though it is not required as part of the Town of Indian Trail UDO. The development will utilize the Town of Indian Trail's UDO and the Bonterra Village Design requirements as a set of design guidelines that will guide architectural controls for the proposed community.
  - b. Bonterra Village was originally approved to have 1,395 units (density of 3.1 units/ac), however due to the reduction of townhomes, and larger lots than originally proposed the unit count is being reduced to 1,285 (density of 2.66 units/ac). This reduced unit count includes the Chase-Leighton parcels.
  - c. The Boy Scout Troop land as been donated.
2. How can the Town ensure that the development is completed per the approved plans?
  - a. The construction documents are reviewed and approved by the Town of Indian Trail (including the planning staff) who will review plans for completeness prior to approval.
3. What will the homes be like and what is the price point?
  - a. The Chase-Leighton parcels are proposed to be adopted into the Bonterra Village development which will include the design guidelines for home construction. The price point will be determined by market conditions.
4. Is there capacity in the local schools to accommodate this development?
  - a. The parcels are currently slated to attend Hemby Bridge ES, Porter Ridge MS and Porter Ridge HS. However, UCPS is planning for the future construction of District D school cluster which will serve this proposed development. District D does not have a date set for construction.
5. How will the additional traffic be handled from this development?

- a. In conjunction with the NCDOT review of the Traffic Impact Analysis for this development road widening and turn lanes into this development will be installed.
  - b. A second entrance into the subdivision is proposed to an additional means for entrance/exit from this phase of Bonterra Village.
  - c. The traffic pattern from this portion of Bonterra to Highway 74 is likely to be along Faith Church Road.
6. Will there be a buffer adjacent to the Bent Creek Subdivision?
  - a. While a buffer is not required the proposed layout includes a 30 ft buffer adjacent to Bent Creek. A trail system will be within the proposed buffer. There is not a fence proposed within the buffer. The proposed 30 ft buffer will be in addition to an existing 30 ft buffer on the Bent Creek HOA property, for a total of 60 ft between rear property lines.
7. Will there be any stormwater management proposed? During storm events there are stormwater drainage issues along the Bent Creek HOA property adjacent to the Chase-Leighton parcels.
  - a. There are multiple stormwater management basins planned for the northern portion (including Chase-Leighton) of Bonterra Village. Runoff from the Chase-Leighton parcels will be routed through stormwater management basins per the requirements of the Town of Indian Trail and NCDENR.



April 27, 2015

WB Village, LP

c/o Walton Development & Management, LLC

10735 David Taylor Drive, Suite 150

Charlotte, NC 28262

Attention: Andy Rathke

WB Village, LP

c/o Walton International Group (USA), Inc.

4800 North Scottsdale Road, Suite 4000

Scottsdale, Arizona 85251

Attention: Wayne G. Souza, Esq.

Re: Addition of approximately 33 acres of land described on Exhibit "A" attached hereto (the "Property") to the Bonterra planned community.

Dear Sirs:

Please be advised that the Bonterra Community Association, Inc., through its board of directors (the, "Board"), supports WB Village, LP's application for inclusion of the Property into the master plan for the Bonterra planned community.

Further, the Board will support future annexation of this Property into the Bonterra planned community provided that Phases IV, V and VI are first annexed into Bonterra and the membership approves the annexation of the Property as provided for and required in the Declaration of Covenants, Conditions and Restrictions for Bonterra.

We look forward to working with you on this matter and hope to complete this process in a swift and amicable manner. Should you have any questions, please feel free to contact the undersigned Board members.

Very truly yours,

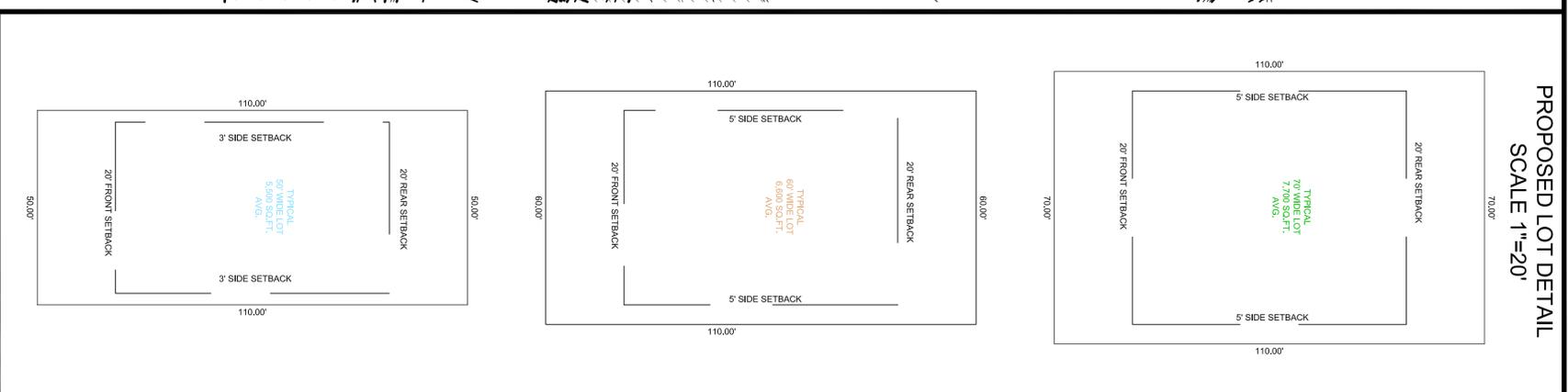
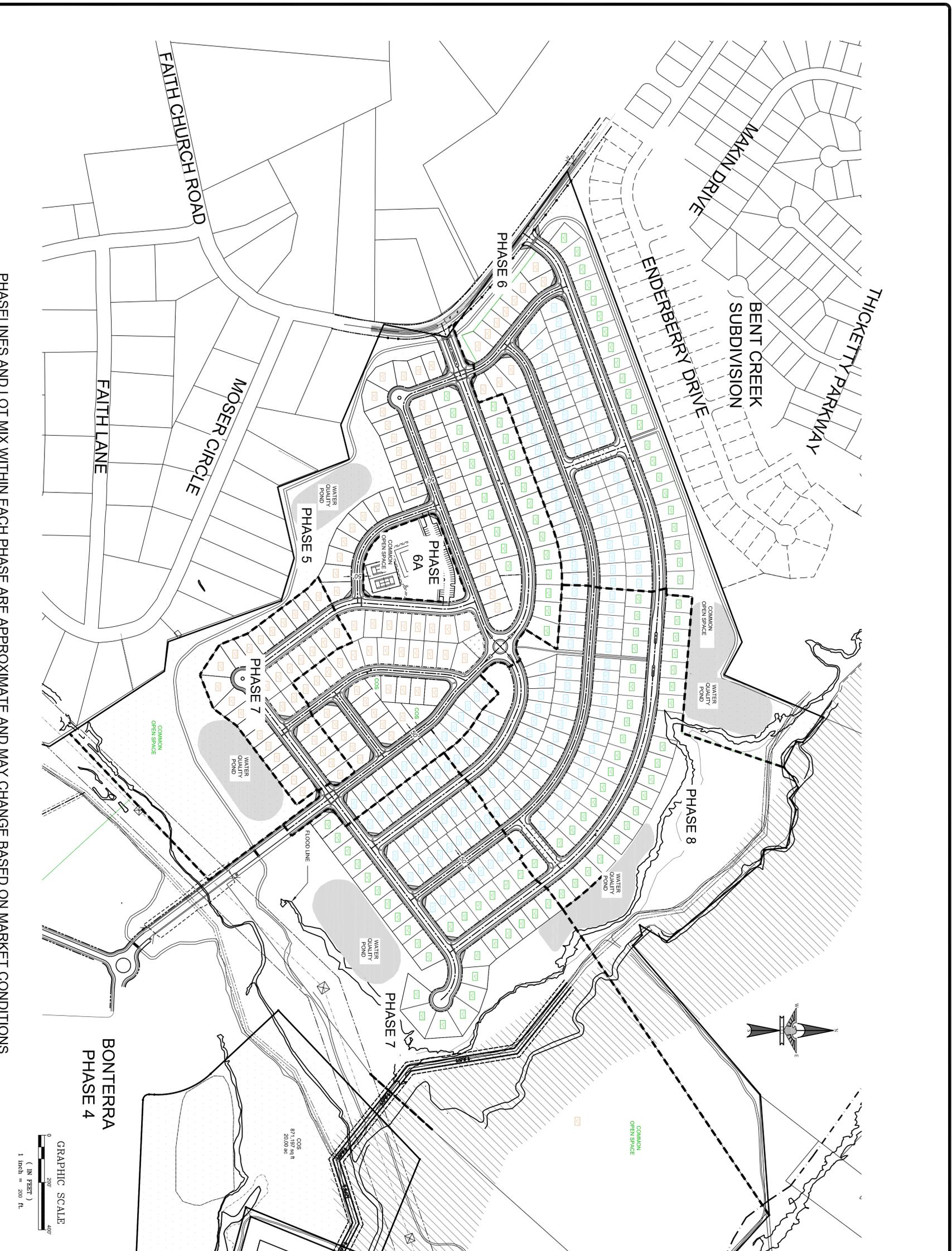


Name: Alan Rosenberg, Board Member



Name: Shaun Wallace, Board Member





DEVELOPMENT SUMMARY PHASES 5-8		DEVELOPMENT SUMMARY PHASE 5		DEVELOPMENT SUMMARY PHASE 6		DEVELOPMENT SUMMARY PHASE 7		DEVELOPMENT SUMMARY PHASE 8	
TOTAL LOTS		TOTAL LOTS		TOTAL LOTS		TOTAL LOTS		TOTAL LOTS	
70'X110'	394	70'X110'	111	70'X110'	93	70'X110'	98	70'X110'	92
60'X110'	111	60'X110'	25	60'X110'	22	60'X110'	29	60'X110'	30
50'X110'	115	50'X110'	71	50'X110'	11	50'X110'	33	50'X110'	00
	168		15		60		36		57
<b>6,674 LF IN STREETS</b>		<b>3,579 LF IN STREETS</b>		<b>3,555 LF IN STREETS</b>		<b>3,399 LF IN STREETS</b>			

**PRELIMINARY NOT FOR CONSTRUCTION**

**EXHIBIT**

**SITE PLAN EXHIBIT  
FAITH CHURCH ROAD ACCESS**

DESIGNED BY KEL	DRAWN BY KEL	CHECKED BY BLL
Scale AS SHOWN	DATE 11/17/14	JOB NUMBER 4698C-NC

**BONTERRA  
PHASES 5 - 8**

**WALTON DEVELOPMENT & MGT (USA), INC.  
11535 CARMEL COMMONS BLVD, SUITE 102  
CHARLOTTE, NC**

NO.	DATE	BY	ISSUE

**EAGLE ENGINEERING**

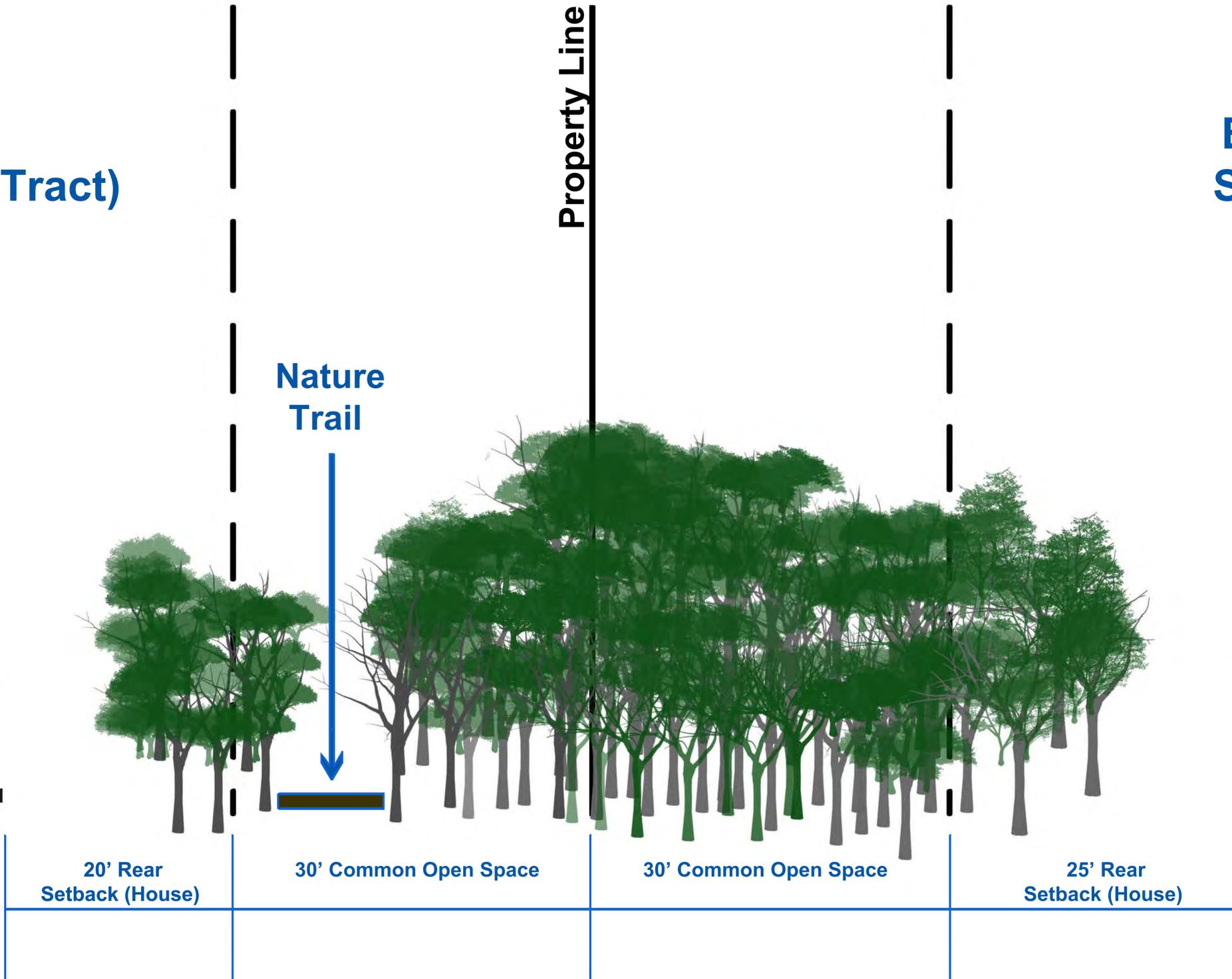
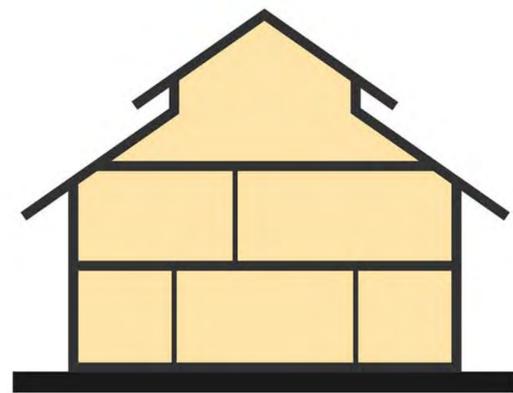
2013A Van Buren Avenue  
Indian Trail, NC 28079  
(704) 882-4222  
www.eagleonline.net

P.O. BOX 551  
Alpharetta, GA 30009  
(678) 339-0640

# Neighborhood Buffer Exhibit (Chase - Leighton at Bent Creek)

**Bonterra  
(Chase - Leighton Tract)**

**Bent Creek  
Subdivision**



20' Rear  
Setback (House)

30' Common Open Space

30' Common Open Space

25' Rear  
Setback (House)



**DRMP, INC.**



**Principals**

Wayne D. Chalfoux  
 Donaldson K. Barton, Jr.  
 Lucius J. Cushman, Jr.  
 Jon S. Meadows  
 Lawrence L. Smith, Jr.  
 William T. Stone

June 29, 2015

**DRMP Job # 13-0178.000**

Lee Ainsworth, III, PE  
 North Carolina Department of Transportation  
 Acting District Engineer  
 130 S. Sutherland Avenue  
 Monroe, NC 28112

**Subject: Bonterra Expansion  
 Walton Development and Management  
 SR 1518 (Faith Church Road)  
 Traffic Impact Memorandum**

Mr. Ainsworth:

The proposed residential development as further defined by the attached Bonterra Village – Concept Plan is an extension of the existing Bonterra Village. The new phase of the development consists of 145 single family dwelling units. According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, the proposed development will generate approximately 1,478 average daily weekday trips.

*Land Use Code 210 (Single-Family Detached Housing)*

*Daily Traffic Generation:*

*Single Family (LUC-210):  $Ln(T) = 0.92 Ln(X) + 2.72$  ; (50%in, 50% out)*

*AM Peak Hour Generation:*

*Single Family (LUC-210):  $T = .70(X) + 9.74$ ; (25%in, 75% out)*

*PM Peak Hour Generation:*

*Single Family (LUC-210):  $Ln(T) = 0.90 Ln(X) + 0.51$  ; (63%in, 37% out)*

Land Code	Units	Daily (veh)			AM Peak Hour (veh)			PM Peak Hour (veh)		
		Total	Entering	Exiting	Total	Entering	Exiting	Total	Entering	Exiting
210 Single Family Detached Housing	145	1478	739	739	111	28	83	147	93	54

5950 Fairview Road  
 Suite 320  
 Charlotte, NC 28210  
 Phone: 704.332.2289  
 Fax: 704.332.2294

Boca Raton, Florida  
 Chipley, Florida  
 Gainesville, Florida  
 Jacksonville, Florida  
 Lakeland, Florida  
 Orlando, Florida  
 Panama City, Florida  
 Pensacola, Florida  
 Raleigh, North Carolina  
 Tallahassee, Florida  
 Tampa, Florida

1.800.375.3767  
 www.drmp.com

The 1,478 average daily weekday trips is below the 3,000 trips for which NCDOT requires a TIA. Therefore, we submit this traffic impact memorandum in lieu of a detailed TIA per email from Sean Epperson dated June 4, 2015. The proposed development is anticipated to have a minimal impact on the surrounding transportation

network, and based on field observations of traffic patterns and historical traffic data, we recommend no offsite mitigation improvements.

It should be noted that this new development is an expansion of the existing Bonterra Village development and the roadway network of this phase of development is tied to the roadway network for the other phases of development. Due to the connectivity of the site to the previously approved phases of development, it is likely that traffic from both areas will utilize both access points to some degree. Looking at the lots and the layout of the development, it is likely that traffic from an additional 59 lots will use this new access point. This value is based on the assumption that approximately 98 lots from earlier phases are more likely to use the new access, but that 39 lots from the new development are likely to use the original access on Faith Church Road, leaving a net difference of traffic from approximately 59 lots from the original development that will also be using the new access road. The traffic volumes used for this study will take this cross connectivity and additional traffic into account. This assumption does not imply that any agreed upon mitigation for the previously approved development will be changed/modified to reflect the rerouting of traffic within the development.

Land Code	Units	Daily (veh)			AM Peak Hour (veh)			PM Peak Hour (veh)		
		Total	Entering	Exiting	Total	Entering	Exiting	Total	Entering	Exiting
210 Single Family Detached Housing	145	1478	739	739	111	28	83	147	93	54
210 Single Family Detached Housing	59	646	323	323	51	13	38	65	41	24
<b>Total</b>	<b>204</b>	<b>2124</b>	<b>1062</b>	<b>1062</b>	<b>162</b>	<b>41</b>	<b>121</b>	<b>212</b>	<b>134</b>	<b>78</b>

One new driveway access on SR 1518 (Faith Church Road) is proposed for the new phase of Bonterra Village. Under NCDOT driveway permit requirements, left turn lanes are required for any proposed access to state-maintained street or highway with average annual daily traffic (AADT) greater than 4,000, existing volume or with the proposed development of average daily traffic added to the existing volume. According to NCDOT Traffic Volume Maps, 2013 AADT along SR 1518 (Faith Church Road) is 1,000 vehicles/day. Applying a 2% growth factor to the 2013 AADT, adding in the estimated AADT from the previous approved Bonterra Village development that travels past the new site access, and adding the trips generated by the proposed expansion of the development, the 2020 (anticipated buildout year) AADT volumes of SR 1518 (Faith Church Road) is 5,135 vehicles/day. Therefore, a left turn lane will be required for the proposed driveway access.

$$\text{Base Background traffic} - 1,000 * (1.02)^7 = 1,149 \text{ AADT}$$

$$\text{Previously Approved Bonterra Village Traffic} - 50\% \text{ of } 5,016 \text{ trips} = 2,508$$

$$\text{Proposed Site Trip} = 2,124 \text{ trips (see trip generation above)}$$

$$\text{Total AADT/trips on SR 1518 (Faith Church Road)} - 1,149 + 2,508 + 2,124 = 5,781$$

Based on the "NCDOT Policy on Street and Driveway Access to North Carolina Highways" guidelines, turn lane warrant analyses were performed on SR 1518 (Faith Church Road) at the proposed Bonterra Village site entrance. Figure "Warrant for Left and Right-Turn Lanes" at page 80 of the NCDOT Policy on Street and Driveway Access to North Carolina Highways was used to evaluate the turn lanes.

The results of the analyses are attached. Based on the guidelines and projected traffic volumes (obtained from the previously approved TIA for Bonterra Village, Phases 3-6) the following recommendations are suggested on SR 1518 (Faith Church Road) at the proposed site entrance:

- Provide a southbound left-turn lane with 75 feet of storage

An un-signalized analysis was also completed. The level of service for the southbound left turn lane into the site is an 'A' for both the AM and PM peak periods. The westbound movement from the site has a level of service of 'B' in both the AM and PM peaks. There are no queuing issues based on the analysis.

I trust that the information provided in this memorandum satisfies NCDOT requirements for the proposed development. Please contact me with any questions or if you need additional information.

Sincerely,  
**DRMP, Inc. (NC License No. C-2213)**



Lisa M. Moon, PE  
Senior Traffic Engineer



Attachments:

Vicinity Map  
Site location maps  
Aerial Map  
Bonterra Village – Concept Plan  
Bonterra Village – Future Site Volumes  
Bonterra Village Phase 3-6 Build-out Volumes  
Lane Warrant Analysis  
Synchro Analysis – Un-signalized Intersection  
SimTraffic Queuing Reports

CC: Rox Burhans  
Sean Epperson

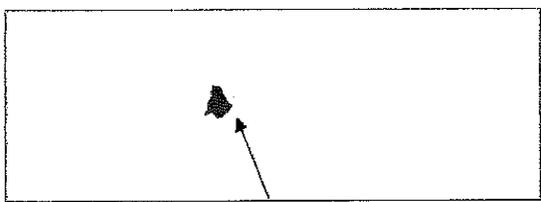
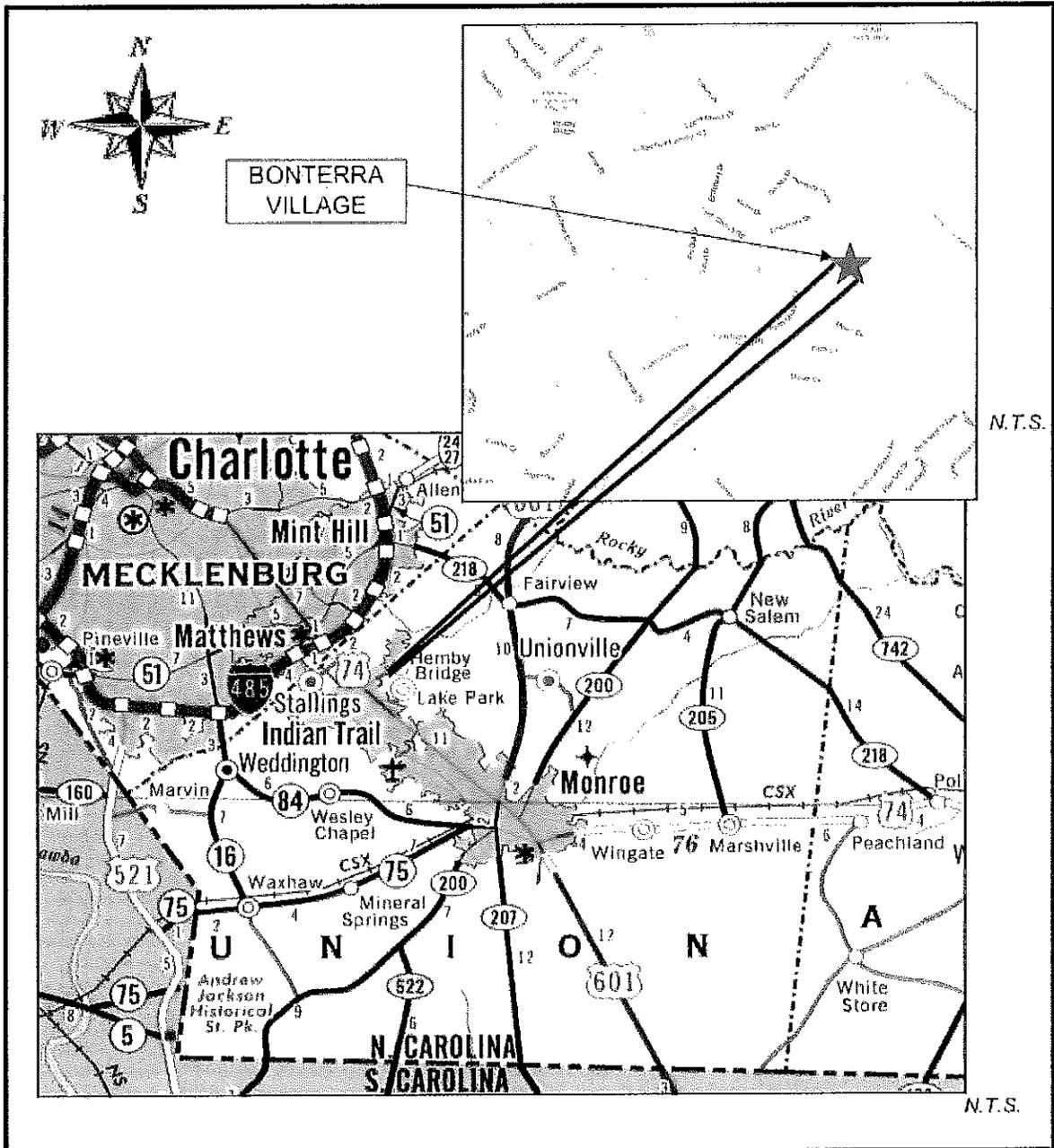
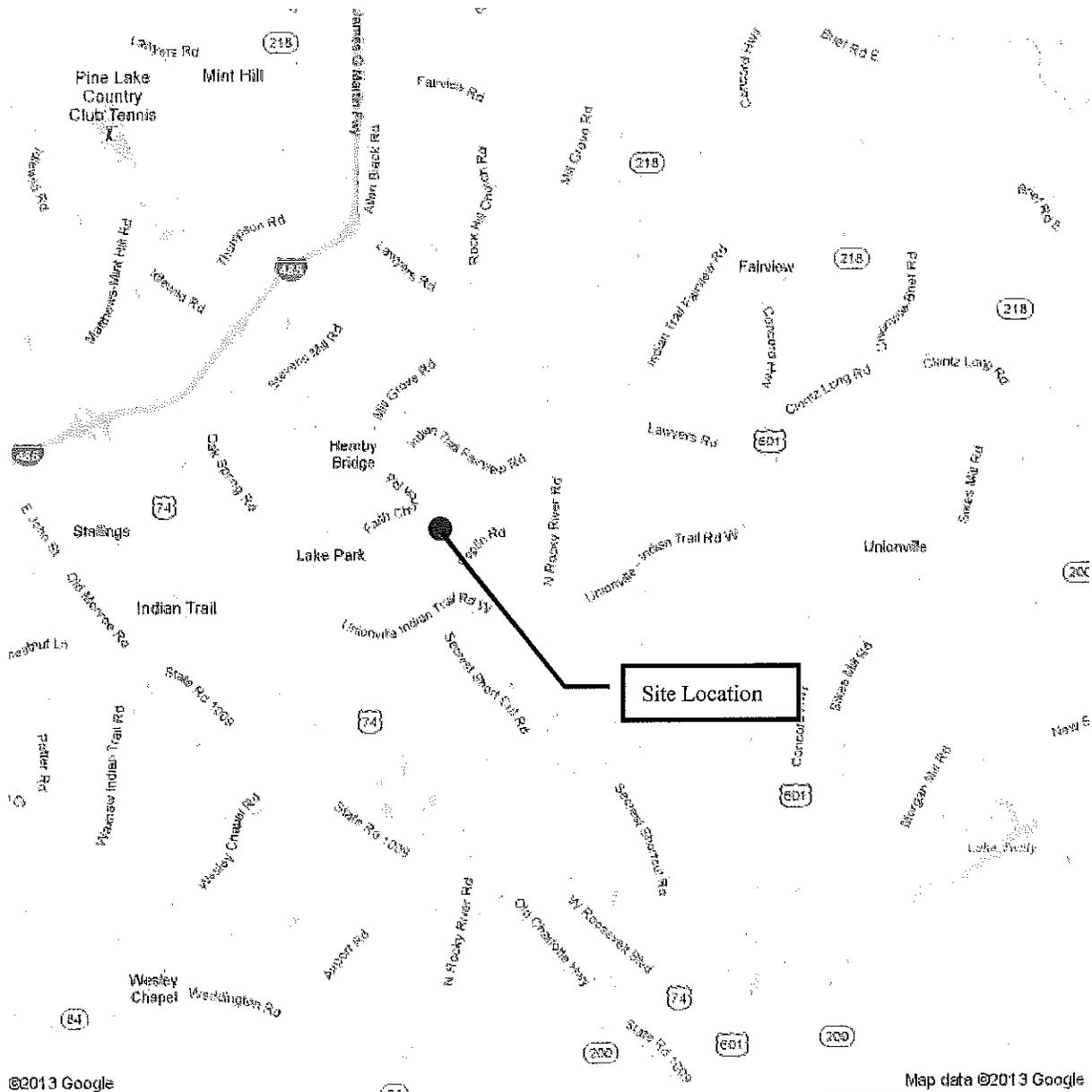
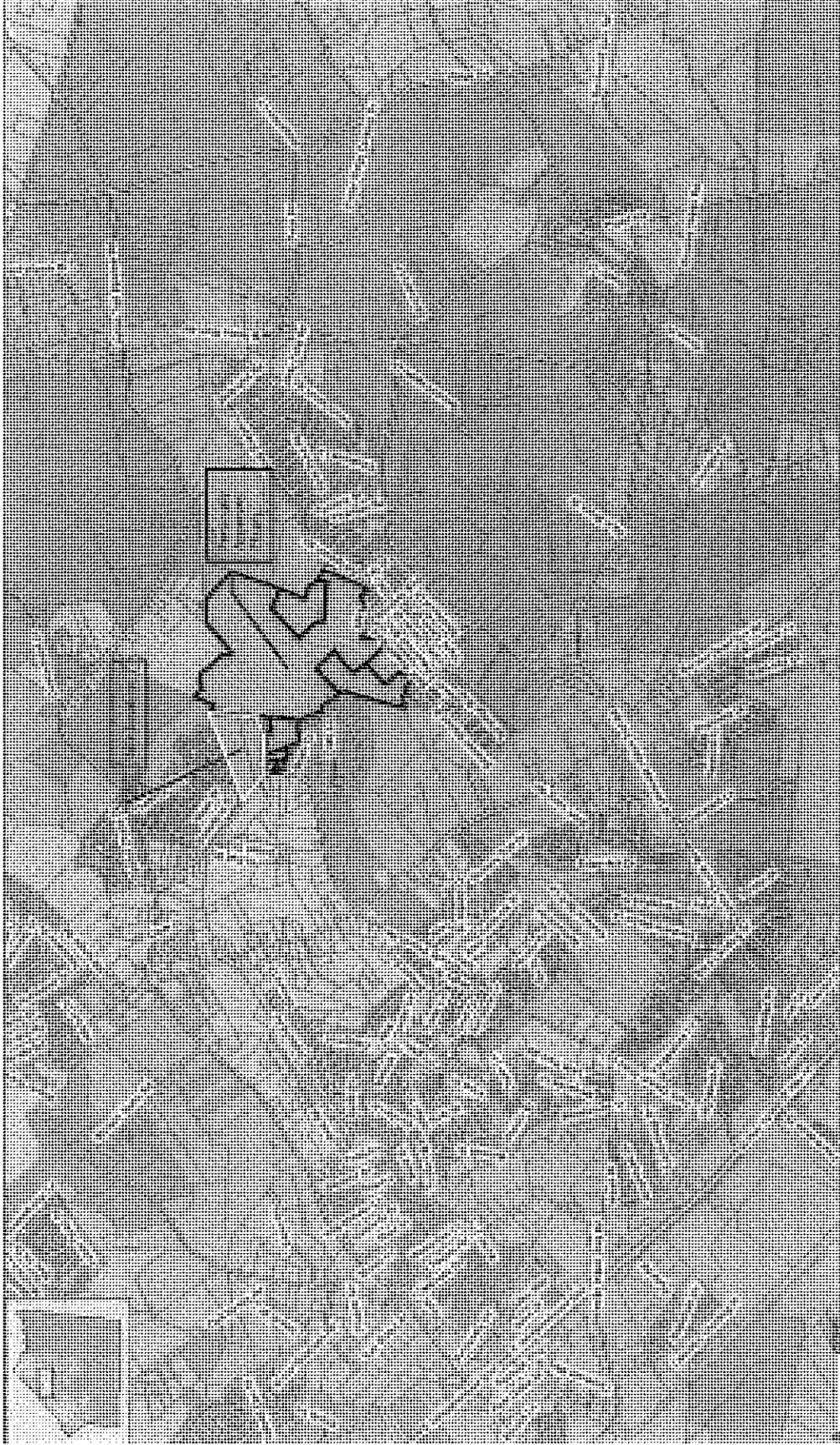


Figure 1  
Project Vicinity Map  
BONTERRA VILLAGE  
UNION COUNTY

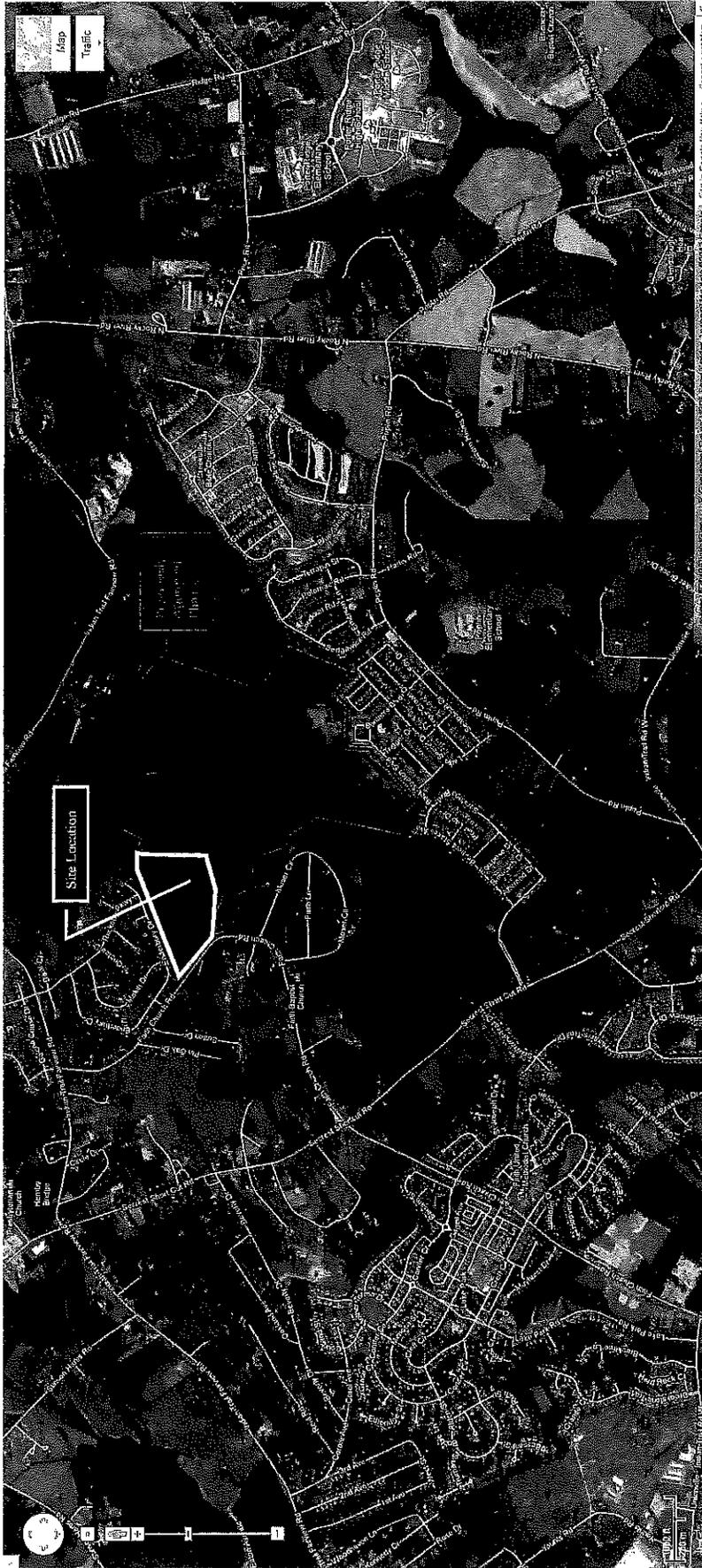




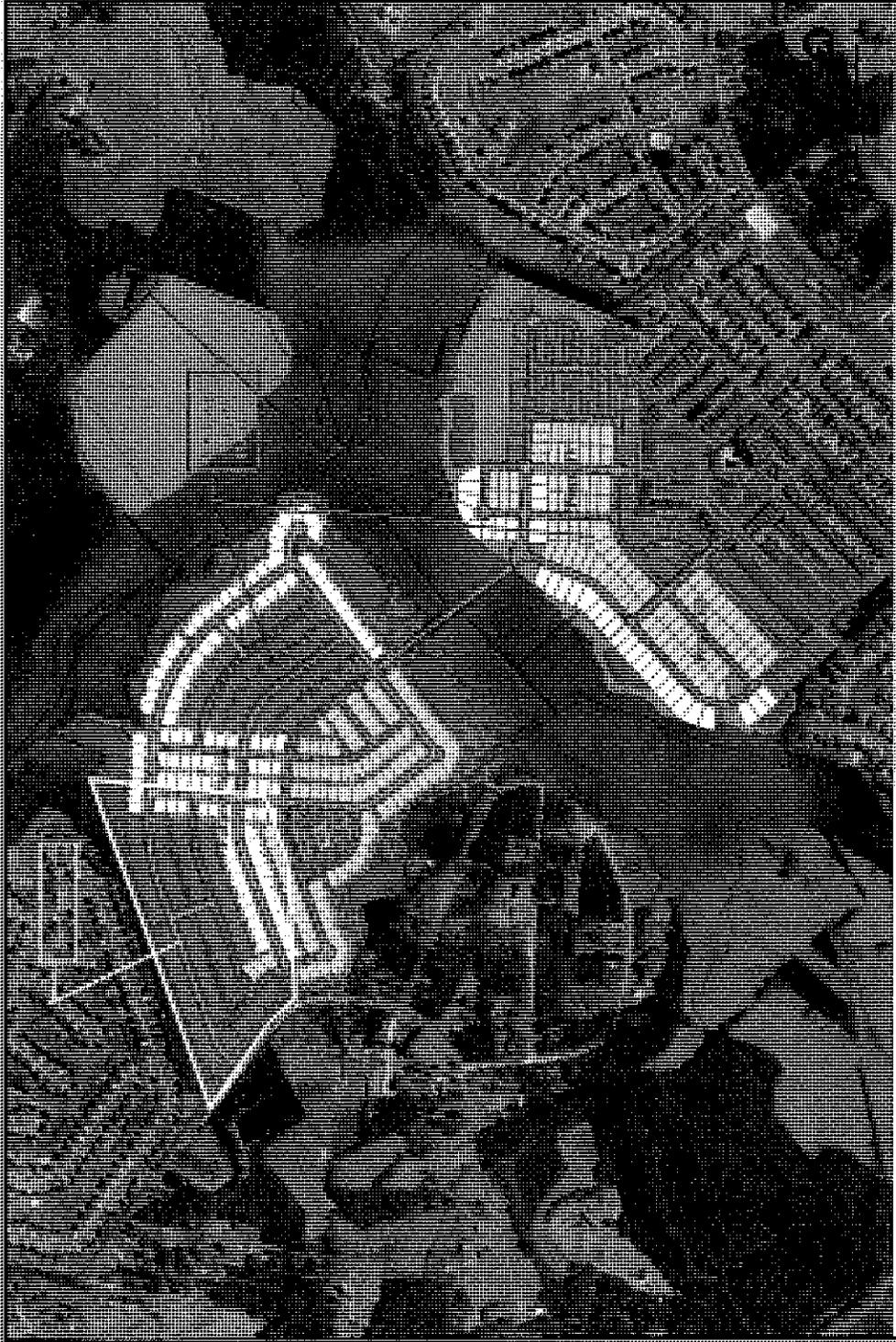
**Bonterra (Future Phase) – Site Location**



**Bonterra (Future Phase) – Site Location**



**Bonterra (Future Phase) – Aerial Map**



Indian Trail, NC

## Bonterra Village - Concept Plan



Waterbury



FAITH CHURCH RD.  
(SR 1518)

78 (173)  
21 (67)

61 (39)  
60 (39)

187 (201)  
20 (67)

PROPOSED  
SITE

LEGEND

XX AM PEAK HOUR TRAFFIC

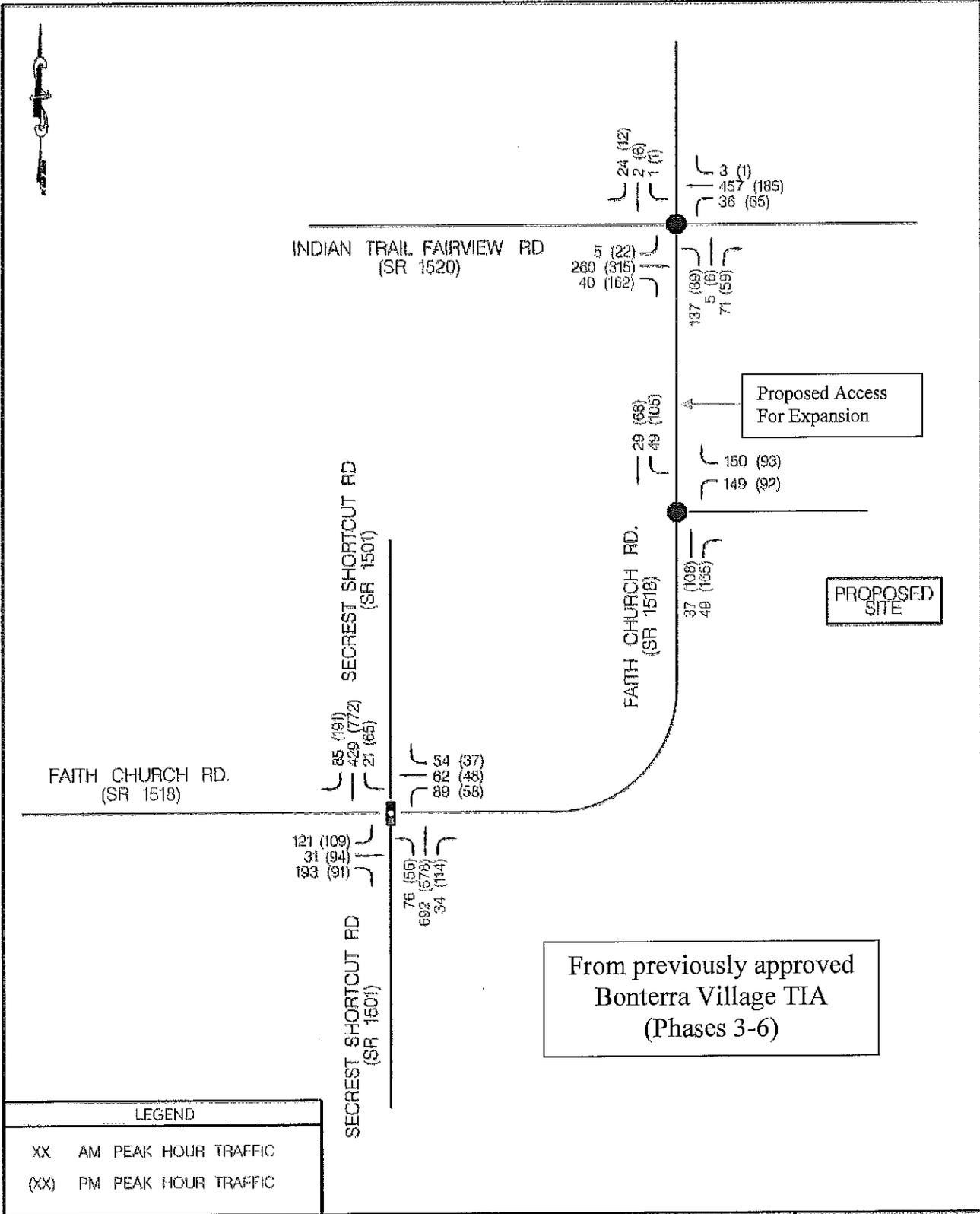
(XX) PM PEAK HOUR TRAFFIC



PROPOSED DEVELOPMENT  
BONTERRA VILLAGE  
INDIAN TRAIL, NORTH CAROLINA

2020 AM & PM PEAK HOUR  
BUILDOUT TRAFFIC VOLUMES

FIGURE 2  
NOT TO SCALE



From previously approved  
Bonterra Village TIA  
(Phases 3-6)

LEGEND	
XX	AM PEAK HOUR TRAFFIC
(XX)	PM PEAK HOUR TRAFFIC

	PROPOSED DEVELOPMENT BONTERRA VILLAGE INDIAN TRAIL NORTH CAROLINA	2020 AM & PM PEAK HOUR BUILDOUT TRAFFIC VOLUMES	FIGURE 8
			NOT TO SCALE

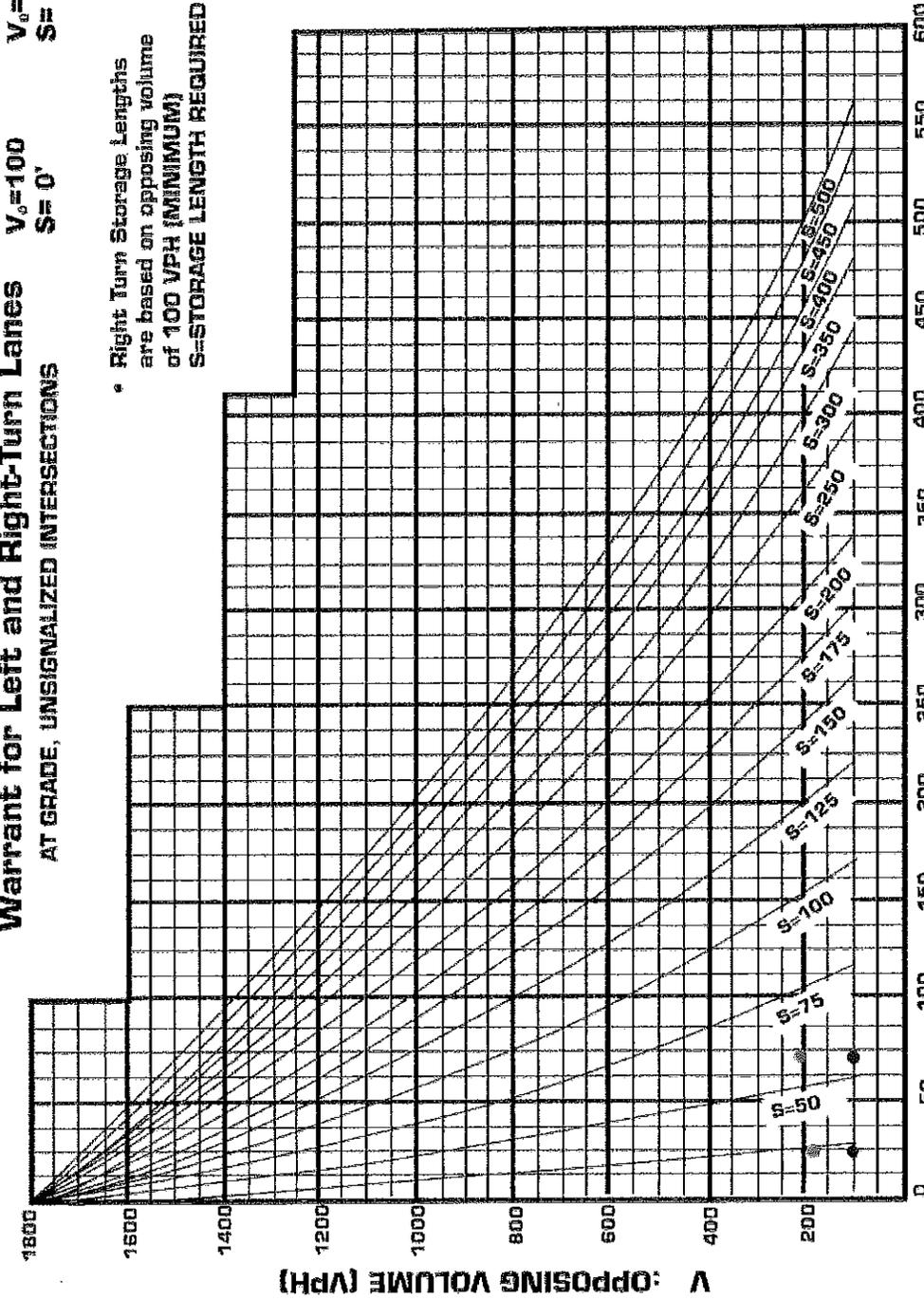
**Bonterra Access Road - 2020**  
**BuildOut Conditions**

**Right Lane**

AM peak  $V_L=21$   
 PM peak  $V_L=68$   
 $V_0=100$   
 $S=0'$

**Warrant for Left and Right-Turn Lanes**  
 AT GRADE, UNSIGNALIZED INTERSECTIONS

\* Right Turn Storage Lengths are based on opposing volume of 100 VPH (MINIMUM)  
 S=STORAGE LENGTH REQUIRED



**Left Lane**

AM peak  $V_L=21$   
 $V_0=187$   
 $S=0'$   
 PM peak  $V_L=68$   
 $V_0=201$   
 $S=75'$

Policy On Street And Driveway Access to North Carolina Highways

Note: Where adjacent signalization may provide opportunities for gaps in the traffic stream a reduction in the above storage values can be considered on a case by case basis.

$V_L$ : LEFT TURNING VOLUME (VPH)  
 $V_0$ : RIGHT TURNING VOLUME (VPH)

HCM Unsignalized Intersection Capacity Analysis  
 11: Faith Church Rd & Access Rd

2020 AM Build  
 6/10/2015



Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	Y		B		Y	B
Volume (veh/h)	60	61	187	20	21	78
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	65	66	203	22	23	85
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type			TWLT			None
Median storage (veh)			2			
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	345	214			225	
vC1, stage 1 conf vol	214					
vC2, stage 2 conf vol	130					
vCu, unblocked vol	345	214			225	
tC, single (s)	6.4	6.2			4.1	
tC, 2 stage (s)	5.4					
tF (s)	3.5	3.3			2.2	
p0 queue free %	91	92			98	
cM capacity (veh/h)	759	826			1344	

Direction, Lane #	WB 1	NB 1	SB 1	SB 2
Volume Total	132	225	23	85
Volume Left	65	0	23	0
Volume Right	66	22	0	0
cSH	791	1700	1344	1700
Volume to Capacity	0.17	0.13	0.02	0.05
Queue Length 95th (ft)	15	0	1	0
Control Delay (s)	10.5	0.0	7.7	0.0
Lane LOS	B		A	
Approach Delay (s)	10.5	0.0	1.6	
Approach LOS	B			

Intersection Summary				
Average Delay			3.3	
Intersection Capacity Utilization		31.2%		ICU Level of Service
Analysis Period (min)		15		A

Queuing and Blocking Report  
Baseline

6/10/2015

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Intersection: 11: Faith Church Rd & Access Rd

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Movement	WB	SB
Directions Served	LR	L
Maximum Queue (ft)	56	26
Average Queue (ft)	35	5
95th Queue (ft)	52	22
Link Distance (ft)	524	
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		75
Storage Blk Time (%)		
Queuing Penalty (veh)		

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Network Summary

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Network wide Queuing Penalty: 0

HCM Unsignalized Intersection Capacity Analysis  
 11: Faith Church Rd & Access Road

2020 Build PM  
 6/10/2015

						
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Volume (veh/h)	39	39	201	67	67	173
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	42	42	218	73	73	188
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type			None			None
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	589	255			291	
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	589	255			291	
IC, single (s)	6.4	6.2			4.1	
IC, 2 stage (s)						
IF (s)	3.5	3.3			2.2	
p0 queue free %	90	95			94	
cM capacity (veh/h)	444	784			1270	

Direction, Lane #	WB 1	NB 1	SB 1	SB 2
Volume Total	85	291	73	188
Volume Left	42	0	73	0
Volume Right	42	73	0	0
cSH	567	1700	1270	1700
Volume to Capacity	0.15	0.17	0.06	0.11
Queue Length 95th (ft)	13	0	5	0
Control Delay (s)	12.5	0.0	8.0	0.0
Lane LOS	B		A	
Approach Delay (s)	12.5	0.0	2.2	
Approach LOS	B			

Intersection Summary			
Average Delay		2.6	
Intersection Capacity Utilization		35.5%	ICU Level of Service
Analysis Period (min)		15	A

Queuing and Blocking Report  
Baseline

6/10/2015

Intersection: 11: Faith Church Rd & Access Road

Movement	WB	SB
Directions Served	LR	L
Maximum Queue (ft)	30	53
Average Queue (ft)	29	16
95th Queue (ft)	31	51
Link Distance (ft)	524	
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		75
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0



STATE OF NORTH CAROLINA )  
 )  
TOWN OF INDIAN TRAIL )

**ORDINANCE # DRAFT**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF INDIAN TRAIL REZONING PARCELS 07-039-034A AND 07-039-034B FROM SF-1 SINGLE FAMILY TO CZ-PED-1/SF-5 SINGLE FAMILY FOR APPROVED SUP 2001-005 (CONDITIONAL ZONING PRE-EXISTING DEVELOPMENT- FOR BONTERRA VILLAGE DISTRICT) AND AMENDING THE CONCEPTUAL PLAN FOR FUTURE BONTERRA PHASES, IN THE TOWN OF INDIAN TRAIL, UNION COUNTY, NORTH CAROLINA**

WHEREAS, the applicant John Ross of Eagle Engineering on behalf of the property owners Walton North Carolina, LLC petitioned to rezone tax parcels 07-039-034A and 07-039-034B (Faith Church Road) from SF-1 Single Family classification to a Conditional Zoning District of PED-1 Overlay and SF-5 Single Family for the purpose of including the 33 acre parcel into the Planned Unit Development Bonterra Village and amending the Conceptual Plan for the Future Bonterra Phases; and

WHEREAS, this Conditional Zoning Amendment (CZ2015-002) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, two community meetings were held on June 29, 2015; and

WHEREAS, a public meeting was held by the Planning Board on July 21, 2015 to consider this conditional zoning request; and

WHEREAS, the Planning Board after hearing the case and public comments found the proposed map amendment is consistent with the following goals of the Comprehensive Plan:

- *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; and
- *Mobility and Transportation Goal #3:* The proposed development incorporates pedestrian amenities by way of a walking trail, providing pedestrian connectivity within the community.

WHEREAS, the request for this conditional zoning district (PED-1/SF-5 – SUP2015-002-CZ) 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.

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

WHEREAS, the Town Council held a public hearing on 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 2015-002 Conditional Zoning Petition thereby granting the Zoning Map amendment to establish Conditional Zoning District of PED-1 Overlay and SF-5 Single Family for the purpose of including the 33 acre parcel into the Planned Unit Development Bonterra Village a subject to the following conditions:

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 99<sup>th</sup> 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 any 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 (with vents) or a crawl space foundation. 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):  
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 1518) 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 feet 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.

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

**AND IT IS SO ORDAINED** this 10<sup>th</sup> day of August, 2015.

**TOWN OF INDIAN TRAIL COUNCIL**

Attest:

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Michael Alvarez, Mayor

---

VACANT, Town Clerk

APPROVED AS TO FORM:

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TOWN ATTORNEY

BK 1866PG350

2001-005

**Town Of Indian Trail**



Filed for record  
Date 7-17-2002  
Time 11:00 o'clock A.M.  
JUDY G. PRICE, Register of Deeds  
Union County, Monroe, North Carolina

27424

P.O. Box 2430  
Indian Trail, North Carolina 28079  
Telephone 704/821-5401

**SPECIAL USE PERMIT GRANTED**

On the date listed below, the Town Council for the Town of Indian Trail met and held a public hearing to consider the following application.

**Applicant:** Bonterra Village, LLC (formerly Insight Communities)  
**Property location:** Poplin Road, Secret Shortcut, Faith Church Road  
**Tax Map #:** 07-021-001, 07-039-036, 07-039-036-A  
07-042-010A, 7-042-010D, 07-042-002-B, 07-042-045, & 07-042-045-B  
**Proposed Use of Property:** Mixed Use Development  
**Meeting Date:** April 10, 2001

RECORDED  
AND  
VERIFIED  
AMR

Having heard all of the evidence and argument presented at the hearing, the Town Council finds that the application is complete, that the application complies with all of the applicable requirements of the Indian Trail Zoning Ordinance for the development proposed, and that therefore the application to make use of the above described property for the purpose indicated is hereby approved, subject to all applicable provision of the Town Ordinances and the following conditions:

1. The applicant shall complete the development in accordance with the plans submitted to and approved by the Town Council, a copy of which is filed in the Town of Indian Trail Planning Department.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

If this permit authorizes development on a tract of land larger than one acre, nothing authorized by the permit may be done until the property owner properly executes and returns to the Town of Indian Trail the attached acknowledgement of the issuance of this permit so that the Town of Indian Trail may have it recorded with the Union County Register of Deeds.

**Therefore, APPROVAL OF SUP-2001-005 IS WITH THE FOLLOWING CONDITIONS:**

Develop in general accordance with the site plan submitted, with modifications as may be needed to meet the conditions of the Special Use Permit.

1. Restrict the use of the property uses and structures as follows:

A) Limit the development of the proposed commercial use of B-4 to no more than thirty (30) acres. The uses will be limited to retail sales and service as allowed in the Indian Trail Zoning Ordinance not to exceed 130,000 square feet as identified on site plan fronting Secrest Short Cut Road.

B) Limit the development of the proposed commercial use of B-3 to no more than thirty-five (35) acres. The uses contained in the B-3 zoning district would be as follows: 15 office buildings with the option of live/work for each. The proposed buildings would be limited to no more than 8,000 square feet each as identified on the site plan. Also within the B-3 zoning district there could be 75 live/work units not to exceed 8000 square feet each.

C) Limit the development of the proposed commercial use of B-2 to no more than twenty (20) acres. The uses will be limited to retail sales and service.

D) Limit the development of the proposed office use of O (Office) to no more than two (2) acres. The uses will be limited to office uses as allowed in the Indian Trail Zoning Ordinance.

E) The following uses are not permitted within the entire development: halfway houses, rooming houses, boarding houses, wholesale sales, manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods and merchandise, pool halls, drive-in movie theaters, parking garages, kennels, mining operations, waste disposal, telecommunication towers, bus stations, and taxi operations.

2. To satisfy the following site development considerations:

A) All non residential structures and building facades to be constructed with either brick, stone, wood, shake siding with no vinyl or composite siding.

B) Provide a 10,000 square foot open space preserving the natural vegetation crossing along the frontage of Faith Church Road only bisected by the entrance road and utility easements. The entrance will contain three tier white vinyl fencing with ornamental caps approximately four feet high providing a permanent visual screen from Faith Church Road.

C) Provide a pasture along Poplin Road approximately 150x1500 and 150x900 on either side of the entrance road. This area will be designated open space containing pastureland and horses. The area will be bounded by white vinyl fencing with ornamental caps having a minimum height of four feet.

D) A planting strip along the frontage of Secrest Short Cut Road outside of any designated road right-of-way, will contain an area 300 x 40 and 150 x 25 planted with dwarf Burfordia Holly bushes 4 foot on center and other planting materials to enhance the road side view of the development. Lighting shall be contained in cut-off type luminaries and shall be directed toward the property so as not to reflect into adjacent residential properties.

3. Restrict the residential density of the property to no more than 3.1 units to the acre for the entire project with the following conditions:

A) All front yards shall be sodded or seeded and strawed with the development of sidewalks, streetlights and street trees for the proposed phase prior to the issuance of zoning compliance by the Town of Indian Trail.

4. To abide by the following requirements, dedications and improvements:

A) Provide 5-foot sidewalks and curb and gutter along the frontage of Secrest Short Cut Road.

B) Provide improvements to Faith Church Road, Poplin Road, and Secrest Short Cut Road as required by the Ordinances of the Town of Indian Trail and the North Carolina Department of Transportation.

C) The 20-acre site designated on the Bonterra site plan as a school site shall be reserved for the purposes of primary education facility, for a period of five years and, if not utilized, shall become the property of the homeowners association to be used for such purposes as allowed for in common area.

D) The developer is proposing a six (6) acre tract of land be dedicated to Boy Scouts for primitive camping and other scouting activities.

E) The developer is proposing a one (1) acre tract of land be dedicated to the Town so it can be given to the appropriate fire department for emergency services to include EMS or other facilities which may be needed to better serve the area.

F) Thirty-five percent of the development shall be required to be open space approximately one hundred and fifty-seven (157) acres.

G) Along the interior streets of the development provide streetlights along the sidewalk from 100 feet to 300 feet apart depending on illumination (candle wattage) of the lights installed. See detail in subdivision regulations.

*where  
in the area*

Therefore, on the basis of the foregoing, it is ordered that the application for Special Use Permit 2001-005 be granted

BK 1866PG353

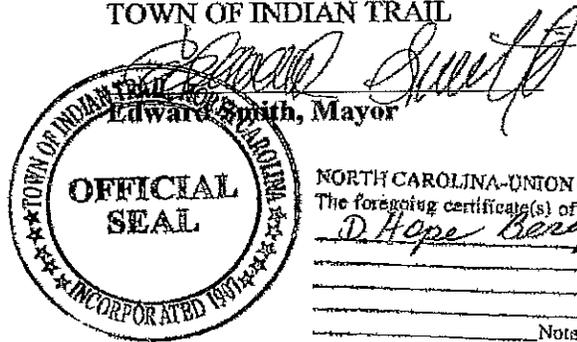
Therefore, on the basis of the foregoing, it is ordered that the application for Special Use Permit 2001-005 be granted.

Ordered this the 16 day of July, 2002.

TOWN OF INDIAN TRAIL

ATTEST:

Karen B. Price  
Karen B. Price, Town Clerk



Edward Smith, Mayor

NORTH CAROLINA-UNION COUNTY  
The foregoing certificate(s) of  
D. Hope Bergamini

Dean Harrell  
Dean Harrell, Applicant

Notary (y) (ies) Public  
is/are certified  
to be correct.

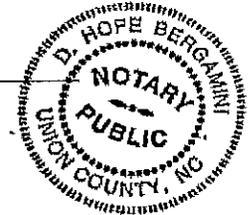
JUDY G. PRICE, REGISTER OF DEEDS,  
BY: Mary B. Carter  
ASST./DEPT

STATE OF NORTH CAROLINA  
COUNTY OF UNION

I, D. Hope Bergamini, a Notary Public of said County, do hereby certify that Karen B. Price personally came before me this day and acknowledged that she is Town Clerk of the Town of Indian Trail, a municipal corporation of said state, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Mayor, sealed with the corporate seal, and attested by its Town Clerk. Witness my hand and official seal, this the 16 day of July, 2002

My commission expires: 3/26/2006

D. Hope Bergamini  
Notary Public



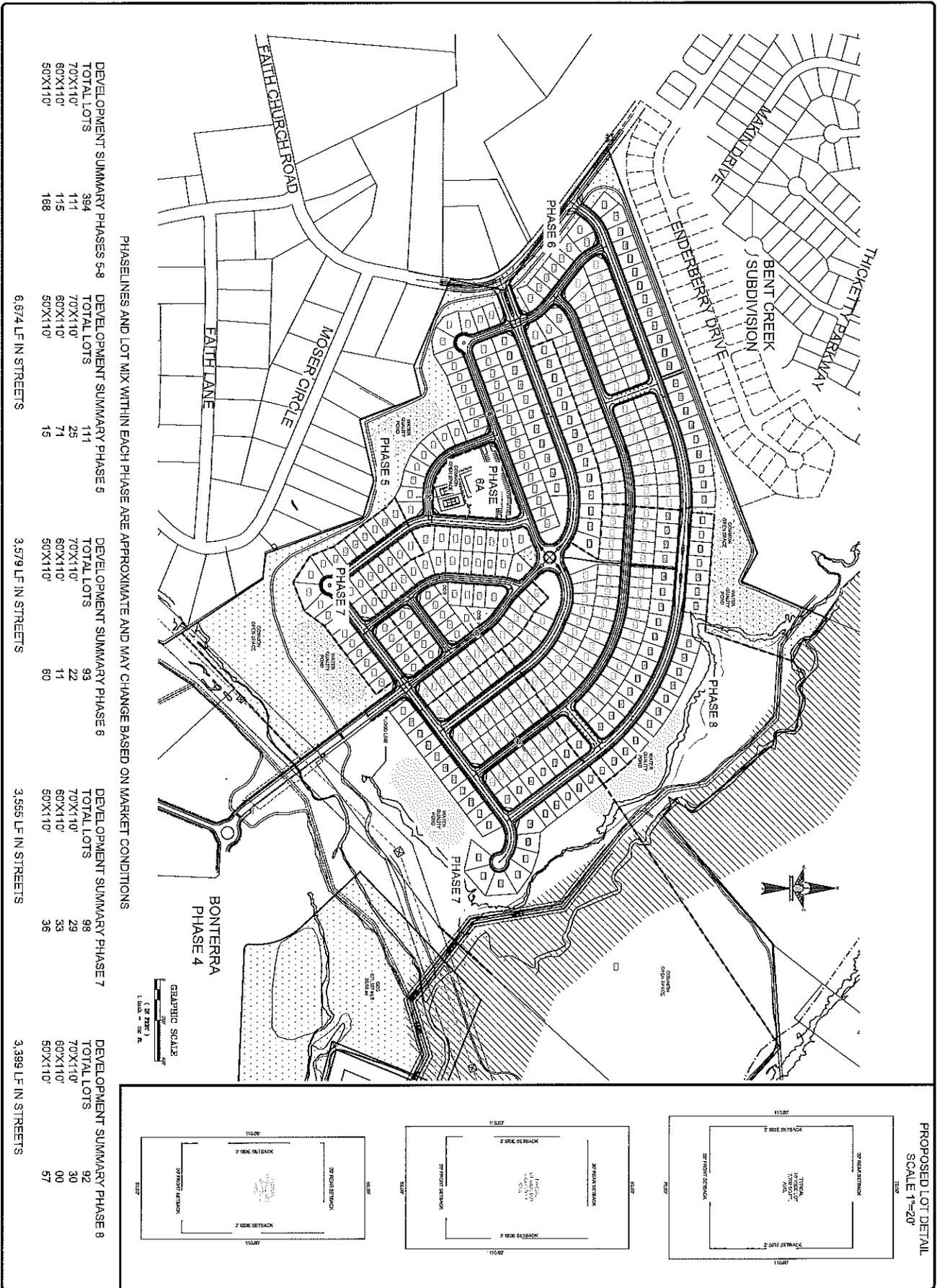
STATE OF NORTH CAROLINA  
COUNTY OF UNION

I, D. Hope Bergamini, a Notary Public of said County, do hereby certify that Dean Harrell, managing member of Bonterra Village, LLC (formerly Insight Communities), Applicant, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the 16 day of July, 2002.

My commission expires: 3/26/2006

D. Hope Bergamini  
D. Hope Bergamini, Notary Public

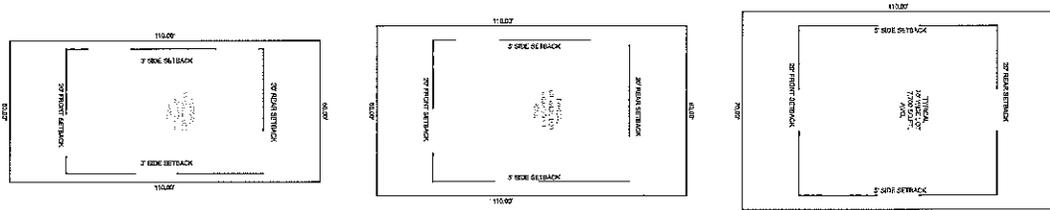




PHASELINES AND LOT MIX WITHIN EACH PHASE ARE APPROXIMATE AND MAY CHANGE BASED ON MARKET CONDITIONS

DEVELOPMENT SUMMARY PHASES 5-8		DEVELOPMENT SUMMARY PHASE 5		DEVELOPMENT SUMMARY PHASE 6		DEVELOPMENT SUMMARY PHASE 7		DEVELOPMENT SUMMARY PHASE 8	
TOTAL LOTS		TOTAL LOTS		TOTAL LOTS		TOTAL LOTS		TOTAL LOTS	
70'X110'	384	70'X110'	111	70'X110'	93	70'X110'	98	70'X110'	92
60'X110'	111	60'X110'	25	60'X110'	22	60'X110'	29	60'X110'	30
50'X110'	115	50'X110'	71	50'X110'	11	50'X110'	33	50'X110'	00
50'X110'	168	50'X110'	15	50'X110'	80	50'X110'	36	50'X110'	57
6,674 LF IN STREETS		3,579 LF IN STREETS		3,565 LF IN STREETS		3,399 LF IN STREETS			

GRAPHIC SCALE  
 1" = 20' (AS SHOWN)  
 1" = 20' (AS SHOWN)



PROPOSED LOT DETAIL  
 SCALE 1"=20'

EXHIBIT  
 PRELIMINARY  
 NOT FOR  
 CONSTRUCTION

SITE PLAN EXHIBIT  
 FAITH CHURCH ROAD ACCESS

PREPARED BY	DATE	DESIGNED BY	DATE
KEL	11/17/14	BLL	06/08/14
AS SHOWN			

**BONTERRA**  
 PHASES 5 - 8

WALTON DEVELOPMENT & MGT (USA), INC.  
 11535 CARMEL COMMONS BLVD, SUITE 102  
 CHARLOTTE, NC

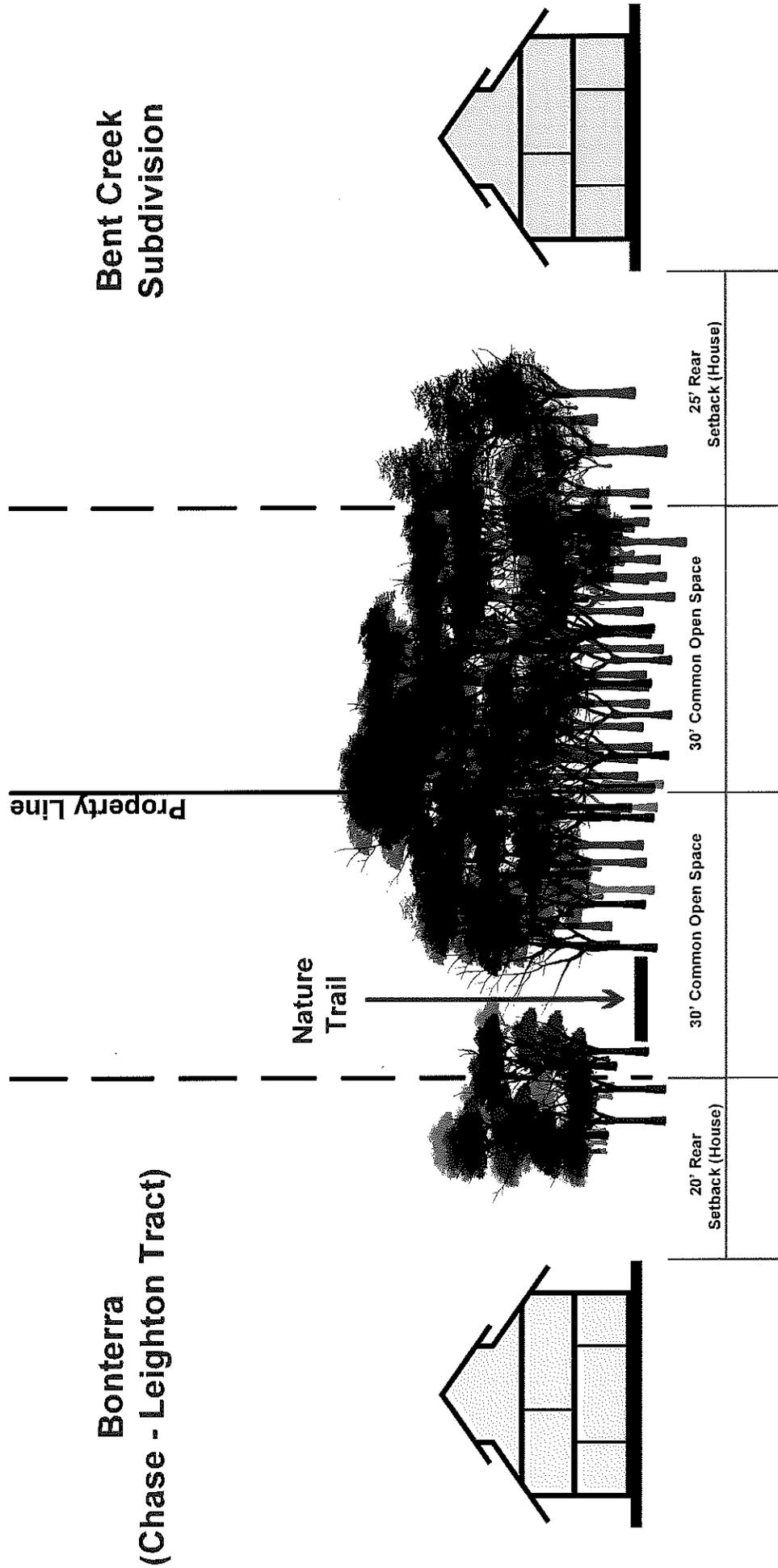
NO.	DATE	BY	NOTE

**EAGLE ENGINEERING**

2613A Via Bianca Avenue  
 Indian Trail, NC 28079  
 (704) 842-4232  
 www.eagleofnc.com

P.O. BOX 551  
 Alhambra, CA 91806  
 (626) 319-96-01

# Neighborhood Buffer Exhibit (Chase - Leighton at Bent Creek)



### EXHIBIT 3

#### Bonterra Future Phases Design Guidelines

**Architectural Design** Architectural design and details shall be in accordance with the Integrity and Design Standards in Unified Development Ordinance (UDO) Chapter 1310 attached herein.

#### **Setbacks, Garages, Corner Lots and Foundations**

1. **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	

Side building walls shall not be constructed with any highly flammable building materials.

2. **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.
3. **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.
4. **Foundations:** All homes shall be built on a raised stem wall slab (with vents) or a crawl space foundation. All raised foundation walls shall have a minimum exposed height at the front of 16" above finished grade.

## EXHIBIT 3

### Chapter 1310. Integrity and Design Standards

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#### 1310.010 Purpose

The regulations of this Chapter are intended to promote quality, aesthetically pleasing development throughout Indian Trail and to provide a wide range of nonresidential and residential structure types to accommodate the life-styles and economic levels of the projected population. The regulations are further intended to promote quality development that complies with all Town and state regulations and minimizes land use conflicts.

#### 1310.020 Compliance

Plans demonstrating compliance with the design standards of this Chapter will be reviewed by the authorizing permit authority at the time of development's initial review and consideration for approval.

- A. Any proposed changes to an approved Integrity and Design Permit such as a change in building design or building materials, shall require approval by the Planning and Development Director.
- B. Any proposed changes to an approved Integrity and Design Permit associated with a Planned Development (PUD, PRD, PND, CZ) shall be bound by the conditions of approval, this Chapter, and the following:
  - i. Building materials and colors shall be similar to the materials already being used in the neighborhood, and/or if dissimilar materials are being proposed, other characteristics such as scale, proportion, form, architectural detailing, color, and texture shall be used to ensure that enough similarity exists for the buildings to relate to the rest of the neighborhood.
  - ii. Any proposed deviation from conditions of approval of a Planned Development approved by the Town Council or Board of Adjustment shall require an amendment of the approval permit authorized by the appropriate discretionary board.

#### 1310.030 Articulation Standards for All Residential Buildings

All residential buildings on individual lots in R districts must include at least 5 of the following design features:

- A. Bay or bow windows on the front façade (Note: the provision of one such window is sufficient);
- B. Dormers (Note: the provision of one such roof feature is sufficient);
- C. A roof pitch greater than or equal to a 6 to 12 (6:12) for primary roof;
- D. Eaves with a minimum 10-inch projection on all sides of the building;
- E. Decks or patios with a minimum size of 64 square feet per dwelling unit;
- F. Front porch and entry facing the front lot line (Note: entryway can be located on the long or short axis of the dwelling);
- G. Off-sets on building face with a minimum depth of 12 inches;

## Chapter 1310. Integrity and Design Standards

### 1310.040. Building Material Standards for All Site-Built & Modular Housing

- C. Decorative pillars or posts. Square post or columns shall not be less than six (6) nominal inches on any side and round columns shall not be smaller than eight (8) nominal inches in diameter from the bottom of the column unless consistent with a distinct architectural style. (Note: requires at least one pair, decorative or plain, but finished in manner that is consistent with the dwelling exterior);
- D. Distinct Architectural Style (2 point value). The use of a distinct architectural style shall be determined by a qualified professional contracted by the Town at the cost of the applicant.

The following design features are required on all residential structures:

- H. Openings including doors and/or windows on street facing building facades. Windows are required to have appropriate window trim per style of architecture. Blank walls are prohibited.
- I. Masonry (preferably brick) perimeter enclosure at base but also including poured concrete so that each home has the appearance of a raised foundation (Note: wood products covered with a treatment to appear as masonry do not qualify). Poured concrete shall be treated with brick, stone, or color and textured material appropriate foundation style per style of architecture.
- J. Changes in the use of wall facing materials should occur at wall setbacks or projections, or to articulate the transition between the building base middle and top. Material changes should return to inside corners of front façade. Those materials however, are not required to wrap the outermost front corner of the home.
- K. Front loading garages shall not extend further than 4 feet past the predominant front façade of the house unless a front porch is used and then the garage shall not extend further than 4 feet past the porch excluding side loading garages. A maximum of 1/4 of the front façade is allowed to be front facing garage door(s).

### 1310.040 Building Material Standards for All Site-Built & Modular Housing

All residential buildings constructed on-site must be improved with quality materials and these materials must be durable, safe, and require limited maintenance. Materials shall be selected for suitability to the type of building and design for which they are used. All facades visible from public or private streets must be constructed of the following materials: Such materials may include, but need not be limited to:

- A. Brick, natural stone, wood, architectural cast stone, hardcoat stucco, cementitious siding, glass or EIFS – Exterior Insulation Finishing System (when applied according to manufacturer specifications and the North Carolina Building Code).
- B. Vinyl siding (minimum of .44mm), galvanized, aluminum coated, or zinc-aluminum coated metal finishes provided such materials do not exceed 20% of those façades visible from public or private streets.