

## Town of Indian Trail

RECORDED  
AND  
VERIFIED  
EJC



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

Filed for record  
Date 7-20, 2005  
Time 9:15 o'clock A m  
Crystal D. Crump, Register of Deeds  
Union County, Monroe, North Carolina

84253

**SPECIAL USE PERMIT 2004-011M GRANTED**  
**WITH CONDITIONS**

**Applicant:** Reece Gibson  
**Property Owner:** Reece Gibson  
**Property Location:** 14.59 Acres, Chestnut Lane  
**Parcel #:** 07-147-143B  
**Proposed Use:** Planned Residential Development  
**Meeting Date:** June 14, 2005

The Town Council for the Town of Indian Trail, having held a public hearing on June 14, 2005 to consider modifications to condition numbers 16, 18 & 21 of Special Use Permit 2004-011, submitted by Reece Gibson requesting a special use permit to develop a Planned Residential Development on 14.59 acres of land located on Chestnut Lane made the following **FINDINGS OF FACT** and draws the following conclusions:

- (1) It is the opinion of the Town Council that the proposed modifications will not endanger the public health or safety because conditions have been placed to ensure compliance with the minimum standards of the Town's Subdivision and Zoning Ordinance.
- (2) It is the opinion of the Town Council that the development, as proposed, complies or exceeds the minimum specification required for the development.
- (3) It is the opinion of the Town Council that the modifications of Conditions 16, 18 and 21, as stated will not injure the value of the adjoining or abutting properties because minimum standards relating to building materials, size, and product type have been incorporated requiring Town Council approval if modified in the future.
- (4) It is the opinion of the Town Council that proposed modifications will result in a development which will be in harmony with the area and in conformity with the future land use plan adopted by the Town Council.

Therefore, on the basis of the foregoing, it is ordered that modification of the Conditions of Approval for Special Use Permit 2004-011 are as follows:

1. The applicant or responsible party shall adhere to all of the conditions of Special Use Permit 2004-011 unless otherwise stated herein.
2. Condition 16: The minimum square footage of said homes shall not be less than 2,200 square feet in heated floor area.
3. Condition 18: Each structure shall be constructed of no less than 75 percent of brick and/or stone and/or stucco material. No more than 25% of architectural vinyl cedar shake siding or hardy board siding may be used on gable ends, over garage doors, over large windows or other areas not architecturally reasonable for brick material. These accent materials shall not be the predominant material used on any one side of the house.
4. Condition 21: Construction related traffic is prohibited from utilizing St. Johns Drive for the construction of Chestnut Oaks, Phase II. The following is required:
  - a. A sign shall be posted identifying construction access only be permitted at Chestnut Lane entrance;
  - b. Signs prohibiting construction vehicle access shall be posted on St. Johns Drive.
  - c. The connection at St. Johns Drive shall not be opened until the first Certificate for Occupancy is issued.
5. The responsible party shall submit the portfolio prepared by Mr. Greg Williams for the Statement of Integrity and Design approval by the Planning Staff during the Site Plan Review Process. Any change in builders shall require a new portfolio be submitted to the Town Council for approval.

Ordered this 14th day of June, 2005.

Note: If you are dissatisfied with the decision of this Board, an appeal may be taken to the Superior Court of Union County within thirty days after the date this order is served on you.

TOWN OF INDIAN TRAIL

BY: Sandy B. Moore  
Sandy B. Moore, Mayor

ATTEST:

Karen B. Price  
Karen Price, Town Clerk



Reece Gibson  
Reece Gibson, Applicant & Owner

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 6 day of July, 2005.

My commission expires: 3/26/2006

D. Hope Bergamini  
Notary Public

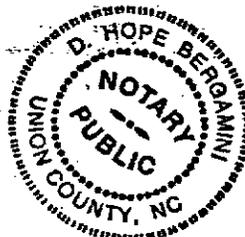


STATE OF NORTH CAROLINA  
COUNTY OF UNION

I, D. Hope Bergamini, a Notary Public for said County and State, do hereby certify that REECE GIBSON, Applicant & Owner personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this the 1 day of July, 2005.

My Commission Expires: 3/26/2006

D. Hope Bergamini  
Notary Public



PREPARED BY & RETURN TO:  
TOWN OF INDIAN TRAIL  
P.O. BOX 2430  
INDIAN TRAIL, NC 28079

NORTH CAROLINA-UNION COUNTY  
The foregoing certificate(s) of \_\_\_\_\_

D. Hope Bergamini

Notary (if) Public  
Is/are certified

is/are correct.

CRYSTAL D. CRUMP, REGISTER OF DEEDS

Crystal D. Crump  
REGISTER

BK 3847PG774

2004-011

Filed for record

Date 7-20, 2005

Time 9:25 o'clock A m

Crystal O. Crump, Register of Deeds  
Union County, Monroe, North Carolina

84252

## Town of Indian Trail



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

### **SPECIAL USE PERMIT 2004-011 GRANTED** **WITH CONDITIONS**

**Applicant:** Reece Gibson  
**Property Owner:** Reece Gibson  
**Property Location:** 14.59 Acres, Chestnut Lane  
**Parcel #:** 07-147-143B  
**Proposed Use:** Planned Residential Development  
**Meeting Date:** December 14, 2004

The Town Council for the Town of Indian Trail, having held a public hearing on December 14, 2004 to consider Special Use Permit Application 2004-011, submitted by Reece Gibson requesting a special use permit to develop a Planned Residential Development on 14.59 acres of land located on Chestnut Lane made the following **FINDINGS OF FACT** and draws the following conclusions:

- (1) It is the opinion of the Town Council that the proposed subdivision will not endanger the public health or safety because conditions have been placed to ensure compliance with the minimum standards of the Town's Subdivision and Zoning Ordinance.
- (2) It is the opinion of the Town Council that the development, as proposed, complies or exceeds the minimum specification required for the development.
- (3) It is the opinion of the Town Council that the development, as proposed will not injure the value of the adjoining or abutting properties because it is consistent with the existing

uses and density in the vicinity.

- (4) It is the opinion of the Town Council that the proposed location and character of the proposed development is in harmony with the area and in conformity with the future land use plan adopted by the Town Council.

Therefore, on the basis of the foregoing, it is ordered that the application for Special Use Permit 2004-011 be **granted with the following conditions.**

1. Curb and Gutter is required on all interior streets.
2. Each single-family dwelling unit shall have a minimum parking pad width of sixteen (16) feet by thirty-two (32) feet to accommodate two automobiles parked side-by-side.
3. Usable common open space or recreational areas shall be provided within the development. Any common opens space area shall have a minimum area of ten-thousand square feet. All common open space areas shall be accessible by side walk from the residential developed portions of the PRD.
4. Sidewalks are required on at least one side of each street within the PRD.
5. Curb, gutter and sidewalk are required along the Chestnut Lane street frontage. Said improvements shall be constructed to the satisfaction of the Town Engineer and NCDOT.
6. The maintenance of the common open space areas shall be the responsibility of the Home Owners Association.
7. The Code Covenants and Restrictions associated with the home owners association shall include a restriction on the type of fencing that may be erected within the subdivision located within Indian Trail. Permitted fencing within the subdivision shall be of the same material and style subject to approval through the SID process by the Indian Trail Planning Department.
8. Provide the Planning Department with a desirable landscape plan of the entrance and common area along Chestnut Lane. Said common area along Chestnut Lane must be irrigated.
9. The applicant or responsible party shall obtain approval of the Statement of Integrity and Design prior to issuance of a Zoning Certification.
10. Said single-family dwellings shall provide the following minimum architectural embellishments:
  - a. Side elevations on corner lots shall be embellished by windows, shutters, or landscaping or combination thereof.
  - b. A masonry veneer skirt (of standard brick size) extending up the face of the slab consisting of a minimum of 4-courses of brick above finish grade is required.

11. The applicant or responsible party shall acquire the appropriate permits from NCDENR, NCDOT, Union County Public Works, and the Army Corp of Engineers prior to issuance of the site plan review permit and the subdivision map.
12. The applicant or responsible party shall preserve the wooded area as much as feasible for the development of the subdivision.
13. On-site detention is required based upon the down stream study.
14. If the projects utilizes a dry detention pond for storm water management it cannot be calculated as required open space.
15. Decorative street lights shall be provided within the development. Said lights shall be a consistent in style.
16. The minimum square footage of said homes shall not be less than 2500 square feet.
17. A left turn lane shall be required at the entrance on Chestnut Lane.
18. All homes are required to be completely brick.
19. Minimum of 6 and 12 pitched roofs with architectural shingles.
20. Architectural front plains not to exceed 24 feet without being broken.
21. The connecting road adjoining the existing development shall not be opened until 70 percent of the build out of the new phase.
22. A tot-lot shall be built in the open space.
23. An entrance design is presented to staff for review and approval prior to the project going to Council.

Ordered this 14th day of December, 2004.

Note: If you are dissatisfied with the decision of this Board, an appeal may be taken to the Superior Court of Union County within thirty days after the date this order is served on you.

3867PG777

TOWN OF INDIAN TRAIL

BY: Sandy B. Moore  
Sandy B. Moore, Mayor

ATTEST:

Karen B. Price  
Karen Price, Town Clerk



Reece Gibson  
Reece Gibson, Applicant & Owner



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 6 day of July, 2005.

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 for said County and State, do hereby certify that REECE GIBSON, Applicant & Owner personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this the 1 day of July, 2005.

My Commission Expires: 3/26/2006

D. Hope Bergamini  
Notary Public

PREPARED BY & RETURN TO:  
TOWN OF INDIAN TRAIL  
P.O. BOX 2430  
INDIAN TRAIL, NC 28079



NORTH CAROLINA-UNION COUNTY

The foregoing certificate of  
D. Hope Bergamini

to be correct

CRYSTAL D. CRUMP, REGISTER OF DEEDS  
Crystal D. Crump