



P.O. Box 2430

Indian Trail, North Carolina 28079

PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

Conditional Zoning Staff Report

Case: CZ 2015-004			
Reference Name	Austin Village Senior Concept Housing		
Request	Proposed Zoning	CZ Single-Family Residential (SF-5) within Village Center Overlay District (O-VCD)	
	Proposed Uses	Single-Family Residential	
Existing Site Characteristics	Existing Zoning	Neighborhood Business District (NBD) and General Business District (GBD) within Village Center Overlay District (O-VCD)	
	Existing Use	Pasture	
	Site Acreage	Approximately 15 Acres	
*Note:	This is a Conditional Zoning application for a portion of a parcel within the Austin Village Master Plan with an existing commercial zoning designation as noted above		
Applicant	Caprock, LLC		
Submittal Date	August 20, 2015		
Location	North side of Chestnut Lane, west of Potter Road		
Tax Map Number(s)	Rezoning: portion of 07147130		
Plan Consistency	Comprehensive Plan	Designation	Austin Village
		Consistent with Request	Yes
Recommendations & Comments	Planning Staff	Recommends approval of a Conditional Zoning District	

Project Summary

This is a request to reclassify a portion of a parcel totaling approximately 15 acres. The rezoning is from Neighborhood Business District (NBD) and General Business District (GBD) within a Village Center Overlay to Single-Family (SF-5) with a conditional zoning district within a Village Center Overlay. The SF-5 zoning district is a moderate/high density single-family residential zoning district. The intent of this request is to amend the existing Master Plan for Austin Village to allow approximately 51 single-family dwelling units intended to be age-targeted housing for persons 55 years and older. The subject property is located on the north side of Chestnut Lane, west of Potter Road. (See Attachment 1, Application).

Staff Recommendation

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

Background and Austin Village History

The subject property is part of the approximately 70 acre Austin Village Master Plan, originally approved under RZ2000-002 (approximately 9.51 acres), RZ2000-003 (approximately 20.7 acres) and RZ2000-004 (approximately 39.3 acres), which allows a mix of commercial uses including retail, office, live/work buildings, and other uses. It is located within a Village Center Overlay District in Austin Village. The subject property is bordered on the north side by the Town of Stallings.

See Attachment 2A, Conditional Use Rezoning Granted, dated 2.14.2001. Also, see below Map 1: Location Map and Municipal Boundary.

Map 1: Location Map and Municipal Boundary

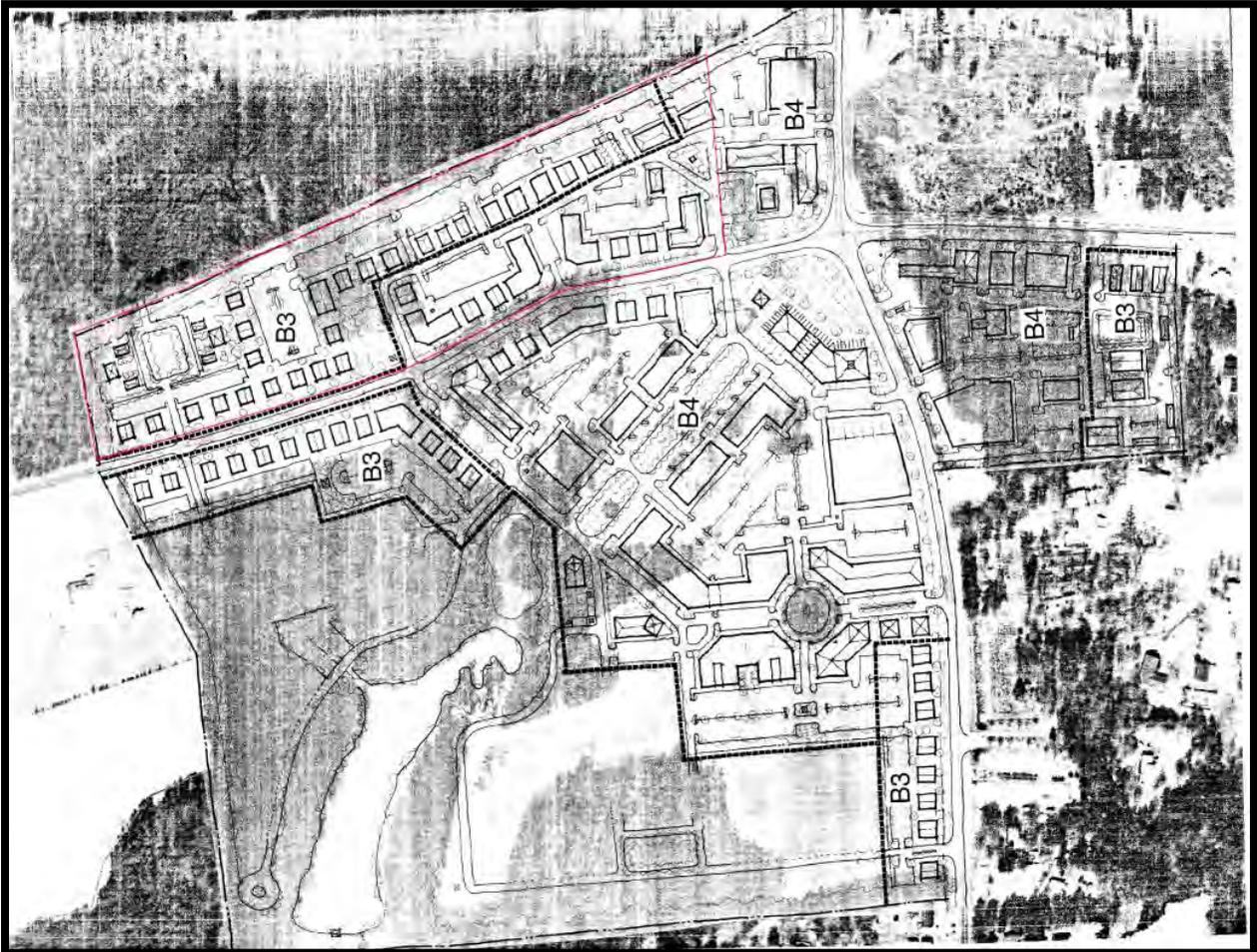


Original Project and Entitlements (Approved Uses and Square Footage)

The subject property underwent a rezoning request for a Conditional Use District filed in September of 2000. This request rezoned 31.3 acres of the 70.3 acres from R-20 (Union County Residential) to B-4 (current Town zoning General Business District), 8 acres from R-20 (Union County Residential) to B-3 (current Town zoning Neighborhood Business District), and the remaining 31 acres was not included in the application; therefore remains SF-1. See Attachment 2A, Conditional Use Rezoning Granted, dated February 14, 2001.

The map below reflects the Master Plan approved for each section of Austin Village. The entitled development rights for the portion of Austin Village affected by this rezoning are found under application RZ2000-003 (approximately 20.7 acres) and total 302,000 square feet of commercial uses (including retail, office, live/work). Staff has provided the original Master Plan with the buildings numbered to match the uses within the approval Ordinance in order to determine entitlements on specific portions of the site. (See Attachment 2B, Master Plan).

Map 2: Original Master Plan



The project of 51 single-family dwelling units is being proposed on approximately 15 acres of the 20.7 acre site. The entitlements on the portion being rezoned to accommodate the 51 single-family unit development total approximately 255,000 square feet of commercial uses. The

remaining commercial square footage entitled to the remainder of the parcel is approximately 47,000 square feet.

Staff Analysis

Current Use and Zoning

The subject property consists of a portion of undeveloped land on the north side of Chestnut Lane, west of Potter Road. The parcel is currently used as a pasture. The surrounding development consists of single-family residential to the north and west, a single-family home to the east and commercial development to the south.

Subject Site from Chestnut Lane



Location Characteristics and Surrounding Zoning

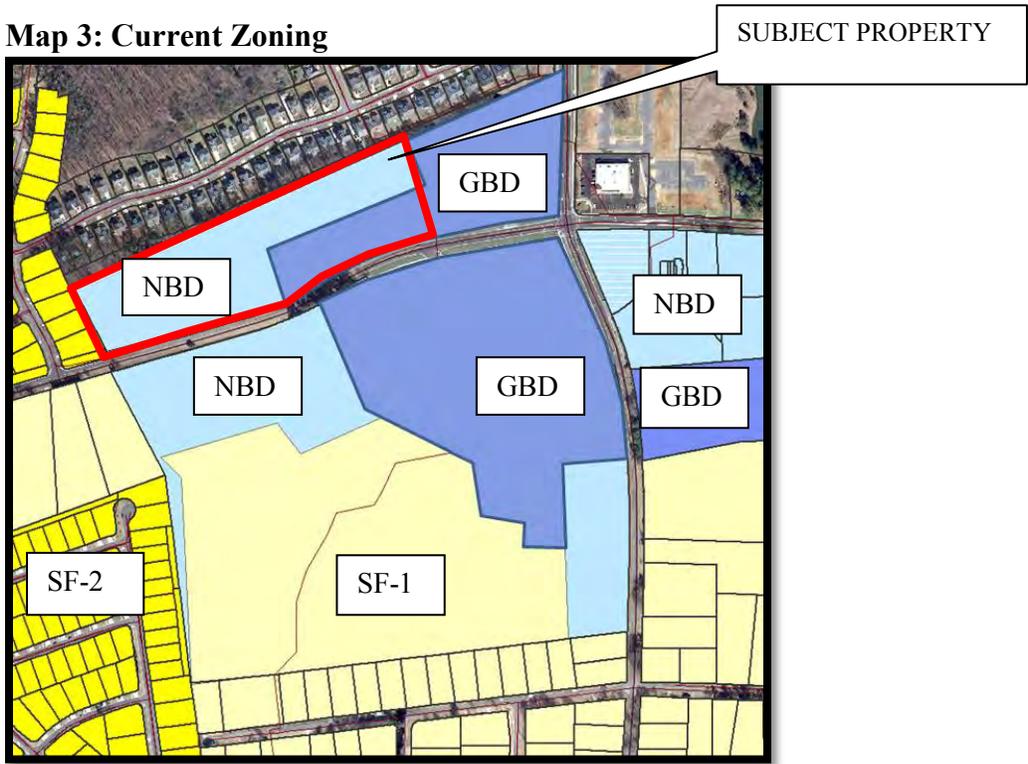
As stated previously, the site is currently zoned Neighborhood Business District and General Business District within a Village Center Overlay. See below Map 3: Current Zoning. The current zoning for the surrounding area is Mixed Residential (Town of Stallings) to the north, General Business District (Town of Indian Trail) to the east, Neighborhood Retail District (Town of Stallings) to the east across Potter Road, Neighborhood Business District and General Business District (Town of Indian Trail) to the south, and Single-Family Residential SF-2 (Town of Indian Trail) to the west. The surrounding uses are residential to the north within the Town of Stallings, single-family to the east in the Town of Indian Trail, commercial to the east across Potter Road in the Town of Stallings, residential to the west in the Town of Indian Trail, and commercial to the south in the Town of Indian Trail.

Development surrounding the subject property consists of the Chestnut Oaks Subdivision (Town of Stallings) to the north, Walgreens (Town of Stallings) to the east, Harris Teeter and other retail and restaurant uses (Town of Indian Trail) to the south, and the Chestnut Place Subdivision (Town of Indian Trail) to the west.

Summary of Zoning and Uses

Surrounding Subject Property	Municipality	Zoning	Use
North	Town of Stallings	Mixed Residential	Single-family (Chestnut Oaks Subdivision)
East	Town of Indian Trail	General Business District	Single-family house
East across Potter Road	Town of Stallings	Neighborhood Retail District	Walgreens convenience store
South	Town of Indian Trail	Neighborhood Business District and General Business District	Harris Teeter and other retail and restaurant uses
West	Town of Indian Trail	Single-Family SF-2	Single-family (Chestnut Place Subdivision)

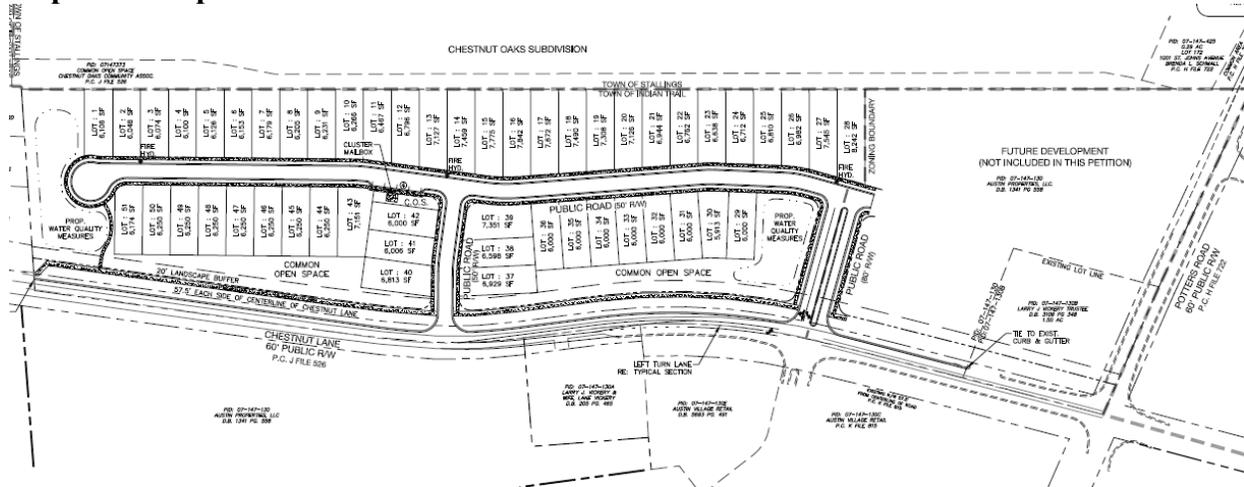
Map 3: Current Zoning



Concept Plan

The Conceptual Plan, included in Attachment 3, Exhibit 2 (also, see below Map 4: Concept Plan) reflects development of approximately 51 single-family detached homes intended to be age-targeted for a 55+ community. The following will provide a brief overview of key elements of the Concept Plan.

Map 4: Concept Plan



Senior Housing Concept – Age-Targeted

The proposed development will be age-targeted to persons 55 years of age or older. The age-targeted concept does not require any restrictive covenants to be recorded limiting the potential residents to those who are over the age of 55. Instead, it is designed and developed to attract a resident of a certain age category. Such features include but are not limited to single-level living or master bedrooms on the same floor as the living space (i.e., the first floor), slab on grade construction to facilitate the use of wheel chairs or other mobility devices if needed, wider door openings to accommodate medical/mobility or other devices, and maintenance-free living.

Site Layout: The Concept Plan contemplates approximately 51 lots, detention ponds with amenities that flank the east and west boundaries of the community, common open space areas along Chestnut Lane, connecting sidewalks throughout the entire community, as well as on-street parking in key locations. There will be two entrances offering access into the development from Chestnut Road.

Courtyard Lot Layout: The lots are intended to be 50 feet wide and provide a courtyard on one side of the homes. To achieve this, the homes will be shifted to one side of the lots, with a zero lot line setback on one side, and a 15 foot setback on the other side. The sides of the home facing the courtyard will have articulated facades with windows and doors to enhance their appearance and functionality. A reduced setback of 10 feet will allow such articulation where the building will bump out further than the 15 feet. In no instance will the side setback on the courtyard side be less than 10 feet.

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

Roadway and Frontage Improvements: The community will feature two entrances on Chestnut Lane. The eastern entrance will be full movement access points, allowing residents to make a right turn into and right turn out of the community, as well as make a left turn into and a left turn out of the community. North Carolina Department of Transportation will require the appropriate roadway improvements (i.e., turn lanes, stacking distances and tapers) to be provided in order to ensure appropriate access into and out of the development. The western entrance will be a right in/right out movement with a 150 foot long median, measuring 5 feet in width.

In addition, the Chestnut Lane frontage will be improved with curb/gutter, an 8 foot sidewalk, street trees and ornamental street lights. The streetscape will be designed to maintain the existing character of the corridor by incorporating features of the existing agricultural style fence, and provide pedestrian zone improvements which may include, where appropriate, benches, gathering spaces, as well as enhanced/ornamental landscaping. See Attachment 3, Exhibit 2.

Open Space and Tree Retention: Approximately 1.8 acres of open space will be provided within the community. All open space areas will contain a combination of ornamental landscaping including trees and shrubs, as well as passive recreation fixtures where feasible. See Attachment 3, Exhibits 2 and 3, Concept Plan.

Architectural Design: All homes will be built in general accordance with the Tudor style architectural elevations in the Ordinance (Attachment 3, Exhibit 3) and will provide the Master bedrooms on the first floor to support the age-targeted marketing concept.

Lot Types and Dimensions: Setbacks proposed with this conditional zoning project are as follows:

Lot Width	Lot Area Minimum	Front and Rear Setback	Side Setback	Maximum Height
50 foot minimum	6000 square feet minimum	20 feet *(see note regarding Garage placement below)	Zero Lot Line/10-15 feet **(see side setback note below)	35 feet maximum

***Garage:** minimum 2 feet recessed from front façade or 22 feet from the edge of right-of-way, whichever is greater.
**** Side Setback Note:** The single-family detached dwellings are zero lot line houses on one side (as defined in UDO Chapter 1619.060), with a 15’ setback on the other side in order to accommodate an outdoor courtyard. A slight encroachment into the 15’ setback may be permitted to allow articulation of the building. In no instance shall the side setback on the courtyard side be less than 10’. See Attachment 3, Exhibit 2.
***** Home Placement on lot:** No two homes shall be placed on adjacent lots where the zero lot line side setback is along the same property line. Home shall be situated as demonstrated in the architectural examples. See Attachment 3, Exhibit 3.

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 PoppySeeds Bagel on October 8, 2015 from 3pm-5pm and the second was held at the Town’s Civic Building from 6pm-8pm that same day. See Attachments 4A and 4B for meeting minutes and public comments. The following will provide a brief summary of the Town required community meetings.

- *3pm-5pm Meeting:* This meeting was attended by 7 members of the public, the applicant's team, and Town staff. General questions were raised regarding:

I. Negative Feedback:

- Buffer between communities (Chestnut Oaks in the Town of Stallings and Chestnut Place in the Town of Indian Trail)
- Where are the cows going?
- Drainage from Potter Road.
- Two story homes from existing neighborhood looking into two story homes in new neighborhood.
- Street parking in community.

II. Positive Feedback:

- Price point -- elevation of neighboring home values.
- Preferred residential neighborhood over commercial property.
- Architectural style/design.

- *6pm-8pm Meeting:* There were approximately 6 members of the public in attendance in addition to the applicant's team and Town staff. General questions were raised regarding:

I. Negative Feedback:

- What type of HOA restrictions and covenants will be put in place?
- Impacts to traffic and potential for more accidents leading to raised insurance premiums.
- Buffer between communities.
- Where are the cows going?
- Access to existing retail center including lighting and crosswalk signals.

II. Positive Feedback:

- Price point -- elevation of neighboring home values.
- Preferred residential neighbor over commercial property.
- Architectural style/design
- Locations of ponds as focal point at front side of neighborhood were a plus -- also making ponds amenities.

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 identity for Indian Trail residents. The subject property is located within Austin Village of the Comprehensive Plan. Map 5 below delineates the Austin 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, as well as retail development providing convenient access to daily goods and services. The proposed future land use of the subject property is Mixed Use, which allows for a mix of uses and is intended to foster pedestrian friendly development. The proposed overall project density of 3.4 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.

Map 5: Austin 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 any existing relevant conditions of approval for the Austin Village Master Plan. The applicant has agreed to comply with the conditions noted below.

1. *Consistency with RZ 2000-003, Rezoning for Austin Village Master Plan:* Unless otherwise stated in the requirements herein, the proposed site shall be subject to all relevant conditions approved with the Austin Village Master Plan (RZ 2000-003). Exhibit 1
2. *Subject Parcels:* Rezoning – a portion of 07147130 to CZ-SF-5, within a Village Center Overlay District.
3. *Permitted Uses:* The permitted use on the subject property is single-family detached residential and accessory uses as permitted the UDO.
4. *Permitted Number of Units:* The maximum number of units on the subject development shall not exceed 53 single-family detached dwelling units.
5. *Lot Frontage, Setbacks and Height:* Lots shall provide 50’ width, as generally referenced on the concept plan (Exhibit 2). Setbacks and other requirements shall be provided as follows:

Lot Width	Lot Area Minimum	Front and Rear Setback	Side Setback	Maximum Height
50 foot minimum	6000 square feet minimum	20 feet *(see note regarding Garage placement below)	Zero Lot Line/10-15 feet **(see side setback note below)	35 feet maximum

***Garage:** minimum 2 feet recessed from front façade or 22 feet from the edge of right-of-way, whichever is greater.
**** Side Setback Note:** The single-family detached dwellings are zero lot line houses on one side (as defined in UDO Chapter 1619.060), with a 15’ setback on the other side in order to accommodate an outdoor courtyard. A slight encroachment into the 15’ setback may be permitted to allow articulation of the building. In no instance shall the side setback on the courtyard side be less than 10’. See Exhibit 2.
***** Home Placement on lot:** No two homes shall be placed on adjacent lots where the zero lot line side setback is along the same property line. Home shall be situated as demonstrated in the architectural elevations in Exhibit 3.

6. *Conceptual Plan:* The proposed single-family development and associated improvements shall comply with the conceptual plan attached herein as Exhibit 2.
 - a. *Vary elevations/architectural models on adjacent lots:* Every lot shall provide a different architectural model from the lot(s) adjacent to it. No two identical architectural elevations which include identical facades, roof lines, door and window placement and other details, shall be built on lots adjacent to or directly across from each other.
 - b. *On-street parking:* on-street parking shall be provided at key locations as generally depicted on the Conceptual Plan.
 - c. *Open Space:* A minimum of 1/35 of an acre of open space shall be provided for each dwelling unit. All open space areas shall be generally consistent with the layout reflected in Exhibit 2 and shall contain a combination of ornamental landscaping including trees and shrubs, as well as passive recreation fixtures where feasible.
Note: Lot 39 shall contain a strip of open space, as feasible, along the northern property line.

7. *Streetscape along Chestnut Lane:* An enhanced streetscape along Chestnut Lane shall include, at a minimum, enhanced and ornamental landscaping, lighting and pedestrian zone improvements as depicted in Exhibit 2. Where feasible, such streetscape may also include benches, street furniture, and mid-block crosswalks connecting to the Harris Teeter site on the south side of Chestnut Lane.
8. *Architecture:*
 - a. All homes shall be built in general accordance with the Tudor style architectural elevations in Exhibit 3 and shall be mainly constructed of a combination brick, stone, wood, shake, or Hardie siding, with such features as decorative shutters and ornamented garage doors, as depicted in Exhibit 3. The use of vinyl is prohibited. The side building walls shall not be constructed with highly flammable building materials such as natural, cedar shakes or wood siding and similar materials.
 - b. All elevations shall contain a roof pitch greater than or equal to 6:12 for the primary roof; eaves with a minimum 10-inch projection on all sides; and front entry facing the front lot line.

There shall be no blank walls on any side elevations. Side elevations shall include, at a minimum, one window.
 - c. All units shall provide the master bedroom located on the first floor to support the age-targeted marketing concept.
9. *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.
10. *Stormwater Management Measures:* 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. All detention ponds shall provide a dense vegetation screening. Fencing shall be provided around the stormwater management improvements to minimize any visual obtrusiveness, as well as amenities including but not limited to water fountains, gathering areas and/or similar passive recreation areas for residents, benches, knee walls, and appropriate littoral plantings. The size of the facility separation and/or its screening may be increased by the Planning Director based on the final proposed design and its likely increased visual impact to adjacent properties or existing or future ROW. A minimum 10 foot separation shall be provided between the facility and any existing or future ROW line.
11. *Screening along the western property line:* A dense screening buffer, including but not limited to ornamental trees, shrubs and ground covers, shall be provided along the western property line and a portion of the northern property line to minimize the visual impact of the proposed western water quality measure to the neighboring community.
12. *Chestnut Lane Roadway Improvements:* Prior to the issuance of Town Zoning Compliance for any home, the developer shall be responsible for constructing the ROW improvements listed below on Chestnut Lane:
 - The **eastern access** shall be a full movement access. The existing taper shall be re-stripped and a left turn lane with appropriate stacking shall be provided to serve the property.
 - The **western access** shall be a right in/right out access, with a 150 foot long median, measuring 5 feet in width designed to impede a left turn out of the development. In the future event the parcel(s) on the south side of Chestnut Lane develops, the median may be removed and the appropriate turn lanes, stacking

and tapers may be installed per NCDOT and Town Engineering standards, at the expense of the developer.

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). All roadway improvements shall be constructed to the Town of Indian Trail and NCDOT standards.

13. *Chestnut Lane Frontage Improvements:* Frontage improvements along Chestnut Lane shall be provided and include an 8' sidewalk, street trees, decorative street lights (i.e., Duke Energy Deluxe Acorn fixture or similar) and curb/gutter. A minimum ROW measured 57.5 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.
14. *Fencing:* Where feasible, an agricultural style fence or similar mimicking the existing fence shall be incorporated within the community and/or along the property on Chestnut Lane so as to preserve the existing character of that corridor.
15. *Onsite Roadway Improvements:* Internal Roads within the subject site shall be constructed with a minimum of 50' right-of-way. Improvements shall consist of two travel lanes in opposite direction, curb/gutter, sidewalks on each side, street lights and street trees. Traffic calming features may be required throughout the development and may include a combination of raised intersections, pedestrian crossings, speed tables and/or other traffic calming mechanisms, as approved by the Town Engineering Department. The intersection of the interior road and the western access road shall provide 3-way stop conditions and raised intersection. All roadways shall be constructed in accordance with Town Engineering Standards.
16. *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 provided the following comments:
 - The **eastern access** shall be a full movement access. The existing taper shall be re-stripped and a left turn lane with appropriate stacking shall be provided to serve the property.
 - The **western access** shall be a right in/right out access, with a 150 foot long median, measuring 5 feet in width designed to impede a left turn out of the development. In the future event the southern portion of Chestnut Lane develops, the median may be removed and the appropriate turn lanes, stacking and tapers may be installed at the expense of the developer.
- *Union County Public Works (UCPW):* Currently, water and sewer capacity exists in the treatment plants to meet the demands of the development.
- *Union County Public Schools (UCPS):* The proposed 49 sfu subdivision would be in the following school attendance areas for the 2015-2016 school year:
Indian Trail Elementary School
Sun Valley Middle School
Sun Valley High School
Both Indian Trail ES and Sun Valley MS are expected to remain below watch and cap levels for the foreseeable future. However, Sun Valley HS is expected to exceed its watch level in

2017. Additional residential construction can accelerate this approach and possibly force a capping situation. Prior to reaching a cap, high enrollments contribute to problems such as additional mobile classrooms, inadequate capacity for food service 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 inadequate planning/meeting space for additional staff.

- *Union County Fire Marshall (UCFM)*: No comments at this time.
- *Union County Sherriff*: Comments regarding concern with driveway depths were adequate to accommodate a car or truck parked without obstructing the sidewalk.
- *Army Corp. of Engineers*: No comments have been received.

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 residential properties within surrounding municipalities, increases the diversity of housing options within Indian Trail, and proposes high quality design to promote attractive land development; and
- *Mobility and Transportation Goal #3*: The proposed development incorporates pedestrian amenities by providing pedestrian connectivity to the neighboring future commercial site, the Harris Teeter and other retail uses across Chestnut Lane as wells as provides a multi-modal travel path along Chestnut which connects throughout the community.

The request for this conditional zoning district (SF-5 within a Village Center Overlay District) 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

Attachment 2A and 2B – Conditional Use Rezoning Granted and Master Plan

Attachment 3 – Draft Ordinance with attached Exhibits

Attachment 4A and 4B – Community Meeting Minutes and Public Comments

Staff Contact

Gretchen Coperine

704 821-5401

gcoperine@planning.indiantrail.org

PB Attachment 1- Application

CONDITIONAL ZONING APPLICATION



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 _____

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 1200 Chestnut Lane
City Indian Trail State NC Zip 28079
Tax Parcel ID 07147130 ^{Partial of} 61.513 Acres Zoning Designation _____
Total Acres 15 Impervious Area _____
Project Description Age-Targeted Single Family Houses

Contact Information – Applicant

Name Caprock LLC
Address 2410 Dunavant Street
City Charlotte State NC Zip 28203
Phone 704-716-2100 Fax 800-954-0823
Email racox@caprockinvest.com

Contact Information – Property Owner

Name Austin Properties, LLC
Address P.O. Box 208
City Indian Trail State NC Zip 28079
Phone 704-681-2935 Fax _____
Email Lvickery1@carolina.rr.com

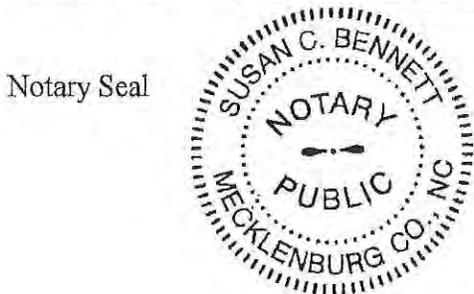
CONDITIONAL ZONING APPLICATION

Applicant's Certification

Signature [Signature] Date 8-18-15

Printed Name/Title Andy Cox / principal

Signature of Notary Public [Signature] Date 8-18-15

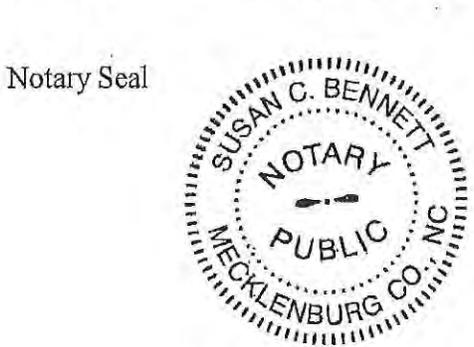


Property Owner's Certification

Signature [Signature] Date 8-18-15

Printed Name/Title Larry J. Vickery, Member/Manager @ Austin Properties, LLC

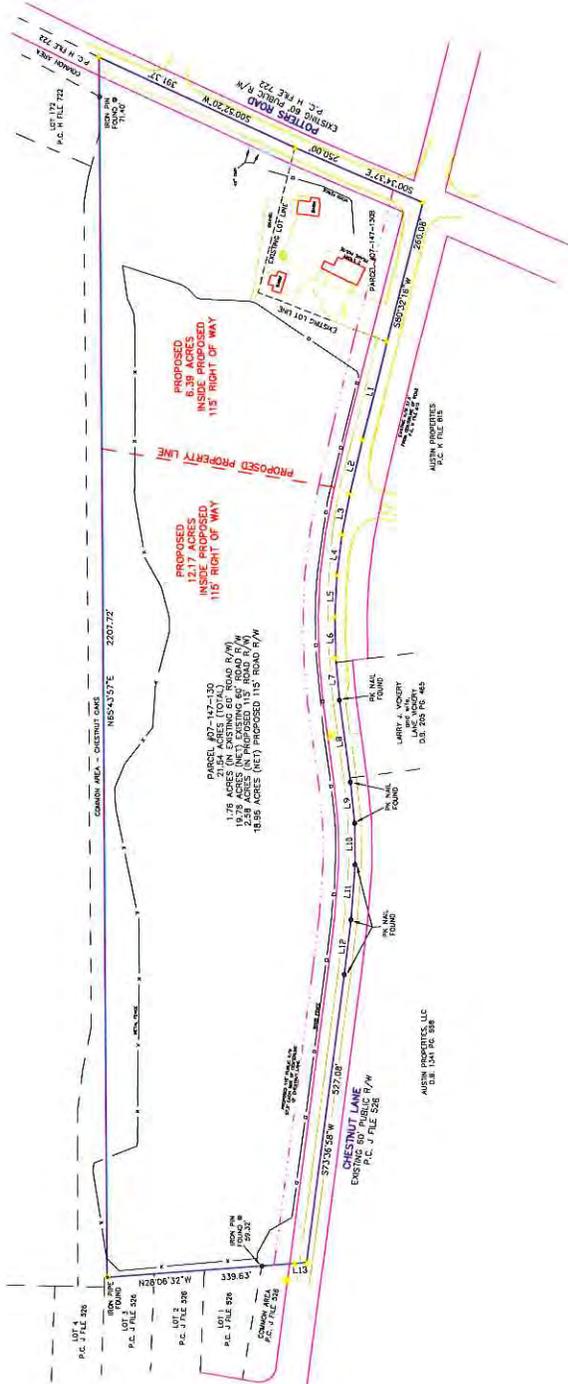
Signature of Notary Public [Signature] Date 8-18-15



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

THIS DOCUMENT
ORIGINALLY ISSUED
AND SEALED BY
JOHN D. SKIDMORE III
THIS MEDIA SHALL NOT
BE CONSIDERED A
CERTIFIED DOCUMENT.

PRELIMINARY PLAT
NOT FOR RECORDING OR CONVEYANCE



LINE	LENGTH	BEARINGS
L1	184.00'	S72°58'22\"
L2	74.88'	S72°58'22\"
L3	74.88'	S72°58'22\"
L4	74.88'	S72°58'22\"
L5	74.88'	S72°58'22\"
L6	74.88'	S72°58'22\"
L7	74.88'	S72°58'22\"
L8	74.88'	S72°58'22\"
L9	74.88'	S72°58'22\"
L10	74.88'	S72°58'22\"
L11	74.88'	S72°58'22\"
L12	74.88'	S72°58'22\"
L13	74.88'	S72°58'22\"
L14	74.88'	S72°58'22\"
L15	74.88'	S72°58'22\"

- LEGEND**
- R/W = RIGHT OF WAY
 - = CORNER AS DESCRIBED
 - = COMPLETED POINT
 - = CONCRETE MONUMENT
 - = SANITARY SEWER MANHOLE
 - = FIRE HYDRANT
 - = PROPERTY LINE
 - = ADJACENT LINE
 - = TIE LINE
 - = SANITARY SEWER MANHOLE
 - = SETBACK LINE

- NOTES:**
- THIS IS A PRELIMINARY SURVEY.
 - THIS IS A SURVEY OF AN EXISTING PARCEL OF LAND.
 - CHANGES TO EXISTING EASEMENTS SHALL BE MADE TO MEET THE REQUIREMENTS OF THE ZONING ORDINANCES AND/OR RIGHT OF WAY SETBACKS AND/OR RESTRICTIVE COVENANTS NOT SHOWN HEREON.

PRELIMINARY RECOMBINATION SURVEY
1200 CHESTNUT LANE
215 ACRES TOTAL
A PORTION OF SHEED OAK 341 PAGE 558
TOWN OF INDIAN TRAIL, UNION COUNTY, NORTH CAROLINA
PROPERTY IN THE NAME OF: AUSTIN PROPERTIES, LLC

THE PURPOSE OF THIS PLAT IS TO COMBINE PARCELS 07-147-103B AND A PORTION OF 07-147-103D
SCALE 1" = 100'
SURVEY DATE 7/18/23
DRAWN BY: CGS
DATE 07/14/2023
DRAWING NO. 13-133DPC
JOB NO. 134 PAGE 558
SKIDMORE SURVEYING, INC.
5343 HIGHWAY 74 WEST
704P-2882-8555

THIS CHECK IS PROTECTED BY A VOID PANTOGRAPH, MICROPRINT SIGNATURE LINE AND A HEAT SENSITIVE PADLOCK ICON. ADDITIONAL SECURITY FEATURES ARE LISTED ON BACK.

ROBERTA COX
2600 Cherokee Cove
Waynesville, NC 28783

Suntrust Bank
66-48/531
268

004524

VOID

8/19/2015

PAY TO THE ORDER OF Town of Indian Trail

**2,271.50

Two Thousand Two Hundred Seventy-One and 50/100 ***** DOLLARS

Town of Indian Trail



MEMO

Zoning Application Fees

⑆004524⑆ ⑆053100465⑆ 26 305980⑆

drawn by and
return to:

BK 1504 PG 263

0041507

Town of Indian Trail
P.O. Box 2430
Indian Trail, NC 28079

Town Of Indian Trail



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

Filed for record
Date 2.14.2001
Time 4:35 o'clock P.m
JUDY G. PRICE, Register of Deeds
Union County, Monroe, North Carolina
For Record Only mbrw

CONDITIONAL USE REZONING GRANTED
CONDITIONAL B-3/B-4

RECORDED
AND
VERIFIED
JT

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: Larry Vickery

Owner(s): Scott Vickery, Larry & Lane Vickery, Henry Deese, Jo Laney Deese, Austin Properties, LLC.

Property Location: Town of Indian Trail, intersection of Chestnut Lane and Potter Road

Tax Map: 07-132-010c 07-132-010f, 07-132-010g, 07-147-130, 07-147-130a

Meeting Date: October 10, 2000

Proposed Use of Property: Austin is a mixed-use, pedestrian friendly project by the Vickery family. Built around the village green, offices, shops and restaurants will form avenues attracting visitors and window shoppers. The 70-acre project at the intersection of Potter Road and Chestnut Lane will be the most complete urban village in the area. The 10-acre corner is well defined and will be developed first with a built out time of about five years. The other corners applications 3 & 4 will be developed next. About 31 acres surrounding the lake is not included in the rezoning application. The Vickery family would like to develop all three corners as Conditional Use Districts, B-3 and B-4. Plan of Austin is based on five minute walking distance or about 1/4 mile. A common village green will be at the heart of 1/4 mile center. Village centers consist of retail shops, offices and live/work units. A community building and a daycare are planned as part of the second phase. Village streets will have on street parallel parking with sidewalks, pedestrian scale streetlights and rows of 2" caliper street trees. Parking is shared and is mostly behind the buildings. Buildings are four sided with attractive elevations all around, not just the front building designs will be traditional and based on classic examples of Carolinas architecture. This look is best described graphically through the drawings and photographs shown in the book submitted. Buildings will have high (min. of 12' to 14') ceilings at the ground level and minimum of 10' to 12' ceilings at upper levels. All buildings will be designed to age gracefully and to be flexible in function when needed. All building signage is attached with the classic "Goose Neck" lights and awnings above store front windows and doors, there will not be any detached pole signs.

Major building materials will be natural such as brick, stone, wood, shake siding with no vinyl, composite sidings or synthetic stucco. An architectural review board consisting of the Vickery's, the Developer, the Town and Babak Emadi of Urban Design will review all building submittals.

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 provisions of the Town Ordinances and the following conditions:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the 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 acknowledgment of the issuance of this permit so that the Town of Indian Trail may have it recorded with the Union County Register of Deeds.

IN WITNESS WHEREOF, the Town of Indian Trail has caused this permit to be issued in its name, and the undersigned, being all of the property above described, do hereby accept this Special Use Permit, together with all its conditions, as binding on them and their successors in interest.

TOWN OF INDIAN TRAIL

BY: Karen B. Price
Clerk of Indian Trail

APPROVAL OF RZ-2000-002, RZ-2000-003, RZ-2000-004 IS WITH THE FOLLOWING ENUMERATED CONDITIONS:

Develop in general accordance with the site plan and accompanying renderings bound and submitted on 9/21/2000 (revised), with modifications as may be needed to meet the conditions of the Conditional Use B-3/B-4 zoning district and the Ordinances of the Town of Indian Trail

Approval of Conditional Use B-3/B-4 to the following enumerated conditions to restrict the use of the property as follows:

RZ-2000-002 (total of 9.51 acres; 7 acres B-4 & 2.51 acres B-3)

1. Structures and building facades to be constructed in general accordance with the typical elevations submitted, and required to be made of either brick, stone, wood, shake siding with no vinyl, composite siding or synthetic stucco.
 - A) Limited to the proposed 121,480 square feet (2.79-acres) of buildings (16) on the 9.51 acre tract.
 - B) In each application the square footage of individual buildings may be altered as long as there is no increase in the total building square footage within each application.
 - C) The permitted uses allowed on the site will be limited to the following:
 1. Retail/Office building limited to 15,000 square feet with additional retail shops totaling 10,700 square feet. **B-4 zoning**
 2. An additional 9,300 square of retail shops (no restaurants with drive-through windows). **B-4 zoning**
 3. Retail/office building limited to 4,800 square feet. **B-4 zoning**
 4. Retail/Office building limited to 4,800 ground level and 4,800 for office above. **B-4 zoning**
 5. Retail/Office building limited to 8,000 ground level and 8,000 for office above. **B-4 zoning**
 6. Retail/Office building limited to 4,000 square feet without drive through window. **B-4 zoning**
 7. Retail/Office building limited to 4,500 ground level and 4,500 for office above. **B-4 zoning**
 8. Office & Live/work building limited to 4,000 square feet of office on ground floor, and 4,000 square feet of live/work above. **B-3 zoning**
 9. Office & Live/work building limited to 4,000 square feet of office on ground floor, and 4,000 square feet of live/work above. **B-3 zoning**
 10. Office & Live/work building limited to 4,000 square feet of office on ground floor, and 4,000 square feet of live/work above. **B-3 zoning**
 11. Office & Live/work building limited to 1980 square feet of office on ground floor, and 1980 square feet of live/work above. **B-3 zoning**
 12. Office & Live/work building limited to 1980 square feet of office on ground floor, and 1980 square feet of live/work above. **B-3 zoning**
 13. Office & Live/work building limited to 1980 square feet of office on ground floor, and 1980 square feet of live/work above. **B-3 zoning**
 14. Garage building; 1200 square foot garage (5 car) with 1200 square foot of storage above. **B-3 zoning**

15. Garage building; 1200 square foot garage (5 car) with 1200 square foot of storage above. **B-3 zoning**
16. Garage building; 1200 square foot garage (5 car) with 1200 square foot of storage above. **B-3 zoning**

RZ-2000-003 (total of 20.7 acres; 10 acres B-4 & 10.7 acres B-3)

1. Structures and building facades to be constructed in general accordance with the typical elevations submitted, and required to be made of either brick, stone, wood, shake siding with no vinyl, composite siding or synthetic stucco.
 - A) Limited to the proposed 302,000 square feet (6.93-acres) of buildings (47) on the 20.7 acre tract.
 - B) In each application the square footage of individual buildings may be altered as long as there is no increase in the total building square footage within each application.
 - C) The permitted uses allowed on the site will be limited to the following:
 - ✓1. Existing 2,000-foot single family home may be converted to office/retail. **B-4 zoning**
 - ✓2. Office/retail limited to 7,500 square feet on the ground floor and 7,500 above. **B-4 zoning**
 - ✓3. Office/retail building limited to 7,500 square feet on the ground floor and 7,500 above. **B-4 zoning**
 - ✓4. Retail building limited to 15,000 square feet. **B-4 zoning**
 - ✓5. Office/retail building limited to 4,000 square feet on the ground floor and 4,000 above. **B-4 zoning**
 - 6. Office & Live/work building limited to 4,000 square feet on the ground floor and 4,000 above. **B-3 zoning**
 - ✓7. Office/retail building limited to 1,500 square feet on the ground floor and 1,500 above. **B-4 zoning**
 - ✓8. Office/retail building limited to 7,000 square feet on the ground floor and 7,000 office above. **B-4 zoning**
 - ✓9. Office/retail building limited to 2,500 square feet on the ground floor and 2,500 above. **B-4 zoning**
 - ✓10. Office/retail building limited to 2,500 square feet on the ground floor and 2,500 above. **B-4 zoning**
 - ✓11. Office/retail building limited to 7,000 square feet on the ground floor and 7,000 office above. **B-4 zoning**
 - 12. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 above. **B-3 zoning**
 - 13. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 above. **B-3 zoning**
 - ✓14. Office/retail building limited to 7,000 square feet on the ground floor and 7,000 office above. **B-4 zoning**
 - ✓15. Office/retail building limited to 2,500 square feet on the ground floor and 2,500 above. **B-4 zoning**
 - ✓16. Office/retail building limited to 2,500 square feet on the ground floor and 2,500 above. **B-4 zoning**

40. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 live/work above. **B-3 zoning**
41. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 live/work above. **B-3 zoning**
42. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 live/work above. **B-3 zoning**
43. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 live/work above. **B-3 zoning**
44. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 live/work above. **B-3 zoning**
45. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 live/work above. **B-3 zoning**
46. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 live/work above. **B-3 zoning**
47. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 live/work above. **B-3 zoning**

RZ-2000-004 (total of 39.3 acres; 31.3 acres B-4 & 8 acres B-3)

1. Structures and building facades to be constructed in general accordance with the typical elevations submitted, and required to be made of either brick, stone, wood, shake siding with no vinyl, composite siding or synthetic stucco.
 - A) Limited to the proposed 499,500 square feet (11.47-acres) of buildings (44) on the 39.3-acres.
 - B) The square footage of individual buildings may be altered as long as there is no increase in the total building square footage within each application.
 - C) The permitted uses allowed on the site will be limited to the following:
 1. Office/retail building limited to 7,500 square feet on the ground floor and 7,500 above. **B-4 zoning**
 2. Office/retail building limited to 5,500 square feet on the ground floor and 5,500 above. **B-4 zoning**
 3. Office/retail building limited to 10,000 square feet on the ground floor and 10,000 of office above. **B-4 zoning**
 4. Office/retail building limited to 7,500 square feet on the ground floor and 15,000 of office above. **B-4 zoning**
 5. Office/retail building limited to 5,500 square feet on the ground floor and 11,000 of office above. **B-4 zoning**
 6. Office/retail building limited to 10,000 square feet on the ground floor and 10,000 of office above. **B-4 zoning**
 7. Community building limited to 4,000 square feet. **B-4 zoning**
 8. Daycare/school 5,500 square feet. **B-4 zoning**
 9. Office/retail building limited to 38,000 square feet on the ground floor and 8,000 of office above. **B-4 zoning**
 10. Office/retail building limited to 7,500 square feet on the ground floor and 15,000 of office above. **B-4 zoning**

11. Office/retail building limited to 10,000 square feet on the ground floor and 20,000 of office above. **B-4 zoning**
12. Office/retail building 30,000 square feet with retail shops totaling 7,500 square feet. **B-4 zoning**
13. Office/retail building limited to 21,000 square feet. **B-4 zoning**
14. Elder Living building limited to 50,000 square feet. **B-4 zoning**
15. Office/retail building limited to 10,000 square feet. **B-4 zoning**
16. Office/retail building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-4 zoning**
17. Office/retail building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-4 zoning**
18. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
19. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
20. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
21. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
22. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
23. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
24. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
25. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
26. Office/retail building limited to 2,500 square feet ground floor and 2,500 square feet above. **B-4 zoning**
27. Office/retail building limited to 2,500 square feet ground floor and 2,500 square feet above. **B-4 zoning**
28. Office/retail building limited to 10,000 square feet on the ground floor and 10,000 of office above. **B-4 zoning**
29. Office/retail building limited to 2,500 square feet on the ground floor and 2,500 above. **B-4 zoning**
30. Office/retail building limited to 2,500 square feet on the ground floor and 2,500 above. **B-4 zoning**
31. Office/retail building limited to 13,000 square feet. **B-4 zoning**
32. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
33. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
34. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
35. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**

36. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
37. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
38. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
39. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
40. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
41. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
42. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
43. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
44. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**

B. The following site development considerations are required to be met:

- 1) All of the common open space required under this Section shall be either conveyed to the Town of Indian Trail, if the Town agrees to accept ownership of and to maintain the space, or conveyed to one or more homeowner associations created for the development, or with respect to outdoor recreation facilities to the owner or operator, thereof. Recreational facilities in the form of trails, shall be provided by the developer prior to certificate of zoning compliance for any building in the that phase of development.
- 2) Prior to any conveyance to a homeowners association or any sale of property shall be subject to restrictive covenants and easements reviewed by the Planning and Development Director and recorded and filed at the time the subdivision plat for the project area is recorded. The covenants and easements shall provide for the establishment of a homeowner's association before recording of the Final Plat by the Planning and Development Director, where membership is mandatory for each home buyer and any successive buyer, the association is responsible for liability insurance and local, taxes on common open space and recreational facilities owned by it, and any fees levied by the association that remain unpaid will become a lien on the individual property in accordance with procedures established under the dedication or organization document. The covenants and easements shall also prohibit future development of any common open space, for other than open space or recreational purposes, and shall provide for continued maintenance of any common open space and recreational facilities.
- 3) Yard and setback requirements be as follows: **B-3 setback requirements**
 Front Yard-twenty- five (25) feet
 Side Yard-ten (10) feet
 Rear Yard- twenty-five (25) feet

B-4 setback requirements:

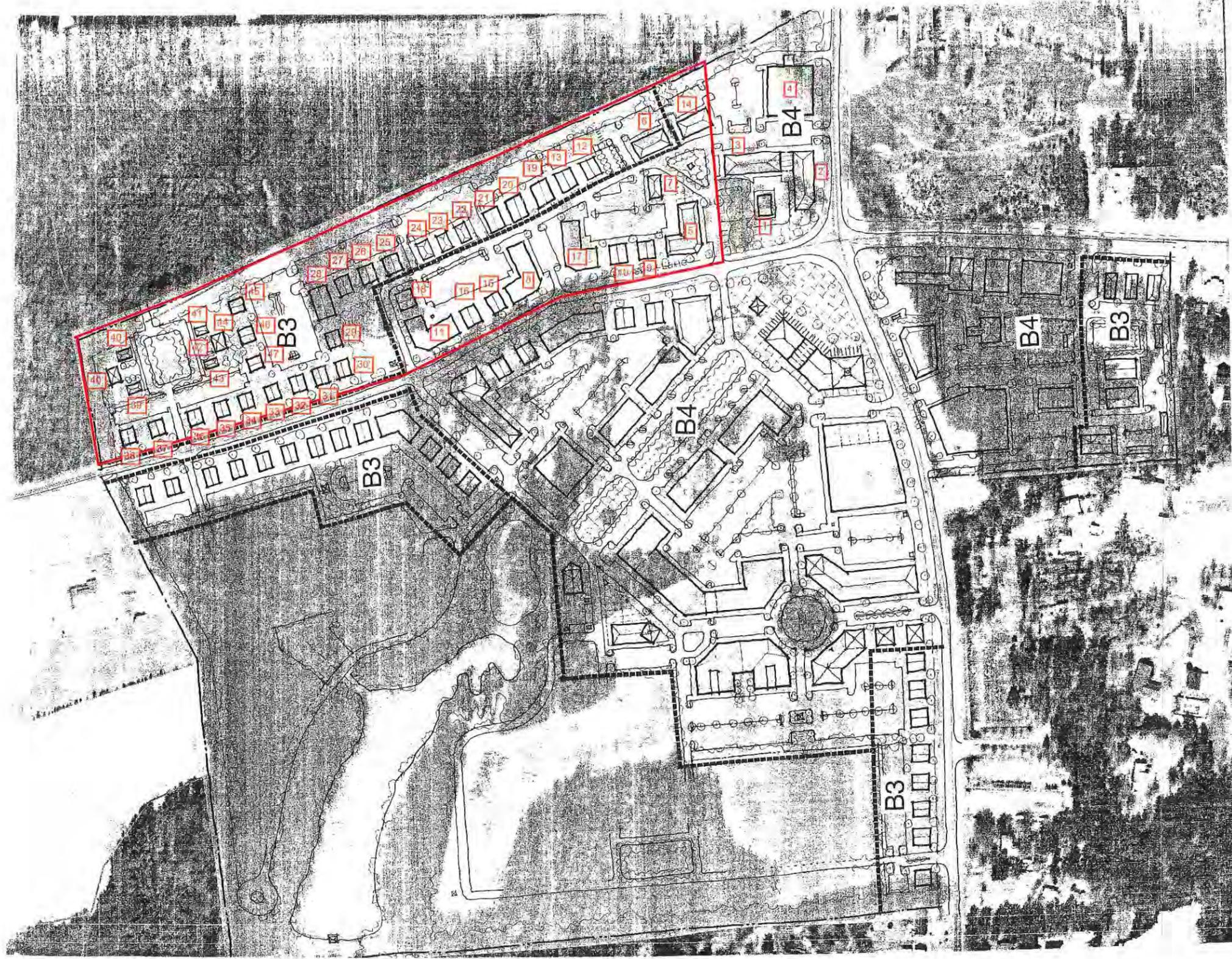
Front Yard-forty (40) feet

Side Yard –ten (10) feet

Rear Yard-twenty (20) feet

- 4) All trees or plantings shall be behind the sidewalk contain at least two trees in each front yard with a minimum caliper of one and one-half inches measured at a height of six inches above the ground.
- 5) The front yard of each lot shall contain at least two trees suitable for healthy growth in our climate each with a minimum caliper of one and one half inches measured at a height of six inches above the ground. These should be considered as part of streetscape and measured from back of curb equal distance through out the neighborhood.
- 6) All mailboxes to be consistent in design and structure through out the development and consistent with the restricted covenants.
- 7) Where walking trails are to be utilized in common areas they shall have a recessed footing area of 3 inches with 4 inches of pit gravel or be five foot wide concrete sidewalks.
- 8) The streetscapes established in the packet submitted on 9/21/2000 will be a requirement. The entrance features established as well as the amenity package submitted shall be a requirement of the development.
- 9) Open space amount and location will be as shown on plan dated 9/21/2000. The construction drawing must conform to the layout and design standards established in this plan. No land disturbance or approvals will be allowed on this site until the Conditional Use Permit and plan are recorded in the Union County Register of Deeds.
- 10) Sidewalk, curb & gutter and street lights (every 100 feet) along the frontage of Chestnut Lane and Potter Road.

G-369



Austin INDIANTRAIL, NC

John J. Kelly, East Valley, P.O. Box 808, Indian Trail, NC 28078
 Phone: 704 827 8873 Fax: 704 827 8825
 Steve L. Smith, Indian Trail, 1851 East 31st St, Charlotte, NC 28205
 Phone: 704 241 1642 Fax: 704 241 1648



REVISED SEP. 21, 2000

- Application 2: Total of 9.51 acres
7 acres of B4 & 2.51 acres of B3
- Application 3: Total of about 20.7 acres
10 acres of B4 & 10.7 acres of B3
- Application 4: Total of about 70.3 acres
31.3 acres of B4
5 acres of B3 upper section
3 acres of B3 lower section
Remainder of about 31 acres is not included



COM-1590

Arthur T. Smith 01/29/01

Filed for record
 Date: 11/15/00
 BY: J. S. PRICE, Register of Deeds
 Union County, Missouri, North Carolina

PB Attachment 3 – Draft Ordinance with Exhibits

STATE OF NORTH CAROLINA)
)
TOWN OF INDIAN TRAIL)

ORDINANCE # DRAFT

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF INDIAN TRAIL REZONING A PORTION OF PARCEL 07-147-130 FROM NEIGHBORHOOD BUSINESS DISTRICT AND GENERAL BUSINESS DISTRICT WITHIN A VILLAGE CENTER OVERLAY DISTRICT TO CZ- SF-5 SINGLE FAMILY WITHIN A VILLAGE CENTER OVERLAY DISTRICT WITHIN AUSTIN VILLAGE, IN THE TOWN OF INDIAN TRAIL, UNION COUNTY, NORTH CAROLINA

WHEREAS, the applicant Caprock, LLC on behalf of the property owners Austin Properties, LLC petitioned to rezone a portion of tax parcels 07-147-130 from Neighborhood Business District and General Business District within a Village Center Overlay District classification to a Conditional Zoning District SF-5 Single Family within a Village Center Overlay District for the purpose developing approximately 51 single-family dwelling units; and

WHEREAS, this Conditional Zoning Amendment (CZ2015-004) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, two community meetings were held on October 8, 2015; and

WHEREAS, a public meeting was held by the Planning Board on October 13, 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 residential properties within surrounding municipalities, increases the diversity of housing options within Indian Trail, and proposes high quality design to promote attractive land development; and
- *Mobility and Transportation Goal #3:* The proposed development incorporates pedestrian amenities by providing pedestrian connectivity to the neighboring future commercial site, the Harris Teeter and other retail uses across Chestnut Lane as well as provides a multi-modal travel path along Chestnut Lane which connects throughout the community.

The request for this conditional zoning district (SF-5 within a Village Center Overlay District) 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 approved/denied ___ to ___ the motion to transmit a recommendation to approve as conditioned to the Town Council; and

WHEREAS, the Town Council held a public hearing on ___, 2015 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 2015-004 Conditional Zoning Petition thereby granting the Zoning Map amendment to establish Conditional Zoning District of SF-5 Single Family within a Village Center Overlay District for the purpose developing approximately 53 single-family dwelling units and subject to the following conditions:

1. *Consistency with RZ 2000-003, Rezoning for Austin Village Master Plan:* Unless otherwise stated in the requirements herein, the proposed site shall be subject to all relevant conditions approved with the Austin Village Master Plan (RZ 2000-003). Exhibit 1
2. *Subject Parcels:* Rezoning – a portion of 07147130 to CZ-SF-5, within a Village Center Overlay District.
3. *Permitted Uses:* The permitted use on the subject property is single-family detached residential and accessory uses as permitted the UDO.
4. *Permitted Number of Units:* The maximum number of units on the subject development shall not exceed 53 single-family detached dwelling units.
5. *Lot Frontage, Setbacks and Height:* Lots shall provide 50’ width, as generally referenced on the concept plan (Exhibit 2). Setbacks and other requirements shall be provided as follows:

Lot Width	Lot Area Minimum	Front and Rear Setback	Side Setback	Maximum Height
50 foot minimum	6000 square feet minimum	20 feet *(see note regarding Garage placement below)	Zero Lot Line/10-15 feet **(see side setback note below)	35 feet maximum

***Garage:** minimum 2 feet recessed from front façade or 22 feet from the edge of right-of-way, whichever is greater.

**** Side Setback Note:** The single-family detached dwellings are zero lot line houses on one side (as defined in UDO Chapter 1619.060), with a 15’ setback on the other side in order to accommodate an outdoor courtyard. A slight encroachment into the 15’ setback may be permitted to allow articulation of the building. In no instance shall the side setback on the courtyard side be less than 10’. See Exhibit 2.

***** Home Placement on lot:** No two homes shall be placed on adjacent lots where the zero lot line side setback is along the same property line. Home shall be situated as demonstrated in the architectural elevations in Exhibit 3.

6. *Conceptual Plan:* The proposed single-family development and associated improvements shall comply with the conceptual plan attached herein as Exhibit 2.
 - a. *Vary elevations/architectural models on adjacent lots:* Every lot shall provide a different architectural model from the lot(s) adjacent to it. No two identical architectural elevations which include identical facades, roof lines, door and window placement and other details, shall be built on lots adjacent to or directly across from each other.
 - b. *On-street parking:* on-street parking shall be provided at key locations as generally depicted on the Conceptual Plan.
 - c. *Open Space:* A minimum of 1/35 of an acre of open space shall be provided for each dwelling unit. All open space areas shall be generally consistent with the layout reflected in Exhibit 2 and shall contain a combination of ornamental landscaping including trees and shrubs, as well as passive recreation fixtures where feasible.

Note: Lot 39 shall contain a strip of open space, as feasible, along the northern property line.
7. *Streetscape along Chestnut Lane:* An enhanced streetscape along Chestnut Lane shall include, at a minimum, enhanced and ornamental landscaping, lighting and pedestrian zone improvements as depicted in Exhibit 2. Where feasible, such streetscape may also include benches, street furniture, and mid-block crosswalks connecting to the Harris Teeter site on the south side of Chestnut Lane.
8. *Architecture:*
 - a. All homes shall be built in general accordance with the Tudor style architectural elevations in Exhibit 3 and shall be mainly constructed of a combination of brick, stone, wood, shake, or Hardie siding, with such features as decorative shutters and ornamented garage doors, as depicted in Exhibit 3. The use of vinyl is prohibited. The side building walls shall not be constructed with highly flammable building materials such as natural, cedar shakes or wood siding and similar materials.
 - b. All elevations shall contain a roof pitch greater than or equal to 6:12 for the primary roof; eaves with a minimum 10-inch projection on all sides; and front entry facing the front lot line.

There shall be no blank walls on any side elevations. Side elevations shall include, at a minimum, one window.
 - c. All units shall provide the master bedroom located on the first floor to support the age-targeted marketing concept.
9. *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.
10. *Stormwater Management Measures:* 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. All detention ponds shall provide a dense vegetation screening. Fencing shall be provided around the stormwater management improvements to minimize any visual obtrusiveness, as well as amenities

including but not limited to water fountains, gathering areas and/or similar passive recreation areas for residents, benches, knee walls, and appropriate littoral plantings. The size of the facility separation and/or its screening may be increased by the Planning Director based on the final proposed design and its likely increased visual impact to adjacent properties or existing or future ROW. A minimum 10 foot separation shall be provided between the facility and any existing or future ROW line.

11. *Screening along the western property line:* A dense screening buffer, including but not limited to ornamental trees, shrubs and ground covers, shall be provided along the western property line and a portion of the northern property line to minimize the visual impact of the proposed western water quality measure to the neighboring community.
12. *Chestnut Lane Roadway Improvements:* Prior to the issuance of Town Zoning Compliance for any home, the developer shall be responsible for constructing the ROW improvements listed below on Chestnut Lane:
 - The **eastern access** shall be a full movement access. The existing taper shall be re-stripped and a left turn lane with appropriate stacking shall be provided to serve the property.
 - The **western access** shall be a right in/right out access, with a 150 foot long median, measuring 5 feet in width designed to impede a left turn out of the development. In the future event the parcel(s) on the south side of Chestnut Lane develop, the median may be removed and the appropriate turn lanes, stacking and tapers may be installed per NCDOT and Town Engineering standards, at the expense of the developer.

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). All roadway improvements shall be constructed to the Town of Indian Trail and NCDOT standards.

13. *Chestnut Lane Frontage Improvements:* Frontage improvements along Chestnut Lane shall be provided and include an 8' sidewalk, street trees, decorative street lights (i.e., Duke Energy Deluxe Acorn fixture or similar) and curb/gutter. A minimum ROW measured 57.5 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.
14. *Fencing:* Where feasible, an agricultural style fence or similar mimicking the existing fence shall be incorporated within the community and/or along the property on Chestnut Lane so as to preserve the existing character of that corridor.
15. *Onsite Roadway Improvements:* Internal Roads within the subject site shall be constructed with a minimum of 50' right-of-way. Improvements shall consist of two travel lanes in opposite direction, curb/gutter, sidewalks on each side, street lights and street trees. Traffic calming features may be required throughout the development and may include a combination of raised intersections, pedestrian crossings, speed tables and/or other traffic calming mechanisms, as approved by the Town Engineering Department. The intersection of the interior road and the western access road shall

provide 3-way stop conditions and raised intersection. All roadways shall be constructed in accordance with Town Engineering Standards.

16. *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 _____, 2015.

TOWN OF INDIAN TRAIL COUNCIL

Attest:

Kelley Southward, Town Clerk

Michael Alvarez, Mayor

APPROVED AS TO FORM:

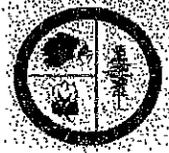
TOWN ATTORNEY

drawn by and
return to:

Town of Indian Trail
P.O. Box 2430
Indian Trail, NC 28079

EXHIBIT 1

Town Of Indian Trail



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

Filed for record
Date 2-14-2001
Time 4:35 o'clock p.m.
JUDY G. PRICE, Register of Deeds
Union County, Monroe, North Carolina
FOR RECORD ONLY - MEMO

CONDITIONAL USE REZONING GRANTED
CONDITIONAL B-3/B-4

RECORDED
AND
VERIFIED
JT

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: Larry Vickery

Owner(s): Scott Vickery, Larry & Lane Vickery, Henry Deese, Jo Laney Deese, Austin Properties, LLC.

Property Location: Town of Indian Trail, intersection of Chestnut Lane and Potter Road

Tax Map: 07-132-010c 07-132-010f, 07-132-010g, 07-147-130, 07-147-130a

Meeting Date: October 10, 2000

Proposed Use of Property: Austin is a mixed-use, pedestrian friendly project by the Vickery family. Built around the village green, offices, shops and restaurants will form avenues attracting visitors and window shoppers. The 70-acre project at the intersection of Potter Road and Chestnut Lane will be the most complete urban village in the area. The 10-acre corner is well defined and will be developed first with a built out time of about five years. The other corners applications 3 & 4 will be developed next. About 31 acres surrounding the lake is not included in the rezoning application. The Vickery family would like to develop all three corners as Conditional Use Districts, B-3 and B-4. Plan of Austin is based on five minute walking distance or about 1/4 mile. A common village green will be at the heart of 1/4 mile center. Village centers consist of retail shops, offices and live/work units. A community building and a daycare are planned as part of the second phase. Village streets will have on street parallel parking with sidewalks, pedestrian scale streetlights and rows of 2" caliper street trees. Parking is shared and is mostly behind the buildings. Buildings are four-sided with attractive elevations all around, not just the front building designs will be traditional and based on classic examples of Carolinas architecture. This look is best described graphically through the drawings and photographs shown in the book submitted. Buildings will have high (min. of 12' to 14') ceilings at the ground level and minimum of 10' to 12' ceilings at upper levels. All buildings will be designed to age gracefully and to be flexible in function when needed. All building signage is attached with the classic "Goose Neck" lights and awnings above store front windows and doors, there will not be any detached pole signs.

Major building materials will be natural such as brick, stone, wood, shake siding with no vinyl, composite sidings or synthetic stucco. An architectural review board consisting of the Vickery's, the Developer, the Town and Babak Emadi of Urban Design will review all building submittals.

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 provisions of the Town Ordinances and the following conditions:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the 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 acknowledgment of the issuance of this permit so that the Town of Indian Trail may have it recorded with the Union County Register of Deeds.

IN WITNESS WHEREOF, the Town of Indian Trail has caused this permit to be issued in its name, and the undersigned, being all of the property above described, do hereby accept this Special Use Permit, together with all its conditions, as binding on them and their successors in interest.

TOWN OF INDIAN TRAIL

BY: Karen B. Price
Clerk of Indian Trail

APPROVAL OF RZ-2000-002, RZ-2000-003, RZ-2000-004 IS WITH THE FOLLOWING ENUMERATED CONDITIONS:

Develop in general accordance with the site plan and accompanying renderings bound and submitted on 9/21/2000 (revised), with modifications as may be needed to meet the conditions of the Conditional Use B-3/B-4 zoning district and the Ordinances of the Town of Indian Trail

Approval of Conditional Use B-3/B-4 to the following enumerated conditions to restrict the use of the property as follows:

RZ-2000-002 (total of 9.51 acres; 7 acres B-4 & 2.51 acres B-3)

1. Structures and building facades to be constructed in general accordance with the typical elevations submitted, and required to be made of either brick, stone, wood, shake siding with no vinyl, composite siding or synthetic stucco.
 - A) Limited to the proposed 121,480 square feet (2.79-acres) of buildings (16) on the 9.51 acre tract.
 - B) In each application the square footage of individual buildings may be altered as long as there is no increase in the total building square footage within each application.
 - C) The permitted uses allowed on the site will be limited to the following:
 1. Retail/Office building limited to 15,000 square feet with additional retail shops totaling 10,700 square feet. **B-4 zoning**
 2. An additional 9,300 square of retail shops (no restaurants with drive-through windows). **B-4 zoning**
 3. Retail/office building limited to 4,800 square feet. **B-4 zoning**
 4. Retail/Office building limited to 4,800 ground level and 4,800 for office above. **B-4 zoning**
 5. Retail/Office building limited to 8,000 ground level and 8,000 for office above. **B-4 zoning**
 6. Retail/Office building limited to 4,000 square feet without drive through window. **B-4 zoning**
 7. Retail/Office building limited to 4,500 ground level and 4,500 for office above. **B-4 zoning**
 8. Office & Live/work building limited to 4,000 square feet of office on ground floor, and 4,000 square feet of live/work above. **B-3 zoning**
 9. Office & Live/work building limited to 4,000 square feet of office on ground floor, and 4,000 square feet of live/work above. **B-3 zoning**
 10. Office & Live/work building limited to 4,000 square feet of office on ground floor, and 4,000 square feet of live/work above. **B-3 zoning**
 11. Office & Live/work building limited to 1980 square feet of office on ground floor, and 1980 square feet of live/work above. **B-3 zoning**
 12. Office & Live/work building limited to 1980 square feet of office on ground floor, and 1980 square feet of live/work above. **B-3 zoning**
 13. Office & Live/work building limited to 1980 square feet of office on ground floor, and 1980 square feet of live/work above. **B-3 zoning**
 14. Garage building; 1200 square foot garage (5 car) with 1200 square foot of storage above. **B-3 zoning**

15. Garage building; 1200 square foot garage (5 car) with 1200 square foot of storage above. **B-3 zoning**
16. Garage building; 1200 square foot garage (5 car) with 1200 square foot of storage above. **B-3 zoning**

RZ-2000-003 (total of 20.7 acres; 10 acres B-4 & 10.7 acres B-3)

1. Structures and building facades to be constructed in general accordance with the typical elevations submitted, and required to be made of either brick, stone, wood, shake siding with no vinyl, composite siding or synthetic stucco.
- A) Limited to the proposed 302,000 square feet (6.93-acres) of buildings (47) on the 20.7 acre tract.
- B) In each application the square footage of individual buildings may be altered as long as there is no increase in the total building square footage within each application.
- C) The permitted uses allowed on the site will be limited to the following:
 1. Existing 2,000-foot single family home may be converted to office/retail. **B-4 zoning**
 2. Office/retail limited to 7,500 square feet on the ground floor and 7,500 above. **B-4 zoning**
 3. Office/retail building limited to 7,500 square feet on the ground floor and 7,500 above. **B-4 zoning**
 4. Retail building limited to 15,000 square feet. **B-4 zoning**
 5. Office/retail building limited to 4,000 square feet on the ground floor and 4,000 above. **B-4 zoning**
 6. Office & Live/work building limited to 4,000 square feet on the ground floor and 4,000 above. **B-3 zoning**
 7. Office/retail building limited to 1,500 square feet on the ground floor and 1,500 above. **B-4 zoning**
 8. Office/retail building limited to 7,000 square feet on the ground floor and 7,000 office above. **B-4 zoning**
 9. Office/retail building limited to 2,500 square feet on the ground floor and 2,500 above. **B-4 zoning**
 10. Office/retail building limited to 2,500 square feet on the ground floor and 2,500 above. **B-4 zoning**
 11. Office/retail building limited to 7,000 square feet on the ground floor and 7,000 office above. **B-4 zoning**
 12. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 above. **B-3 zoning**
 13. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 above. **B-3 zoning**
 14. Office/retail building limited to 7,000 square feet on the ground floor and 7,000 office above. **B-4 zoning**
 15. Office/retail building limited to 2,500 square feet on the ground floor and 2,500 above. **B-4 zoning**
 16. Office/retail building limited to 2,500 square feet on the ground floor and 2,500 above. **B-4 zoning**

40. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 live/work above. **B-3 zoning**
41. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 live/work above. **B-3 zoning**
42. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 live/work above. **B-3 zoning**
43. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 live/work above. **B-3 zoning**
44. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 live/work above. **B-3 zoning**
45. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 live/work above. **B-3 zoning**
46. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 live/work above. **B-3 zoning**
47. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 live/work above. **B-3 zoning**

RZ-2000-004 (total of 39.3 acres; 31.3 acres B-4 & 8 acres B-3)

1. Structures and building facades to be constructed in general accordance with the typical elevations submitted, and required to be made of either brick, stone, wood, shake siding with no vinyl, composite siding or synthetic stucco.
 - A) Limited to the proposed 499,500 square feet (11.47-acres) of buildings (44) on the 39.3-acres.
 - B) The square footage of individual buildings may be altered as long as there is no increase in the total building square footage within each application.
 - C) The permitted uses allowed on the site will be limited to the following:
 1. Office/retail building limited to 7,500 square feet on the ground floor and 7,500 above. **B-4 zoning**
 2. Office/retail building limited to 5,500 square feet on the ground floor and 5,500 above. **B-4 zoning**
 3. Office/retail building limited to 10,000 square feet on the ground floor and 10,000 of office above. **B-4 zoning**
 4. Office/retail building limited to 7,500 square feet on the ground floor and 15,000 of office above. **B-4 zoning**
 5. Office/retail building limited to 5,500 square feet on the ground floor and 11,000 of office above. **B-4 zoning**
 6. Office/retail building limited to 10,000 square feet on the ground floor and 10,000 of office above. **B-4 zoning**
 7. Community building limited to 4,000 square feet. **B-4 zoning**
 8. Daycare/school 5,500 square feet. **B-4 zoning**
 9. Office/retail building limited to 38,000 square feet on the ground floor and 8,000 of office above. **B-4 zoning**
 10. Office/retail building limited to 7,500 square feet on the ground floor and 15,000 of office above. **B-4 zoning**

11. Office/retail building limited to 10,000 square feet on the ground floor and 20,000 of office above. **B-4 zoning**
12. Office/retail building 30,000 square feet with retail shops totaling 7,500 square feet. **B-4 zoning**
13. Office/retail building limited to 21,000 square feet. **B-4 zoning**
14. Elder Living building limited to 50,000 square feet. **B-4 zoning**
15. Office/retail building limited to 10,000 square feet. **B-4 zoning**
16. Office/retail building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-4 zoning**
17. Office/retail building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-4 zoning**
18. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
19. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
20. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
21. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
22. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
23. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
24. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
25. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
26. Office/retail building limited to 2,500 square feet ground floor and 2,500 square feet above. **B-4 zoning**
27. Office/retail building limited to 2,500 square feet ground floor and 2,500 square feet above. **B-4 zoning**
28. Office/retail building limited to 10,000 square feet on the ground floor and 10,000 of office above. **B-4 zoning**
29. Office/retail building limited to 2,500 square feet on the ground floor and 2,500 above. **B-4 zoning**
30. Office/retail building limited to 2,500 square feet on the ground floor and 2,500 above. **B-4 zoning**
31. Office/retail building limited to 13,000 square feet. **B-4 zoning**
32. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
33. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
34. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
35. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**

36. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
37. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
38. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
39. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
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41. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
42. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
43. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**
44. Office & Live/work building limited to 2,500 square feet on the ground floor and 2,500 square feet above. **B-3 zoning**

B. The following site development considerations are required to be met:

- 1) All of the common open space required under this Section shall be either conveyed to the Town of Indian Trail, if the Town agrees to accept ownership of and to maintain the space, or conveyed to one or more homeowner associations created for the development, or with respect to outdoor recreation facilities to the owner or operator, thereof. Recreational facilities in the form of trails, shall be provided by the developer prior to certificate of zoning compliance for any building in the that phase of development.
- 2) Prior to any conveyance to a homeowners association or any sale of property shall be subject to restrictive covenants and easements reviewed by the Planning and Development Director and recorded and filed at the time the subdivision plat for the project area is recorded. The covenants and easements shall provide for the establishment of a homeowner's association before recording of the Final Plat by the Planning and Development Director, where membership is mandatory for each home buyer and any successive buyer, the association is responsible for liability insurance and local, taxes on common open space and recreational facilities owned by it, and any fees levied by the association that remain unpaid will become a lien on the individual property in accordance with procedures established under the dedication or organization document. The covenants and easements shall also prohibit future development of any common open space, for other than open space or recreational purposes, and shall provide for continued maintenance of any common open space and recreational facilities.
- 3) Yard and setback requirements be as follows: **B-3 setback requirements**
Front Yard-twenty- five (25) feet
Side Yard-ten (10) feet
Rear Yard- twenty-five (25) feet

B-4 setback requirements:

Front Yard-forty (40) feet

Side Yard -ten (10) feet

Rear Yard-twenty (20) feet

- 4) All trees or plantings shall be behind the sidewalk contain at least two trees in each front yard with a minimum caliper of one and one-half inches measured at a height of six inches above the ground.
- 5) The front yard of each lot shall contain at least two trees suitable for healthy growth in our climate each with a minimum caliper of one and one half inches measured at a height of six inches above the ground. These should be considered as part of streetscape and measured from back of curb equal distance through out the neighborhood.
- 6) All mailboxes to be consistent in design and structure through out the development and consistent with the restricted covenants.
- 7) Where walking trails are to be utilized in common areas they shall have a recessed footing area of 3 inches with 4 inches of pit gravel or be five foot wide concrete sidewalks.
- 8) The streetscapes established in the packet submitted on 9/21/2000 will are a requirement. The entrance features established as well as the amenity package submitted shall be a requirement of the development.
- 9) Open space amount and location will be as shown on plan dated 9/21/2000. The construction drawing must conform to the layout and design standards established in this plan. No land disturbance or approvals will be allowed on this site until the Conditional Use Permit and plan are recorded in the Union County Register of Deeds.
- 10) Sidewalk, curb & gutter and street lights (every 100 feet) along the frontage of Chestnut Lane and Potter Road.



VICINITY MAP

EXHIBIT 2

DEVELOPMENT SUMMARY	
TAX PARCEL ID #:	07-147-130 07-147-130B
SITE AREA:	
GROSS SITE AREA:	21.54 AC
NET SITE AREA:	18.99 AC
RESIDENTIAL AREA:	14.52 AC
SINGLE FAMILY AREA:	
GROSS AREA:	14.18 AC
NET AREA:	12.30 AC
DENSITY:	51 LOTS 3.80 UNITS/ACRE
COMMON OPEN SPACE:	
REQUIRED:	1.46 AC
PROPOSED:	
OPEN SPACE:	1.80 AC
WQ FACILITIES:	0.70 AC
TOTAL:	2.50 AC
SETBACKS:	
FRONT:	20'
SIDE:	0'/10'
REAR:	20'



URBAN DESIGN PARTNERS

1315-ed central ave, p 704.334.3300
charlotte, nc 28205 f 704.334.3306
urbandesignpartners.com

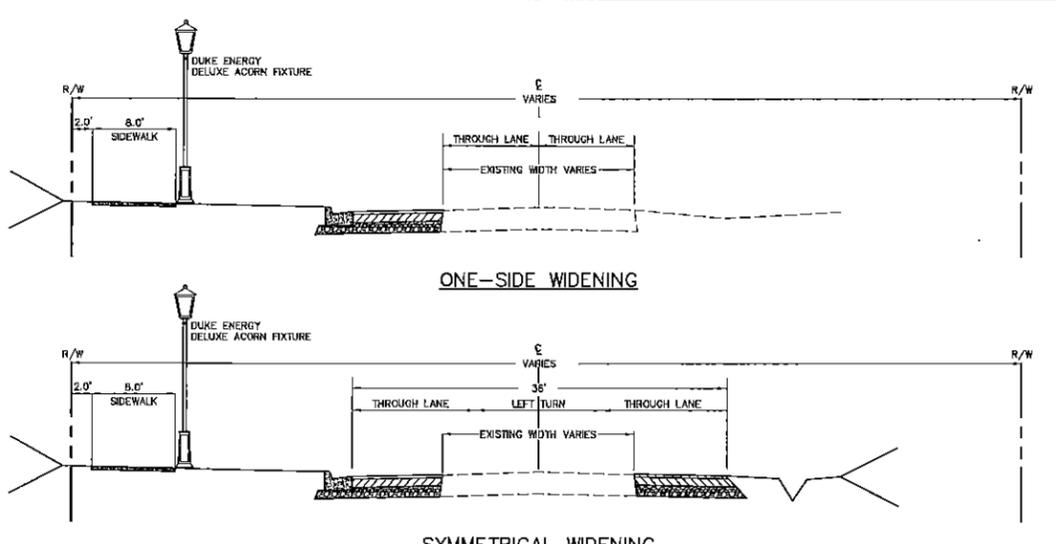
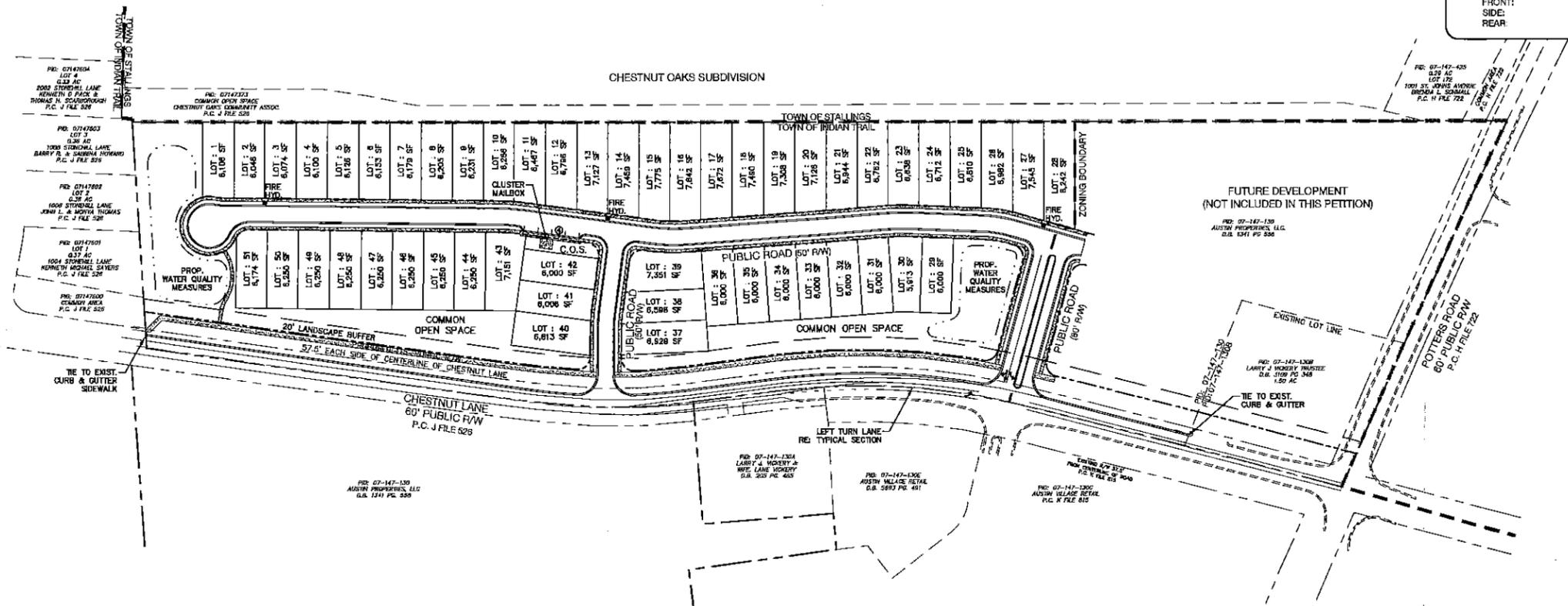
Caprock, LLC

2410 Dunavant Streets
Charlotte, NC 28203

Austin Village

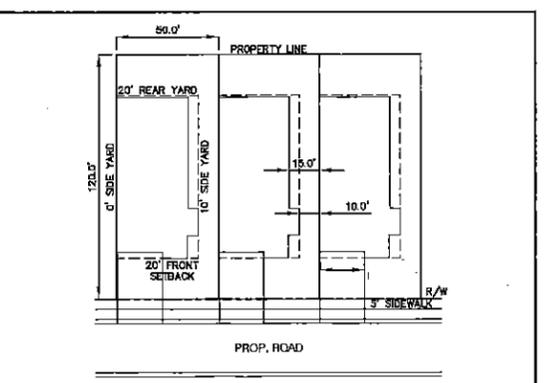
Site Plan

Potter Road & Chestnut Lane Indian Trail, NC



TYPICAL SECTION: CHESTNUT LANE IMPROVEMENTS

SCALE: NTS



TYPICAL LOT DETAILS

SCALE: 1"=40'

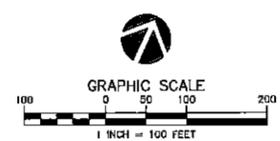
NOTES:

1. THE DEVELOPMENT AND USE OF THE SITE WILL BE GOVERNED BY THIS SITE PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE TOWN OF INDIAN TRAIL UNIFIED DEVELOPMENT ORDINANCE (THE "ORDINANCE").
2. VEHICULAR ACCESS SHALL BE AS GENERALLY DEPICTED ON THE SITE PLAN. THE PLACEMENT AND CONFIGURATION OF THE ACCESS POINTS ARE SUBJECT TO APPROVAL BY NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.
3. SIDEWALKS SHALL BE INSTALLED ALONG THE SITE'S PUBLIC STREET FRONTAGES AS DEPICTED ON THE SITE PLAN.
4. ENTRY SIGNAGE AND MONUMENTATION WILL BE PROVIDED AT THE ENTRANCES.
5. PUBLIC WATER AND SANITARY SEWER WILL BE EXTENDED INTO THE SITE TO SERVE THE RESIDENTIAL LOTS.
6. SITE SHALL COMPLY WITH TREE PRESERVATION AND PROTECTION REQUIREMENTS OF SECTION 880 OF THE U.D.O.

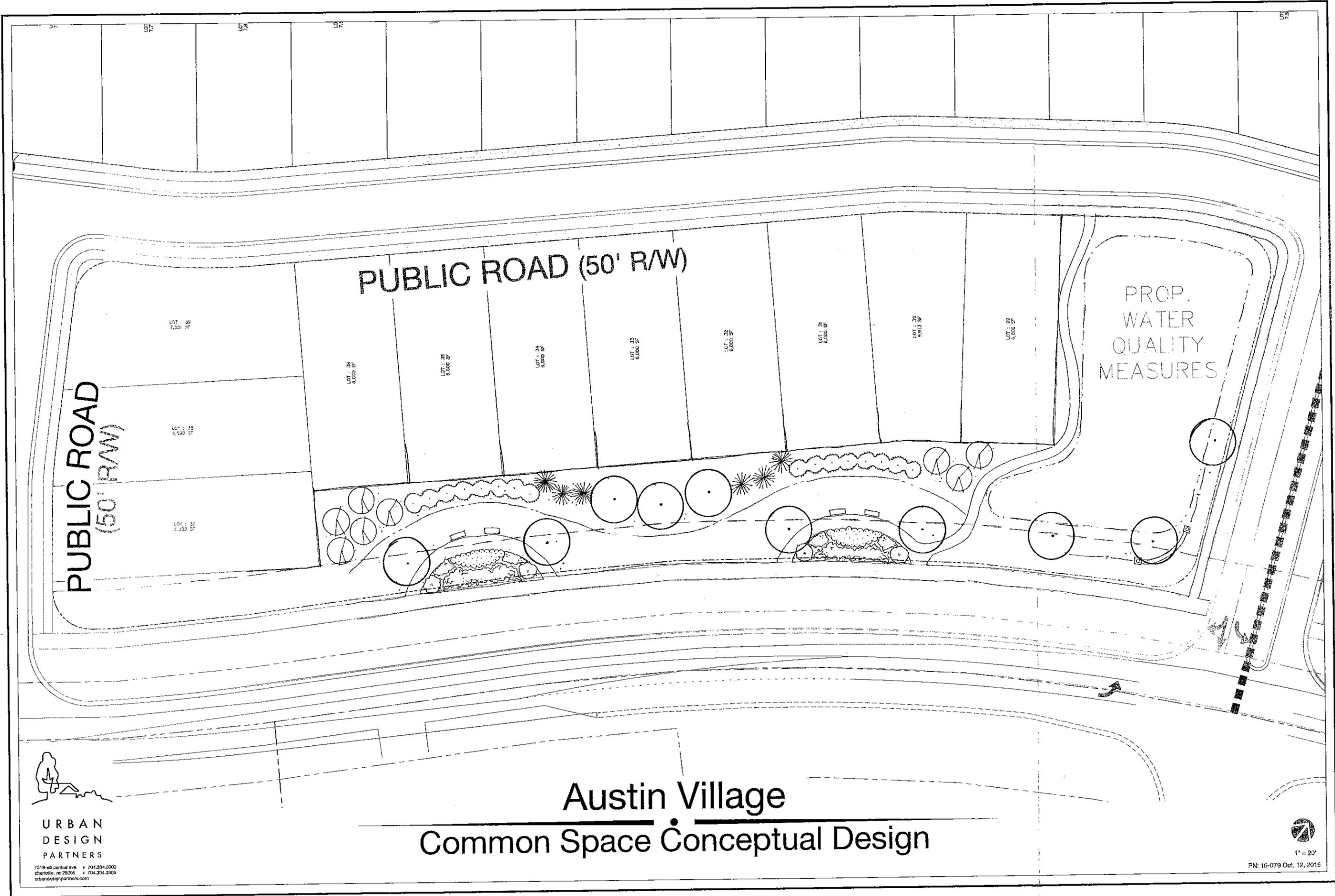
NO.	DATE	BY	REVISIONS:
1	06.03.15	BDS	PER TOWN COMMENTS
2	06.24.15	BDS	PER TOWN COMMENTS
3	10.06.15	BDS	PER TOWN COMMENTS

Project No: 15-079
Date: Aug-17, 2015
Designed by: urp
Drawn by: urp
Scale: 1"=100'
Sheet No:

PETITION NO: GZ2015-004



RZ-1.0



PUBLIC ROAD
(50' R/W)

PUBLIC ROAD (50' R/W)

PROP.
WATER
QUALITY
MEASURES

LOT: 36
7,361 SF

LOT: 35
5,598 SF

LOT: 37
2,728 SF

LOT: 32
6,000 SF

LOT: 31
6,000 SF

LOT: 34
6,000 SF

LOT: 33
6,000 SF

LOT: 30
6,000 SF

LOT: 29
5,913 SF

LOT: 28
6,000 SF



URBAN
DESIGN
PARTNERS

1019-e6 central ave. | 704.334.3500
charlotte, nc 28205 | 704.334.3305
urbandesignpartners.com

Austin Village Common Space Conceptual Design



1" = 20'

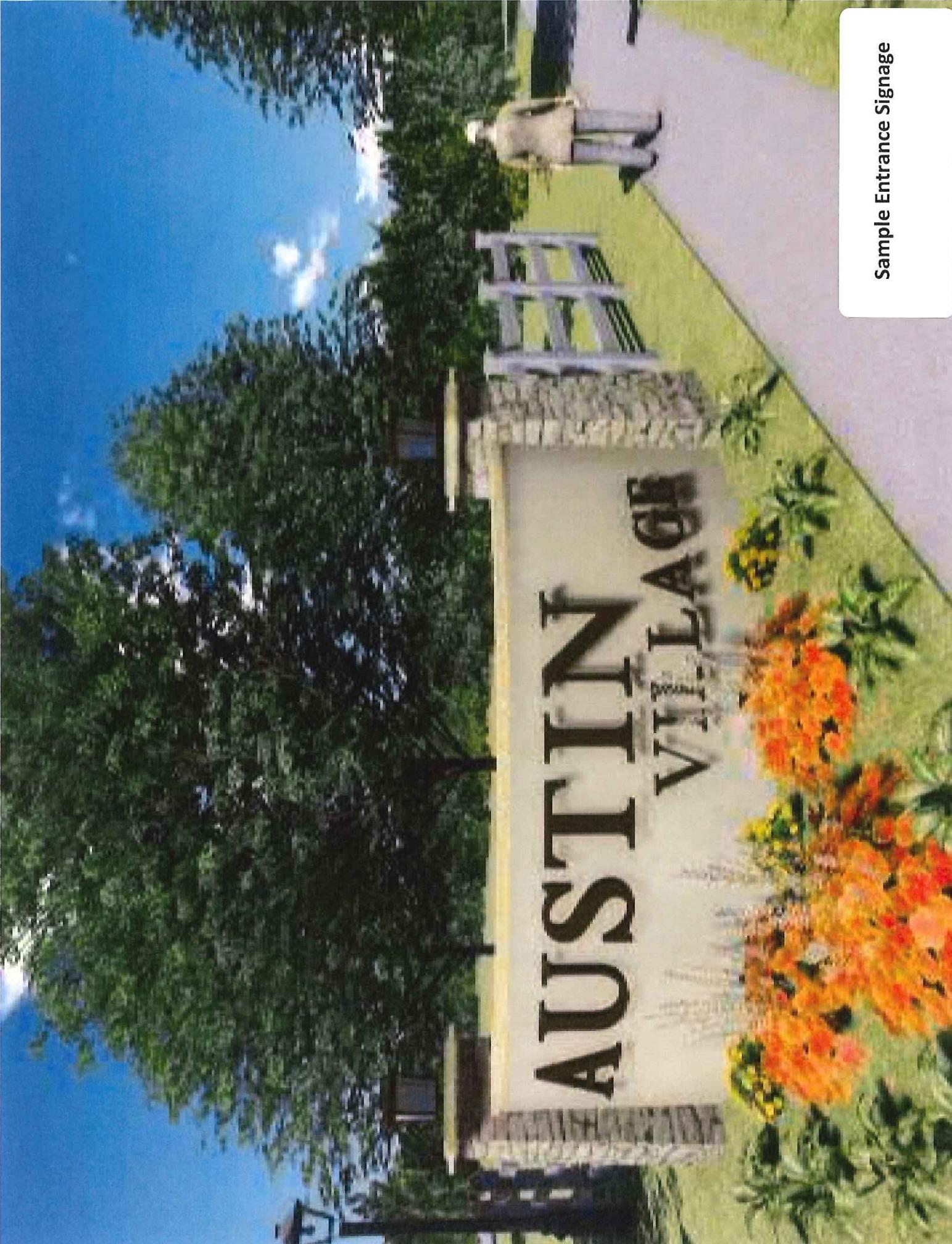
PN: 15-079 Oct. 12, 2015



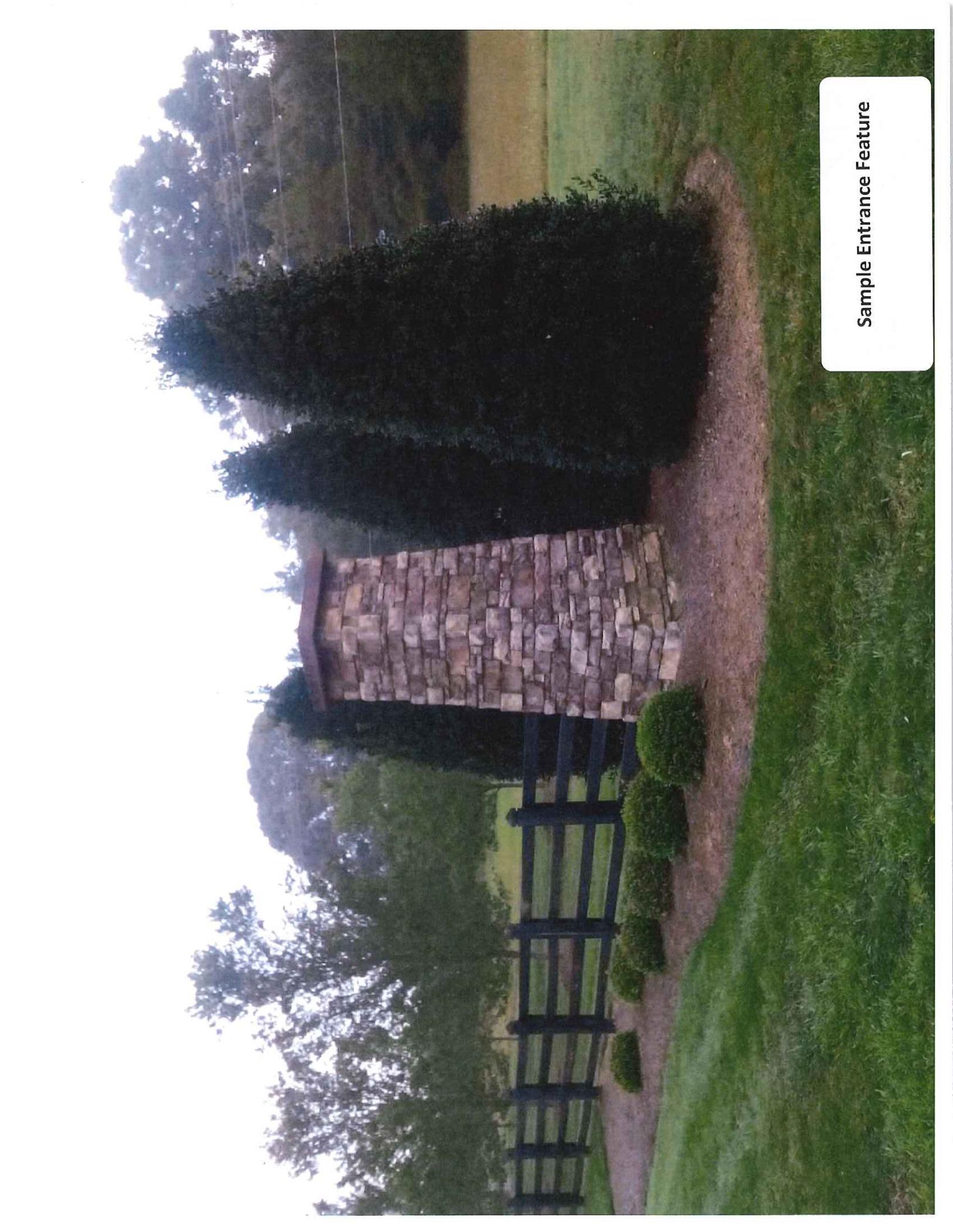
Entrance Rendering



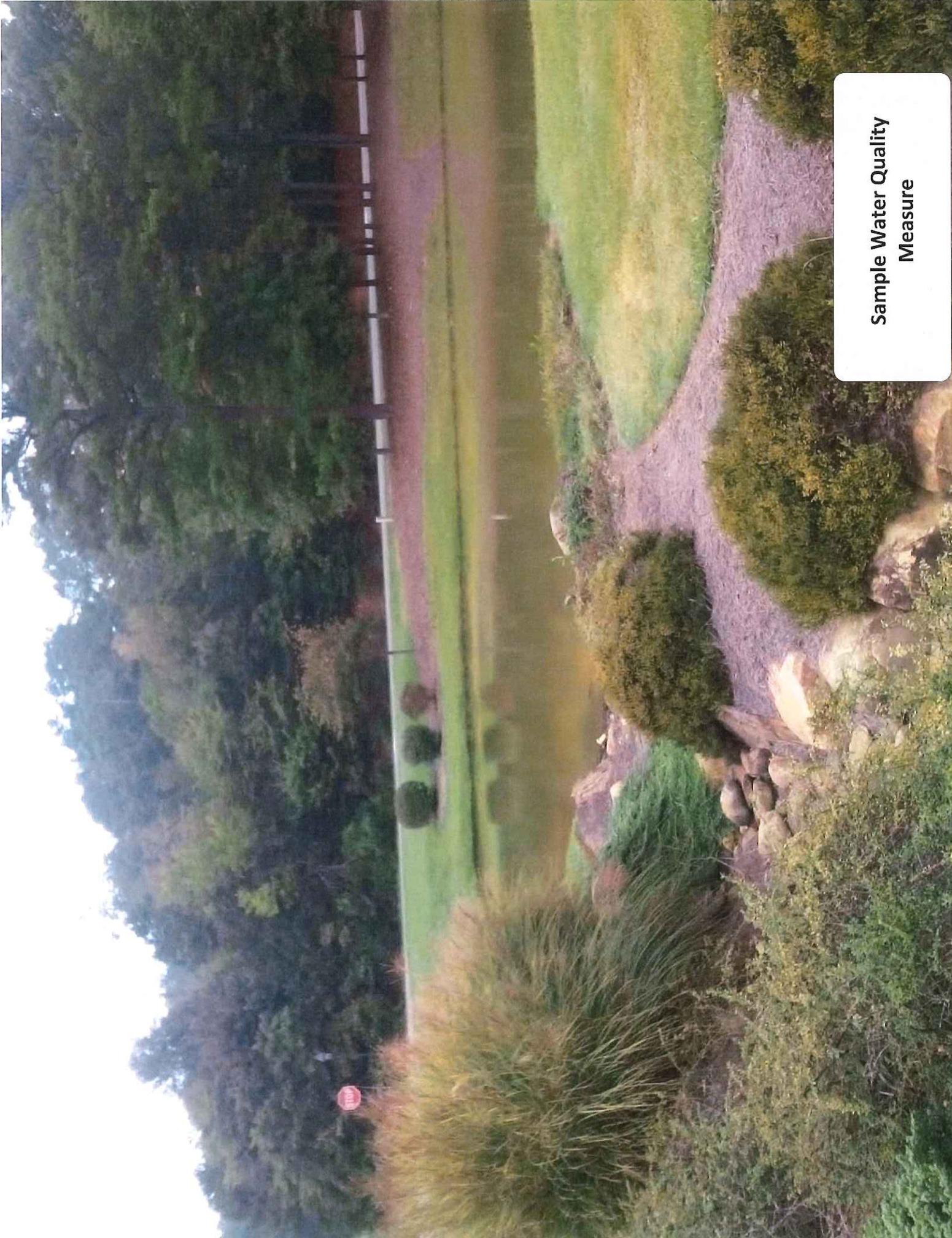
Entrance Plan View



Sample Entrance Signage



Sample Entrance Feature



Sample Water Quality Measure



4 UNIT STREETScape

SCALE: NTS

Austin Village Courtyard Home "A"

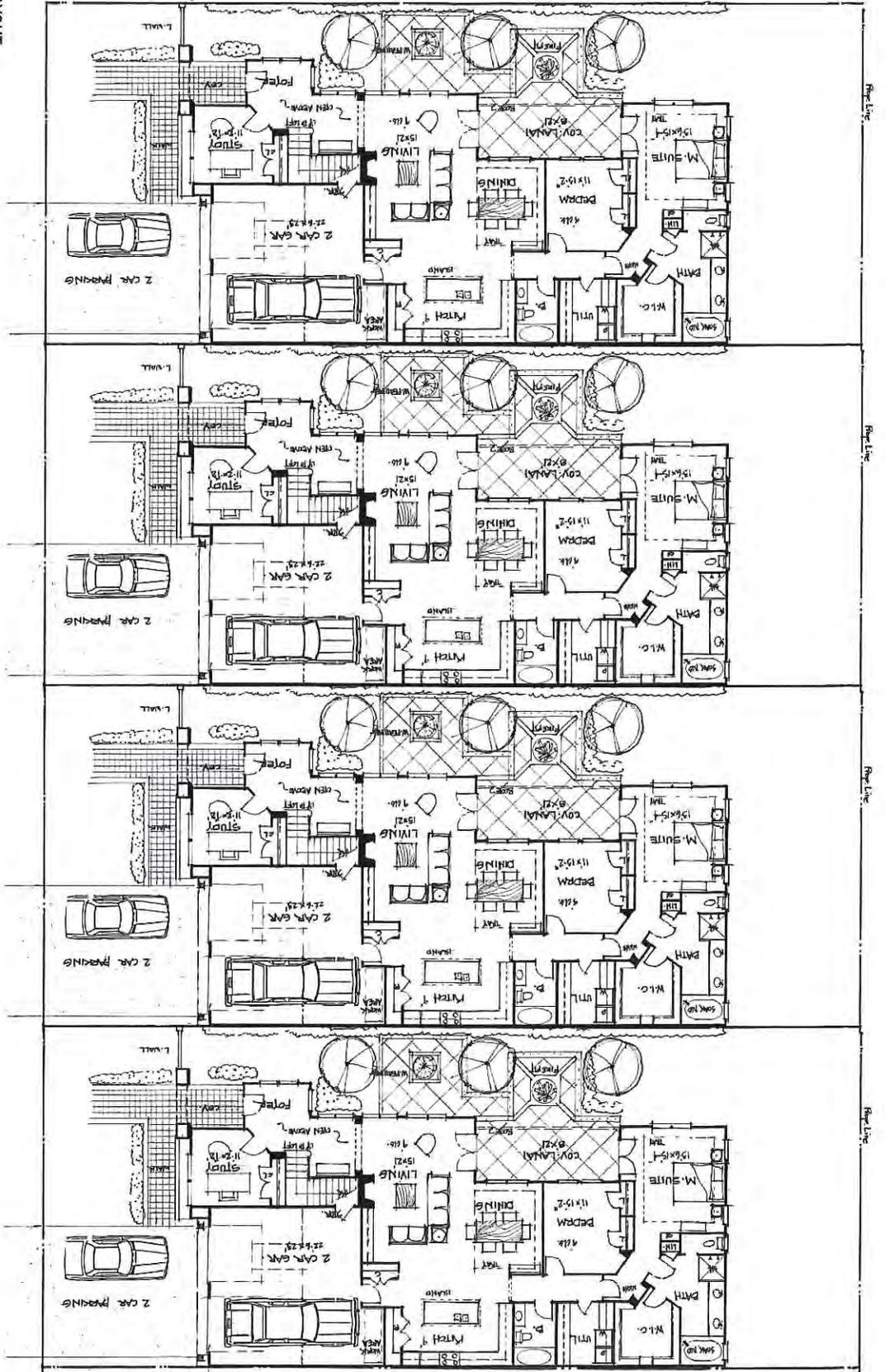
Charlotte, NC

October 6, 2015



NarmourWright 6

4 UNIT SITE LAYOUT



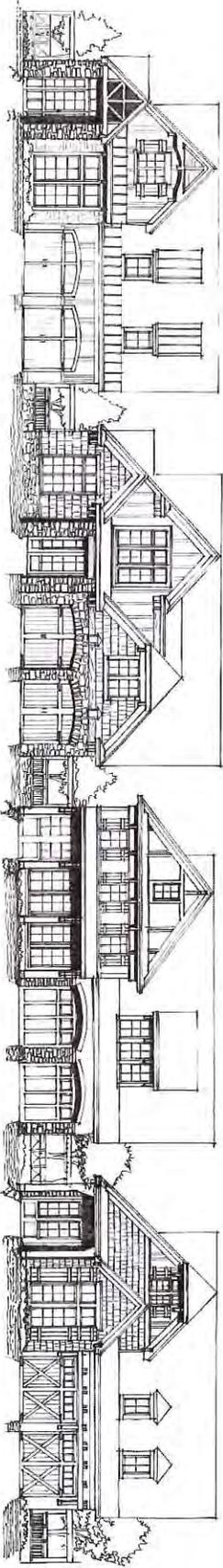
Austin Village Courtyard Home "A"

Charlotte, NC
October 2, 2015



Narmour Wright 4

SCALE: NTS



4 UNIT STREETScape

SCALE: NTS

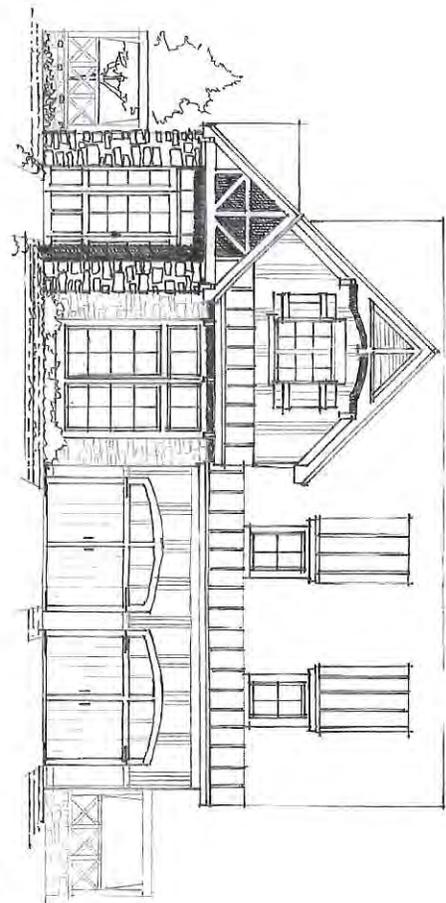
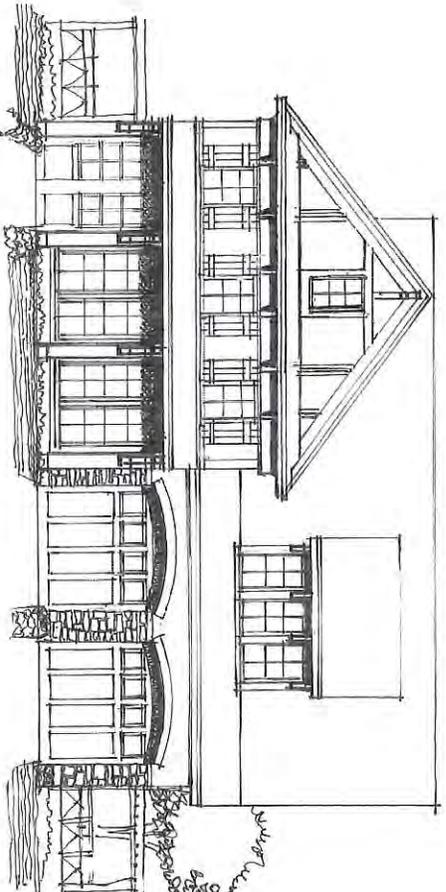
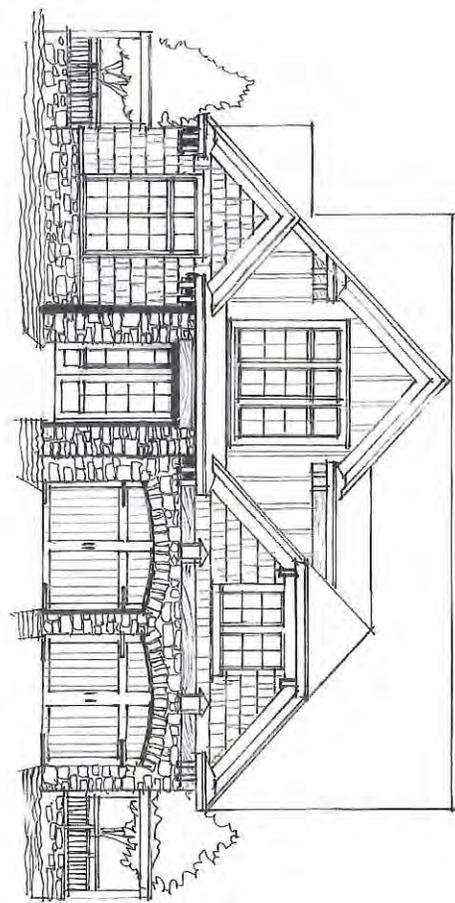
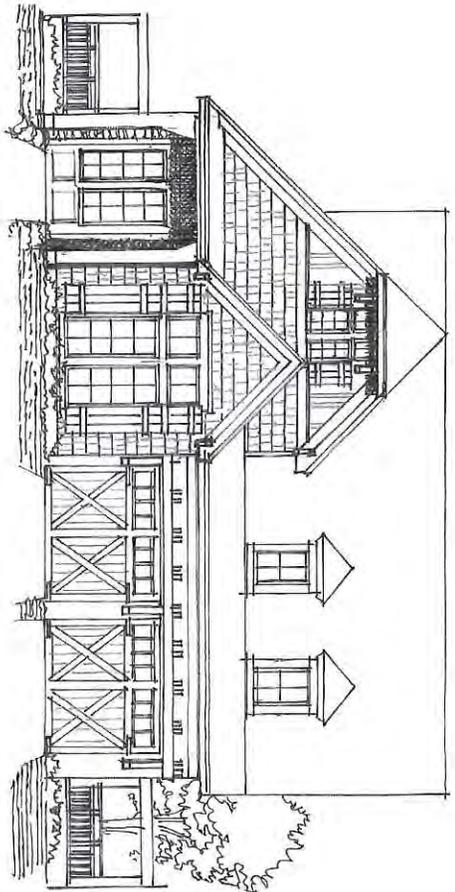
Austin Village Courtyard Home "A"

Charlotte, NC

October 2, 2015



Narmour-Wright 5



4 FRONT ELEVATIONS

SCALE: NTS

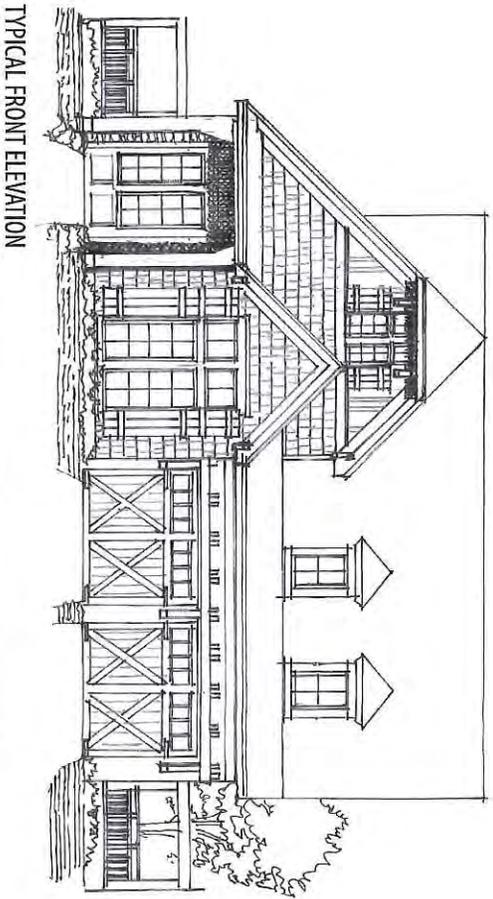
Austin Village Courtyard Home "A"

Charlotte, NC

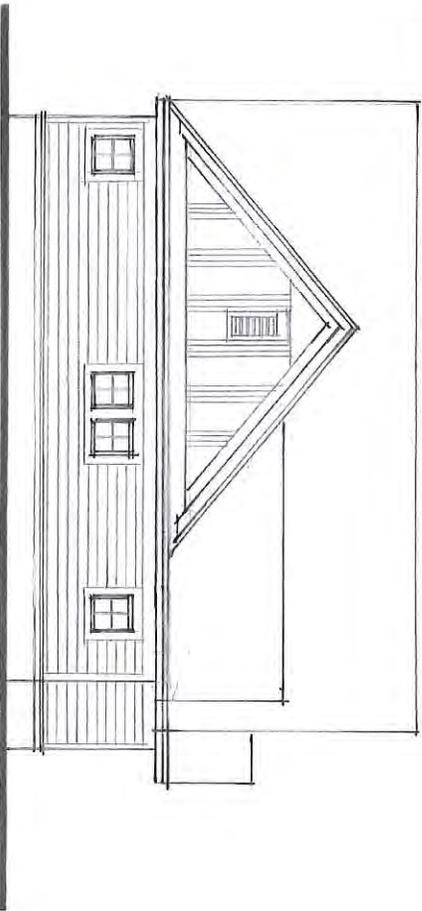
October 2, 2015



Narmour Wright 7



TYPICAL FRONT ELEVATION



TYPICAL REAR ELEVATION



Austin Village Courtyard Home "A"

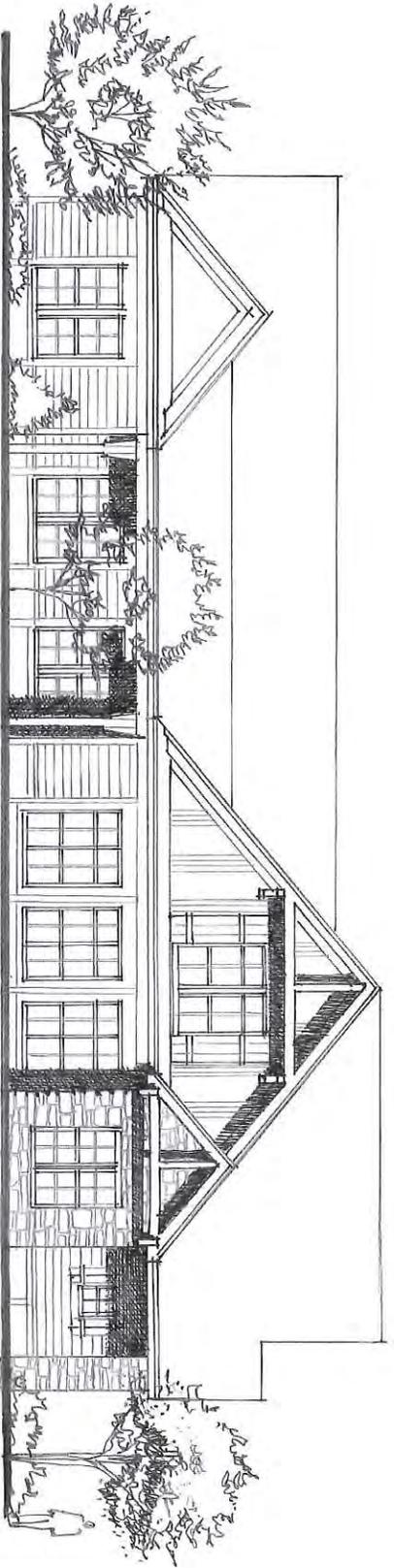
Charlotte, NC

October 2, 2015

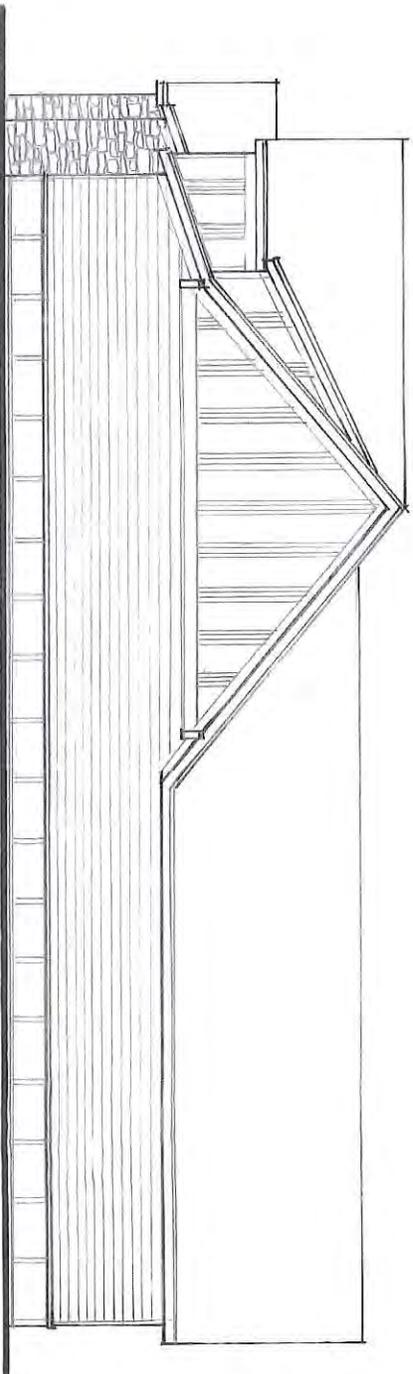


NarmourWright 2

SCALE: NTS



TYPICAL SIDE ELEVATION



TYPICAL SIDE ELEVATION

SCALE: NTS



Austin Village Courtyard Home "A"

Charlotte, NC

October 2, 2015



Narmour Wright 3



SCHEMATIC ELEVATION

SCALE: NTS

Austin Village Courtyard Home "A"

Charlotte, NC

October 2, 2015



Narmour Wright 6

From: Kyle diPretoro
To: Gretchen Coperine; Rox Burhans; Robert Cox; Ryan Lambert; Andrew Giraldo; Tom Wright; Brian Smith; Scott Vickery; Larry Vickery; Eric Sowers
Subject: Austin Village Community Meetings - Minutes
Date: Friday, October 09, 2015 6:38:58 AM

All,

Thanks again for attending yesterday's community meetings.

Please see below the meeting minutes that I recorded from the two sessions (which I have attempted to order based on commonality of feedback):

Afternoon Session:

I. Negative Feedback:

- Buffer between communities -- visibility into back of new neighborhood (most were concerned with tree removal)
- Where are the cows going?
- Drainage from Potter Road where Stallings and Indian Trail meet
- Two story homes from existing neighborhood looking into two story homes in new neighborhood
- Street parking in community and ability to tow, etc.

II. Positive Feedback:

- Price point -- elevation of neighboring home values
- Preferred residential neighborhood over commercial property -- this became more common when told what current zoning is
- Architectural style/design

Evening Session:

I. Negative Feedback:

- What type of HOA restrictions and covenants will be put in place to ensure -- and who is responsible for determining restrictions:
 - Limited, if any, ability to sublet or rent
 - Maintain 55+ age group target
- Impacts to traffic and potential for more accidents leading to raised insurance premiums
- Buffer between communities -- visibility into back of new neighborhood (most were concerned with tree removal)
- Where are the cows going?
- Access to existing retail center including lighting and crosswalk signals

II. Positive Feedback:

- Price point -- elevation of neighboring home values
- Preferred residential neighbor over commercial property -- this became more common when told what current zoning is
- Architectural style/design
- Locations of ponds as focal point at front side of neighborhood were a plus -- also making ponds amenities

Please let me know if you have any questions, comments, or concerns.

Thank you,

Kyle diPreoro
Project Manager



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803.493.0723 (cell)

From: [Abe Bush](#)
To: [Gretchen Coperine](#)
Subject: Case: CZ 2015-004 Austin Village Conditional Zoning
Date: Saturday, October 03, 2015 1:00:29 PM

Hello Gretchen,

Regarding the case above, CZ 2015-004 Austin Village Conditional Zoning, I cannot attend one of the meeting's on 8 October as I will be out of town. How may I log my desire for a negative vote on the zoning change?

Thank you,

Abe Bush
704-591-0613



Town of
INDIAN TRAIL
north carolina

Community Meeting

Comment Sheet

Comments:

Drainage has been a issue between
the first two houses on Stonehill Lane with run-off
from pasture. Holding pond and run-off from the
pasture will need to be done RIGHT.

Gary Thomas
1006 STONEHILL LANE