



P.O. Box 2430
Indian Trail, North Carolina 28079
Telephone (704) 821-5401
Fax (704) 821-9045
PLANNING AND NEIGHBORHOOD SERVICES

Conditional Zoning Staff Report

Case: CZ 2016-002			
Reference Name	Fuel Station and Out Parcels		
Request	Proposed Zoning	CZ-General Business District	
	Proposed Uses	Fuel Station and two (2) commercial out parcels	
Existing Site Characteristics	Existing Zoning	Single-Family Residential (SF-1) Town of Indian Trail; Single-Family Residential (R-20) Unincorporated Union County, within the Village Center Overlay District	
	Existing Use	Single Family Home, Office (trailer) and Vacant	
	Site Acreage	Approximately 3.09 acres	
Applicant	Durban Development, LLC		
Submittal Date	February 8, 2016		
Location	Old Monroe Road and Mustang Drive		
Tax Map Number(s)	Rezoning: 07090006C, 07090761 and 07090008		
Plan Consistency	Comprehensive Plan	Designation	Sun Valley Village
		Consistent with Request	Please see Staff Analysis and Recommendations
Recommendations & Comments	Planning Staff	Staff recommends approval of the proposal subject to removal of the fuel station use from the development. If the Board does not share staff's concerns regarding the fuel station, suggested Conditions of Approval have been offered.	

Project Summary

This is a request to rezone three (3) parcels totaling approximately 3.09 acres from a low density single-family (SF-1) residential zoning district within the Town of Indian Trail and low density single family residential zoning district in Unincorporated Union County (R-20) to a conditional General Business District (CZ-GBD). The subject property is located within a Village Center Overlay that will remain unchanged regardless of the rezoning outcome. The intent of this request is to develop a fuel station and provide two (2) outparcels for future commercial use. (See Attachment 1, Application).

Staff Recommendation

Staff is of the opinion the necessary findings can be made to support the commercial uses for the out parcels requested by this Conditional Zoning. However, staff has concerns regarding the fuel station use, as further described below in the report.

Staff Analysis

Current Use and Zoning

The current zoning for the subject parcels is Single-Family Residential (SF-1) within the Town of Indian Trail and Single-Family Residential (R-20) within Unincorporated Union County. Two (2) of the parcels currently contain single-family homes and a one parcel contains a trailer. See Attachments 2 and 3: Location Map and Zoning Map, respectively.

Table 1: Current Zoning for Subject Parcels

Parcel	Current Zoning	Acreage	Current Use	Current Allowed Development
07090006C	SF-1/VOC	1.00	Single Family Home	Single Family Residential
07090761	R-20 (Union County)	0.68	Vacant	Single Family Residential
07090008	SF-1/VOC	1.40	Vacant	Single Family Residential

Surrounding Development

The subject property is located within an area that is characterized by commercial development along the frontage of Old Monroe Road and residential uses located behind the commercial areas. Attachment 2: Location Map illustrates the subject property is located adjacent to the approved Brandon Oaks Subdivision, across from Sun Valley Retail Center on Mustang Drive, and across from Sun Valley Commons on the opposite side of Old Monroe Road. Below is a table outlining the surrounding development. The proposed commercial development on the outparcels is consistent with development in the surrounding area.

Table 2: Surrounding Development

	Municipality	Current Zoning	Current Use
North	Town of Indian Trail	SF-1/VOC	Single Family Home
South	Town of Indian Trail	General Business District/VOC	Harris Teeter (Sun Valley Retail Center)
East	Town of Indian Trail	General Business District/VOC	Shopping Center (Sun Valley Commons)
West	Town of Indian Trail	SF-4/VOC	Single-Family Residential (Brandon Oaks Subdivision)

Please note: Staff is concerned with the adequacy of the location for the fuel station use due to the proposed fuel station being located at the corner of an entrance to the neighboring Brandon Oaks subdivision. There are no existing separation requirements for gas stations within the Unified Development Ordinance (UDO), either from existing gas stations or from residential areas. However, staff is of the opinion that having a fuel station operating 24 hours, located at the entrance of a subdivision could potentially have traffic and noise impacts to the adjacent neighborhoods. Gas stations are typically better suited to be located at major intersections or along areas that are commercial in nature without abutting directly to residential uses.

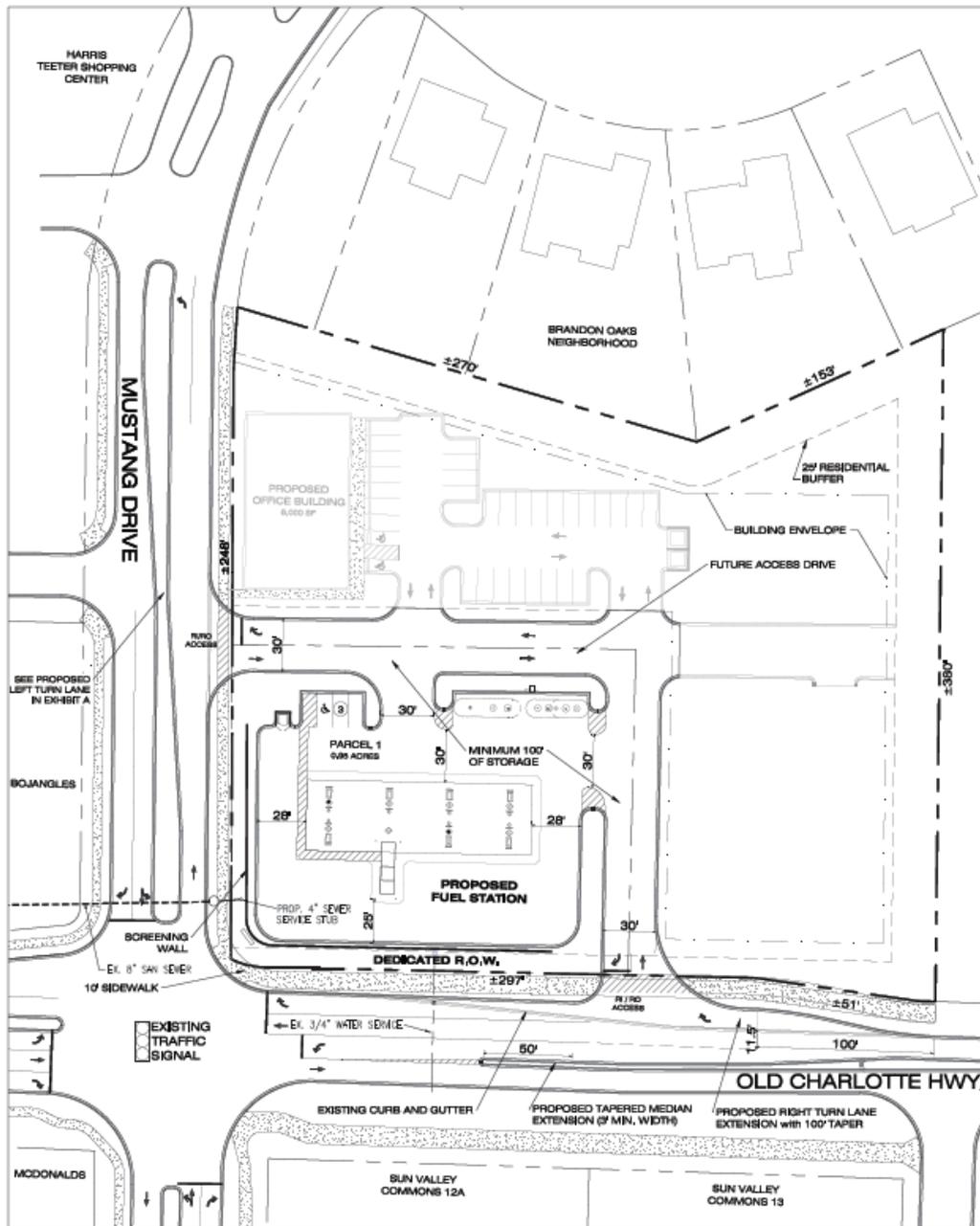
For informational purposes, there is an existing Shell gas station located approximately 800 feet south on the same side of Old Monroe as the proposed fuel station.

Although staff has some reservation with the location of the fuel station, if the Board believes consistency findings can be made, staff has drafted conditions of approval as well as findings for the Board's consideration. Conditions of approval include buffering and a masonry wall to mitigate impacts to the adjacent residential areas. See Attachment 4, Draft Ordinance.

Concept Plan

The Conceptual Plan (see below) reflects development of the proposed fuel station and commercial development as well as 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 a fuel station, office building and an out parcel intended for commercial development. Two access points have been provided off Old Monroe Road and Mustang Drive. Roadway Improvements per the Traffic Impact Analysis (TIA) dated April 2016 must be provided as a result of this development.

Traffic Impact Analysis

A Traffic Impact Analysis, dated April 2016, was provided with this Conditional Zoning application and can be found at:

http://www.indiantrail.org/cms_wfc/uploads/comment/MustangDriveCommercialDevelopmentTIS04-26-20163474.pdf

Old Charlotte and Site Drive 1

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

Mustang and Site Drive 2

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

Onsite Roadway Improvements: Access within the site will be provided to connect the uses within the development as well as provide future connection point to the parcel north of the subject project. The development team has also inquired about a potential left turn lane into the site on Mustang Drive. Staff has asked the developer to include the turn lane as an exhibit to be considered as an option at the site plan phase. Please see the turn lane exhibit attached to the concept plan. See Attachment 4: Draft Ordinance with Exhibits (Concept Plan).

Frontage Improvements: Old Monroe Road and Mustang Drive will be improved with curb/gutter, sidewalk, and street trees as required by the UDO. Pedestrian amenities will be provided along Old Monroe Road including benches where feasible.

Wall and Buffering to the Residential areas and Brandon Oaks Subdivision: The developer has proposed a minimum of a 25 foot buffer adjacent to the residential areas and dense landscaping with a masonry wall abutting the Brandon Oaks in order to address any concerns regarding noise and light potentially generated by the commercial uses.

Architectural Design: Architectural design of the buildings, fuel station canopy and kiosk shall be consistent with the development at Sun Valley Retail Center where the Harris Teeter is located. It shall include a mix of brick and stucco, and metal roofing consistent with the Harris Teeter building.

Connectivity to Adjacent Parcel to the North: In accordance with UDO Chapter 1110.090(B) Coordination and Continuation of Streets, the proposed concept plan provides access to adjacent properties. This stubbed street will improve connectivity and traffic circulation to the adjacent northern parcel.

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 Cathy's Coffee on July 26, 2016 from 1pm-3pm and the second was held at the Town of Indian Trail's Civic Building on the same day from 6pm-8pm. The following will provide a brief summary of the Town required community meetings.

- *1pm-3pm Meeting:* There were approximately 2 members of the public, the applicant's team, and staff.
- *6pm-8pm Meeting:* There were approximately 2 members of the public in attendance in addition to the applicant's team and town staff. General questions were raised at both meetings regarding:
 - Concerns with the fuel station use and additional trafficSee Attachment 5: Community Meeting Minutes.

A resident who attended one of the community meetings submitted a written comment with regard to the proposed development. Please see Attachment 6: Public Comments.

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 Sun Valley Village of the Comprehensive Plan, which is the largest of the Indian Trail Villages. See Attachment 7: Future Land Use Map. This Village consists of a developing sub-regional center to promote commercial development at the intersection of Wesley Chapel Road and Old Monroe Road and be supported by a neighborhood setting with single-family detached houses as its primary development type as well as other types of housing types supported within the village. The proposed future land use of the of subject properties is Mixed Use, which allows for a range of uses, including commercial. The proposed uses are consistent with the future land use map.

Draft Conditions

See the attached draft Ordinance with the recommended Conditions of Approval.

Comments from Outside Agencies

- *North Carolina Department of Transportation (NCDOT):* NCDOT has reviewed and is in agreement with the attached Traffic Impact Analysis, dated April 2016. See link:
http://www.indiantrail.org/cms_wfc/uploads/comment/MustangDriveCommercialDevelopmentTIS04-26-20163474.pdf
- *Union County Fire Marshall (UCFM):* No comments at this time. The site plan will be routed to UCFM Office during the site plan review stage of development.
- *Union County Sherriff:*
 - TRAFFIC
 - #1) The impending widening of Old Monroe Road should be considered. The setback as shown may actually put the structure closer to the road after any widening project. The lack of traffic improvements shown on the plans is also concerning. I would advise that the converter island be extended East toward the intersection, or at minimum, bollards be placed to prohibit left turns out onto Old Monroe Rd or Left turns from Old Monroe Rd into the subject parcel. The turn lane into the subject property from Old Monroe Rd should be extended.
 - NEIGHBORS
 - #2) The residential parcels on Spanish Moss will be directly impacted. Is there a berm, wall, or tree planting required by the developer? The concern with residential meeting commercial is

normally noise and lighting (vehicle and parking lot lighting). Without a buffer, vehicle lighting and delivery truck noise can potentially be a problem for neighbors.

Please note: the conceptual plan shows an extended median on Old Monroe Road to prevent left hand turns from the site onto Old Monroe Road. Also, the conceptual plan does take into account future right-of-way dedication.

Conclusion

Town of Indian Trail finds that the proposed commercial uses on the out parcels would be generally compatible with the surrounding area. Staff has concerns with the appropriateness of the location of the fuel station to the proximity of residential uses and existing nearby gas station. However, the Town of Indian Trail UDO does not have separation requirements for fuel stations. Therefore, if the Board finds the fuel station use appropriate, Staff has drafted Conditions of Approval and consistency findings in support of same.

With regard to the **roadway impacts** of this development, the developer has agreed to provide the recommended roadway improvements found in the April 2016 Traffic Impact Analysis provided by Ramey Kemp & Associates and agreed upon by the North Carolina Department of Transportation. Improvements include dedication of right-of-way for the future widening of Old Monroe Road, providing access into the development with appropriate turn lanes and stacking distances as well as extending existing medians to control the flow of traffic into and out of the site.

With regard to **connectivity to adjacent neighborhoods**, the proposed development shows the planned connections to neighboring parcel for future development as required by UDO Chapter 1100.

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

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

The request for this conditional zoning district (CZ-GBD) is a reasonable request and is in the public interest because supports the goals of the adopted Comprehensive Plan and includes elements that benefit the general public in the areas of transportation and economic development.

Recommendation

Staff is of the opinion the necessary findings can be made to support the commercial uses for the out parcels requested by this Conditional Zoning. If the Board does not have concerns regarding the fuel station use, draft findings have been included stating the conditional rezone is consistent with the Town's Comprehensive Plan.

- Attachment 1** – Application
- Attachment 2** – Location Map
- Attachment 3** – Zoning Map
- Attachment 4** – Draft Ordinance
- Attachment 5** – Community Meeting Minutes
- Attachment 6** – Public Comments
- Attachment 7** – Future Land Use Map

Staff Contact

Gretchen Coperine, AICP

704 821-5401

gcoperine@planning.indiantrail.org

**CONDITIONAL ZONING
APPLICATION**

Inv 26980

R-000676



\$1207.25

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

****A TECHNOLOGY FEE, 10% OF ALL ASSOCIATED FEES, WILL BE APPLIED TO THE TOTAL FEE.****

Date Received 2.8.16

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
- ****A TECHNOLOGY FEE, 10% OF ALL ASSOCIATED FEES, WILL BE APPLIED TO THE TOTAL FEE.**

General Information

Project Address 6516 Old Monroe Rd, 6534 Old Monroe Road, and APN 07090761 (Address N/A)
City Indian Trail State NC Zip 28079
Tax Parcel ID 07090008, 07090006C, 07090761 Zoning Designation CZ-(General Bus.)
Total Acres 3.09 Acres Impervious Area 12,550 SF Total
Project Description Fuel Station, and Restaurant

Contact Information – Applicant

Name Durban Development, LLC
Address 106 Foster Ave.
City Charlotte State NC Zip 28203
Phone 704-319-8330 Fax 704-423-0339
Email jason.mathis@durbangroup.com

Contact Information – Property Owner

Name Mustang Park, LLC
Address 1012 Shippon Lane
City Waxhaw State NC Zip 28173
Phone 704-321-1011 Fax _____
Email cmg@alturagroup.net

02-03-16 P01:32 14

CONDITIONAL ZONING APPLICATION

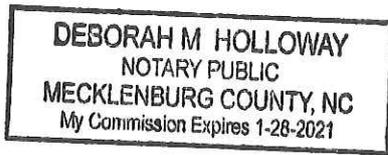
Applicant's Certification

Signature *Jason Mathis* Date 4 Feb 2016

Printed Name/Title Jason Mathis / VP Development

Signature of Notary Public *Deborah M Holloway* Date 2/4/2016

Notary Seal



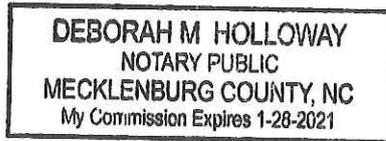
Property Owner's Certification

Signature *Chris Granelli* Date 1/26/16

Printed Name/Title Chris Granelli / Manager-Member

Signature of Notary Public *Deborah M Holloway* Date 2/4/2016

Notary Seal



TOWN OF INDIAN TRAIL OFFICE USE ONLY		
CASE NUMBER:	<u>CZ 2016 . 002</u>	
DATE RECEIVED:	<u>2-8-16</u>	AMOUNT OF FEE: <u>7 1207.25</u>
RECEIVED BY:	<u><i>JM</i></u>	RECEIPT #: <u>—</u>



Elaine F. Marshall
Secretary

North Carolina

**DEPARTMENT OF THE
SECRETARY OF STATE**

PO Box 29622 Raleigh, NC 27626-0622 (919)807-2000

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[Print a Pre-Populated Annual Report form](#)

Corporate Names

Legal: Durban Development, LLC

Limited Liability Company Information

SosId: 1181372
Status: Current-Active
Annual Report Status: Current
Citizenship: Domestic
Date Formed: 12/28/2010
Fiscal Month: December
State of Incorporation: NC
Registered Agent: Cherry, Glen D

Corporate Addresses

Mailing: 106 Foster Avenue
Charlotte, NC 28203
Principal Office: 106 Foster Avenue
Charlotte, NC 28203
Reg Office: 106 Foster Avenue
Charlotte, NC 28203
Reg Mailing: 106 Foster Avenue
Charlotte, NC 28203

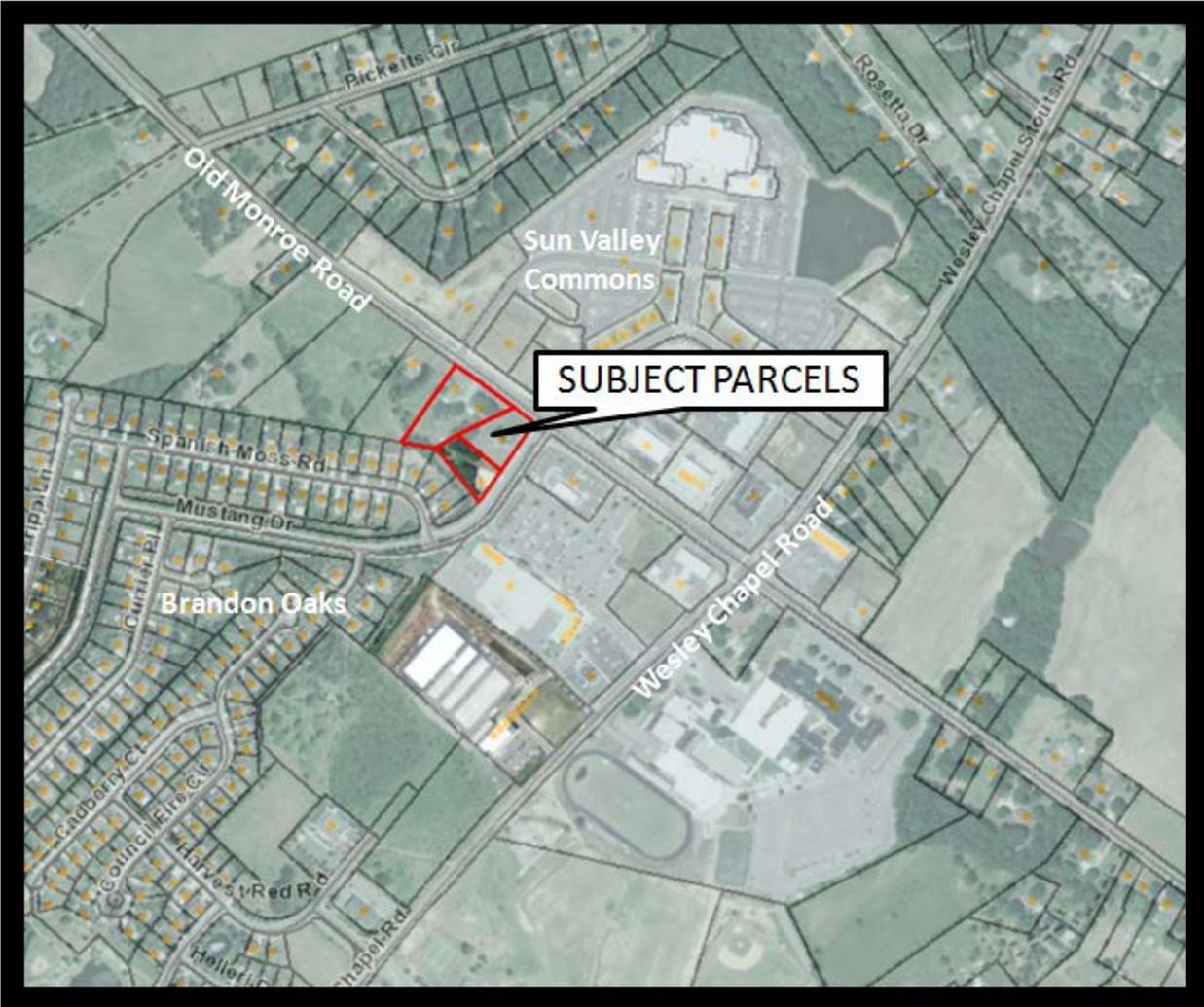
Company Officials

All LLCs are managed by their managers pursuant to N.C.G.S. 57D-3-20.

Managing Member : Glen D Cherry

Managing Member : Collins Ricks
106 Foster Avenue
Charlotte NC 28203

LOCATION MAP



ZONING MAP



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 07090006C, 07090761 and 07090008 FROM SF-1 AND R-20 SINGLE FAMILY WITHIN THE VILLAGE CENTER OVERLAY TO CZ GBD WITHIN THE VILLAGE CENTER OVERLAY, IN THE TOWN OF INDIAN TRAIL, UNION COUNTY, NORTH CAROLINA

WHEREAS, the applicant Durban Development LLC, on behalf of the property owners petitioned to rezone tax parcels 07090006C, 07090761 and 07090008 from SF-1 and R-20 Single Family classification to a Conditional Zoning General Business District (CZ-GBD) within the Village Center Overlay for the purpose developing a fuel station and out parcels; and

WHEREAS, this Conditional Zoning Amendment (CZ2016-002) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, two community meetings were held on June 26, 2016; and

WHEREAS, a public meeting was held by the Planning Board on August 16, 2016 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:

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

WHEREAS, the request for this conditional zoning district (CZ-GBD) is a reasonable request and is in the public interest because supports the goals of the adopted Comprehensive Plan and includes elements that benefit the general public in the areas of transportation and economic development.

WHEREAS, after making the draft findings the Planning Board approved ___ the motion to transmit a recommendation to approve 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 2016-002 Conditional Zoning Petition thereby granting the Zoning Map amendment to establish Conditional Zoning District of General Business District within the Village Center Overlay for the purpose developing a fuel station and commercial out parcels and is subject to the following conditions:

1. *Subject Parcels:* Rezoning – portion of parcels 07090006C, 07090761 and 07090008 to CZ-General Business District (CZ-GBD). (Exhibit 1).
2. *Permitted Uses:* The permitted use on the subject property shall be limited to those identified in the Conceptual Plan Permitted Uses section (Exhibit 1). The building along Mustang Drive located closest to Brandon Oaks subdivision shall be limited to office or retail use with a maximum height of two stories; restaurant uses shall not be permitted on said parcel.
3. *Building Setbacks:* Primary building setbacks shall comply with GBD, VOC setbacks as represented on the concept plan, however, an allowance for additional setback is permitted for the fuel station canopy as reflected on concept plan. Additional setback may be permitted for outparcel buildings that feature drive thru facilities and similar features.
4. *Architecture:*
 - a. Buildings within the subject parcels shall be in conformance with Chapter 1320 of the Unified Development Ordinance.
 - b. In addition, buildings, including any kiosks and the fuel station canopy, shall be consistent with architectural design within parcel 07090021U. Building materials shall include a combination of brick, EIFS and metal roofing to be consistent with the development within parcel 07090021U (Sun Valley Retail Center).
 - c. Buildings within the commercial out parcels shall provide four (4) sided architecture and conform to Chapter 630 of the Unified Development Ordinance unless otherwise stated herein or reflected in the Concept Plan.
5. *Knee Wall Along Old Monroe Road and Mustang Drive:* A masonry wall along the frontage of the fuel station on Old Monroe Road and Mustang Drive shall be provided at a height of 3 feet. The wall shall match the color and material of the building(s) developed on the subject property.
6. *Rear and Side (west and north) Landscape Buffers Abutting Residential:* A minimum 25 foot landscape buffer shall be provided along the west and north of the property as generally depicted on the concept plan (Exhibit 1). The buffers shall consist of, at minimum, trees, shrubs, ground covering and a 6 foot masonry wall along the west side abutting Brandon Oaks subdivision.
7. *Stormwater Management Measures:* The subject project shall comply with the Town of Indian Trail's Stormwater requirements, to be determined at the time of site plan approval.

8. *Old Monroe Road and Mustang Drive Roadway Improvements:* Prior to the issuance of Town Zoning Compliance, the developer shall be responsible for constructing the ROW improvements listed below:

Old Charlotte and Site Drive 1

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

Mustang and Site Drive 2

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

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

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

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

AND IT IS SO ORDAINED this day of September, 2016.

TOWN OF INDIAN TRAIL COUNCIL

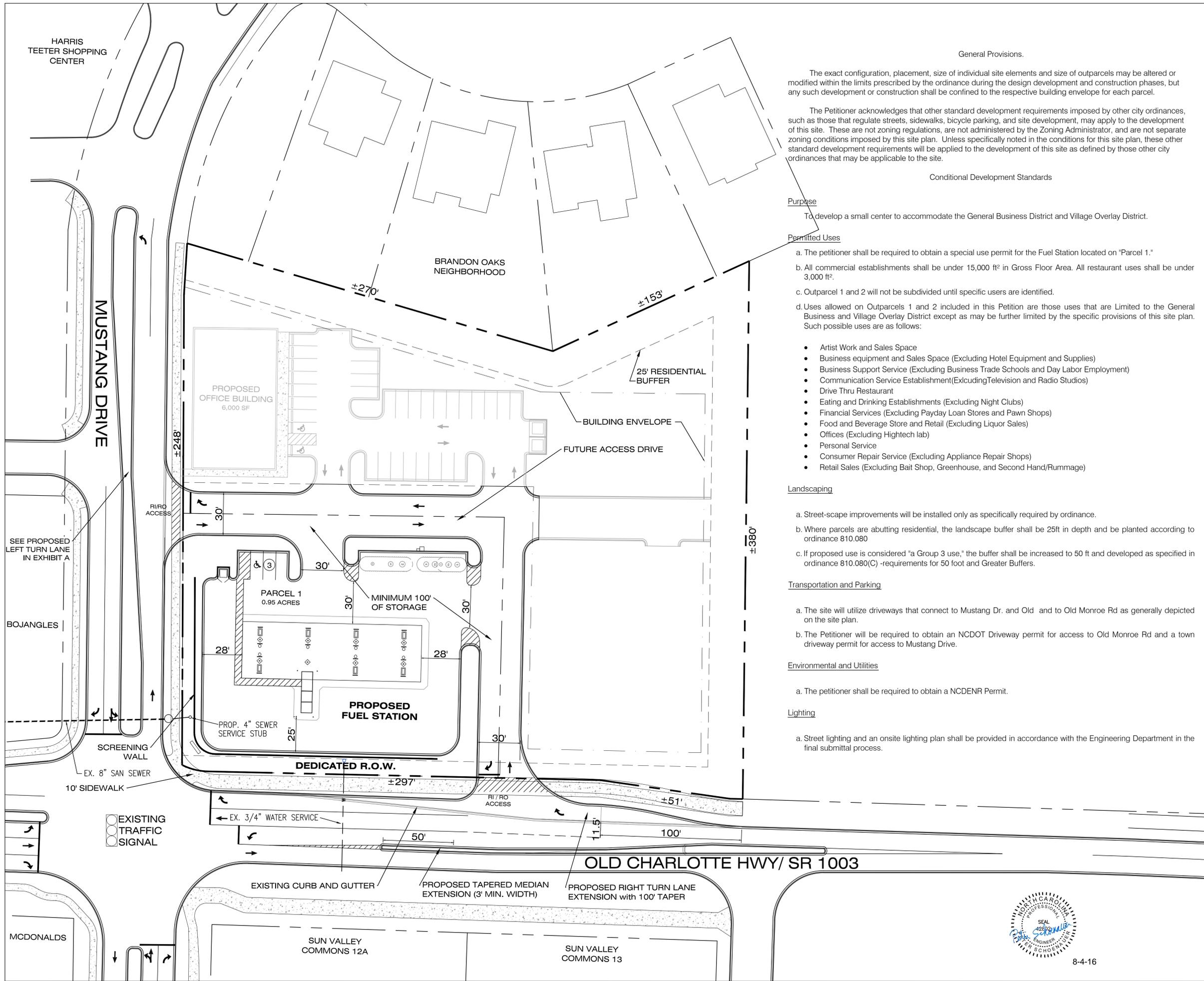
Attest:

Kelley Southward, Town Clerk

Michael Alvarez, Mayor

APPROVED AS TO FORM:

TOWN ATTORNEY



General Provisions.

The exact configuration, placement, size of individual site elements and size of outparcels may be altered or modified within the limits prescribed by the ordinance during the design development and construction phases, but any such development or construction shall be confined to the respective building envelope for each parcel.

The Petitioner acknowledges that other standard development requirements imposed by other city ordinances, such as those that regulate streets, sidewalks, bicycle parking, and site development, may apply to the development of this site. These are not zoning regulations, are not administered by the Zoning Administrator, and are not separate zoning conditions imposed by this site plan. Unless specifically noted in the conditions for this site plan, these other standard development requirements will be applied to the development of this site as defined by those other city ordinances that may be applicable to the site.

Conditional Development Standards

Purpose

To develop a small center to accommodate the General Business District and Village Overlay District.

Permitted Uses

- The petitioner shall be required to obtain a special use permit for the Fuel Station located on "Parcel 1."
- All commercial establishments shall be under 15,000 ft² in Gross Floor Area. All restaurant uses shall be under 3,000 ft².
- Outparcel 1 and 2 will not be subdivided until specific users are identified.
- Uses allowed on Outparcels 1 and 2 included in this Petition are those uses that are Limited to the General Business and Village Overlay District except as may be further limited by the specific provisions of this site plan. Such possible uses are as follows:

- Artist Work and Sales Space
- Business equipment and Sales Space (Excluding Hotel Equipment and Supplies)
- Business Support Service (Excluding Business Trade Schools and Day Labor Employment)
- Communication Service Establishment(ExcludingTelevision and Radio Studios)
- Drive Thru Restaurant
- Eating and Drinking Establishments (Excluding Night Clubs)
- Financial Services (Excluding Payday Loan Stores and Pawn Shops)
- Food and Beverage Store and Retail (Excluding Liquor Sales)
- Offices (Excluding Hightech lab)
- Personal Service
- Consumer Repair Service (Excluding Appliance Repair Shops)
- Retail Sales (Excluding Bait Shop, Greenhouse, and Second Hand/Rummage)

Landscaping

- Street-scape improvements will be installed only as specifically required by ordinance.
- Where parcels are abutting residential, the landscape buffer shall be 25ft in depth and be planted according to ordinance 810.080
- If proposed use is considered "a Group 3 use," the buffer shall be increased to 50 ft and developed as specified in ordinance 810.080(C) -requirements for 50 foot and Greater Buffers.

Transportation and Parking

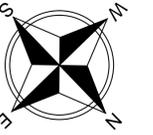
- The site will utilize driveways that connect to Mustang Dr. and Old and to Old Monroe Rd as generally depicted on the site plan.
- The Petitioner will be required to obtain an NCDOT Driveway permit for access to Old Monroe Rd and a town driveway permit for access to Mustang Drive.

Environmental and Utilities

- The petitioner shall be required to obtain a NCDENR Permit.

Lighting

- Street lighting and an onsite lighting plan shall be provided in accordance with the Engineering Department in the final submittal process.



Scale: 1" = 30'

APPROVAL STAMP

INDIAN TRAIL, NC:

Mustang Dr. &
Old Charlotte Hwy (Old Monroe rd)
Indian Trial, NC 28079

CONCEPTUAL PLAN

Site Data Summary

Existing Zoning: SF-1 (Single Family)

Proposed Zoning: CZ (General Buisness)

Parcel ID:

07090006C, 07090761, 07090008

Area Summary:

Parcel 1: 0.95 Acres (41,254 SF)

Outparcel 1 & 2: 1.29 Acres (56,087 SF)

Total: 3.09 Acres(134,777 SF)

Building Setbacks:

Front: 0-10'

Side: 0-10' (25' abutting residential)

Rear: 25'



200 PLANTATION CHASE, SUITE 14
ST. SIMONS ISLAND, GEORGIA 31522
PHONE (912) 288-2164 FAX (912) 288-0361

Date Prepared: 06/29/2016	Drawn By: AC
Rev #1 01/26/2016	AC
Rev #2 06/29/16	AC
Rev #3 7/11/16	AC
Rev #4 8/04/16	AC

Prepared For:



Corporate Office:

106 Foster Ave

Charlotte, NC 28203

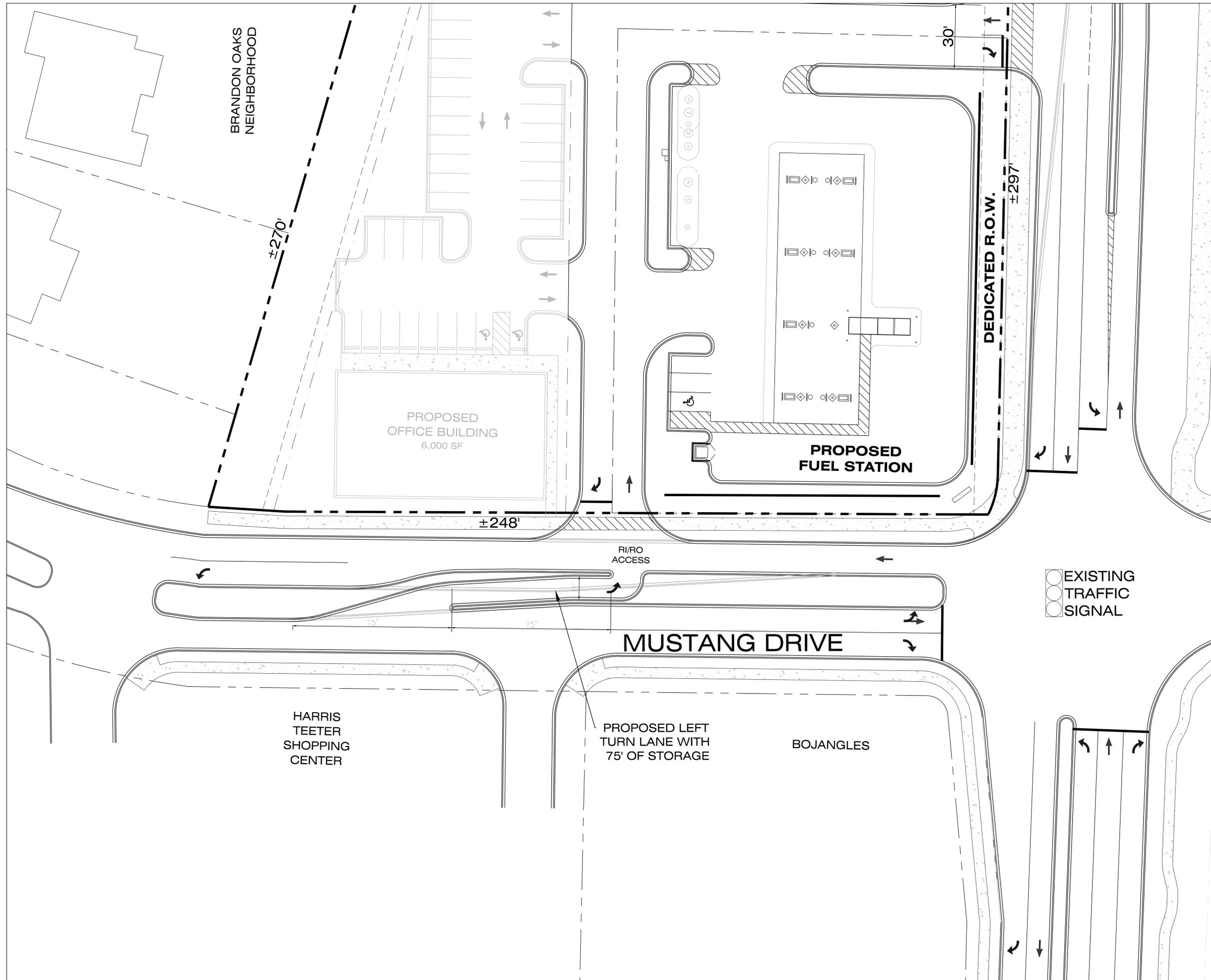
Pittsburgh Office:

5500 Brooktree Rd; Suite 303

Wexford, PA 15090



8-4-16



Scale: 1" = 20'

INDIAN TRAIL, NC:

Mustang Dr. &
Old Charlotte Hwy

EXHIBIT A



8-4-16

Date Prepared: 08/04/2016	Drawn By: AC

Prepared For:



CORPORATE OFFICE:
106 FOSTER AVE
CHARLOTTE, NC 28203
PITTSBURGH OFFICE:
5500 BROOKTREE RD; SUITE 303
WEXFORD, PA 15090

REZONING COMMUNITY MEETING REPORT

Applicant: The Durban Group, LLC

Rezoning Petition No. 2016-002

This Community Meeting Report is being filed with the Town of Indian Trail Planning and Neighborhood Services Department for the Mustang Drive rezoning project. Separate reports are being filed for the daytime and evening meetings (if required).

DATE, TIME AND LOCATION OF MEETING:

The Community Meeting was held on Tuesday, July 27th from 3pm to 5pm and 6pm to 8pm at Cathy's Coffee (606 Indian Trail Road South, Indian Trail, NC 28079) and Indian Trail Civic Building (100 Navajo Trail, Indian Trail, NC 28079).

PERSONS IN ATTENDANCE AT MEETING (see attached copy of sign-in sheets):

The Community Meeting was attended by those individuals identified on the sign-in sheet. The Applicant was represented at the Community Meeting by Stephen Knudsen and Andrew Cheek. Ms. Gretchen Coperine of the Town of Indian Trail Planning and Neighborhood Services Department represented the Town at the meeting.

SUMMARY OF PRESENTATION/DISCUSSION:

The Applicant's agent, Stephen Knudsen, welcomed the attendees and introduced the Applicant's team. Mr. Knudsen indicated that the Applicant proposed to rezone an approximately 3.09 acre site. The site, which include 3 parcels total, is located 90 feet from the General Business District across Old Monroe Road and Mustang Drive. Mr. Knudsen explained the rezoning process in general and stated that the purpose of the meeting was to discuss the rezoning request and the conditional site plan and respond to questions and concerns from nearby residents and property owners.

Mr. Knudsen provided background information about the Applicant's experience and the typical operation of its facilities. He then presented the site plan and the commitments made by the Applicant. He also displayed proposed architectural elevations and discussed the design of the proposed facility. He used the elevations and renderings to explain the facility's design concepts, and operations.

Angie and John Purtell, who own the residence located at 1000 Spanish Moss Road Indian Trail, NC 28079, were in attendance to the afternoon meeting and expressed concern about the proposed fuel use. Their concerns were in regard to the noise and fumes that may be present due to the proposed fuel center and its proximity to their property. Mr. Knudsen explained that the fuel center would not directly abut the Purtell's property and that the developer would provide screening and a "low impact use" between the fuel center and their property in question.

Bob and Debbie Perry were in attendance to the evening meeting and their concerns were pertaining to the impact of increased traffic to their property. It was then determined that the site in question was a significant distance away, and would not have any anticipated adverse effects to their property.

Respectfully submitted, this 8th day of August, 2016.



Town of
INDIAN TRAIL
north carolina

Community Meeting

Comment Sheet

Comments:

We absolutely do not want a
Gas station to be build behind

our home (maybe office building or shops)
Angie and John Purcell 1000 Spanish Moss

Angie@angiesweb.com Brandon Oaks

704-458-6396

From: [Angie Purtell](#)
To: [Gretchen Coperine](#)
Subject: Project ID 2016-002, Owner of 1000 Spanish Moss
Date: Wednesday, July 13, 2016 11:08:34 AM

Hello Ms. Coperine

My tenant from 1000 Spanish Moss, Indian Trail handed me a letter of intent to convert residential use to commercial. We own the home right behind on the corner of Spanish Moss and Mustang

I talked to Stephen Knudson with the Durban group about the project. I am not at all pleased, especially now that I see it also involves a gas station behind our house. Not only have we lost \$70,000 equity since 2007, but we were unable to sell last year.

I am waiting for a response of my next door neighbor Stephen Mattocks, I am sure he is not happy either. Please keep us updated of any hearing.

Angie and John Purtell
704-458-6396
273 Shoreline Pkwy
Tega Cay, SC 29708

From: Buddy Brewer [BuddyB@brewerhendley.com]
Sent: Wednesday, May 11, 2016 8:47 AM
To: Gretchen Coperine
Subject: Fuel Station @ Sun Valley

Gretchen,

Hope all is well. I received your message regarding the HT Fuel Station beside our Market Express-Shell store at Sun Valley and completely agree with the town's thoughts on this station. Being 2 lots down and on the same side of the road, it's simply too close to our existing location and in my opinion does no one any good.

Also, as I'm sure you are aware, the new Publix center has been marketing one of their outparcels on Old Charlotte for a c-store with gas, which of course would add a 3rd gas station at this intersection if the HT Fuel station were to go through. I've actually heard this is under contract, but have not verified this.

I'm a big proponent for free enterprise, but in this situation it's just too much. As popular as this SV area is, I'm sure some type of restaurant or a more fitting use will be built there in the very near future. I'll keep monitoring the zoning notice on the town's website for future information, but if you can keep me posted as well I would really appreciate it. Thanks Gretchen!

Thanks,
Buddy Brewer
Brewer-Hendley Oil Co./Market Express, Inc.
207 Forest Hills School Rd. North
PO Box 769
Marshville, NC 28103

(O) 704-233-2611

(F) 704-233-2633

www.themarketexpress.com

www.brewerhendley.com

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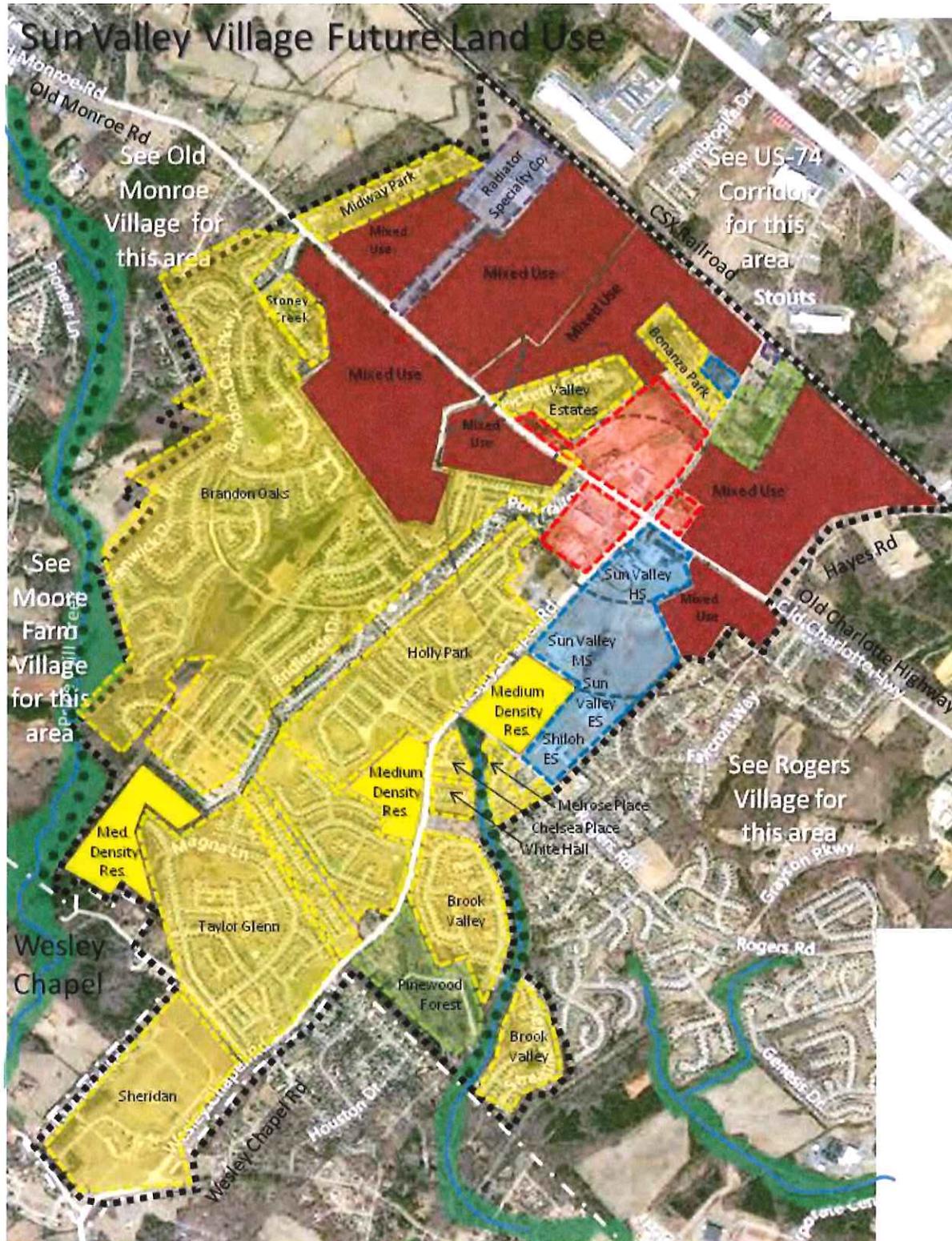


Fig. 5.1.63 Sun Valley Village Future Land Use