



WHEREAS, after making the draft findings the Planning Board approved 6 to 0 the motion to transmit a recommendation to approve with modifications 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 2016-005 Conditional Zoning Petition thereby granting the Zoning Map amendment to establish Conditional Zoning District SF-4 Single Family for the purpose of developing single family detached residential units subject to the following conditions:

1. *Subject Parcels:* Rezoning – 07120003, 07120005A, 07123001J, 07120005 90 and 07120008
2. *Parcel 07123001J, Originally within SUP1998-007:* The afore-mentioned parcel, originally part of Sheridan is hereby removed from the Sheridan Subdivision. The parcel was not calculated as open space and therefore does not have an impact on open space requirement. The removal does not impact density calculations of same.
3. *Permitted Uses:* The permitted use on the subject property is single-family detached residential and accessory uses as permitted in the UDO.
4. *Maximum Units:* The maximum number of units on the subject parcels shall not exceed 316 single-family detached dwelling units.
5. *Age-Restricted:* A minimum of 214 single family detached units shall be age restricted.
6. *Conventional Lots (Not Age-Restricted):* A maximum of 102 single family detached units may be conventional subdivision lots, not subject to age restrictions.
7. *Declaration of Covenants:* Declaration of Covenants or similar document shall be executed and recorded for the age restricted single family lots in accordance with the Federal Regulations governing housing for older persons (24 CFR Part 100) as well as any related Federal, State and local regulations governing the same matter.

The developer, its successors or assigns and/or the Home Owner's Association (HOA) or similar entity shall be responsible for managing and ensuring compliance with the Declaration of Covenants governing age-restricted regulations.

8. *Conceptual Plan and Design Guidelines:* The site shall be developed as generally depicted on the approved Concept Plan, referenced as Exhibit 1. The proposed single-family homes and amenity improvements shall comply the supplementary Community Design Guidelines developed for the subject conditional rezoning and referenced as Exhibit 2.
  - a. *On-street parking:* on-street parking shall be provided at key locations as generally depicted on the Conceptual Plan.

- b. *Perimeter Buffer*: A 25 foot buffer shall be provided as generally depicted on the Conceptual Plan in Exhibit 1. Existing vegetation shall be preserved to the maximum extent possible with supplemental plantings and fence or berm (with such species as leyland cypress, evergreens or similar), provided to the satisfaction of the Town of Indian Trail, to achieve semi-opaque screening to adjacent properties at the time of planting.
  - c. *Amenities*: The community amenity area (pool with associated parking and other facilities) shall be under construction prior to the issuance of Zoning Compliance for the 99<sup>th</sup> home. Any amenities must be consistent with the Architectural Design of the proposed development as generally described in the Community Design Guidelines. The community amenities may be substituted with other major common area amenities of equal or greater financial investment.
9. *Architecture, Dimensional Standards and Monumentation*: Architectural design, dimensional standards and monumentation shall be in accordance with the Community Design Guidelines in Exhibit 2.
10. *Tree Retention and Tree Save Areas*: 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.
11. *TIA Roadway Improvements*: Prior to the issuance of Town Zoning Compliance for any home, the developer shall be responsible for constructing roadway improvements identified in the Traffic Impact Memorandum dated June 2016. 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:

Wesley Chapel Road and Hawfield Road / Site Drive 1

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

In addition, the developer, successors or assigns shall contribute towards future improvements at Weddington Road/Wesley Chapel Road and Rogers Road/Wesley Chapel Road as listed below. The acceptance of the contribution shall satisfy improvements to same as approved by the Town of Indian Trail and NCDOT.

NCDOT supports the in-lieu payment for the improvements to the intersections listed below. Prior to the issuance of the first Town Zoning Compliance, payment by the developer is due. A public entity (i.e., Town of Indian Trail, Village of Wesley Chapel, or NCDOT as deemed appropriate) shall hold a cash surety or similar in the amount of the cost of the improvements.

The subject improvements are:

Wesley Chapel Road and Weddington Road

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

Wesley Chapel Road and Rogers Road

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

- 12. Frontage Improvements:* Prior to the issuance of Town Zoning Compliance for any home, Roadway improvements along Wesley Chapel Road shall be provided and include curb/gutter, sidewalks, and street trees. A minimum ROW measured 56 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.
- 13. Onsite Roadway Improvements:* Prior to the issuance of Town Zoning Compliance for any home unless a phasing plan is approved by the Town if Indian Trail Engineering Department, internal roads within the subject site 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.
- 14. Faith Church Road Extension Abandonment:* Prior to the issuance by the Town of Indian Trail of site plan approval, the sections of Faith Church Road Extension within the subject properties shall be removed from the Charlotte Regional Transportation Planning Organization (CRTPO) Thoroughfare Plan.
- 15. Existing Hawfield Road Abandonment:* Prior to the issuance of Town Zoning Compliance for any home, the existing Hawfield Road shall be abandoned. The developer, its successors or assigns shall be financially responsible for the costs of abandoning Hawfield Road and re-platting for the affected properties. Any section of the abandoned Hawfield Road which reverts back to adjacent Taylor Glen property owners shall be restored to a vegetated state. The Developer, its successors or assigns shall submit a restoration plan addressing same at the time of site plan submittal.
- 16. Access to Parcel 07120007:* Access to parcel 07120007 shall be provided as a typical 50 foot privately maintained right-of-way, with 24 feet of asphalt, and 2 feet curb and gutter. Said access shall be constructed in accordance with Town Engineering Standards.
- 17. Curb/Gutter and Sidewalks along Spine Road (aka Hawfield Road):* Sidewalks shall be installed along the east-west spine road within the subject development at a minimum of 6 feet in width. Vertical curb and gutter shall be installed along the spine road.
- 18. Connectivity to Adjacent Neighborhoods:* The subject project shall connect the adjacent Taylor Glenn and Sheridan neighborhoods at the planned stubbed streets as generally

depicted on the Concept Plan in Exhibit 1, and provide traffic calming measures as deemed appropriate by Town Engineer.

19. *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. 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. Any stormwater management facilities within the overall subject development, regardless of the jurisdiction in which it lies, that handles stormwater runoff for the lots within the Town of Indian Trail shall be built to the Town of Indian Trail standards.
20. *Flood Study:* Prior to site plan approval, a flood study shall be provided, and if required, CLOMAR and LOMR shall be provided for review and approval by the Town of Indian Trail and the State of North Carolina.
21. *Public Trail, Walking Paths and Easements:* A public trail and walking paths shall be built with this development as generally depicted in Exhibit 1. The trails and walking paths shall be a minimum of 10 feet wide. The trails shall be constructed of a paved surface. The surface of the walking paths located outside of public right-of-ways shall be determined at site plan phase and may be a surface other than paved. A 20 foot trail easement shall be provided for access to the public trail and walking paths. Access to the Carolina Thread Trail shall be open to the public.
22. *Sketch Plan Approval from UCPW:* Prior to submittal for Site Plan review, the developer shall obtain sketch plan approval from Union County Public Works.
23. *Downing Court* – the roadway from the Hawfield/Heritage development to Downing Court shall be provided as a cul-de-sac (i.e., without any vehicular or pedestrian connection) between the Hawfield/Heritage development and Taylor Glenn subdivision.
24. *Off-site traffic calming measures in Taylor Glenn and Brandon Oaks* – the developer, its successors or assigns for the Hawfield/Heritage development shall provide traffic calming measures where feasible on roadways within Taylor Glenn and Brandon Oaks. The developer shall provide a study to the Town of Indian Trail indicating roadways recommended to receive traffic calming measures. The Town of Indian Trail Engineering Department shall review the study and determine which roadways shall be deemed appropriate to receive such improvements.

Said improvements described above shall be under construction prior to the issuance of Zoning Compliance for the 99<sup>th</sup> home.

25. *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 October, 2016.

**TOWN OF INDIAN TRAIL COUNCIL**

Attest:

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Kelley Southward, Town Clerk

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Michael Alvarez, Mayor

APPROVED AS TO FORM:

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TOWN ATTORNEY