



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

PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

Conditional Zoning Staff Report

Case: CZ 2012-001			
Reference Name	Younts Miniature Golf		
Request	Proposed Zoning	Conditional Zoning General Business District (GBD) GBD-CZ	
	Proposed Uses	Miniature Golf/Outdoor Recreation	
Existing Site Characteristics	Existing Zoning	Single Family Residential-1	
	Existing Use	Vacant	
	Site Acreage	3.12 acres	
Applicant	Scott Merritt		
Submittal Date	June 29, 2012		
Location	Younts Road, Indian Trail		
Tax Map Number(s)	07066001A		
Plan Consistency	Comprehensive Plan	Designation	Business Park
		Consistent with Request	Yes
Recommendations & Comments	Planning Staff	Recommends approval of a Conditional Zoning District	

Project Summary

This is a request to establish a Conditional General Business District (CZ-GBD) zoning district to support development of a thirty-six (36) hole miniature golf course and related improvements. The approx. three (3) acre subject property is located on Younts Road, approximately 460-ft south of Brown Lane. The proposed development also contemplates development of a building to be utilized for accessory office and restaurant or food sale uses. Improvements to Younts Road will also be made by the project developer/applicant that include a road widening, curb and gutter, street trees, and a six (6)-ft sidewalk along the site's roadway frontage.

Recommendation

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

Analysis

Site Characteristics and Surrounding Zoning

As reflected in Maps 1 and 2 below, the proposed rezoning (if approved) would be the first introduction of commercial zoning/uses along this section of Younts Road. The subject property is surrounded by undeveloped properties, some of which are utilized as a horse pasture. Existing large lot homes are located on the western side of Younts Road, generally across from the subject property.



As reflected in Map 2 below, the subject property is surrounded by the SF-1 zoning district, which is a low-density residential zoning classification. The nearby Walmart site is zoned Regional Business District (RBD), which is the most intense commercial zoning district in the Town



Concept Plan

Attachment 1 (below) reflects the Concept Plan that is a required element of the conditional rezoning application submittal. The Concept Plan reflects development of a thirty six (36) hole miniature golf course and an accessory building to be utilized for office and food service/restaurant uses. Most of the existing site has been previously cleared of trees with the exception of a small grove in the northwest corner. The following will provide a brief overview of key elements of the Concept Plan.

1. *Site Layout:* The site layout generally places the parking in the front of the site closest to Younts Road with the miniature golf course in the rear of the site. This layout will help reduce any potential impacts to existing residential uses by placing the recreational area away from existing homes along Younts Road.
2. *Phasing:* The facility will be built in phases with the first eighteen (18) holes and the proposed building to be constructed in Phase I. The remaining course will be developed in the future.
3. *Road/Frontage Improvements:* As previously described, the site’s approx. 265-ft of roadway frontage with Younts Road will be improved with a road widening, curb and gutter, a six (6)-ft sidewalk, and street trees. Younts Road is currently a two-lane ditch section roadway with no sidewalk. The applicant will also dedicate a min. ROW of 35-ft from the existing road centerline to accommodate the frontage improvements.
4. *Parking:* Parking will be provided at a rate of approximately two paved stalls per-hole with an additional area set-aside for overflow parking. The paved parking area will be improved with curb and gutter. The adequacy of the parking rate will be monitored by the applicant and the Town during Phase I operations prior to any site plan approval for future recreation area expansions. Cross access areas will be set-aside within the parking lot to enable drivers to cross between abutting parking areas in the future without using Younts Road.
5. *Tree Retention:* The site contains an existing grove of trees in the northwest corner of the site (between Younts Road and Phase 2 parking area). As reflected in the Concept

Plan, most of this area will be set-aside within a tree protection easement to ensure retention of the existing, large trees. The applicant intends on clearing the underbrush and the small trees to create a park-like setting under the mature tree canopy for customer use.



Architectural Design

The proposed architecture of the building contemplates a rustic design that is intended to reflect the character of the surrounding area and the overall theme for the golf course. As reflected in the rendering below, the building will feature cementitious siding (i.e. Hardi siding), a standing seam metal roof, a working fireplace and chimney, rafter tails and wall brackets along the underside of the roof, and other unique architectural details characteristic of the area.



Draft Conditions

Conditions of approval have been developed in order to ensure the proposed rezoning is consistent with the Comprehensive Plan and the underlying intent of the General Business District. The applicant has agreed to comply with the conditions noted below.

1. *Permitted Uses:* Permitted outdoor uses within the recreation area of the subject property will be limited to miniature golf and similar outdoor recreation activities with no greater impact. Permitted indoor uses within the proposed building shall be limited to office, restaurant without drive-thru, food and beverage retail sales (not including liquor sales/ABC Store), and accessory retail sales associated with the miniature golf/recreational use.
2. *Hours of Operation:* Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m. This restriction shall be eliminated in the event that adjacent properties are rezoned to non-residential zoning districts.
3. *Required Parking:* In Phase 1, paved parking shall be provided at a minimum rate of 2-stalls per golf hole. Accessory uses associated with the proposed office/restaurant building will be included within this rate. Overflow parking will be provided within the potential future Phase 2 parking area and will be graded and improved with a temporary surface to be approved by the Town. Additional bicycle parking exceeding UDO requirements will also be provided. Prior to the construction of the second 18 holes of golf, a parking analysis of the peak parking requirements of the first 18 holes will be provided to the Town to determine if the 2 spaces per hole parking rate is sufficient for the need. If not, a higher parking ratio may be required by the Town, prior to the Phase 2 course expansion.
4. *Noise:* The use of outdoor speakers and/or an intercom system shall be prohibited within the parking lot and other non-recreation areas of the site unless needed for emergency purposes. Use of speakers on the building for background music is acceptable. All reasonable efforts shall be made to limit noise from being audible offsite.
5. *Cross Access:* A pedestrian and vehicular cross access easement (min. 24' in width) shall be provided to adjacent parcels 07066001D, 07066002A, and/or 07066001 to interconnect the proposed parking area with the adjacent sites. The Planning Director may waive the cross access easement requirement in the event future adjacent uses are deemed by the Planning Director to be incompatible with the miniature golf use.
6. *Right of Way Dedication:* ROW shall be dedicated across the subject property's Younts Road frontage to the North Carolina Department of Transportation to achieve a 35-ft ROW measured from the existing Younts Road centerline (unless Town and/or NCDOT species additional ROW is needed). ROW shall be dedicated prior to any issuance of a Zoning Compliance for the subject property.
7. *Frontage Improvements:* The subject property's Younts Road frontage shall be improved with curb, gutter, 6-ft. wide sidewalk, street trees, and any additional improvements required by the Town and/or NCDOT.
8. *Lighting:* A lighting plan/photometric study shall be required for the parking and recreational areas. Light fixtures, including those utilized in the outdoor recreation area shall be limited to 20-ft in height. Taller fixtures within the recreation area meeting UDO requirements may be permitted if it can be demonstrated by the lighting plan that there will be no negative impacts to nearby properties. Pole or building mounted lights on the perimeter of the recreational area and those used to

provide site/area lighting shall not have an angled orientation and shall utilize full cut off fixtures to minimize glare and lighting spillover.

9. *Tree Retention*: To the extent shown on the plans, the existing stand of trees located in the northwest corner of the site shall generally be left in an undisturbed condition and protected with a tree protection easement. Removal of small trees, invasive vegetation, underbrush, and vines is permitted to help create a usable, park like setting for customers. Clearing to install ROW improvements, the septic system leach field, and/or to maintain minimum sight distance is also permitted. Construction adjacent to the tree retention area and installation of septic system improvements within the retention area shall utilize best management practices to minimize damage or removal of the trees. Any removal of heritage trees or trees needed to meet min. tree canopy requirements shall be mitigated in accordance with UDO requirements. A tree protection easement shall be recorded prior to issuance of a Zoning Compliance for the subject property.
10. *Fencing*: Fencing meeting UDO Section 710.050 standards shall be installed around the perimeter of the recreation area. Fencing shall be a min. height of 5-ft. and be comprised of a powder coated aluminum material or an equivalent approved by the Town of Indian Trail. Chain link fencing is not permitted.
11. *Concept Plan*: The site shall be developed as generally depicted on the submitted Concept Plan. The proposed building shall be designed as generally depicted in the submitted building rendering (Attachment 2). The building shall be constructed primarily of cementitious siding (i.e. Hardi) and a standing seam metal roof.

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

The Town routed plans to solicit comments from outside agencies. No substantive comments were received.

Community Meetings

The applicant held two community meetings as required by UDO Section 330.020. The purpose of the meetings is to address 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 property owners and surrounding properties within 500 feet (approx. 28-notices), and posting a sign on the site. The first community meeting was held at the Lake Park Community Center on January 30, 2013 from 10:00 a.m. to 12:00 p.m. The second community meeting was held on January 30, 2013 at the Indian Trail Civic Building from 5:00 p.m.-7:00 p.m. Staff was contacted by one nearby resident prior to the community meetings. This resident attended the daytime community meeting. The following will provide a brief overview of the discussion at the community meetings.

- *Daytime Meeting*: This meeting was attended by eight (8) members of the public. Questions raised included concerns about children/customers being able to harass horses that graze on the adjacent property to the south and west. Concerns about lighting impacting residential properties on the opposite side of Younts Road were also raised. The applicant indicated onsite fencing could be utilized to prevent any interaction between customers and horses. Fencing has been incorporated as a condition of approval. In regards to lighting, the applicant indicated that while the

lights may be visible from across the street, the illumination will not spillover onto these properties. Town staff further clarified the UDO lighting requirements that help prevent lighting spillover, the proposed hours of operation (8:00 a.m. to 10:00 p.m.), and how the site orientation (parking in front, recreation area in rear) will help minimize any issues with recreation lights impacting residences on Younts Road. Other questions raised were regarding how the site was selected, will there be any other uses onsite, and the envisioned success of the business. The applicant indicated the site was chosen due to its rural character and accessibility, the only other uses of the property will be accessory food service uses in the building, and the business will be a family operation and there is a need for wholesome family entertainment. Attendees also inquired about whether Younts Road would be widened and if there is any impact to their property. The applicant stated the road may be widened slightly (amongst other frontage improvements) and the proposed rezoning would only affect the subject property.

- *Evening Meeting:* This meeting was attended by four (4) members of the public. Questions raised during this discussion were similar to the morning meeting. Questions not previously raised included what the Town’s plans were for this area and if this proposed use will be seasonal in nature. In response, Town staff discussed the community’s vision for this area as reflected in the comprehensive plan (see below). The applicant indicated the outdoor aspects of the business may close from Thanksgiving thru February depending on actual weather conditions/temperatures.

Plan Consistency

The property is located in the Old Hickory Business Park Corridor of the Comprehensive Plan. This corridor provides significant employment opportunities within the community by housing major employers that need convenient transportation, high quality services, and a worker-friendly environment. The corridor also provides for supporting uses such as retail and lodging opportunities. Table 1 below provides a summary of the existing and envisioned land use mix for the corridor.

The proposed miniature golf/outdoor recreation use is in keeping with the support uses intended to create a worker-friendly environment that also meets the needs of area residents. The proposed facility would be categorized as a retail type use and would increase the retail land use category to approximately 19.67 acres or 1.8% of total land use, which is consistent with the vision of the Business Park Corridor.

Corridor	Land Use	Sq. Feet	Acres	Current Base	Percent Base	Flex
Old Hickory	Med. Density Res.	7,819,908.87	179.52	16.49%	5%	+/- 2
	High Density Res.	7,090,664.09	162.78	14.95%	10%	+/- 2
	Multi-Family Res.				5%	+/- 2
	Parks/Open Space/Agriculture/Forest				5%	
	Institutional	104,420.71	2.40	0.22%	5%	+/- 2
	Retail	726,092.81	16.67	1.53%	5%	+/- 1
	Office				30%	+/- 5
	Industrial	18,446,045.94	423.46	38.90%	25%	+/- 5
Boulevards/Thoroughfares	3,655,693.24	83.92	7.71%	10%		

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:

Goal 1.3.2 Land Use - The proposed conditional district will provide expanded recreational opportunities and a gathering place for Town residents, visitors, as well as current and future workers within the Old Hickory Business Park Corridor. The rezoning is subject to conditions to help avoid creating any land use impacts to neighboring properties. The proposed conditional rezoning will also help create a more balanced tax base by helping facilitate development of a commercial use on an otherwise undeveloped property in a manner that is consistent with the Comprehensive Plan. The conditional rezoning will also result in the retention of an existing grove of trees that will be an amenity to the site, while helping preserve the Indian Trail community forest.

The request for this conditional zoning district is a reasonable request and is in the public interest because it helps create a mix of uses within the Old Hickory Business Park Corridor and includes elements that benefit the general public in the area tree preservation.

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 2 – Concept Plan

Attachment 3 – Draft Ordinance

Staff Contact

Rox Burhans, AICP

704 821-5401

rburhans@planning.indiantrail.org

PB Attachment 1
Application

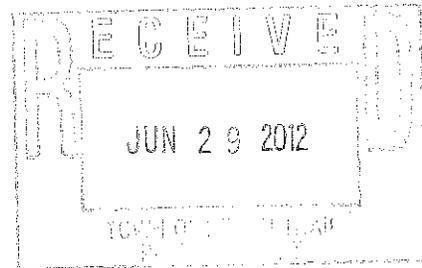
R-000382

CONDITIONAL ZONING APPLICATION



Town of
INDIAN TRAIL
north carolina

PLANNING AND DEVELOPMENT DEPARTMENT
PO Box 2430
Indian Trail, NC 28079
Telephone (704) 821-5401
Fax (704) 821-9045



ONLY COMPLETE APPLICATIONS ACCEPTED

Processing Fee \$800.00

Notification Fee \$2.50 per adjoining property owner

Date Received

C-29-12

CONDITIONAL ZONING APPLICATION



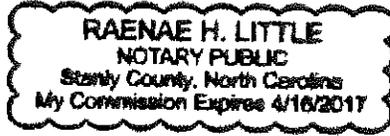
Applicant's Certification

Signature [Signature] Date 6-27-12

Printed Name/Title Scott Merritt

Signature of Notary Public [Signature] Date 6-27-12

Notary Seal



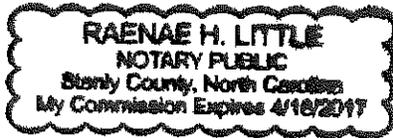
Property Owner's Certification

Signature [Signature] Date 6-26-12

Printed Name/Title Dennis W. Moser, Member Manager

Signature of Notary Public [Signature] Date 6-26-12

Notary Seal



TOWN OF INDIAN TRAIL OFFICE USE ONLY

CASE NUMBER: _____

DATE RECEIVED: 6-29-2012

AMOUNT OF FEE: waived / BFA

RECEIVED BY: K. Sorensen

RECEIPT #: _____

CONDITIONAL ZONING APPLICATION



Submittal Requirements

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

General Information

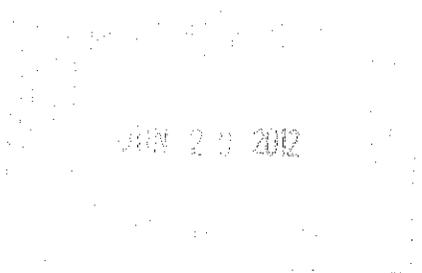
Project Address Younts Rd
 City INDIAN TRAIL State NC Zip 28079
 Tax Parcel ID 07066001A Zoning Designation _____
 Total Acres 3.12 to Rd C/L Impervious Area 1.25 Ac.
 Project Description Mini Golf

Contact Information - Applicant

Name Scott A Merritt
 Address 5105 Sugar and Wine Rd.
 City Monroe State NC Zip 28110
 Phone 980-722-7810 Fax _____
 Email MerrittLand@Windstream.net

Contact Information - Property Owner

Name Younts Road Partners, LLC
 Address 1% The Moser Group Inc 231 Post Office Dr B 8
 City INDIAN TRAIL State NC Zip 28079
 Phone 704-882-1700 Fax 704-882-2220
 Email dmoser@themosergroupinc.com



Trails Miniature Golf

Scott Merritt

P.O.Box 456

Indian Trail ,NC 28079

980-722-7810

Business Proposal for Trails Miniature Golf Course

The Business

Trails Miniature golf course is going to be a natural looking miniature golf course that will act as the initial anchor. Family entertainment is a highly profitable industry that has been growing rapidly over the past several years. This is due largely to a trend within the country to return to family values. The initial profit centers will be the golf course, ice cream and bakery.

Marketing

While families with children will act as an anchor, seniors, teens, and corporate customers will add significant income. There will be a variety of fun promotions keeping the business profitable during the entire season. While our marketing plan is devised from other successful plans in the industry, there will be some additions as we start the business.

Management

Scott and Amy Merritt have successful experience in small business ownership, personal management, and financial management. The miniature golf course operates with only two people during the day and two to four during peak hours. The low personnel requirements makes management easy and keeps employee cost at a minimum.

Trails miniature golf course success sheet

1 Our business will be highly visible; the hours of operation during the peak season which is {May1st thru November 30th} will be 10 AM to 11PM

2 Friendly, happy employees providing superior customer service

3 A safe, clean environment that the community will be proud of

4 Have fun while delivering a quality product

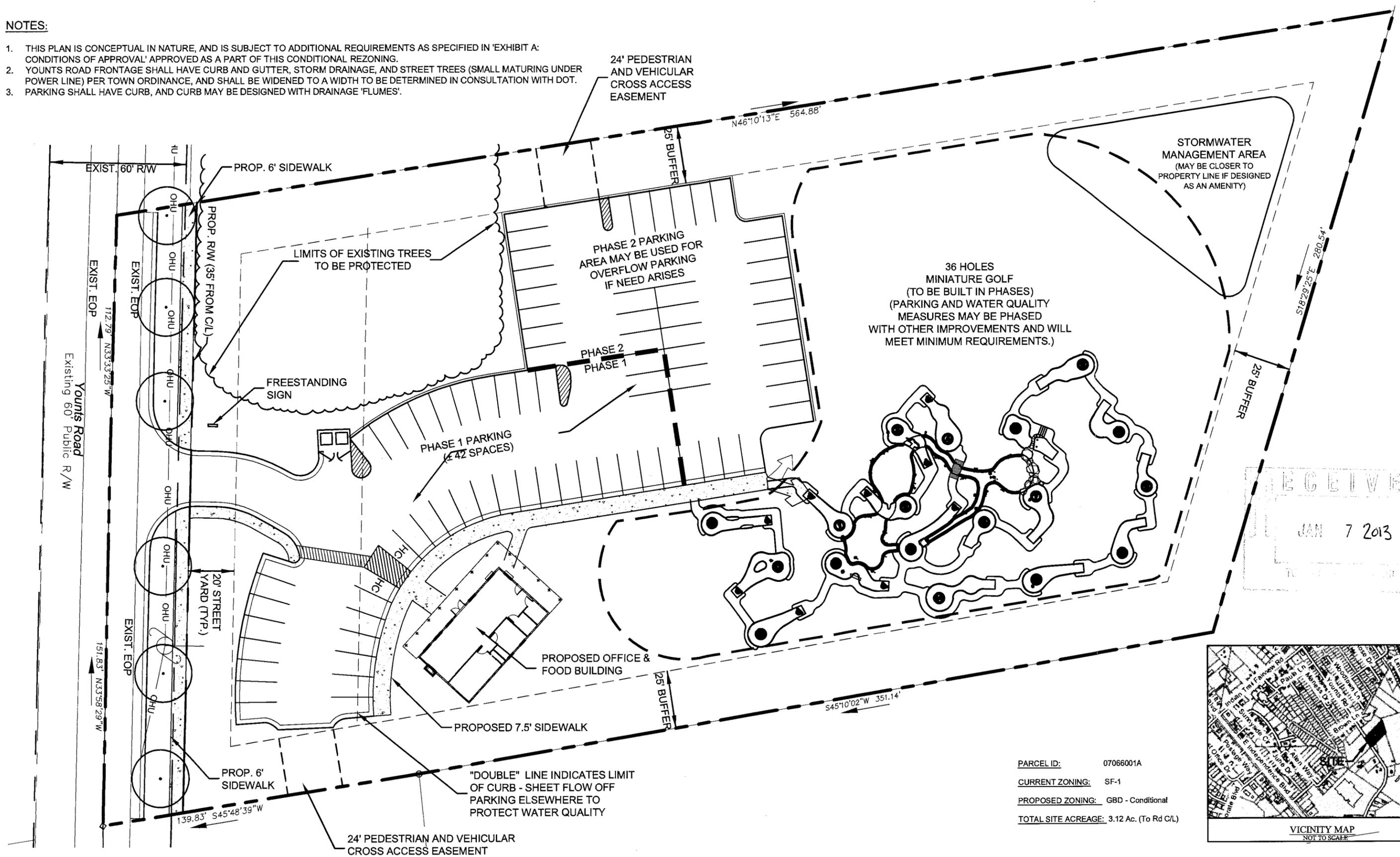
Our Objective

Our objective is to provide a safe, relaxing setting for a family, and friends to enjoy quality time together, while participating in a fun exciting outdoor activity.

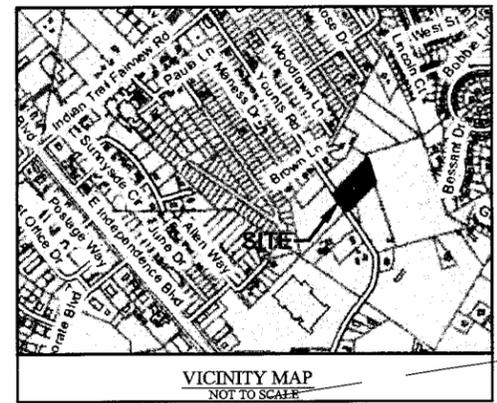
PB Attachment 2
Concept Plan

NOTES:

1. THIS PLAN IS CONCEPTUAL IN NATURE, AND IS SUBJECT TO ADDITIONAL REQUIREMENTS AS SPECIFIED IN 'EXHIBIT A: CONDITIONS OF APPROVAL' APPROVED AS A PART OF THIS CONDITIONAL REZONING.
2. YOUNTS ROAD FRONTAGE SHALL HAVE CURB AND GUTTER, STORM DRAINAGE, AND STREET TREES (SMALL MATURING UNDER POWER LINE) PER TOWN ORDINANCE, AND SHALL BE WIDENED TO A WIDTH TO BE DETERMINED IN CONSULTATION WITH DOT.
3. PARKING SHALL HAVE CURB, AND CURB MAY BE DESIGNED WITH DRAINAGE 'FLUMES'.



RECEIVED
JAN 7 2013



PARCEL ID: 07066001A
 CURRENT ZONING: SF-1
 PROPOSED ZONING: GBD - Conditional
 TOTAL SITE ACREAGE: 3.12 Ac. (To Rd C/L)



TRAILS MINIATURE GOLF
EXTERIOR VIEW

Attachment 3
Draft Ordinance

STATE OF NORTH CAROLINA)

)

ORDINANCE #

TOWN OF INDIAN TRAIL)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF INDIAN TRAIL REZONING PARCEL 07066001A – LOCATED ON YOUNTS ROAD FROM SF-1 (SINGLE FAMILY RESIDENTIAL-1) TO CZ-GBD (CONDITIONAL ZONING GENERAL BUSINESS DISTRICT) IN THE TOWN OF INDIAN TRAIL, UNION COUNTY, NORTH CAROLINA

WHEREAS, the property owner Younts Road Partners, LLC (Dennis W. Moser, Member Manager) and designated applicant – Scott Merritt, petitioned to rezone tax parcel 07066001A from SF-1 (Single Family Residential District-1) to CZ-GBD (Conditional Zoning District- General Business) classification; and

WHEREAS, this Conditional Zoning Amendment (CZ2012-001) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, two community meetings were held on January 30, 2013; and

WHEREAS, a public meeting was held by the Planning Board on February 19, 2013 to consider this conditional zoning request; and

WHEREAS, the Planning Board found the proposed map amendment **is consistent** with the following goal of the Comprehensive Plan:

Goal 1.3.2 Land Use - The proposed conditional district will provide expanded recreational opportunities and a gathering place for Town residents, visitors, as well as current and future workers within the Old Hickory Business Park Corridor. The rezoning is subject to conditions to help avoid creating any land use impacts to neighboring properties. The proposed conditional rezoning will also help create a more balanced tax base by helping facilitate development of a commercial use on an otherwise undeveloped property in a manner that is consistent with the Comprehensive Plan. The conditional rezoning will also result in the retention of an existing grove of trees that will be an amenity to the site, while helping preserve the Indian Trail community forest.

WHEREAS, the Planning Board further found the request for this conditional zoning district is a reasonable request and is in the public interest because it helps create a mix of uses within the Old Hickory Business Park Corridor and includes elements that benefit the general public in the area tree preservation.

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

WHEREAS, the Town Council held a public hearing on **March 12, 2013** 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 2012-001 Conditional Zoning Petition thereby granting the Zoning Map amendment to establish a Conditional General Business Zoning District on parcel number 07066001A subject to the following conditions:

1. *Permitted Uses:* Permitted outdoor uses within the recreation area of the subject property will be limited to miniature golf and similar outdoor recreation activities with no greater impact. Permitted indoor uses within the proposed building shall be limited to office, restaurant without drive-thru, food and beverage retail sales (not including liquor sales/ABC Store), and accessory retail sales associated with the miniature golf/recreational use.
2. *Hours of Operation:* Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m. This restriction shall be eliminated in the event that adjacent properties are rezoned to non-residential zoning districts.
3. *Required Parking:* In Phase 1, paved parking shall be provided at a minimum rate of 2-stalls per golf hole. Accessory uses associated with the proposed office/restaurant building will be included within this rate. Overflow parking will be provided within the potential future Phase 2 parking area and will be graded and improved with a temporary surface to be approved by the Town. Additional bicycle parking exceeding UDO requirements will also be provided. Prior to the construction of the second 18 holes of golf, a parking analysis of the peak parking requirements of the first 18 holes will be provided to the Town to determine if the 2 spaces per hole parking rate is sufficient for the need. If not, a higher parking ratio may be required by the Town, prior to the Phase 2 course expansion.
4. *Noise:* The use of outdoor speakers and/or an intercom system shall be prohibited within the parking lot and other non-recreation areas of the site. Use of speakers on the building for background music is acceptable. All reasonable efforts shall be made to limit noise from being audible offsite.
5. *Cross Access:* A pedestrian and vehicular cross access easement (min. 24' in width) shall be provided to adjacent parcels 07066001D, 07066002A, and/or 07066001 to interconnect the proposed parking area with the adjacent sites. The Planning Director may waive the cross access easement requirement in the event future adjacent uses are deemed by the Planning Director to be incompatible with the miniature golf use.
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11. *Concept Plan:* The site shall be developed as generally depicted on the submitted Concept Plan. The proposed building shall be designed as generally depicted in the submitted building rendering (Attachment 2). The building shall be constructed primarily of cementitious siding (i.e. Hardi) and a standing seam metal roof.

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

AND IT IS SO ORDAINED this 12th day of March, 2013.

**TOWN OF INDIAN TRAIL
COUNCIL**

Attest:

Peggy Piontek, Town Clerk

Michael Alvarez, Mayor

APPROVED AS TO FORM:

TOWN ATTORNEY