

MAYOR
Michael L. Alvarez

MAYOR PRO TEM
David L. Cohn



TOWN COUNCIL
Robert W. Allen
Christopher M. King
Darlene T. Luther
David K. Waddell

Indian Trail Town Council Meeting
September 10, 2013
Civic Building
6:30 p.m.

1. CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

2. ADDITIONS AND DELETIONS

3. MOTION TO APPROVE AGENDA

4. PRESENTATIONS

- a. [Certificates of Appreciation for Park Tree & Greenway Committee](#)
- b. [July 4th Parade Float Contest winners](#)
- c. [Constitution Week Proclamation](#)
- d. [Indian Trail Arts & Historical Society Presentation](#)

5. PUBLIC COMMENTS

6. CONSENT AGENDA

- a. [Approval of draft minutes for August 27, 2013](#)
- b. [Appointment of Roger Fish to Stormwater Committee](#)
- c. [Appointment of Kristopher Rowe to Stormwater Committee](#)
- d. [Annexation # 137:](#)
 - A resolution directing the Town Clerk to investigate the sufficiency of the proposed voluntary annexation petition
 - A Certificate of Sufficiency
 - A resolution setting the public hearing date for the annexation to October 22, 2013

7. PUBLIC HEARINGS

- a. [CZ2013-002 Glenn Oaks Apartments](#): This is a rezoning request to establish a Conditional Multi-Family Residential Zone on a 17 acre subject property for the purpose of developing

action

a 204 unit apartment community. Location: 4508 Old Monroe Road- Parcels: 07114016C (portion of) 07114015 (portion of) 07114023, 07114360, 07114359, 07114016A, 07114016, & 07114025D Applicant: Cameron Helms & Larry Sagehorn

8. BUSINESS ITEMS

- a. Council consideration of approval of bid for Chestnut Square Park and approval of amended Capital Improvement Project Ordinance
- b. Indian Trail Road Bridge Project
- c. Council consideration of Law Enforcement Assessment RFP
- d. Resolution to establish a Minority Business Participation Goal

9. DISCUSSION ITEMS

- a. Political activities at Town Events
- b. Transportation Update

10. MANAGERS REPORT

11. COUNCIL COMMENTS

12. CLOSED SESSION

action

13. ADJOURN

action

To speak concerning an item on the Agenda, please print your name and address on the sign up sheet on the table prior to the meeting. Each speaker will be limited to 3 minutes.

AS A COURTESY, PLEASE TURN CELL PHONES OFF WHILE MEETING IS IN PROGRESS

The Town of Indian Trail is committed to providing all citizens with the opportunity to participate fully in the public meeting process. Any person with a disability who needs an auxiliary aid or service in order to participate in this meeting may contact the Town Clerk at least 48 hours prior to the meeting. The e-mail address is townclerk@admin.indiantrail.org; the phone number is 704-821-2541

Certificate of Appreciation

Bill Smith

**From the Town of Indian Trail
For the Park, Tree & Greenway Committee's
Involvement in the Town receiving the**

**2013 Tree City USA of the Year
2013 Outstanding Project of the Year**

David Cohn, Mayor Pro Tem





TO: Mayor and Town Council

FROM: Kelly Barnhardt

DATE: September 10, 2013

SUBJECT: July 4th parade winners

This year's July 4th parade floats were judged by representative of the Indian Trail Business Association. They will be receiving a certificate of recognition at the August 13th Council Meeting. The 2013 winners are the following:

Most Patriotic - Brandon Oaks Community float

Most Creative- Extreme Ice

Best Youth Float – Indian Trail Athletic Association

Best All Around Float – Victory Riders Motorcycle Ministry of First Baptist Church

Kelly Barnhardt
Director of Community & Economic Development

WHEREAS: The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS: September 17, 2013, marks the two hundred twenty-sixth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, Michael L. Alvarez by virtue of the authority vested in me as Mayor) of the Town of Indian Trail do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town to be affixed this tenth day of September of the year of our Lord two thousand thirteen.

Signed _____

SEAL

Mayor Michael L. Alvarez

Attest _____

Peggy Piontek, Town Clerk



Town of Indian Trail
Minutes of Town Council Special Meeting
August 27, 2013
Civic Building
6:30 P.M.

The following members of the governing body were present:

Mayor: Michael L. Alvarez

Council Members: Robert Allen, David Cohn, Christopher King, Darlene Luther, and David Waddell.

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney Keith Merritt, Director of Community & Economic Development Kelly Barnhardt, Planning Director Shelley DeHart, Finance Director Marsha Sutton, Director of Engineering and Public Works Scott Kaufhold , and Senior Planner Rox Burhans .

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Alvarez called the meeting to order and led in the Pledge of Allegiance.

PUBLIC COMMENTS

Gordon Daniels, 1020 Woodkirk Lane, Indian Trail, NC asked Mr. Waddell what are 3 things that he dislikes about Indian Trail. Mr. Waddell stated that the public comment policy prevents him from answering that question, but he will be happy to do so in an email or at the end of the meeting.

CONSENT AGENDA

- a. Approval of draft minutes for August 13, 2013
- b. Council consideration and approval of MOU Endorsement for Charlotte Regional Transportation Planning Organization (CRTPO) **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**
- c. Council consideration and approval of position title modification

Christopher King made a motion to approve the Consent Agenda.
Council voted unanimously in favor of the motion.

DISCUSSION ITEMS

- a. Discussion of Comprehensive Plan

Donald Simpson, a Representative of HNTB who is the consultant on this project provided Council with an update on the progress of the process and the changes they are suggesting. He advised that this matter is anticipated to go before the Planning Board in September and to Council after that. **(A COPY OF THE PRESENTATION IS ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

- b. Discussion of Law Enforcement Assessment RFP

Mr. Fivas advised that a Request for Price informs the consultants what we are looking for. They will submit their RFP's to the Town and then Council will determine who they want to bring in to discuss. This is simply to give staff an idea of specific objectives - no funds or decisions will be made tonight.

Mr. Fivas inquired what does the Council want to achieve with this Request for Proposal. Each Council Member replied:

Mr. King stated that honest questions that need to be answered. He provided the following: how many deputies do we need to hire? If we currently do not have enough, when do we need to hire now or span out over time? If we need to hire more, why? How do we pay for them, we will need a funding mechanism - either short or long term range - not to be delivered without this.

Mr. Waddell agreed with Mr. King on all points, but feels we need to have an assessment of current level of service and a recommended appropriate level of service for our town with our current environment and 10 years down the road.

Mr. Cohn also agreed with Mr. King but would like not only for Council to interview with our perspective companies but the Sheriff's Department as well to participate and have input. Not necessarily in choosing but for them to have influence in choosing. We don't want to choose a company that the Sheriff's Department rejects. So we won't have anyone saying it wasn't done right, we have one shot let's make it count.

Mr. Allen agreed with Mr. King but stated that if we're going to look at address our needs we should also put into the mix what the tipping point is with a real live comparison. Is there a point or time when it is time to have our own Police Department?

Ms. Luther agreed with all the other statements - what is it going to cost and she agrees what is the tipping point when it starts to become more effective to do it on our own. She suggested it would be beneficial to use Stallings as an example because they have the same demographics as us.

Council continued to have a lengthy discussion about this topic. Mr. Fivas recommended that staff create the questions, send them to Council prior to the September 10th meeting for further input and decision. By consensus Council agreed.

c. Discussion of street name for Chestnut Square Park area

Mr. Fivas explained there are 2 roads that do not have names and pointed them out to Council. He suggested that we ask the Park, Tree & Greenway Committee to provide some ideas and bring back to Council for a decision. By consensus Council agreed.

d. Discussion of Indian Trail Road Bridge Project

Mr. Fivas advised that next year NCDOT will be building the bridge on Indian Trail Road and has inquired if the Town would be interested in investing \$590,000 to extend the widening approximately 300 feet going towards the railroad tracks. He also advised that they will install a turn lane on Old Monroe Road @ South Fork, this is a separate project. Council had a discussion on this matter.

Darlene Luther made a motion to not invest these funds on this project and use them for a project that has already been discussed and is need of improvements.

Motion Failed 3 - 2 with Christopher King, David Cohn, and David Waddell opposing.

David Cohn made a motion to table this discussion of extending the Indian Trail Road Bridge Project until the September 10th meeting.

Motion Passed 4 - 1 with Robert Allen opposing.

e. Discussion of future funding and sponsorship of Town Parks

Ms. Barnhardt presented the status of both parks:

Chestnut Square @ Indian Trail is out to bid, the Council will review and award the contract in September with a construction start date of October. The next steps will consist of raising additional fund through sponsorships and donations. These efforts will commence after September 1st with the guidance and assistance of Mayor Pro Tem Cohn.

Crooked Creek Park @ Indian Trail will go out to bid next week, the Council will review and award the contract in October with construction starting in October and will occur over a multi-year process

hopefully to reach full build-out in 5 years. The next step is to apply for a PARTF Grant and staff is recommending to contract with a professional consultant for assistance, this proposal will be brought to Council at the September 10th meeting. With Public and Private grants, donations, sponsorships and additional revenues the Town hopes to have an addition \$3-4 million dollars above the bond funds over the next several years. Staff will start recreation planning by meeting with local athletic associations, other state/regional recreation facilities and develop a clear business plan for park use. We will need to add Parks/Recreation staff to look at future tournament options.

CLOSED SESSION

Christopher King made a motion to enter closed session under [N.C.G.S. 143-318.11(a)(1)] - [N.C.G.S. 143-318.11(a)(3)] - [N.C.G.S. 143-318.11(a)(5)] and [N.C.G.S. 143-318.11(a)(6)]
Council voted unanimously in favor of the motion.

Robert Allen made a motion to approve going back into Open Session.
Council voted unanimously in favor of the motion.

ADJOURN

Christopher King made a motion to adjourn
Council voted unanimously in favor of the motion.

APPROVED:

Michael L. Alvarez

Attest:

Peggy Piontek, Town Clerk

Town of Indian Trail

Memo

TO: Mayor and Town Council

FROM: Joe Fivas, Town Manager

DATE: September 10, 2013

SUBJECT: Appointment of Roger Fish and
Kristopher Rowe to Stormwater Committee



There are openings available on the Stormwater Committee and staff has received applications from Roger Fish and Kristopher Rowe for appointment. Staff recommends appointment of these individuals.

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31

WHEREAS, petition requesting annexation (Annexation #137) of an area described in said petition (0706600790) was received on the 19th day of August, 2013, by the Town Council; and

WHEREAS, N.C.G.S. Chapter 160A, Article 4A, Parts 1 and 4 provide that the sufficiency of the petition shall be investigated by the Town Clerk of the Town of Indian Trail, North Carolina before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Indian Trail, North Carolina deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Indian Trail, North Carolina that:

The Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Town Council the result of the investigation.

Michael Alvarez, Mayor

ATTEST:

Peggy Piontek, Town Clerk



PETITION REQUESTING A VOLUNTARY ANNEXATION

Date: August 15, 2013

To the Town Council of the Town of Indian Trail, North Carolina:

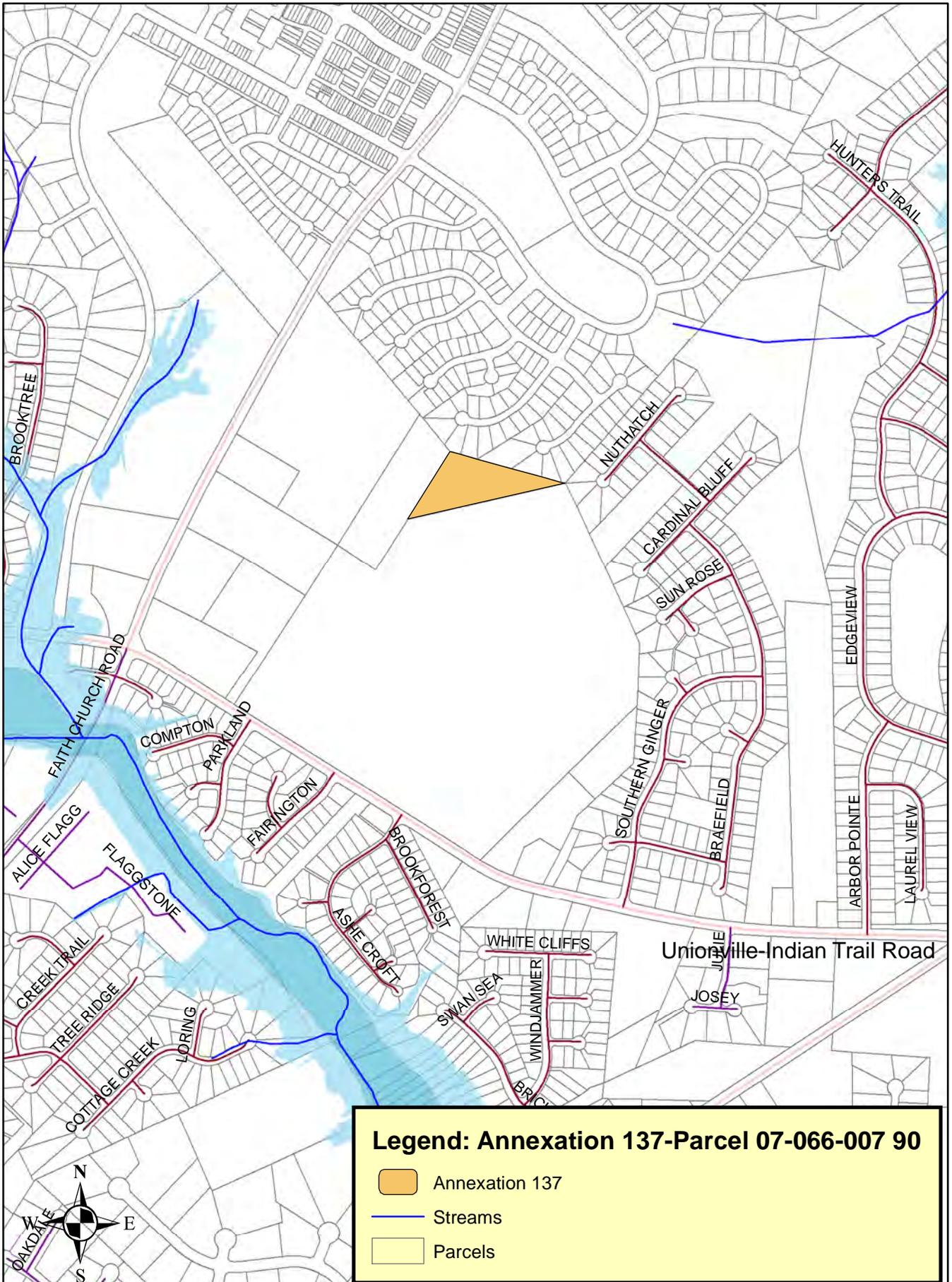
- 1. We, the undersigned owners of real property, respectfully request that the area described in paragraph 2 below be annexed to the Town of Indian Trail, North Carolina.
2. The area to be annexed is CONTIGUOUS NON-CONTIGUOUS (CIRCLE ONE) to the primary limits of the Town of Indian Trail, North Carolina and the boundaries of such territory are as follows:

SEE ATTACHED DESCRIPTION OF BOUNDARIES

(Copy of Deed or other source containing legal description of properties requesting annexation)

- 3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town of Indian Trail, North Carolina (and in relation to the primary corporate limits of another municipality if substantial question of whether the area is closer to another municipality than to the Town of Indian Trail, North Carolina.)

Table with 3 columns: NAME, ADDRESS (PRINT OR TYPE), SIGNATURE. Row 1: Wells Fargo Bank, N.A., 1 Independent Dr 8th Jacksonville, FL 32202, D. Bruce McFadden J.P.



PARCEL TO BE ANNEXED INTO THE TOWN OF INDIAN TRAIL
Tax Parcel No: 07-066-007 90

That certain tract or parcel of land situated, lying and being in Vance Township, Union County, North Carolina, being a portion of the Wells Fargo Bank, N.A. property recorded in Deed Book 5780, Page 302 in the Union County Public Registry, and being more particularly described as follows:

To locate the BEGINNING commence at National Geodetic Survey monument "HM74", having NAD83 grid coordinates of N: 482,352.51 ft., E: 1,511,565.11 ft. and proceed thence North 13°47'10" East for a ground distance of 5,303.42 feet to an existing concrete monument being the southeast corner of Lot 30, Block E, Lake Park Phase Three - Map Seven as shown on a map recorded in Plat Cabinet D, File 756 in the Union County Public Registry, said point also being the point and place of **BEGINNING**, thence a line running through the Wells Fargo Bank, N.A. property as described in Deed Book 5780, Page 302 South 77°31'20" West for a distance of 895.45 feet to a point on the easterly line of the First Baptist Church of Indian Trail property as described in Deed Book 5010, Page 42; thence with the easterly line of the First Baptist Church of Indian Trail property North 32°47'49" East for a distance of 440.27 feet to an existing iron rod being the southernmost corner of Lot 10, Block E, Lake Park Phase Three - Map Six as shown on a map recorded in Plat Cabinet D, File 582; thence with the southerly line of Lot 10 and continuing with the southerly line of Lot 11, recorded in aforesaid plat, South 74°22'55" East, passing an existing iron rod at 66.92 feet, for a total distance of 159.95 feet to an existing concrete monument being the southwest corner of Lot 27, Block E, Lake Park Phase Three - Map Seven as shown on a map recorded in Plat Cabinet D, File 756; thence with the southerly line of Lot 27 and continuing with the southerly line of Lot 28, Lot 29 and Lot 30 South 74°30'21" East, passing an existing iron rod at 486.17 feet, for a total distance of 499.95 feet to the point and place of **BEGINNING**, containing 138,629 square feet or 3.1825 acres, more or less, as shown on a survey prepared R.B. Pharr & Associates, P.A., dated August 7, 2013 (File No. XX-3827).

CERTIFICATE OF SUFFICIENCY
ANNEXATION #137

To the Town Council of the Town of Indian Trail, North Carolina:

I, Peggy S. Piontek, Town Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Indian Trail, North Carolina, this the 10th day of September, 2013.

Peggy S. Piontek, Town Clerk



PETITION REQUESTING A VOLUNTARY ANNEXATION

Date: August 15, 2013

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(Copy of Deed or other source containing legal description of properties requesting annexation)

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**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-31**

WHEREAS, petition requesting annexation of the areas described herein have been received; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Indian Trail, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at Town of Indian Trail Civic Building at 6:30 P.M. on the 22nd day of October, 2013.

Section 2. The area proposed for annexation is described as follows:

See Attached Metes and Bounds- Annexation 137

Section 3. Notice of the public hearing shall be published in a newspaper having general circulation in the Town of Indian Trail, North Carolina, at least ten (10) days prior to the date of the public hearing.

Michael L. Alvarez, Mayor

ATTEST:

Peggy Piontek, Town Clerk

ANNEXATION 137

That certain tract or parcel of land situated, lying and being in Vance Township, Union County, North Carolina, being a portion of the Wells Fargo Bank, N.A. property recorded in Deed Book 5780, Page 302 in the Union County Public Registry, and being more particularly described as follows:

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

Planning Board Transmittal for the September 10, 2013 Public Hearing

Case: CZ 2013-002 Glenn Oaks Apartments			
Reference Name	Glenn Oaks Apartment Community		
Planning Board Meeting Date	July 16, 2013		
Members Present	Chair Cowan <input checked="" type="checkbox"/>	Jan Brown <input type="checkbox"/>	Vice-Chair Miller <input checked="" type="checkbox"/>
	Cahti Higgins <input checked="" type="checkbox"/>	Kelly D' Onofrio <input type="checkbox"/>	Robert Rollins <input type="checkbox"/>
	Alan Rosenburg <input checked="" type="checkbox"/>	Cheryl Mimy <input type="checkbox"/> Alternate 1	Steven Long <input checked="" type="checkbox"/> Alternate 2
	Sidney Sandy <input checked="" type="checkbox"/> Alternate 3		
Case Found Complete	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Motion	Recommend Approval to Town Council with Modifications		
Member Making the Motion	Boardmember Sidney Sandy		
Second the Motion	Boardmember Alan Rosenberg		
Vote	5 to 1 Recommendation to Approve.		

Request: This is a request to establish a Conditional Multifamily Residential (MFR-CZ) zoning district to support development of a 204-unit apartment community and related improvements. The approx. seventeen (17) acre subject property is located at 4508 Old Monroe Road with roadway access taken from Old Monroe Road and Waxhaw-Indian Trail Road.

Town Council Action: *Receive transmittal report and public testimony and:*

1. *Concur with the findings and transmittal of the Planning Board to approve; or*
2. *Concur with the findings and approve as modified by Council; or*
3. *Do not make the findings and disapprove the amendment.*

Executive Summary

This is a request to establish a Conditional MFR-CZ zoning district to support development of a 204-unit apartment community and related improvements. The gross density of the community on the 17-acre subject property would be approximately 12.1 units per-acre. As a means of comparison, Hawthorne at the Trail (formerly Meridian Apts.) has a gross density of approx. 16.2 acres (252-units/15.59 acres). The proposal also contemplates constructing a westbound left turn lane on Old Monroe Road and a southbound left turn lane on Waxhaw-Indian Trail Road, as recommended by the submitted Traffic Impact Analysis (Attachment 1) and approved by the North Carolina Department of Transportation (NCDOT).

As part of the conditional rezoning process, the applicant conducted two neighborhood meetings held on June 24 (daytime) and 26 (evening), 2013 to discuss the proposed project with interested citizens. Approximately 23 attendees participated in the daytime meeting and approximately 25 attendees participated in the evening meeting with many individuals attending both sessions. A summary of these meetings is provided in Attachment 1. The conditional rezoning request was presented to the Planning Board at their July 16, 2013 meeting and the Board recommended approval (voting 5 to 1) subject to conditions. The following will provide a brief overview of the Planning Board discussion and the recommended conditions of approval.

Planning Board

This project was heard by the Planning Board at its July 16, 2013 public meeting. After receiving the report, the Board inquired about several aspects of the project to better understand its scope and any impacts to the surrounding community. Questions to staff and general Planning Board discussion focused on clarifying the project scope of work, understanding the current use/development rights associated with (a portion of) the subject property's current commercial zoning district, anticipated traffic impacts and associated mitigation, impacts to schools/student generation, and potential tax revenues associated with the project. The applicant (Cameron Helms) made a brief presentation describing his family's ownership and history with the subject property. He also discussed the rezoning proposal's consistency with the Comprehensive Plan Village Center Overlay classification of the subject property. Co-applicant Larry Sagehorn also discussed with the Planning Board an alternative development plan that could be pursued if the proposed conditional rezoning is not approved. The alternative plan contemplates developing the commercially zoned portions of the subject property with retail and/or office type uses. This alternative also contemplates the extension of Buckhead Lane (within the existing Deerstyne community) through the subject property, eventually intersecting Old Monroe Road. The extension of Buckhead Lane to Old Monroe Road was a component of the current/original Deerstyne Conditional Use District (CUD) approval. Mr. Sagehorn further discussed the prior coordination with the Deerstyne community residents, which resulted in his commitment to install a fence to separate Deersytne from the Glenn Oaks development (if approved).

The public comment portion of the meeting was opened and six members of the public provided feedback on the proposed rezoning. Richard Strasser, resident of Deerstyne, stated he represents all Deerstyne residents (7-homes). Mr Stasser confirmed that Deersytne residents have been coordinating with the rezoning applicants regarding their concerns. Their primary concern is ensuring there is no direct access between the rezoning subject property and the Deerstyne community. He further elaborated that the Deerstyne residents are supportive of the proposed Glenn Oaks rezoning in light of the current Deerstyne CUD approval contemplating the

extension of Buckhead Lane to Old Monroe Road, which could potentially invite commercial traffic into the community. The Deerstyne residents came to an agreement with the rezoning applicants regarding the following key provisions: 1) Buckhead Lane termination within Deerstyne at its current location, 2) Glenn Oaks will have its own separate access to Waxhaw-Indian Trail Road, 3) Installation of a fence separating the communities, and 4) A min. of 200-ft of green space separating the communities. Mr. John Reece (resident of Pioneer Lane) provided comments indicating concerns about traffic congestion and the overall change in land use. Mrs. Amanda Faulkenbury (resident of Pickett Circle) expressed concerns related to traffic congestion and potential safety issues with the site's roadway access points. She also expressed concerns regarding the lack of pedestrian crossings along Old Monroe Road. Mr. Jerry Morse (resident of Unionville-Indian Trail Road) also provided comments regarding the rezoning proposal. Mr. Morse indicated his underlying support for property rights, however, he did express concerns regarding the location of the project and potential traffic impacts. Mr. Morse also indicated concerns regarding the potential tax revenues that were discussed that could result from the Glenn Oaks community (if approved). Mr. Jerry Outen (resident of Waxhaw-Indian Trail Road) requested verification that the rezoning subject property did not include his property (which it does not) and discussed traffic concerns. Mr. Billy Helms (resident of Pioneer Lane) provided comments regarding his concerns with traffic, how the applicant's traffic analysis was prepared, the underlying land use change, and the possible presence of a nearby bird sanctuary. The Town Engineer (Scott Kaufold) clarified how traffic studies are prepared. It was further clarified by a member of the audience (Mr. Severin Jacobson) that the bird sanctuary relocated several years ago.

The Planning Board continued with additional discussion relative to the public comments provided. Individual Board members thanked the residents for attending the meeting and providing valuable feedback. A draft copy of the meeting minutes is provided (End of Attachment 1) and a digital audio recording of the Planning Board discussion can be found on the Town's website here on [GRANICUS](#).

After deliberations the Board motioned to make the findings and transmit a recommendation to approve as conditioned. Draft condition #13 (building separation) was added to support the agreement reached between the applicant and the Deerstyne residents.

The Draft Conditions are as follows:

1. *Concept Plan:* The site shall be developed as generally depicted on the approved Concept Plan. The proposed building shall be designed as generally depicted in the approved building rendering (Attachment 2). The building shall be constructed primarily of a combination of brick and cementitious siding (i.e. Hardi) with architectural details such as gable roofs, chimneys, and reverse gable end features. Vinyl material may only be used for trim features and other accent elements.
2. *Permitted Uses:* The permitted use of the subject property is multifamily residential and accessory uses as permitted by the Unified Development Ordinance (UDO).
3. *Maximum Dwelling Units:* The maximum number of dwelling units permitted on the 17-acre subject property (approx.) shall be limited to 204-units. The maximum number of 3-bedroom units shall be limited to 8-total units.
4. *TIA Roadway Improvements:* The developer shall be responsible for constructing all road improvements identified in the TIA prepared April 22, 2013 by Progressive Design Group, as

noted below. All required road improvements shall be constructed and any associated public ROW dedicated prior to issuance of a Town Zoning Compliance for the residential units.

- A westbound left turn lane on Old Monroe Road with 100-ft of storage; and
 - Access 1 driveway constructed with a separate left and right turn lane egress with 50-ft of storage; and
 - A southbound left turn lane on Waxhaw Indian Trail Road with 50-ft of storage.
5. *Onsite Road Improvements:* Access to the site shall be provided from Old Monroe through the construction of a new public road (i.e. Glenn Valley Road). The road shall include a 70-ft public Right-of-Way with raised curb/gutter, two 12-ft travel lanes including a 12-ft left turn lane, 6-ft wide sidewalks on each side, a 7-ft street tree area on each side, and ornamental street lighting. Access to the site shall also be provided from Waxhaw-Indian Trail Road through an improvement to an existing private driveway. Improvements to the drive/private road will result in two travel lanes, raised curb and gutter, a sidewalk on one side, and a street tree area on one side. The provision of pedestrian and/or street lighting for this drive shall be evaluated by the developer with the site plan submittal. The private drive/road shall be maintained by the Glenn Oaks developer and/or his assigns. All onsite road improvements shall be constructed and any associated ROW platted and/or dedicated prior to issuance of a Town Zoning Compliance for the residential units.
 6. *Open Space:* Approximately 4.55 acres of open space consisting of community green/park areas, active recreation areas, tree retention areas, and existing and proposed water features shall be created as part of the Glenn Oaks project. The exact quantity of open space will be finalized with the development of the site/construction plans. Maintenance of all open space areas shall be the responsibility of the Glenn Oaks developer and/or his assigns.
 7. *Tree Retention:* Trees retention areas shall be established as generally referenced on the approved Tree Mitigation Plan (Attachment 2). The developer shall retain the services of a licensed Arborist or other qualified tree professional (approved by the Town) to develop site specific construction best management practices to ensure the health of retained Heritage Trees located near buildings and other site improvements. Any retained/protected Heritage Trees that are removed or injured during the construction process shall be mitigated in accordance with UDO Chapter 830. Tree protection fencing shall be utilized around all tree retention areas. A tree retention easement shall be recorded for Tree Retention Area 1 (adjacent to Deerstyne) prior to any issuance of a Zoning Compliance for the residential units. Existing disturbed areas that were previously part of the Deerstyne community shall be planted with tree seedlings. Seedling species and the planting rate shall be determined by the Union County Urban Forester or other qualified professional and approved by the Town in order to achieve a full tree canopy within the disturbed areas.
 8. *Stormwater Detention Pond:* The size of the proposed stormwater detention pond identified on the concept plan is for illustrative purposes only. The exact size will be determined with the site/construction plan, however, a minimum 50-ft vegetated buffer shall be maintained between all property lines and the outside bottom of the pond slope. Any disturbed areas around the stormwater pond shall be planted with trees and/or shrubs to provide a semi-opaque screen. If stormwater is managed offsite, the areas identified for stormwater detention on the Concept Plan shall be set-aside as a tree retention area.
 9. *Stream Intrusion:* Any intrusion into the identified stream shall comply with applicable Federal, State, and Town environmental regulations.
 10. *Patio Screening:* Ground floor patio areas shall be screened from view of pedestrian and vehicle circulation areas and offsite using a combination of fencing, berming, and/or landscaping. A detail(s) shall be developed and approved by the Town with the site plan submittal.

11. *Trail/Sidewalk System:* Concrete sidewalks (min. 5-ft in width) shall be provided throughout the developed portions of the subject property as generally depicted on the Concept Plan. A trail system shall also be created around the existing pond, proposed stormwater management facility, and tree retention areas. The trails shall be a min. of 5-ft in width and constructed of compacted gravel or other suitable material approved by the Town Planning Director.
12. *Fencing:* A 6-ft in height, vinyl coated chain link fence (black or green color) shall be provided in the rear of the subject property to provide a separation from the Deerstyne neighborhood. The final fence location shall be meandered to minimize clearing of trees and other vegetation. The fence shall be installed prior to issuance of any Town Zoning Compliances for the residential units.
13. *Minimum Building Separation:* There shall be a minimum of 200-linear feet of separation between any multifamily residential building and the common, rear property line shared with the Deerstyne Subdivision (Parcel # 07114025B).
14. *Utilities:* Sketch Plan approval from Union County Public Works shall be obtained for the proposed water/sewer improvements prior to submittal of a Town Site Plan application. Installation of water/sewer improvements shall not result in any substantive disturbance of tree retention areas and other landscape areas unless a major conditional rezoning modification is approved.
15. The Town Council may act to revoke the conditional zoning district designation if the applicant fails to meet the terms of the district.

The draft Findings made were as follows:

Goal 1.3.1 Quality of Life – Indian Trail is a growing community of approximately 37,000 residents, yet it only has one multifamily apartment community with 252-dwelling units. The proposed conditional rezoning will provide a greater diversity of housing options for Indian Trail residents and business owners within a master planned community. This community will feature an attractive architectural design that integrates with nearby single-family homes, provide significant tree retention and open space preservation, establish an interconnected trail and sidewalk system for residents, and provide buffering between adjacent single-family residential and commercial uses.

Goal 1.3.2 Land Use - The proposed conditional district will provide a greater mix of land uses by integrating multifamily housing within a village center in an area that is mostly surrounded by existing commercial businesses. The proposed conditional rezoning provides buffering for adjacent residential uses and is conditioned in a manner to help avoid potential land use conflicts. The proposed conditional rezoning will also help provide a more balanced tax base by making a substantial economic investment in the subject property in a manner consistent with the Comprehensive Plan and by expanding the customer base for existing businesses within the village center.

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 Monroe Village Center, provides expanded housing opportunities for Indian Trail citizens and business owners, and includes elements that benefit the general public in the area tree preservation and transportation infrastructure investment.

Following the Planning Board review of CZ2013-002, draft condition #14 (Utilities) was added in light of the applicant's continued coordination with Union County Public Works regarding water and sewer service.

Staff Contact

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rburhans@planning.indiantrail.org
(704) 821-5401

Attachment 1- Planning Board Report and
Draft Meeting Minutes
Attachment 2- Draft Ordinance

TOWN COUNCIL ATTACHMENT 1: PB REPORT



P.O. Box 2430
 Indian Trail, North Carolina 28079
 PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

Conditional Zoning Staff Report

Case: CZ 2013-002			
Reference Name	Glenn Oaks Apartment Community		
Request	Proposed Zoning	Conditional Zoning-Multifamily Residential District (MFR-CZ)	
	Proposed Uses	Multifamily Residential	
Existing Site Characteristics	Existing Zoning	Single-Family Residential-5 and General Business District with a Village Center Overlay	
	Existing Use	Single-Family Residential	
	Site Acreage	16.9 acres (approximate)	
Applicant	Cameron Helms and Larry Sagehorn		
Submittal Date	April 18, 2013		
Location	4508 Old Monroe Road, Indian Trail (multiple addresses)		
Tax Map Number(s)	07114016C (portion of), 07114015 (portion of), 07114038Y, 07114023, 07114360, 07114359, 07114016, 07114016A, 07114016L & 07114025D).		
Plan Consistency	Comprehensive Plan	Designation	Suburban Mix within a Village Center Overlay
		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 Multifamily Residential (MFR-CZ) zoning district to support development of a 204-unit apartment community and related improvements. The approx. seventeen (17) acre subject property is located at 4508 Old Monroe Road with roadway access taken from Old Monroe Road and Waxhaw-Indian Trail Road. The gross density of the community would be approximately 12.1 units per-acre. As a means of comparison, Hawthorne at the Trail (formerly Meridian Apts.) has a gross density of approx. 16.2 units/acre (252-units/15.59 acres). The proposal also contemplates constructing a westbound left turn lane on Old Monroe Road and a southbound left turn lane on Waxhaw-Indian Trail Road, as recommended by the submitted Traffic Impact Analysis (summary enclosed) and approved by the North Carolina Department of Transportation (NCDOT).

Recommendation

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

Analysis

Much of Indian Trail's character is defined by its single-family neighborhoods. Names like Brandon Oaks, Taylor Glenn, Bonterra, and Beacon Hills are relatively well known within Indian Trail's tight knit community. If approved, Glenn Oaks would become the second apartment community located within Town of Indian Trail. In considering the analysis of the proposed rezoning, careful consideration needs to be made of not only the potential impacts of this proposed development, but also how multifamily uses fit within the overall vision for Indian Trail's future. Staff's analysis of the Glenn Oaks proposal will start with a brief overview of the project background.

Background

A significant portion of the rezoning subject property has been in common ownership with the applicant's family (Helms family) for several generations. This portion of the subject property is currently zoned General Business District (GBD) and is developed with two single-family homes. As a separate project not directly related to the proposed Glenn Oaks apartment community, the applicant has a Site Plan approval (SP2012-005) for a Family Dollar retail establishment and related improvements fronting Old Monroe Road. This commercial use would be located immediately to the west of the proposed road providing access to the Glenn Oaks apartment community (see Attachment 2).

The remaining portions of the rezoning subject property are largely associated with the Deerstyne subdivision that was approved by Town Council on July 12, 2005 (Conditional Use Permit 2004-006). Deerstyne was originally approved as a 60-lot single-family residential neighborhood with associated open space amenities. The approved Deerstyne site plan/construction plan (SP2005-041) organized development of the subdivision into two phases. Phase I contemplated construction of Buckhead Lane (main access road) up to the termination of the roundabout and approximately twenty-five (25) residential lots (amongst other improvements). Most of the Phase I improvement can be seen on Map 1 below. As a result of the decline in single-family residential home construction caused by the economic downturn, a significant portion of Deerstyne Phase II (approx. 8.98 acres) was sold to the Glenn Oaks rezoning applicant (in May of 2012) and has been incorporated into the apartment subject property. Most of the subject property from Deerstyne Phase II is being utilized as open space, tree retention, and stormwater management. A component of the proposed Glenn Oaks conditional rezoning (if approved) is to modify the existing Deerstyne Conditional Use Permit to address the reduced site acreage, open space reconfiguration, and reduced number of lots.

Location Characteristics and Surrounding Zoning

Location Overview

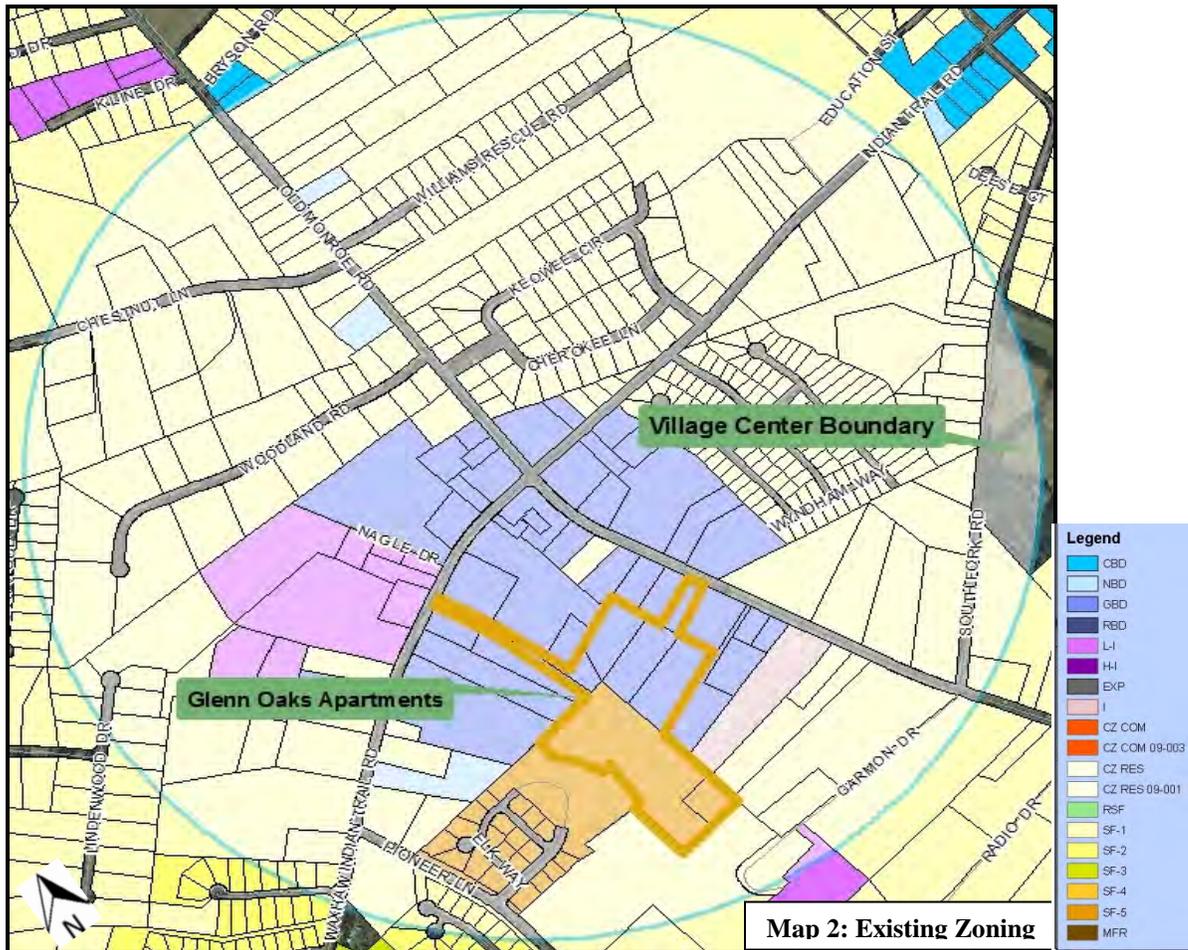
The Town of Indian Trail through its Council-adopted Comprehensive Plan is organized into a network of interconnected villages. The Glenn Oaks subject property is located within the Old Monroe Village Center which radiates outward from the intersection of Old Monroe Road and Waxhaw-Indian Trail Road. Village centers are intended to contain a village's greatest concentration of commercial development (i.e. office, retail, etc.) with multifamily residential uses located within a 5 to 10-minute walk from the core of the village center.

Map 1 (below) provides a current conditions snapshot of the village center area by identifying existing businesses/uses in relationship to the Glenn Oaks subject property and the adjacent Deerstyne subdivision. The map is telling in that it depicts a classic representation of the envisioned village center layout by having businesses front the primary roadways with

multifamily residential uses within close proximity. The businesses located within the village center are also those that would provide primary goods and serves directly to Glenn Oaks residents such as the Food Lion grocery store, Indian Trail Family Medicine, CVS Drug Store, Private Mini Storage, Fifth-Third Bank, and other similar uses/businesses. The Glenn Oaks subject property location also provides a use buffer for the Deerstyne neighborhood and other nearby residences by separating them from the village's commercial businesses.



As reflected in Map 2 below, the subject property is surrounded by the General Business District (GBD) to the north, northeast, and west. The Single Family Residential-5 (SF-5) district (i.e. Deerstyne subdivision) surrounds the subject property to the south. Single-Family Residential-1 (SF-1) surrounds the subject property to the southeast. The Old Monroe access road is immediately opposing commercially zoned property (GBD) and the Waxhaw-Indian Trail access drive immediately opposes industrial zoning (Light Industrial/LI).



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 204 unit apartment community with corresponding recreational amenities, a significant tree retention area, and proposed road improvements to mitigate traffic impacts. The subject property is largely in a wooded condition with the exception of the two existing home sites. The following will provide a brief overview of key elements of the Concept Plan.

1. *Site Layout:* The site layout for the proposed multifamily buildings is unique in that it creates an urban streetscape by having perimeter buildings with parallel parking lining the primary driveway and the use of internal buildings to reduce the scale of parking areas. A central community green/park is proposed to provide a natural amenity area for residents and visitors while acting as a defining feature for the community with its retained Heritage Trees. The office/community building is located in the front of the site facing Old Monroe Road with an enhanced entryway treatment featuring masonry pavers, retained Heritage Trees, landscaping, and other amenities. The refuse station is located in the rear of the property approximately 320-ft from the Deerstyn subdivision.
2. *Unit Arrangement:* The Glenn Oaks community contemplates 10, 3-story buildings with a typical height of approx. 42-feet. The proposed mix of unit types is outlined in Table 1 below.

TABLE 1: APARTMENT UNIT MIX

Unit Type	Number of Proposed Units
One Bedroom	88
Two Bedroom	108
Three Bedroom	8
TOTAL	204-UNITS

- Onsite Road Improvements:* The primary entrance to the site will be provided from Old Monroe Road through a new public road that will be permitted separately from the conditional rezoning process (Site Plan # SP2012-017). The 220-ft in length new roadway referred to as Glenn Valley Road will be approximately 1,000-ft from the Old Monroe Road and Waxhaw-Indian Trail Road intersection. Glenn Valley Road will include a 70-ft public Right-of-Way (ROW) with raised curb/gutter, two 12-ft travel lanes including a 12-ft left turn lane, 6-ft sidewalks on each side, a 7-ft street tree area on each side, and ornamental street lighting.

A secondary access point will be provided from Waxhaw-Indian Trail Road through an improvement to an existing, 800-linear foot (approx.) access drive serving the adjacent Private Mini Storage site and an auto repair establishment. Improvements to the drive/private road will result in two travel lanes, raised curb and gutter, a sidewalk on one side, and a street tree area on one side. The improved drive/road will be approximately 800-ft from the Old Monroe Road and Waxhaw-Indian Trail Road intersection. The access drive/road will be privately maintained by the Glenn Oaks developer and/or his assigns.

- Open Space/Tree Retention:* As reflected in the concept plan below, the retention of open space and existing trees is a central element in the overall design of Glenn Oaks. Approximately 4.55 acres of land is seaside as common open space and approximately 3.45 acres are set-aside for tree retention. The exact quantity of open space and tree retention will be calculated once the stormwater management pond and other site improvements are fully designed with the site plan submittal (if rezoning is approved). The pond will be designed as a wet pond and serve as an amenity to the site with trails meandering around the pond and the remainder of the tree retention area. The pond and tree retention area will also provide a natural buffer between the Glenn Oaks community and the Deerstyne subdivision. As previously mentioned, two connected central green/park areas are also provided with unifying elements such as interconnecting walkways and a pool amenity area. Two buildings front the north green to help create a sense of place and provide visibility for safety.

Approximately 65 Heritage Trees are proposed for retention, however, the final number retained will be determined once site/construction plans are prepared for buildings, parking areas, and the stormwater pond. Please refer to Attachment 2 for a copy of the Tree Mitigation plan.



Concept Plan

Architectural Design

As reflected in the rendering below, the proposed architecture of the apartment buildings contemplates a 3-story building constructed of a combination of brick and cementitious (i.e. Hardi) siding. Architectural details have been incorporated into the design to not only give the buildings a sense of character, but also to help blend with the nearby Deerstyne subdivision and other neighborhoods. Proposed details include a gable roof, chimney features, reverse gable ends on the front, and other features. The buildings shall be consistently designed on all sides to avoid creation of a conventional “front and rear” area.” Secondary structures such as the office, refuse enclosure, etc. will be designed consistent with the residential buildings. The visibility of ground level patio spaces will be softened from general view with landscaping and other elements.



Concept Plan-Architectural Rendering

Traffic Impact Analysis

A Traffic Impact Analysis (TIA) was prepared by Progressive Design Group, Inc. on April 22, 2013 to analyze the anticipated traffic generated by the development and its potential impact on existing roads. The TIA also provided a list of improvements to be constructed by the developer in order to mitigate any road impacts. The following will summarize the key recommendations in the report (see Attachment 3 for TIA Summary). The complete TIA with all attachments may be viewed on the project website at www.indiantrail.org/planlog1.php?id=308&type=15. The rezoning applicant has agreed to construct all improvements identified in the TIA.

The Glenn Oaks Apartment Community is anticipated to generate approximately 2,301 daily trips with 122-morning peak hour (7:00 a.m. to 9:00 a.m.) trips and 208 afternoon peak hour (4:00 p.m. to 6:00 p.m.) trips. The intersection of Old Monroe Road and Waxhaw-Indian Trail Road currently operates at Level of Service (LOS) of “E” during the AM and PM peak hours. LOS is based on the relationship between roadway capacity and existing traffic volume.

In order to maintain the above noted intersection’s current LOS, the TIA recommends construction of the following improvements.

Old Monroe Road & Access 1

- Install a westbound left turn lane on Old Monroe Road with 100-ft of storage; and
- Access 1 driveway is to be constructed with a separate left and right turn lane egress with 50-ft of storage.

Waxhaw-Indian Trail Road & Access 2

- Install a southbound left turn lane on Waxhaw Indian Trail Road with 50-ft of storage.

NCDOT has approved the above noted TIA and the proposed improvements as having acceptably mitigated traffic impacts created by the proposed Glenn Oaks Apartments.

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. *Concept Plan:* The site shall be developed as generally depicted on the approved Concept Plan. The proposed building shall be designed as generally depicted in the approved building rendering (Attachment 2). The building shall be constructed primarily of a combination of brick and cementitious siding (i.e. Hardi) with architectural details such as gable roofs, chimneys, and reverse gable end features. Vinyl material may only be used for trim features and other accent elements.
2. *Permitted Uses:* The permitted use of the subject property is multifamily residential and accessory uses as permitted by the Unified Development Ordinance (UDO).
3. *Maximum Dwelling Units:* The maximum number of dwelling units permitted on the 17-acre subject property (approx.) shall be limited to 204-units. The maximum number of 3-bedroom units shall be limited to 8-total units.
4. *TIA Roadway Improvements:* The developer shall be responsible for constructing all road improvements identified in the TIA prepared April 22, 2013 by Progressive Design Group, as noted below. All required road improvements shall be constructed and any associated public ROW dedicated prior to issuance of a Town Zoning Compliance for the residential units.

- A westbound left turn lane on Old Monroe Road with 100-ft of storage; and
 - Access 1 driveway constructed with a separate left and right turn lane egress with 50-ft of storage; and
 - A southbound left turn lane on Waxhaw Indian Trail Road with 50-ft of storage.
5. *Onsite Road Improvements:* Access to the site shall be provided from Old Monroe through the construction of a new public road (i.e. Glenn Valley Road). The road shall include a 70-ft public Right-of-Way with raised curb/gutter, two 12-ft travel lanes including a 12-ft left turn lane, 6-ft wide sidewalks on each side, a 7-ft street tree area on each side, and ornamental street lighting. Access to the site shall also be provided from Waxhaw-Indian Trail Road through an improvement to an existing private driveway. Improvements to the drive/private road will result in two travel lanes, raised curb and gutter, a sidewalk on one side, and a street tree area on one side. The provision of pedestrian and/or street lighting for this drive shall be evaluated by the developer with the site plan submittal. The private drive/road shall be maintained by the Glenn Oaks developer and/or his assigns. All onsite road improvements shall be constructed and any associated ROW platted and/or dedicated prior to issuance of a Town Zoning Compliance for the residential units.
 6. *Open Space:* Approximately 4.55 acres of open space consisting of community green/park areas, active recreation areas, tree retention areas, and existing water features shall be created as part of the Glenn Oaks project. The exact quantity of open space will be finalized with the development of the site/construction plans. Maintenance of all open space areas shall be the responsibility of the Glenn Oaks developer and/or his assigns.
 7. *Tree Retention:* Trees retention areas shall be established as generally referenced on the approved Tree Mitigation Plan (Attachment 2). The developer shall retain the services of a licensed Arborist or other qualified tree professional (approved by the Town) to develop site specific construction best management practices to ensure the health of retained Heritage Trees located near buildings and other site improvements. Any retained/protected Heritage Trees that are removed or injured during the construction process shall be mitigated in accordance with UDO Chapter 830. Tree protection fencing shall be utilized around all tree retention areas. A tree retention easement shall be recorded for Tree Retention Area 1 (adjacent to Deerstyne) prior to any issuance of a Zoning Compliance for the residential units. Existing disturbed areas that were previously part of the Deerstyne community shall be planted with tree seedlings. Seedling species and the planting rate shall be determined by the Union County Urban Forester or other qualified professional and approved by the Town in order to achieve a full tree canopy in the future within the disturbed areas.
 8. *Stormwater Detention Pond:* The size of the proposed stormwater detention pond identified on the concept plan is for illustrative purposes only. The exact size will be determined with the site/construction plans, however, a minimum 50-ft vegetated buffer shall be maintained between all property lines and the outside bottom of the pond slope. Any disturbed areas around the stormwater pond shall be planted with trees and/or shrubs to provide a semi-opaque screen. If stormwater is managed offsite, the areas identified for stormwater detention on the Concept Plan shall be set-aside as a tree retention area.
 9. *Stream Intrusion:* Any intrusion into the identified stream shall comply with applicable Federal, State, and Town environmental regulations.
 10. *Patio Screening:* Ground floor patio areas shall be screened from view of pedestrian and vehicle circulation areas and offsite using a combination of fencing, berming, and/or landscaping. A detail(s) shall be developed and approved by the Town with the site plan submittal.
 11. *Trail/Sidewalk System:* Concrete sidewalks (min. 5-ft in width) shall be provided throughout the developed portions of the subject property as generally depicted on the Concept Plan. A trail system shall also be created around the existing pond, proposed stormwater management

facility, and tree retention areas. The trails shall be a min. of 5-ft in width and constructed of compacted gravel or other suitable material approved by the Town Planning Director.

12. *Fencing*: A 6-ft in height, vinyl coated chain link fence (black or green color) shall be provided in the rear of the subject property to provide a separation from the Deerstyne neighborhood. The final fence location shall be meandered to minimize clearing of trees and other vegetation. The fence shall be installed prior to issuance of any Town Zoning Compliances for the residential units.
13. 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 accepted and approved the applicant's traffic impact analysis and corresponding roadway improvements to Old Monroe Road and Waxhaw-Indian Trail Road (see end of Exhibit 3).
- *Union County Public Works (UCPW)*: The April 24, 2013 UCPW comment letter provided feedback of an administrative nature.
- *Union County Public Schools (UCPS)*: This development will be located in the current Indian Trail Elementary School and Sun Valley Middle and High School districts. Indian Trail Elementary is presently slightly below capacity. Sun Valley High is below capacity, but expected to rise above capacity in the next five years. Sun Valley Middle is currently above capacity and is expected to remain so for the foreseeable future. This development will add to current over-capacity problems, such as mobile classrooms, inadequate capacity for food service and restroom facilities, rationing of access to the library, 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) & Union County Inspections Office (UCIO)*: UCFM advised the buildings will need to be constructed with sprinkler systems. UCIO did not have any comments on the rezoning.
- *Union County Sheriff's Office (UCSO)*: UCSO did not have any comments on the rezoning.

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 owners of surrounding properties and Homeowners Associations within 500 feet (approx. 108-addresses), and posting two signs on the site. The first community meeting was held at the Stallings Fire Station on June 24, 2013 from 10:00 a.m. to 12:00 p.m. The second community meeting was held on June 26, 2013 at the Indian Trail Civic Building from 5:00 p.m. to 7:00 p.m. The applicant also privately met several times with the Deerstyne community and other residents to discuss the proposal and address concerns in advance of the required community meetings. The following will provide a brief summary of the Town required community meetings.

- *Daytime Meeting*: This meeting was attended by approximately 23-members of the public. Several of the attendees were relatives of the applicant. General questions were raised about the project's potential impacts to existing roadways and to public schools. The applicant indicated that a Traffic Impact Analysis had been completed and approved by NCDOT that recommended roadway improvements (i.e. left turn lanes) that mitigate all impacts. The applicant further expressed his opinion that the limited quantity of the 3-bedroom units (8) would help minimize the number of school aged children living in Glenn Oaks. Residents of

the Deerstyne community expressed concerns about the existing problem with trespassing on the nearby pond, the dumping of trash and debris, and off road activity with all-terrain vehicles. Confirmation was sought and provided by the applicant that the previously discussed (privately) chain link fence will be provided in the rear of Glenn Oaks to provide a separation between the communities and to help with existing trespassing problems. The developer later discussed the tax benefits to the community associated with Glenn Oaks. The applicant indicated an estimated tax collection of \$200,000 will be made to Union County, the Town, and related special purpose districts (not confirmed by Town staff). Deerstyne residents asked for clarification of the distance between the closest building and the shared property line with Deerstyne. The distance was estimated to be approx. 200-linear feet.

The developer also indicated that if the apartment proposal is not approved he will explore developing the subject property under the existing GBD zoning and according to the original plan for the Deerstyne subdivision. This would include developing office and retail development with an extension of Buckhead Lane to Old Monroe Road. The developer cited the amount of current, annual taxes on the property as a significant reason for developing the property beyond its current single-family residential use. The residents of Deerstyne expressed strong concerns about the potential for a roadway connection between Deerstyne and the commercially zoned parcels. Some attendees from Deerstyne expressed a preference for the apartment proposal when given a choice to the potential commercial development concept. The meeting concluded with small group discussions throughout the room.

- *Evening Meeting:* This meeting was attended by approximately 25 members of the public. Most of the attendees of this meeting previously attended the above noted daytime meeting. The applicant provided a presentation similar to the one provided at the daytime meeting, however, an additional explanation of the Indian Trail Comprehensive Plan was provided including a description of the village center concept and Glenn Oak's consistency with the plan. The applicant emphasized the public outreach effort in developing the plan (i.e. community meetings, workshops, etc.) and its adoption by a previous Town Council. Questions raised during this discussion were similar to the previous daytime meeting with a focus on impacts to existing roads and public schools. The applicant did emphasize that Glenn Oaks will be a private, market-rent based apartment community versus a government sponsored community (i.e. affordable housing, etc). Further discussion included potential Glenn Oaks residents such as students at nearby colleges, employees from the Monroe aviation business park, and other large employers with a professional workforce.

A citizen who did not attend the previous daytime meeting raised four specific concerns, as follows: 1) The citizen spoke directly with Union County Public Schools and the district was unable to estimate the number of school aged children generated from this project due to limited comparable developments within the district. The citizen therefore questioned the applicant's assessment of there being few new students generated from the project. 2) There are still many homes that have been permitted, but not built in Indian Trail, which will further impact existing roads and schools. 3) Most residents are unfamiliar with the Indian Trail Comprehensive Plan and are unlikely to support apartment proposals. 4) The Town Council must consider this apartment request knowing that there are other potential apartment proposals that may come before them in the near future. After these concerns were raised with some response by the applicant, a Deerstyne resident interjected to clarify that residents of their community will be impacted the most from the Glenn Oaks project and they prefer the apartment proposal over the previously mentioned commercial development in

light of there being no road connection through Deerstyne. The meeting concluded with small group discussions throughout the room.

Comprehensive Plan Consistency

The Indian Trail Comprehensive Plan organizes the Town into a series of interconnected villages which not only helps create a well managed growth and community development pattern, but also provides meaningful identify for Indian Trail residents. The Glenn Oaks subject property is located within a village center of the Old Monroe Suburban Mix Village of the Comprehensive Plan. This area is intended to provide housing opportunities for a majority of Indian Trail citizens. A Suburban Mix village consists of land uses that promote a neighborhood setting with single-family detached houses as its primary development type. Multifamily housing is an integral component of village centers and can serve as a transition or buffer between lower density/intensity uses (i.e. parks, single-family housing, etc.) and higher density/intensity uses (i.e. commercial). Multifamily uses should generally be located within a 5 to 10-minute walk from the core of a village center. Commercial uses within a village are also intended to be located within the village center to help meet the daily needs of village residents. As reflected in Map 1 above, the Glenn Oaks subject property is tailored to the village center locational criteria in that it is located within walking distance to village businesses and acts as a transition between the Deerstyne neighborhood and the business establishments.

Table 2 below provides the desired land use mix within the Suburban Mix Village. Multifamily housing is intended to represent approximately 3% of the village composition, but may reach as high as 5% if market conditions are able to support it. There are no existing multifamily residential uses within this village. If approved, the approximately 17-acre Glenn Oaks subject property would represent approximately 1.24% of the village area and would therefore be consistent with the recommended village land use mix.

Table 2: Suburban Mix Land Use

Corridor	Land Use	Sq. Feet	Acres	Current Base	Percent Base	Flex
Old Monroe	Low Density Res.				7%	+ 2
	Med. Density Res.	29,099,441.62	668.03	48.75%	60%	-5
	High Density Res.	12,824,765.96	294.42	21.48%	8%	+/- 2
	Multi-Family Res.				3%	+/- 1
	Parks/Open Space/Agriculture/Forest	2,401,520.64	55.13	4.02%	6%	
	Institutional	755,755.36	17.35	1.27%	7%	+ 2
	Retail	2,542,336.12	58.36	4.26%	2%	
	Office	109,784.23	2.52	0.18%	2%	
	Boulevards/Thoroughfares	3,496,522.59	80.27	5.86%	5%	
	Industrial	403,991.20	9.27	0.68%		

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 1.3.1 Quality of Life – Indian Trail is a growing community of approximately 37,000 residents, yet it only has one multifamily apartment community with 252-dwelling units. The proposed conditional rezoning will provide a greater diversity of housing options for Indian Trail residents and business owners within a master planned community. This community will feature an attractive architectural design that integrates with nearby single-family homes, provide significant tree retention and open space

preservation, establish an interconnected trail and sidewalk system for residents, and provide buffering between adjacent single-family residential and commercial uses.

Goal 1.3.2 Land Use - The proposed conditional district will provide a greater mix of land uses by integrating multifamily housing within a village center in an area that is mostly surrounded by existing commercial businesses. The proposed conditional rezoning provides buffering for adjacent residential uses and is conditioned in a manner to help avoid potential land use conflicts. The proposed conditional rezoning will also help provide a more balanced tax base by making a substantial economic investment in the subject property in a manner consistent with the Comprehensive Plan and by expanding the customer base for existing businesses within the village center.

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 Monroe Village Center, provides expanded housing opportunities for Indian Trail citizens and business owners, and includes elements that benefit the general public in the area tree preservation and transportation infrastructure investment.

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 - TIA Summary

Attachment 4 – Draft Ordinance

Staff Contact

Rox Burhans, AICP

704 821-5401

rburhans@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 \$800.00

Notification Fee \$2.50 per adjoining property owner

Date Received _____



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 4500 Old Monroe Road

City Indian Trail State NC Zip 28079

Tax Parcel ID 07114016 / 07114016A / 07114359 / 07114025D / 07114023 / 07114038Y / 07114360 / 07114016L
Zoning Designation Multi Family

Total Acres 17 Impervious Area 13.6 acres

Project Description 204 Multi-Family Apartment Community

Contact Information – Applicant

Name Cameron Helms & Larry F. Sagehorn

Address 113 Indian Trail Road North #274

City Indian Trail State NC Zip 28079

Phone 704-400-9837 Larry's # 704-535-2206

Email cam@camerons-inc.com Jarrys@sagehornandcompany.com

Contact Information – Property Owner

Name Cameron Helms

Address 113 Indian Trail Road North

City Indian Trail State NC Zip 28079

Phone 704-400-9837 Fax _____

Email cam@camerons-inc.com

CONDITIONAL ZONING APPLICATION



Applicant's Certification

Signature Cameron B. Helms Date 8-5-13

Printed Name/Title CAMERON B. HELMS

Signature of Notary Public Trena S. Sims Date 8-5-13

My Commission Expires: 3-24-14



Property Owner's Certification

Signature Cameron B. Helms Date _____

Printed Name/Title CAMERON B. HELMS

Signature of Notary Public _____ Date _____

Notary Seal

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

**GLENN OAKS MULTIFAMILY APARTMENT COMMUNITY
CONDITIONAL REZONING APPLICATION
PROPERTY OWNER CONTINUATION SHEET**

Contact Information – Property Owner

Name Bowterra Builders
Address 5615 Potter Rd
City Matthews State NC Zip 28104
Phone 704-821-8972 Fax 704-821-6045

Property Owner's Certification

Signature R. Dean Harvell Date May 8/13
Printed Name/Title R. Dean Harvell CEO Bowterra Builders

Signature of Notary Public [Signature] Date 5-8-13
com. expires may 14, 2013

Notary Seal

05-10-2013 09:45



SAGEHORN
& COMPANY INCORPORATED

April 18, 2013

Mr. Rox Burhans
Senior Planner
130 Blythe Drive
Indian Trail, NC 28079

Re: Letter of Intent for Glenn Oaks

Dear Mr. Burhans:

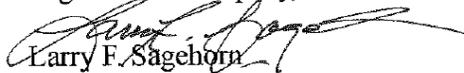
Please accept this "Letter of Intent" to develop a 204 Unit Apartment Project on 17.2 +/- acres located in Indian Trail, NC. This property fronts on Old Monroe Road – SR 1009 and will access Waxhall-Indian Trail Road by a new private access drive. The subject property currently has various zonings and our Rezoning Application requests these zonings be changed to Multi-Family which allowing 12 units to the acre.

This site is contiguous with or part of the following parcels: 07114016, 07114016A, 07114359, 07114025D, 07114023, 07114038Y, 07114360 and 07114016L. The main drive entering development divides the front two (2) outparcels and creates the main entrance to the new apartment community.

This request is being made on behalf of Old Monroe Development, LLC, located at 598 Indian Trail Road #274, Indian Trail, NC 28079.

If you need any additional information please contact me at 704-535-2206.

Sincerely,
Sagehorn & Company, Inc.


Larry F. Sagehorn
President

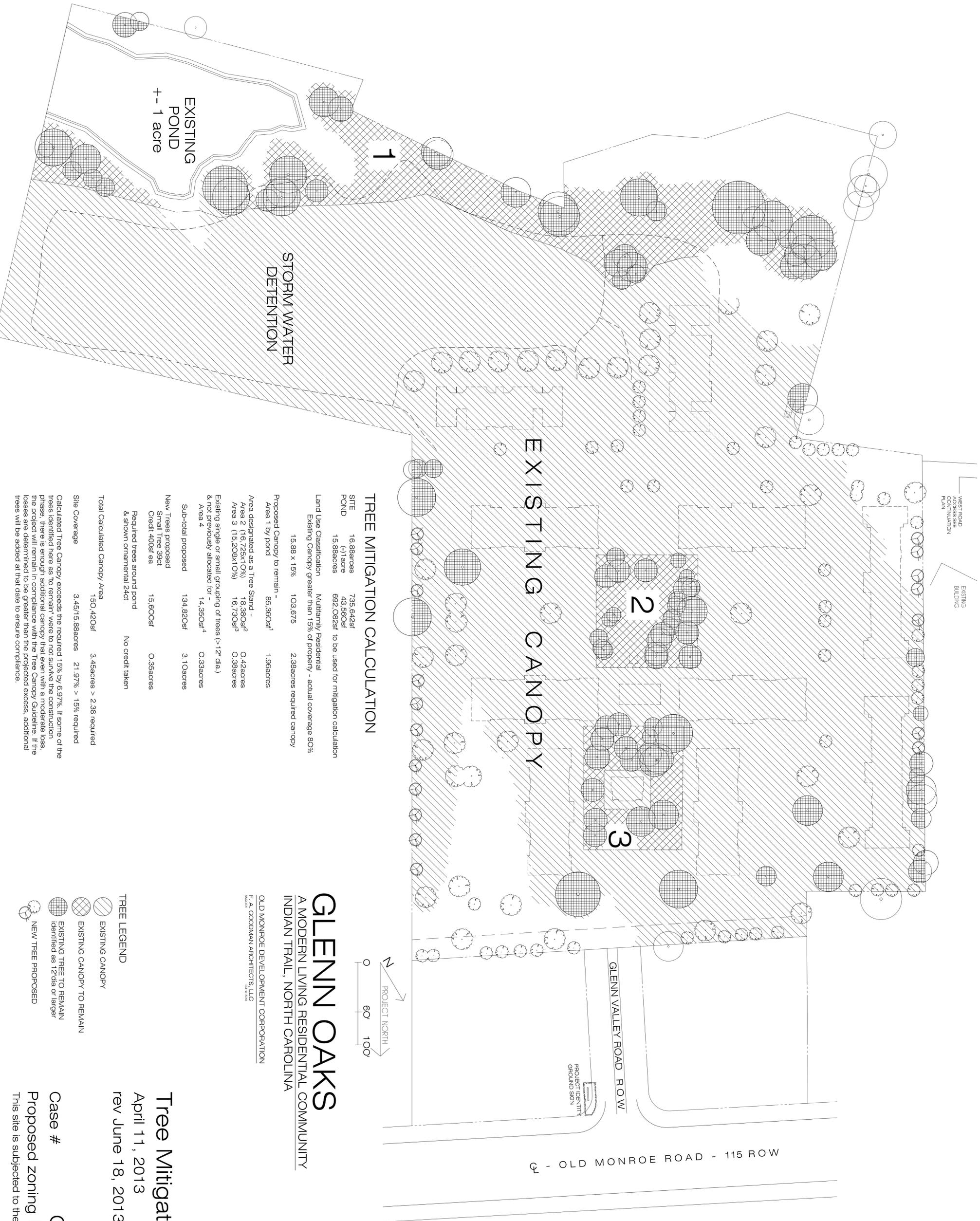
PB Attachment 2
Concept Plan



GLENN OAKS
A MODERN LIVING RESIDENTIAL COMMUNITY
INDIAN TRAIL, NORTH CAROLINA

10 18
SAG001
03.01.13

bldg G



TREE MITIGATION CALCULATION

SITE	16.88acres	735,642sf
POND	(-).1acre	43,560sf
	15.88acres	692,082sf
Land Use Classification: Multifamily Residential		
Existing Canopy greater than 15% of property - actual coverage 80%		
15.88 x 15%	103,675	2.38acres required canopy
Proposed Canopy to remain -		
Area 1 by pond	85,960sf ¹	1.98acres
Area designated as a Tree Stand -		
Area 2 (16,725x10%)	18,380sf ²	0.42acres
Area 3 (15,208x10%)	16,730sf ³	0.38acres
Existing single or small grouping of trees (< 12" dia.) & not previously allocated for -		
Area 4	14,350sf ⁴	0.33acres
Sub-total proposed	134,820sf	3.10acres
New Trees proposed		
Small Tree 39ct		
Credit 400sf ea	15,600sf	0.35acres
Required trees around pond & shown ornamental 24ct		
		No credit taken
Total Calculated Canopy Area		
	150,420sf	3.45acres > 2.38 required
Site Coverage		
	3.45/15.88acres	21.97% > 15% required

Calculated Tree Canopy exceeds the required 15% by 6.97%. If some of the trees identified here as to remain were to not survive the construction phase, there is enough additional canopy that even with a moderate loss, the project will remain in compliance with the Tree Canopy Guideline. If the losses are determined to be greater than the projected excess, additional trees will be added at that date to ensure compliance.

TREE LEGEND

- EXISTING CANOPY
- EXISTING CANOPY TO REMAIN
- EXISTING TREE TO REMAIN identified as 12" dia or larger
- NEW TREE PROPOSED



GLENN OAKS
 A MODERN LIVING RESIDENTIAL COMMUNITY
 INDIAN TRAIL, NORTH CAROLINA

OLD MONROE DEVELOPMENT CORPORATION
 F. A. GOODMAN ARCHITECTS, LLC
SCALE

Tree Mitigation Plan

April 11, 2013
 rev June 18, 2013

Case # **CZ2013-002**
 Proposed zoning **MF-Conditioned**
 This site is subjected to the conditions of rezoning approval

Attachment 3
TIA Summary

TRAFFIC IMPACT ANALYSIS

HELM'S GROVE
OLD MONROE RD AND WAXHAW INDIAN TRAIL RD
Union County, North Carolina



For
Old Monroe Development, LLC
April 2013

704.573.3003 | 9736 Bartlett Road, Charlotte, NC 28227



EXECUTIVE SUMMARY

Old Monroe Development, LLC of Indian Trail, NC proposes to develop approximately 19 acres along Old Monroe Road (SR 1009) and Waxhaw Indian Trail Road (SR 1008). The proposed development will consist of 216 apartments and two @ 8,250 square feet free standing general retail buildings. For this study, the build-out year is assumed to be 2018.

This report provides an analysis of the traffic operations within the area of influence. It provides recommended access management for the site and intersection improvements needed for mitigating traffic impacts. This study evaluates existing traffic conditions in 2013, full build-out in 2013 as well as in 2018 under No Build and Build scenarios, as approved by the North Carolina Department of Transportation (NCDOT) and the Town of Indian Trail. This traffic impact analysis is valid at any time within the 2013-2018 interval.

The area of influence of the study site as provided by the Town of Indian trail and the NCDOT includes the following three intersections:

1. Old Monroe Road (SR 1009) and Waxhaw Indian Trail Road (SR 1008) (signalized)
2. Access 1 on Old Monroe Road (SR 1009) (unsignalized)
3. Access 2 on Waxhaw Indian Trail Road (SR 1008) (unsignalized)



Helm's Grove Site along Old Monroe Road

According to the current site plan, the Helm's Grove site will be served by the two access points. One access point is located on Waxhaw Indian Trail Road, approximately 800 feet south of Old Monroe Road. The other access point is located on Old Monroe Road, approximately 1,260 feet east of Waxhaw Indian Trail Road. There are no sight distance issues at either of the proposed access locations. The trip generation results indicate that the proposed development would generate approximately 2,301 daily trips, 122 morning-peak-hour trips and approximately 208 new afternoon-peak-hour trips.

The property for the Helm's Grove site is currently zoned General Business District and lies within a Village Center Overlay. This document will be to assist in re-zoning the property to Multi-Family Residential.

The Town of Indian Trail has indicated that there are no off-site developments that need to be included in the background traffic. A growth rate of 3% per year was used for the growth of background traffic.

Currently, the intersection of Old Monroe Road and Waxhaw Indian Trail Road operates at a Level of Service E in both the AM and PM peak hours. Typically, a LOS of "D" or better is considered an acceptable LOS for traffic impact analysis and an intersection is said to be operating at capacity at a volume-to-



View of the Intersection of Old Monroe Road at Waxhaw Indian Trail Road

capacity (v/c) ratio of 1.00. This intersection is currently operating at a 0.94 and 0.91 v/c ratio during the AM and PM peak hours, respectfully.

The unsignalized access on Waxhaw Indian Trail Road (Access 2) currently has very low volume and although an overall LOS is not defined for two-way stop-controlled (TWSC) intersections, it has minimal delays for the side street traffic.

In 2013, assuming full buildout, the LOS at the intersection of Old Monroe Road and Waxhaw Indian Trail Road remains at a LOS E with very similar v/c ratios.

In 2018 under the No-Build scenario, with the growth in the background traffic, LOS and delay deteriorated with the volume-to-capacity ratio being slightly over 1.0 for Old Monroe Road at Waxhaw Indian Trail Road.

In 2018 under the Build scenario, the existing signalized intersection will operate above capacity during both of the critical peak periods. The intersection of Old Monroe Road at Waxhaw Indian Trail Road has a level of service of F during the AM and PM peak hours. The unsignalized access driveways will operate at acceptable delays.

The results of the capacity analysis indicate the need for major roadway improvements in order to bring the intersection of Old Monroe Road at Waxhaw Indian Trail Road to an acceptable level of service. The required improvements and corresponding responsibility are discussed in the next section.

Improvements Due to Background Traffic Growth:

The results of the traffic study reveal that major improvements are needed at the intersection of Old Monroe Road at Waxhaw Indian Trail Road due to background traffic growth. According to the current Transportation Improvement Plan, Old Monroe Road is scheduled to be widened from I-485 to Waxhaw Indian trail Road to a multi-lane facility starting in the year 2018.

Improvements by Developer:

In analyzing the intersections within the study area, we recommend the following additional specific improvements. These roadway improvements are needed for access management and are directly attributable to the site traffic volumes for the specific movements. These improvements should be the responsibility of the developer.

Old Monroe Road & Access 1

- Install a westbound left turn lane on Old Monroe Road with 100' of storage.
- Access 1 driveway is to be constructed with a separate left and right turn lane egress with 50' of storage.

Waxhaw Indian Trail Rd. & Access 2

- Install a southbound left turn lane on Waxhaw Indian Trail Rd. with 50' of storage.

PROPOSED DEVELOPMENT

Old Monroe Development, LLC of Indian Trail, NC proposes to develop approximately 19 acres along Old Monroe Road (SR 1009) and Waxhaw Indian Trail Road (SR 1008). The proposed development will consist of 216 apartments and two @ 8,250 square feet free-standing general retail buildings. For this study, the build-out year is assumed to be 2018. This report provides an analysis of the traffic operations within the area of influence. It provides recommended access management for the site and intersection improvements needed for mitigating traffic impacts. This study evaluates existing traffic conditions in 2013, full build-out in 2013 as well as in 2018 under No Build and Build scenarios, as approved by the North Carolina Department of Transportation (NCDOT) and the Town of Indian Trail. This traffic impact analysis is valid at any time within the 2013-2018 interval. A vicinity map is shown in Figure 1.

According to the current site plan (Figure 2), the Helm's Grove site will be served by the two access points. One access point is located on Waxhaw Indian Trail Road, approximately 800 feet south of Old Monroe Road. The other access point is located on Old Monroe Road, approximately 1,260 feet east of Waxhaw Indian Trail Road. There are no sight distance issues at either of the proposed access locations. The trip generation results indicate that the proposed development would generate approximately 2,301 daily trips, 122 morning-peak-hour trips and approximately 208 new afternoon-peak-hour trips.



**View of Existing Access 2 along
Waxhaw Indian Trail Road**

AREA CONDITIONS

The area of influence of the study site as provided by the Town of Indian Trail and the NCDOT includes the following three intersections:

1. Old Monroe Road and Waxhaw Indian Trail Rd. (signalized)
2. Old Monroe Road and Access 1 (proposed unsignalized)
3. Waxhaw Indian Trail Road and Access 2 (existing unsignalized)

Old Monroe Road is classified by NCDOT as a major thoroughfare and Waxhaw Indian Trail Road as a major thoroughfare as well. Old Monroe Road is a two-lane roadway that runs parallel to US 74 and connects the City of Monroe to the City of Charlotte. The roadway is posted for 45 miles per hour (mph) in this area and is primarily a commercial roadway. Waxhaw Indian Trail Road is posted for 35 miles per hour maximum speed. According to the current Transportation Improvement Plan, Old Monroe Road is scheduled to be widened from I-485 to Waxhaw Indian Trail Road to a multi-lane facility in the year 2018.

Morning and afternoon peak period turning movement counts were conducted at the two existing intersections as indicated below:

<u>Intersection</u>	<u>AM Peak</u>	<u>PM Peak</u>
Old Monroe Road and Waxhaw Indian Trail Road	7:00-9:00 AM on 1/3/13	4:00-6:00 PM on 1/3/13
Waxhaw Indian Trail Road and Access 2	7:00-9:00 AM on 1/3/13	4:00-6:00 PM on 1/3/13

Count data is provided in the Appendix. The count data was grown by 3% annually, per the Town of Indian Trail and NCDOT. Figure 3 shows the 2013 turning movement volumes for the morning and afternoon peak hours.

PROGRESSIVE
DESIGN GROUP, INC.



ENGINEERS • CONSULTANTS

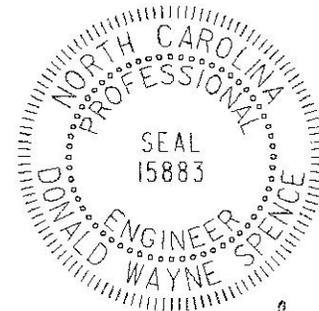
TECHNICAL MEMORANDUM

Date: July 1, 2013

To: Mr. Rox Burhans, AICP
Senior Planner
Town of Indian Trail
130 Blythe Drive
Indian Trail, NC 28079

From: Donald W. Spence, PE, PLS
Traffic Engineer
Progressive Design Group, Inc.

Subject: Glenn Oaks Multi-Family Development
(formerly Helms Grove Multi-Family Development)
Indian Trail, NC



Donald Wayne Spence
July 1, 2013

Old Monroe Development, LLC of Indian Trail, NC proposes to develop approximately 19 acres along Old Monroe Road (SR 1009) and Waxhaw Indian Trail Road (SR 1008) to be designated as Glenn Oaks Multi-Family Development (formerly known as Helm's Grove). The proposed development will consist of 204 apartments and two @ 8,250 square feet each free-standing general retail stores.

The Glenn Oaks site is proposed to be situated in the southeast quadrant of the intersection of Old Monroe Road and Waxhaw Indian Trail Road in Indian Trail, NC. The western boundary of the development is fronted by Waxhaw Indian Trail Road.

A traffic impact study prepared by Progressive Design Group, Inc. was submitted to the North Carolina Department of Transportation (NCDOT) and the Town of Indian Trail on April 22, 2013. The NCDOT advised Progressive Design Group in writing on May 30, 2013 that it accepted the findings of the study. The Town of Indian Trail summarized its findings in a letter dated May 30, 2013 with the following comments:

- a. The 2013 and 2018 build volumes are the same. Please explain.
- b. TIA refers to 216 proposed units, however, concept plan and other documents refer to 204 units. Please reconcile.
- c. The narrative consistently refers to the unsignalized access drives as operating with acceptable delays (Pages 2 and 18). In light of the anticipated delay at these intersections, please include some additional text justifying this statement.
- d. On page 19, Old Monroe Road and Access 1 (unsignalized) in the PM Peak delay is shown as 1282.3. Is this correct or is there an error of a "1"?
- e. Why wasn't the eastern outparcel (not Family Dollar site) use analyzed as fast food restaurant per the TIA scoping meeting? Be advised analyzing retail uses (Apparel Store Land Use 876) may limit future use of that parcel outparcel without additional traffic analysis.
- f. Please update the concept plan to reflect the latest site layout. Please update the project name to Glenn Oaks.

Following are our respective comments:

- a. Apparently the reviewer is mistakenly thinking the potential site traffic is supposed to be influenced by the growth rate provided Progressive Design Group, Inc. by the Town of Indian Trail. The site trip generation is fixed, regardless of the year and it is our professional opinion the synchro analysis is correct.

- b. The site trip generation and synchro analysis is for 204 units. The 216 units was a potential number provided us early-on during the study as a maximum possible number of units and, in effect, can be termed out of date at this time. The 204 units matches the site plan and the trip generation in the synchro runs.
- c. Unsignalized (stop sign controlled) access drives experience delays commensurate with the volumes on the intersecting roadways. These delays vary based on the gaps in the queues of the approaching traffic and will increase during peak traffic periods.
- d. The 1282.3 seconds of delay is correct. It was calculated by the synchro run for the left turn egress movement from the site onto Old Monroe Road. This movement does not represent a significant percentage of the site traffic.
- e. Progressive Design Group, Inc. was advised by the client following the scoping meeting that a fast food restaurant was not in keeping with the expectations of the development.
- f. Duly noted. We have revised our documents to reflect the new designation, Glenn Oaks Multi-Family Development.

Please let us know if you need additional information or have further comments.

cc: Mr. Cameron Helms



PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

PLANNING BOARD MINUTES

July 16, 2013

6:30 P.M.

The following members of the governing body were present:

Chair Patricia Cowan, Vice Chair Cathi Higgins, Larry Miller, Steve Long,
Alan Rosenberg, and Sidney Sandy

Staff Members: Shelley DeHart, Rox Burhans, and Helen Boich

Call to Order: Chair Cowan called the meeting to order.

Roll Call: Kelly D'Onfrio, Robert Rollins, Jan Brown, Cheryl Mimy were absent.

Approval of Minutes- May 21, 2013- APPROVED

Swearing in of new members. Alan Rosenberg, Larry Miller and Patricia Cowan were sworn in as regular members. Sidney Sandy was sworn in as an alternate member.

Appointment of Chair and Vice Chair. Patricia Cowan was elected to continue as Chair. Larry Miller was elected as Vice Chair.

Public Items:

CZ2013-005 Bonterra Village Lot Addition: A request to reclassify a 1.01 acre parcel from the SF-1 single-family residential zoning district (approximately 2 dwelling units to the acre) to the SF-5 single-family residential zoning district with the PED-1 Overlay subject to Bonterra Village Special Use Permit 2001-005. The intent of this rezoning is to incorporate this 1.01 acre parcel into the approved Bonterra Village Planned Unit Development. Applicant: John Ross of Eagle Engineering. Location: 4416 Faith Church Road; 07042045A.

Planning Director Shelley DeHart presented the request. Ms DeHart explained the definition of a Conditional Zoning.

Ms DeHart stated the Conditional Zoning Process is a request to amend the Town's official zoning map. The town is broken up into various zoning districts which fall into one of three categories-Residential, Commercial, and Industrial. A request to change the zoning map falls into two categories. A conventional rezone in which a request is made to change the classification of a parcel that the use has not been determined however it falls into one of the various categories. A Conditional Zoning is a process in which the use has been determined and the governmental body allows the change, subject to certain conditions. It is a customized zoning classification. The request is discussed in house and routed to outside agencies for input. It is posted on the Town's website for viewing of the case. Two community meetings are required; it is presented to the Planning Board which recommends approval or disapproval to the Town Council for the final determination.

Ms DeHart stated the request tonight is to reclassify the itemed parcel from SF1 to SF5 with a PED1-Overlay. The intention is to incorporate the parcel into the Bonterra Village development. The parcel was annexed into the Town in 2001. It was part of the larger property that was approved but was left out in the rezoning step because it was still under negotiation for purchase. The property was later purchased by the developer in 2004. The applicant is required to provide a concept plan of the proposed use. Part of the property is identified for road infrastructure for the primary access road and road frontage on Faith Church Rd. A small portion will be incorporated into a residential lot and a majority of the property is identified as open space. Two community meetings were held by the applicant. There were 5 attendees at the meeting held in the Civic Bldg and there were no attendees at the Bonterra Clubhouse. The resident across from the parcel had questions regarding the alignment of the roadway. They were concerned about vehicles leaving Bonterra through the access road and lights shining into their master bedroom. The applicant showed an exhibit as it related to the direction of the vehicle lights with the pathway not going to be an issue. The resident was also concerned with the site issue on the curved road. The road will be shifted towards the curve which will help in the site distance issue. A traffic impact study was prepared by the applicant with recommended improvements to the entrance and turn lanes. The improvements have been added to the conditions of the approval. The request and use is consistent with the Comprehensive Plan.

Ms DeHart presented the draft conditions. Conditions of approval have been developed in order to ensure the proposed rezoning is consistent with the Comprehensive Plan and the existing Conditional Zoning for the Bonterra Village Planned Unit Development. The applicant has agreed to comply with the conditions noted below.

1. The development of this property shall be in compliance with the theme and conditions of the approved Planned Unit Development known as Bonterra Village approved by the Town as Special Use Permit 2001-005 recorded at the Union County Register of Deeds BK 1866 PG 350-353.
2. The Bonterra Village Faith Church Road entrance area shall be designed and submitted for approval at the site plan review stage of phase 5 or 6 whichever comes first.
3. The developer or responsible party shall construct recommended roadway improvements as identified in the Traffic Impact Study prepared by DRMP dated June 2013 upon approval of NCDOT. Said improvements shall be installed at the time the Faith Church Road entrance into the development is constructed for use.

4. The applicant or responsible party shall obtain all permits required for development with the Town and outside agencies in compliance with applicable regulations.
5. The final approval document (if approved by Town Council), shall be recorded at the Union County Register of Deeds.
6. The Town Council may act to revoke the conditional zoning district designation if the applicant fails to meet the terms of the district.

Ms DeHart presented comments from the following outside agencies:

- North Carolina Department of Transportation (NCDOT): NCDOT is reviewing the Traffic Impact Study.
- Union County Public Works (UCPW): No Comment.
- Union County Public Schools (UCPS): No comments received at the time of report preparation.
- Union County Fire Marshall (UCFM): The plans will be routed to UCFM Office during the site plan review stage of the development.

Ms DeHart stated staff is of the opinion that the proposal is consistent with the following goals of the Comprehensive Plan:

- Goal 1.3.1 Quality of Life: This proposal supports this goal of providing a diverse range of housing options at varying densities; and
- Goal 1.3.2 Land Use: The property is proposed to be incorporated within Bonterra Village, a planned unit development, and will be subject to all conditions of the approved development alleviating the potential for land use conflicts. Additionally, its inclusion into the village will enhance the Faith Church Road entrance area by reducing an existing sight distance issue for the existing development.

The request for this conditional zoning district (PED-1/SF-5 – SUP2001-005-CZ) is a reasonable request and is in the public interest because supports the goal of the adopted Comprehensive Plan and includes elements that benefit the general public in the area transportation infrastructure investment and housing type choice.

Member Higgins asked if the traffic study has been completed. Ms DeHart replied it has not, that is the reason for the wording in the conditions of approval.

The developer or responsible party shall construct recommended roadway improvements as identified in the Traffic Impact Study prepared by DRMP dated June 2013 upon approval of NCDOT. Said improvements shall be installed at the time the Faith Church Road entrance into the development is constructed for use.

Member Higgins expressed concern for the site distance. She asked if this is taken into consideration. Ms DeHart stated the applicant can answer that question.

Public session opened.

Applicant, John Ross-Eagle Engineering, replied to Ms Higgins question. He stated DRMP looks at current, near future and long range conditions when preparing the Impact Study.

Jennifer Rabon, Walton Development, came before the Board. There were no questions for her from the board.

Public session closed.

Member Sandy motioned to recommend approval to Town Council.

Member Long seconded the motion.

All members voted in favor.

CZ2013-002 Glenn Oaks Apartments: A request to establish a Conditional Multi-Family Residential (MFR) Zone on a 17 acre subject property. The intent of this rezoning is for the purpose of developing a 204 unit apartment community. Applicant: Cameron Helms & Larry Sagehorn. Location: 4508 Old Monroe Road, Parcels: 07114016C (portion of), 07114015 (portion of), 07114038Y, 07114023, 07114360, 07114359, 07114016, 07114016A, 07114016L & 07114025D.

Senior Planner Rox Burhans presented the request. He stated the proposal is to rezone approximately 17 acres of land to a multi residential classification condition. The intent is to support a 204 apartment community.

The Town of Indian Trail through its Council-adopted Comprehensive Plan is organized into a network of interconnected villages. The Glenn Oaks subject property is located within the Old Monroe Village Center which radiates outward from the intersection of Old Monroe Road and Waxhaw-Indian Trail Road. Village centers are intended to contain a village's greatest concentration of commercial development (i.e. office, retail, etc.) with multifamily residential uses located within a 5 to 10-minute walk from the core of the village center.

1. *Site Layout:* The site layout for the proposed multifamily buildings is unique in that it creates an urban streetscape by having perimeter buildings with parallel parking lining the primary driveway and the use of internal buildings to reduce the scale of parking areas. A central community green/park is proposed to provide a natural amenity area for residents and visitors while acting as a defining feature for the community with its retained Heritage Trees. The office/community building is located in the front of the site facing Old Monroe Road with an enhanced entryway treatment featuring masonry pavers, retained Heritage Trees, landscaping, and other amenities. The refuse station is located in the rear of the property approximately 320-ft from the Deerstyne subdivision.
2. *Unit Arrangement:* The Glenn Oaks community contemplates 10, 3-story buildings with a typical height of approx. 42-feet. The proposed mix of unit types is outlined in Table 1 below.

TABLE 1: APARTMENT UNIT MIX

Unit Type	Number of Proposed Units
One Bedroom	88
Two Bedroom	108
Three Bedroom	8
TOTAL	204-UNITS

3. *Onsite Road Improvements:* The primary entrance to the site will be provided from Old Monroe Road through a new public road that will be permitted separately from the conditional rezoning process (Site Plan # SP2012-017). The 220-ft in length new roadway referred to as Glenn Valley Road will be approximately 1,000-ft from the Old Monroe Road and Waxhaw-Indian Trail Road intersection. Glenn Valley Road will include a 70-ft public Right-of-Way (ROW) with raised curb/gutter, two 12-ft travel lanes including a 12-ft left turn lane, 6-ft sidewalks on each side, a 7-ft street tree area on each side, and ornamental street lighting.

A secondary access point will be provided from Waxhaw-Indian Trail Road through an improvement to an existing, 800-linear foot (approx.) access drive serving the adjacent Private Mini Storage site and an auto repair establishment. Improvements to the drive/private road will result in two travel lanes, raised curb and gutter, a sidewalk on one side, and a street tree area on one side. The improved drive/road will be approximately 800-ft from the Old Monroe Road and Waxhaw-Indian Trail Road intersection. The access drive/road will be privately maintained by the Glenn Oaks developer and/or his assigns.

4. *Open Space/Tree Retention:* As reflected in the concept plan below, the retention of open space and existing trees is a central element in the overall design of Glenn Oaks. Approximately 4.55 acres of land is seaside as common open space and approximately 3.45 acres are set-aside for tree retention. The exact quantity of open space and tree retention will be calculated once the stormwater management pond and other site improvements are fully designed with the site plan submittal (if rezoning is approved). The pond will be designed as a wet pond and serve as an amenity to the site with trails meandering around the pond and the remainder of the tree retention area. The pond and tree retention area will also provide a natural buffer between the Glenn Oaks community and the Deerstyne subdivision. As previously mentioned, two connected central green/park areas are also provided with unifying elements such as interconnecting walkways and a pool amenity area. Two buildings front the north green to help create a sense of place and provide visibility for safety.

Approximately 65 Heritage Trees are proposed for retention; however, the final number retained will be determined once site/construction plans are prepared for buildings, parking areas, and the stormwater pond. Please refer to Attachment 2 for a copy of the Tree Mitigation plan.

Architectural Design

As reflected in the rendering below, the proposed architecture of the apartment buildings contemplates a 3-story building constructed of a combination of brick and cementitious (i.e. Hardi) siding. Architectural details have been incorporated into the design to not only give the buildings a sense of character, but also to help blend with the nearby Deerstyne subdivision and other neighborhoods. Proposed details include a gable roof, chimney features, reverse gable ends

on the front, and other features. The buildings shall be consistently designed on all sides to avoid creation of a conventional “front and rear” area.” Secondary structures such as the office, refuse enclosure, etc. will be designed consistent with the residential buildings. The visibility of ground level patio spaces will be softened from general view with landscaping and other elements.

A Traffic Impact Analysis (TIA) was prepared by Progressive Design Group, Inc. on April 22, 2013 to analyze the anticipated traffic generated by the development and its potential impact on existing roads. The TIA also provided a list of improvements to be constructed by the developer in order to mitigate any road impacts.

The Glenn Oaks Apartment Community is anticipated to generate approximately 2,301 daily trips with 122-morning peak hour (7:00 a.m. to 9:00 a.m.) trips and 208 afternoon peak hour (4:00 p.m. to 6:00 p.m.) trips. The intersection of Old Monroe Road and Waxhaw-Indian Trail Road currently operates at Level of Service (LOS) of “E” during the AM and PM peak hours. LOS is based on the relationship between roadway capacity and existing traffic volume.

In order to maintain the above noted intersection’s current LOS, the TIA recommends construction of the following improvements.

Old Monroe Road & Access 1

- Install a westbound left turn lane on Old Monroe Road with 100-ft of storage; and
- Access 1 driveway is to be constructed with a separate left and right turn lane egress with 50-ft of storage.

Waxhaw-Indian Trail Road & Access 2

- Install a southbound left turn lane on Waxhaw Indian Trail Road with 50-ft of storage.

NCDOT has approved the above noted TIA and the proposed improvements as having acceptably mitigated traffic impacts created by the proposed Glenn Oaks Apartments.

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.

Concept Plan: The site shall be developed as generally depicted on the approved Concept Plan. The proposed building shall be designed as generally depicted in the approved building rendering (Attachment 2). The building shall be constructed primarily of a combination of brick and cementitious siding (i.e. Hardi) with architectural details such as gable roofs, chimneys, and reverse gable end features. Vinyl material may only be used for trim features and other accent elements.

Permitted Uses: The permitted use of the subject property is multifamily residential and accessory uses as permitted by the Unified Development Ordinance (UDO).

Maximum Dwelling Units: The maximum number of dwelling units permitted on the 17-acre subject property (approx.) shall be limited to 204-units. The maximum number of 3-bedroom units shall be limited to 8-total units.

TIA Roadway Improvements: The developer shall be responsible for constructing all road improvements identified in the TIA prepared April 22, 2013 by Progressive Design Group, as noted

below. All required road improvements shall be constructed and any associated public ROW dedicated prior to issuance of a Town Zoning Compliance for the residential units.

A westbound left turn lane on Old Monroe Road with 100-ft of storage; and

- Access 1 driveway constructed with a separate left and right turn lane egress with 50-ft of storage; and
- A southbound left turn lane on Waxhaw Indian Trail Road with 50-ft of storage.

Onsite Road Improvements: Access to the site shall be provided from Old Monroe through the construction of a new public road (i.e. Glenn Valley Road). The road shall include a 70-ft public Right-of-Way with raised curb/gutter, two 12-ft travel lanes including a 12-ft left turn lane, 6-ft wide sidewalks on each side, a 7-ft street tree area on each side, and ornamental street lighting. Access to the site shall also be provided from Waxhaw-Indian Trail Road through an improvement to an existing private driveway. Improvements to the drive/private road will result in two travel lanes, raised curb and gutter, a sidewalk on one side, and a street tree area on one side. The provision of pedestrian and/or street lighting for this drive shall be evaluated by the developer with the site plan submittal. The private drive/road shall be maintained by the Glenn Oaks developer and/or his assigns. All onsite road improvements shall be constructed and any associated ROW platted and/or dedicated prior to issuance of a Town Zoning Compliance for the residential units.

Open Space: Approximately 4.55 acres of open space consisting of community green/park areas, active recreation areas, tree retention areas, and existing water features shall be created as part of the Glenn Oaks project. The exact quantity of open space will be finalized with the development of the site/construction plans. Maintenance of all open space areas shall be the responsibility of the Glenn Oaks developer and/or his assigns.

Tree Retention: Trees retention areas shall be established as generally referenced on the approved Tree Mitigation Plan (Attachment 2). The developer shall retain the services of a licensed Arborist or other qualified tree professional (approved by the Town) to develop site specific construction best management practices to ensure the health of retained Heritage Trees located near buildings and other site improvements. Any retained/protected Heritage Trees that are removed or injured during the construction process shall be mitigated in accordance with UDO Chapter 830. Tree protection fencing shall be utilized around all tree retention areas. A tree retention easement shall be recorded for Tree Retention Area 1 (adjacent to Deerstyne) prior to any issuance of a Zoning Compliance for the residential units. Existing disturbed areas that were previously part of the Deerstyne community shall be planted with tree seedlings. Seedling species and the planting rate shall be determined by the Union County Urban Forester or other qualified professional and approved by the Town in order to achieve a full tree canopy in the future within the disturbed areas.

Stormwater Detention Pond: The size of the proposed stormwater detention pond identified on the concept plan is for illustrative purposes only. The exact size will be determined with the site/construction plans; however, a minimum 50-ft vegetated buffer shall be maintained between all property lines and the outside bottom of the pond slope. Any disturbed areas around the stormwater pond shall be planted with trees and/or shrubs to provide a semi-opaque screen. If stormwater is managed offsite, the areas identified for stormwater detention on the Concept Plan shall be set-aside as a tree retention area.

Stream Intrusion: Any intrusion into the identified stream shall comply with applicable Federal, State, and Town environmental regulations.

Patio Screening: Ground floor patio areas shall be screened from view of pedestrian and vehicle circulation areas and offsite using a combination of fencing, berming, and/or landscaping. A detail(s) shall be developed and approved by the Town with the site plan submittal.

Trail/Sidewalk System: Concrete sidewalks (min. 5-ft in width) shall be provided throughout the developed portions of the subject property as generally depicted on the Concept Plan. A trail system shall also be created around the existing pond, proposed stormwater management facility, and tree retention areas. The trails shall be a min. of 5-ft in width and constructed of compacted gravel or other suitable material approved by the Town Planning Director.

Fencing: A 6-ft in height, vinyl coated chain link fence (black or green color) shall be provided in the rear of the subject property to provide a separation from the Deerstyne neighborhood. The final fence location shall be meandered to minimize clearing of trees and other vegetation. The fence shall be installed prior to issuance of any Town Zoning Compliances for the residential units.

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 accepted and approved the applicant's traffic impact analysis and corresponding roadway improvements to Old Monroe Road and Waxhaw-Indian Trail Road (see end of Exhibit 3).
- *Union County Public Works (UCPW):* The April 24, 2013 UCPW comment letter provided feedback of an administrative nature.
- *Union County Public Schools (UCPS):* This development will be located in the current Indian Trail Elementary School and Sun Valley Middle and High School districts. Indian Trail Elementary is presently slightly below capacity. Sun Valley High is below capacity, but expected to rise above capacity in the next five years. Sun Valley Middle is currently above capacity and is expected to remain so for the foreseeable future. This development will add to current over-capacity problems, such as mobile classrooms, inadequate capacity for food service and restroom facilities, rationing of access to the library, 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) & Union County Inspections Office (UCIO):* UCFM advised the buildings will need to be constructed with sprinkler systems. UCIO did not have any comments on the rezoning.
- *Union County Sheriff Office (UCSO):* UCSO did not have any comments on the rezoning.

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 owners of surrounding properties and Homeowners Associations within 500 feet (approx. 108-addresses), and posting two signs on the site. The first community meeting was held at the Stallings Fire Station on June 24, 2013 from 10:00 a.m. to 12:00 p.m. The second community meeting was held on June 26, 2013 at the Indian Trail Civic Building from 5:00 p.m. to 7:00 p.m. The applicant also privately met several times with the Deerstyne community and other residents to discuss the proposal and address concerns in advance of the required community meetings. The following will provide a brief summary of the Town required community meetings.

- *Daytime Meeting:* This meeting was attended by approximately 23-members of the public. Several of the attendees were relatives of the applicant. General questions were raised about the project's

potential impacts to existing roadways and to public schools. The applicant indicated that a Traffic Impact Analysis had been completed and approved by NCDOT that recommended roadway improvements (i.e. left turn lanes) that mitigate all impacts. The applicant further expressed his opinion that the limited quantity of the 3-bedroom units (8) would help minimize the number of school aged children living in Glenn Oaks. Residents of the Deerstyne community expressed concerns about the existing problem with trespassing on the nearby pond, the dumping of trash and debris, and off road activity with all-terrain vehicles. Confirmation was sought and provided by the applicant that the previously discussed (privately) chain link fence will be provided in the rear of Glenn Oaks to provide a separation between the communities and to help with existing trespassing problems. The developer later discussed the tax benefits to the community associated with Glenn Oaks. The applicant indicated an estimated tax collection of \$200,000 will be made to Union County, the Town, and related special purpose districts (not confirmed by Town staff). Deerstyne residents asked for clarification of the distance between the closest building and the shared property line with Deerstyne. The distance was estimated to be approx. 200-linear feet.

The developer also indicated that if the apartment proposal is not approved he will explore developing the subject property under the existing GBD zoning and according to the original plan for the Deerstyne subdivision. This would include developing office and retail development with an extension of Buckhead Lane to Old Monroe Road. The developer cited the amount of current, annual taxes on the property as a significant reason for developing the property beyond its current single-family residential use. The residents of Deerstyne expressed strong concerns about the potential for a roadway connection between Deerstyne and the commercially zoned parcels. Some attendees from Deerstyne expressed a preference for the apartment proposal when given a choice to the potential commercial development concept. The meeting concluded with small group discussions throughout the room.

- *Evening Meeting:* This meeting was attended by approximately 25 members of the public. Most of the attendees of this meeting previously attended the above noted daytime meeting. The applicant provided a presentation similar to the one provided at the daytime meeting, however, an additional explanation of the Indian Trail Comprehensive Plan was provided including a description of the village center concept and Glenn Oak's consistency with the plan. The applicant emphasized the public outreach effort in developing the plan (i.e. community meetings, workshops, etc.) and its adoption by a previous Town Council. Questions raised during this discussion were similar to the previous daytime meeting with a focus on impacts to existing roads and public schools. The applicant did emphasize that Glenn Oaks will be a private, market-rent based apartment community versus a government sponsored community (i.e. affordable housing, etc). Further discussion included potential Glenn Oaks residents such as students at nearby colleges, employees from the Monroe aviation business park, and other large employers with a professional workforce.

A citizen who did not attend the previous daytime meeting raised four specific concerns, as follows: 1) The citizen spoke directly with Union County Public Schools and the district was unable to estimate the number of school aged children generated from this project due to limited comparable developments within the district. The citizen therefore questioned the applicant's assessment of there being few new students generated from the project. 2) There are still many homes that have been permitted, but not built in Indian Trail, which will

further impact existing roads and schools. 3) Most residents are unfamiliar with the Indian Trail Comprehensive Plan and are unlikely to support apartment proposals. 4) The Town Council must consider this apartment request knowing that there are other potential apartment proposals that may come before them in the near future. After these concerns were raised with some response by the applicant, a Deerstyne resident interjected to clarify that residents of their community will be impacted the most from the Glenn Oaks project and they prefer the apartment proposal over the previously mentioned commercial development in light of there being no road connection through Deerstyne. The meeting concluded with small group discussions throughout the room.

Comprehensive Plan Consistency

The Indian Trail Comprehensive Plan organizes the Town into a series of interconnected villages which not only helps create a well managed growth and community development pattern, but also provides meaningful identify for Indian Trail residents. The Glenn Oaks subject property is located within a village center of the Old Monroe Suburban Mix Village of the Comprehensive Plan. This area is intended to provide housing opportunities for a majority of Indian Trail citizens. A Suburban Mix village consists of land uses that promote a neighborhood setting with single-family detached houses as its primary development type. Multifamily housing is an integral component of village centers and can serve as a transition or buffer between lower density/intensity uses (i.e. parks, single-family housing, etc.) and higher density/intensity uses (i.e. commercial). Multifamily uses should generally be located within a 5 to 10-minute walk from the core of a village center. Commercial uses within a village are also intended to be located within the village center to help meet the daily needs of village residents. The Glenn Oaks subject property is tailored to the village center location criteria in that it is located within walking distance to village businesses and acts as a transition between the Deerstyne neighborhood and the business establishments.

Table 2 below provides the desired land use mix within the Suburban Mix Village. Multifamily housing is intended to represent approximately 3% of the village composition, but may reach as high as 5% if market conditions are able to support it. There are no existing multifamily residential uses within this village. If approved, the approximately 17-acre Glenn Oaks subject property would represent approximately 1.24% of the village area and would therefore be consistent with the recommended village land use mix.

Table 2: Suburban Mix Land Use

Corridor	Land Use	Sq. Feet	Acres	Current Base	Percent Base	Flex
Old Monroe	Low Density Res.				7%	+ 2
	Med. Density Res.	29,099,441.62	668.03	48.75%	60%	-5
	High Density Res.	12,824,765.96	294.42	21.48%	8%	+/- 2
	Multi-Family Res.				3%	+/- 1
	Parks/Open Space/Agriculture/Forest	2,401,520.64	55.13	4.02%	6%	
	Institutional	755,755.36	17.35	1.27%	7%	+ 2
	Retail	2,542,336.12	58.36	4.26%	2%	
	Office	109,784.23	2.52	0.18%	2%	
	Boulevards/Thoroughfares	3,406,522.59	80.27	5.86%	5%	
	Industrial	403,991.20	9.27	0.68%		

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 1.3.1 Quality of Life – Indian Trail is a growing community of approximately 37,000 residents, yet it only has one multifamily apartment community with 252-dwelling units. The proposed conditional rezoning will provide a greater diversity of housing options for Indian Trail residents and business owners within a master planned community. This community will feature an attractive architectural design that integrates with nearby single-family homes, provide significant tree retention and open space preservation, establish an interconnected trail and sidewalk system for residents, and provide buffering between adjacent single-family residential and commercial uses.

Goal 1.3.2 Land Use - The proposed conditional district will provide a greater mix of land uses by integrating multifamily housing within a village center in an area that is mostly surrounded by existing commercial businesses. The proposed conditional rezoning provides buffering for adjacent residential uses and is conditioned in a manner to help avoid potential land use conflicts. The proposed conditional rezoning will also help provide a more balanced tax base by making a substantial economic investment in the subject property in a manner consistent with the Comprehensive Plan and by expanding the customer base for existing businesses within the village center.

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 Monroe Village Center, provides expanded housing opportunities for Indian Trail citizens and business owners, and includes elements that benefit the general public in the area tree preservation and transportation infrastructure investment.

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.

Cam Helms, applicant, came before the Board. Mr. Helms stated the intent is for this to be a family owned development.

Mr. Sagehorn, applicant, came before the Board. He presented a rendition of the project and stated they have met with the Deerstyne residents. The residents do not want a road going through their neighborhood from Old Monroe Rd and preferred the apartments over the concept of a business development. Mr. Sagehorn stated they will put a fence on the backside of the complex to separate the development from the apartments and eliminate the road cutting through Deerstyne.

Richard Strasser, resident of Deerstyne, stated he represents all the residents in the subdivision (7 homes) and the concerns have been discussed with Mr. Helms and Mr. Sagehorn. Mr. Strasser stated it is critical that Buckhead Lane not become a thoroughfare. He stated the residents agree with the apartments with the following stipulations:

1. Buckhead Lane will end at its current location,
2. Glen Oaks apartments will have a separate back access,
3. A fence will separate the apartment complex from Deerstyne,
4. At least 200 feet of green space will be left between the complex and Deerstyne.

Mr. Stasser stated all the stipulations have been approved by Mr. Helms and Mr. Sagehorn and they have agreed to incorporate them in their final plans. He stated once the complex is complete it will be a nice addition to Indian Trail and he expressed support for the project.

John Reece, resident on Pioneer Lane, came before the Board. He expressed concern for traffic congestion and an apartment complex.

Amanda Faulkenbury, resident of Pickett Circle, stated her concerns regarding traffic and the dangers of the entering the complex at both entrances. There is no pedestrian crossing assistance for residents.

Jerry Morse, resident of Unionville Indian Trail Rd., stated he is a property advocate as long as there is not a negative impact. He has concern regarding the location of the project and traffic impact. Infrastructure is inadequate. There is a need for Senior Housing in Union County. He questioned the tax revenue increase resulting from an apartment complex.

Jerry Outon, resident of Waxhaw Indian Trail Rd, expressed his concern regarding how this will affect his zoning and traffic congestion.

Chair Cowan informed Mr. Outon his zoning is not at issue. She suggested Mr. Outon meet with the Planning Department.

Cam Helms stated he understands the concerns. Apartment complexes are taxed commercially. A business complex would put more traffic on the road. He stated the schools are not over capacity.

Mr. Sagehorn stated 50 or 60 units will be available to seniors and/or handicapped residents. He does not like the association with apartments and crime, management will be by the family.

Billy Helms, resident on Pioneer Lane, expressed concern for traffic and stated he has heard there is a bird sanctuary behind Deerstyne. No one has said anything about them. Scott Kaufhold, Town Engineer, stated the current traffic count is in the traffic study. It addresses the intersection. It is at an E level, which is not good. With the mitigation the traffic will be the same as it is now after the project is completed. DOT has the final say on the traffic.

Member Higgins expressed gratitude to residents. The Planning Board is a recommending body. The Town Council makes the final decision and there will be a public hearing for this issue.

Member Miller stated he understands the concern for taxes. He does not think the tax revenue is an issue; the complex is a very good concept and expressed concern regarding traffic.

Member Long stated he is in favor of another apartment complex.

Member Rosenberg stated he and Mr. Helms has an indirect connection in that Mr. Helms is contracted by Bonterra of which he (Mr. Rosenberg) is the President of the Homeowners Association. He asked how tall the fence will be. 6 feet was the answer.

Chair Cowan asked if the bird sanctuary was addressed. Mr. Burhans replied he is not aware of a bird sanctuary, he knows it is a very heavily wooded area. Staff will research the issue.

Mr. Jacobson, resident of Indian Trail, stated the bird sanctuary moved many years ago.

Member Higgins expressed concern regarding capacity of the school system and the impact to the Deerstyne residents.

Mr. Strasser stated he had asked the apartment complex be gated and informed the board that Mr. Helms and Mr. Sagehorn have not ruled out the idea. The fence would help prevent the trespassing by four wheelers. He stated 23 homes would be eliminated if the apartments are built resulting in 32 homes as a final number of homes for the subdivision.

Member Higgins stated she is opposed to PODs for schools, they are not safe. She also asked if a condition could be added that the money for the widening of Old Monroe Rd be absolutely dedicated before the construction of the project begins.

Chair Cowan replied she does not think they can do that when it is DOT that is involved.

Mr. Burhans stated he understands the issue, if a traffic study had not been done. The applicant followed the requirements of having the study done and is committed to the improvement list. He stated he does not know if that would be possible to condition that request.

Member Sandy thanked the citizens that came to this meeting. He stated something is eventually going to be built on this land, be it commercial or residential and the only thing that can be done is to work hard to adapt to the changes. He expressed concern regarding the fire protection and the ability of the fire department to reach the height of the apartment complex.

Mr. Sagehorn replied the building will have the required fire wall protection and all buildings will be equipped with sprinkler systems. He stated the Fire Department suggested they have access to the walking trail in case of emergency. This will be done.

Member Sandy motioned to recommend approval to the Town Council with a minimum separation of 200 feet between the closest building and Deerstyne common property line.

Member Rosenberg seconded the motion.

Member Higgins voted against. Mr. Miller abstained, counting as an affirmative.

The vote becomes 4 in favor, 1 opposed.

Other Business-

Mr. Miller stated Wilson Chrysler is being built across from Crossroads Ford.

Planning Report-none

**Town of Indian Trail
Planning Board**

_____ **Chair** _____ **Date**

_____ **Secretary**

TOWN COUNCIL ATTACHMENT 2: ORDINANCE

the subject property in a manner consistent with the Comprehensive Plan and by expanding the customer base for existing businesses within the village center.

WHEREAS, 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 Monroe Village Center, provides expanded housing opportunities for Indian Trail citizens and business owners, and includes elements that benefit the general public in the area tree preservation and transportation infrastructure investment.

WHEREAS, after making the draft findings the Planning Board voted 5 to 1 to approve the motion to transmit a recommendation to approve as conditioned to the Town Council; and

WHEREAS, the Town Council held a public hearing on September 10, 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 2013-002 Conditional Zoning Petition thereby granting the Zoning Map amendment to establish a Conditional Multifamily Residential Zoning District on parcel numbers 07114016C (portion of), 07114015 (portion of), 07114038Y, 07114023, 07114360, 07114359, 07114016, 07114016A, 07114016L & 07114025D) subject to the following conditions:

1. *Concept Plan:* The site shall be developed as generally depicted on the approved Concept Plan. The proposed building shall be designed as generally depicted in the approved building rendering (Attachment 2). The building shall be constructed primarily of a combination of brick and cementitious siding (i.e. Hardi) with architectural details such as gable roofs, chimneys, and reverse gable end features. Vinyl material may only be used for trim features and other accent elements.
2. *Permitted Uses:* The permitted use of the subject property is multifamily residential and accessory uses as permitted by the Unified Development Ordinance (UDO).
3. *Maximum Dwelling Units:* The maximum number of dwelling units permitted on the 17-acre subject property (approx.) shall be limited to 204-units. The maximum number of 3-bedroom units shall be limited to 8-total units.
4. *TIA Roadway Improvements:* The developer shall be responsible for constructing all road improvements identified in the TIA prepared April 22, 2013 by Progressive Design Group, as noted below. All required road improvements shall be constructed and any associated public ROW dedicated prior to issuance of a Town Zoning Compliance for the residential units.
 - A westbound left turn lane on Old Monroe Road with 100-ft of storage; and
 - Access 1 driveway constructed with a separate left and right turn lane egress with 50-ft of storage; and
 - A southbound left turn lane on Waxhaw Indian Trail Road with 50-ft of storage.
5. *Onsite Road Improvements:* Access to the site shall be provided from Old Monroe through the construction of a new public road (i.e. Glenn Valley Road). The road shall include a 70-ft public Right-of-Way with raised curb/gutter, two 12-ft travel lanes including a 12-ft left turn lane, 6-ft wide sidewalks on each side, a 7-ft street tree area on each side, and ornamental

street lighting. Access to the site shall also be provided from Waxhaw-Indian Trail Road through an improvement to an existing private driveway. Improvements to the drive/private road will result in two travel lanes, raised curb and gutter, a sidewalk on one side, and a street tree area on one side. The provision of pedestrian and/or street lighting for this drive shall be evaluated by the developer with the site plan submittal. The private drive/road shall be maintained by the Glenn Oaks developer and/or his assigns. All onsite road improvements shall be constructed and any associated ROW platted and/or dedicated prior to issuance of a Town Zoning Compliance for the residential units.

6. *Open Space*: Approximately 4.55 acres of open space consisting of community green/park areas, active recreation areas, tree retention areas, and existing and proposed water features shall be created as part of the Glenn Oaks project. The exact quantity of open space will be finalized with the development of the site/construction plans. Maintenance of all open space areas shall be the responsibility of the Glenn Oaks developer and/or his assigns.
7. *Tree Retention*: Trees retention areas shall be established as generally referenced on the approved Tree Mitigation Plan (Attachment 2). The developer shall retain the services of a licensed Arborist or other qualified tree professional (approved by the Town) to develop site specific construction best management practices to ensure the health of retained Heritage Trees located near buildings and other site improvements. Any retained/protected Heritage Trees that are removed or injured during the construction process shall be mitigated in accordance with UDO Chapter 830. Tree protection fencing shall be utilized around all tree retention areas. A tree retention easement shall be recorded for Tree Retention Area 1 (adjacent to Deerstyne) prior to any issuance of a Zoning Compliance for the residential units. Existing disturbed areas that were previously part of the Deerstyne community shall be planted with tree seedlings. Seedling species and the planting rate shall be determined by the Union County Urban Forester or other qualified professional and approved by the Town in order to achieve a full tree canopy within the disturbed areas.
8. *Stormwater Detention Pond*: The size of the proposed stormwater detention pond identified on the concept plan is for illustrative purposes only. The exact size will be determined with the site/construction plan, however, a minimum 50-ft vegetated buffer shall be maintained between all property lines and the outside bottom of the pond slope. Any disturbed areas around the stormwater pond shall be planted with trees and/or shrubs to provide a semi-opaque screen. If stormwater is managed offsite, the areas identified for stormwater detention on the Concept Plan shall be set-aside as a tree retention area.
9. *Stream Intrusion*: Any intrusion into the identified stream shall comply with applicable Federal, State, and Town environmental regulations.
10. *Patio Screening*: Ground floor patio areas shall be screened from view of pedestrian and vehicle circulation areas and offsite using a combination of fencing, berming, and/or landscaping. A detail(s) shall be developed and approved by the Town with the site plan submittal.
11. *Trail/Sidewalk System*: Concrete sidewalks (min. 5-ft in width) shall be provided throughout the developed portions of the subject property as generally depicted on the Concept Plan. A trail system shall also be created around the existing pond, proposed stormwater management facility, and tree retention areas. The trails shall be a min. of 5-ft in width and constructed of compacted gravel or other suitable material approved by the Town Planning Director.
12. *Fencing*: A 6-ft in height, vinyl coated chain link fence (black or green color) shall be provided in the rear of the subject property to provide a separation from the Deerstyne neighborhood. The final fence location shall be meandered to minimize clearing of trees and other vegetation. The fence shall be installed prior to issuance of any Town Zoning Compliances for the residential units.

13. *Minimum Building Separation:* There shall be a minimum of 200-linear ft of separation between any multifamily residential building and the common, rear property line with the Deerstyne Subdivision (Parcel # 07114025B).
14. *Utilities:* Sketch Plan approval from Union County Public Works shall be obtained for the proposed water/sewer improvements prior to submittal of a Town Site Plan application. Installation of water/sewer improvements shall not result in any substantive disturbance of tree retention areas and other landscape areas unless a major conditional rezoning modification is approved.
15. 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 10th day of September, 2013.

TOWN OF INDIAN TRAIL COUNCIL

Attest:

Peggy Piontek, Town Clerk

Michael Alvarez, Mayor

APPROVED AS TO FORM:

TOWN ATTORNEY



Town of Indian Trail

Memo

TO: Mayor and Town Council

FROM: Scott J. Kaufhold, P.E., Director of Engineering and Public Works

COUNCIL DATE: September 10, 2013

SUBJECT: Chestnut Square at Indian Trail Contract
Amended Capital Ordinance for Chestnut Square at Indian Trail

General Information:

Staff held a formal bid for Chestnut Square at Indian Trail on Thursday, September 5, 2013. Bid tab information will be provided to Council following review by staff. The Engineer's estimate is confidential in order to remain neutral and objective for all bidders.

Pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the adoption of an ordinance is required in order to authorize capital project expenditures. The amended ordinance will be made available for Council following review by staff.

Required Actions:

Council Award of Contract

Attachments:

1. Chestnut Square at Indian Trail Contract



TO: Mayor and Town Council

FROM: Joseph A. Fivas, Town Manager

DATE: September 10, 2013

SUBJECT: Indian Trail Road Bridge Project

The NCDOT is developing plans to replace the bridge on Indian Trail Road near the elementary school. Proposed improvements include extending the existing 3-lane cross section from Coventry Drive approximately 850' towards the school with sidewalk on the north side. There is no cost to the Town for this work.

The NCDOT provided a cost estimate to extend these improvements to the school driveway. The cost for this extra work is \$590,000 which includes construction, utility relocations, and Right-of-Way. The Town would be responsible for the cost of this work.

Staff would like to discuss options with the Council.



TO: Mayor and Town Council

FROM: Joseph A. Fivas, Town Manager

DATE: Aug 27, 2013

SUBJECT: Law Enforcement Assessment RFP

Council will review/modify the draft Law Enforcement Assessment RFP.



Town of Indian Trail

Memo

TO: Mayor and Town Council

FROM: Scott J. Kaufhold, P.E., Director of Engineering and Public Works

COUNCIL DATE: September 10, 2013

SUBJECT: Resolution to Establish a Minority Business Participation Goal

General Information:

In accordance with G.S. § 143-64.31, G.S. § 143-128.2 and G.S. § 143-133, the Town needs to establish (i) goals for minority participation in building construction or repair contracts in the amount of \$300,000 or more, (ii) outreach efforts to solicit minority participation in building construction contracts in the amount of \$30,000 up to \$300,000, and (iii) outreach efforts to solicit minority participation in contracts for architectural, engineering, and construction manager-at-risk services.

Required Actions:

Council to determine Minority Participation percentage.

Attachments:

1. MBE Policy
2. Resolution

OUTREACH PLAN AND GUIDELINES FOR RECRUITMENT AND SELECTION OF MINORITY BUSINESSES FOR PARTICIPATION IN CERTAIN TOWN OF INDIAN TRAIL CONTRACTS

In accordance with G.S. § 143-64.31, G.S. § 143-128.2 and G.S. § 143-133, these Guidelines establish (i) goals for minority participation in building construction or repair contracts in the amount of \$300,000 or more, (ii) outreach efforts to solicit minority participation in building construction contracts in the amount of \$30,000 up to \$300,000, and (iii) outreach efforts to solicit minority participation in contracts for architectural, engineering, and construction manager-at-risk services.

With regard to building construction and repair contracts in the amount of \$300,000 or more, the Town of Indian trail (“Town”) currently has a program goal of ___% percent for minority participation. The goal will be reviewed annually or as soon as relevant data is available.

SECTION A: INTENT

It is the intent of these guidelines that the Town do all things legal, proper, and reasonable to achieve participation by minority businesses in those contracts subject to G.S. § 143-64.31, G.S. § 143-128.2 and G.S. § 143-133. Nothing in these guidelines shall be construed to require contractors or awarding authorities to award contracts or subcontracts to or to make purchases of materials or equipment from minority-business contractors or minority-business subcontractors who do not meet the other statutory criteria for award.

SECTION B: DEFINITIONS

1. Minority - a person who is a citizen or lawful permanent resident of the United States and who is:

- a. Black, that is, a person having origins in any of the black racial groups in Africa;
- b. Hispanic, that is, a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race;
- c. Asian American, that is, a person having origins in any of the original peoples of the Far East, Southeast Asia and Asia, the Indian subcontinent, the Pacific Islands;
- d. American Indian, that is, a person having origins in any of the original peoples of North America; or
- e. Female

2. Minority Business (MBE) - means a business:

- a. In which at least fifty-one percent (51%) is owned by one or more minority persons, or in the case of a corporation, in which at least fifty-one percent (51%) of the stock is owned by one or more minority persons or socially and economically disadvantaged individuals; and
- b. Of which the management and daily business operations are controlled by one or more of the minority persons or socially and economically disadvantaged individuals who own it.

3. Socially and economically disadvantaged individual - means the same as defined in 15 U.S.C. 637: Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities. Economically disadvantaged individuals are those socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area who are not socially disadvantaged.

4. Owner – Town of Indian trail or (“Town”)

5. Designer – Any person, firm, partnership, or corporation which has contracted with the Town to perform architectural or engineering work.

6. Bidder – (i) Any person, firm, partnership, corporation, association, or joint venture seeking to be awarded a public contract directly from the Town, or (ii) any first-tier subcontractor for construction manager at risk projects.

7. Contract - A mutually binding legal relationship or any modification thereof obligating the seller to furnish equipment, materials, or services, including construction, and obligating the buyer to pay for them.

8. Contractor - Any person, firm, partnership, corporation, association, or joint venture which has contracted with the Town to perform building construction or repair work.

9. Subcontractor - A firm under contract with the prime contractor or construction manager at risk for supplying materials or labor and materials and/or installation. The subcontractor may or may not provide materials in his subcontract.

10. Eligible Contracts – A contract for the repair or construction of a building, which is expected to be for \$300,000 or more, and which is bid under any of the methods authorized under G.S. 143-128(a1).

SECTION C: MINORITY OUTREACH PLAN AND GUIDELINES

Minority Business Responsibilities

Certification

The Town does not certify minority, disadvantaged or women-owned businesses. Any business that desires to participate as an MBE will be required to complete and submit for certification, documents required by any of the agencies listed below. Only those firms holding current certification through at least one of the following agencies will be considered eligible for inclusion in meeting the MBE participation percentage goals:

North Carolina Department of Administration Historically Underutilized Business (HUB) certification

North Carolina Department of Transportation Minority/Disadvantaged/Women-owned Business certification

Small Business Administration 8(a) certification

Other governmental agencies on a case-by-case basis

Other Responsibilities

Minority businesses that are contacted by owners or bidders must respond promptly whether or not they wish to submit a bid.

Owner Responsibilities

The Town will employ the following strategies to encourage participation from MBEs.

1. Work with minority-focused and small business groups that support MBE inclusion in the solicitation of bids for building construction and repair projects and in the solicitation for architectural, engineering, and construction manager-at-risk services.
2. Place emphasis on the importance of soliciting certified MBE firms for subcontracting opportunities at pre-bid conferences and in the bid documents.
3. Examine specifications to identify special subcontracting opportunities and strongly encourage prime contractors to solicit bids for subcontracts from MBE firms.
4. Require all bidders to make good faith efforts to obtain minority participation on all Eligible Contracts.
5. Establish a percentage goal for minority participation in an Eligible Contract if, in the Town's reasonable belief, such a goal is achievable.
6. Provide detailed information to majority contractors concerning the bidding and good faith efforts requirements by holding meetings with the contractors.
7. Build new and strengthen existing business relationships through networking. Continue communicating with other North Carolina public agencies to find out how their MBE outreach programs are working and to share "best practices" and ideas to improve programs.
8. Participate in educational opportunities throughout the community as they become available and offer training sessions to share the Town's outreach plan with interested businesses and organizations
9. Be visible through participation in trade shows and business organizations of interest to MBE firms, majority contractors, and small businesses, and provide information to the

general public about the MBE program, and continue outreach efforts to the business community.

10. Enhance the Town's web page by including the outreach plan and guidelines, listing good faith efforts, creating links to MBE resources, and creating awareness of specific subcontracting opportunities.
11. Make available to minority-focused agencies and minority businesses that have requested notices a list of contracting opportunities when they are identified, no later than 10 days prior to the bid opening. The list shall include a description of the work, important bidding information, contact information for questions, where the bid documents may be reviewed, and a list of prime bidders that subcontractors may wish to contact for subcontracting consideration.
12. Maintain or continue to maintain a database specifically for MBE firms and majority contractors to ensure those firms wishing to do business with the Town have access to up-to-date information.
13. Advertise upcoming bid opportunities in minority-focused media.
14. Work with designers to make subcontracting opportunities more noticeable and more easily understood by potential contractors and subcontractors.

Designer responsibilities

For all Eligible Projects the designer will:

1. Attend the scheduled pre-bid conference to explain minority business requirements to the prospective bidders.
2. Assist the owner to identify and notify prospective minority business prime and subcontractors of potential contracting opportunities.
3. Maintain documentation of any contacts, correspondence, or conversation with minority business firms made in an attempt to meet the goals.
4. Review jointly with the owner, all requirements of G.S. 143-128.2(c) and G.S.143-128.2(f) and these Guidelines (i.e. bidders' proposals for identification of the minority businesses that will be utilized with corresponding total dollar value of the bid and affidavit listing good faith efforts, or affidavit of self-performance of work, if the contractor will perform work under contract by its own workforce) - prior to recommendation of award.
5. During construction phase of the project, review documentation for contract payment to MBEs (Form 6, attached) for compliance with minority business utilization commitments. Submit this form with monthly pay applications to the Owner.

Responsibilities of Prime Contractor(s), CM at Risk, and Its First-Tier Subcontractors

On all Eligible Contracts, the Bidders will:

1. Attend the scheduled pre-bid conference.
2. Identify or determine those work areas of a subcontract where minority businesses may have an interest in performing subcontract work.
3. During the bidding process, comply with the owner's requirements listed in the proposal for minority participation.
4. Submit with the Bid (i) the minority businesses that will be utilized on the project with corresponding total dollar value of the bid (MBE Form 1, attached) and (ii) an affidavit listing Good Faith Efforts (MBE Form 2, attached), or an affidavit of intent to self-perform (MBE Form 3). See below for full description of Good Faith Efforts.
5. Upon being named the apparent low bidder, the bidder shall provide the following: (1) an affidavit that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, which is equal to or more than the applicable goal (MBE Form 4, attached); and (2) if there is a contract goal and the participation percentage is not equal to the applicable goal, then documentation of all good faith efforts taken to meet the goal (MBE Form 5, attached). The documentation must include evidence of all good faith efforts that were implemented including any advertisements, solicitations, and evidence of other specific actions demonstrating recruitment and selection of minority businesses for participation in the contract. Failure to comply with these requirements is grounds for rejection of the bid and award to the next lowest responsible and responsive bidder.
6. The contractor(s) shall identify the name(s) of minority business subcontractor(s) and corresponding dollar amount of work on the schedule of values.
7. The contractor(s) shall submit with each monthly pay request(s) and final payment(s) documentation for contract payment to MBEs (MBE Form 6, attached)
8. During the construction of a project, at any time, if it becomes necessary to replace a minority business subcontractor, immediately advise the owner in writing, of the circumstances involved. The prime contractor shall make a good faith effort to replace a minority business subcontractor with another minority business subcontractor.
9. If during the construction of a project additional subcontracting opportunities become available, the contractor shall make a good faith effort to solicit sub-bids from minority businesses.
10. Make documentation showing evidence of implementation of Prime Contractor, CM-at-Risk and First-Tier Subcontractor responsibilities available for review by the Town, upon request.

11. All written statements or affidavits made by the Bidder shall become a part of the agreement between the Contractor and the Town for performance of the contract. Failure to comply with any of these statements, affidavits, or with the minority business guidelines shall constitute a breach of the contract. A finding by the Town that any information submitted either prior to award of the contract or during the performance of the contract is inaccurate, false, or incomplete shall also constitute a breach of the contract. Any such breach may result in termination of the contract in accordance with the termination provisions contained in the contract. It shall be solely at the option of the Town whether to terminate the contract for breach.

SECTION D: GOOD FAITH EFFORTS

In determining whether a contractor has made good faith efforts, the Town will evaluate all efforts made by the Contractor and will determine compliance in regard to quantity, diligence, and results of these efforts. At least five of the following 10 good faith efforts must be made in order to satisfy the Good Faith Efforts Requirement.

1. Contacting minority businesses that reasonably could have been expected to submit a quote and that were known to the contractor or available on State or local government maintained lists at least 10 days before the bid or proposal date and notifying them of the nature and scope of the work to be performed.
2. Making the construction plans, specifications, and requirements available for review by prospective minority businesses, or providing these documents to them at least 10 days before the bid or proposals are due.
3. Breaking down or combining elements of work into economically feasible units to facilitate minority participation.
4. Working with minority trade, community, or contractor organizations identified by the Office for Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses.
5. Attending any pre-bid meetings scheduled by the public owner.
6. Providing assistance in getting required bonding or insurance or providing alternatives to bonding or insurance for subcontractors.
7. Negotiating in good faith with interested minority businesses and not rejecting them as unqualified without sound reasons based on their capabilities. Reasons for rejection of a minority business based on lack of qualification should be documented in writing.
8. Providing assistance to an otherwise qualified minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required. Assisting minority businesses in obtaining the same unit pricing with the bidder's suppliers in order to help minority businesses in establishing credit.

9. Negotiating joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public construction or repair project when possible.
10. Providing quick pay agreements and policies to enable minority contractors and suppliers to meet cash flow demands.

ATTACH TO BID

Town of Indian Trail
“GOOD FAITH EFFORT”

COUNTY OF _____

AFFIDAVIT OF _____
(Name of Bidder)

I have a good faith effort to comply under the following areas checked:

(A minimum of 5 areas must be checked Yes in order to have achieved a “good faith effort”)

(Y/N)

- _____ (1) Contacting minority businesses that reasonably could have been expected to submit a quote and that were known to the contractor or available on State or local government maintained lists at least 10 days before the bid or proposal date and notifying them of the nature and scope of the work to be performed.
- _____ (2) Making the construction plans, specifications and requirements available for review by prospective minority businesses or providing these documents to them at least 10 days before the bid or proposals are due.
- _____ (3) Breaking down or combining elements of work into economically feasible units to facilitate minority participation.
- _____ (4) Working with minority trade, community, or contractor organizations identified by the Office of Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses.
- _____ (5) Attending any probed meetings scheduled by the public owner.
- _____ (6) Providing assistance in getting required bonding or insurance or providing alternatives to bonding or insurance for subcontractors.
- _____ (7) Negotiating in good faith with interested minority businesses and not rejecting them as unqualified without sound reasons based on their capabilities. Any rejection of minority business based on lack of qualification should have the reasons documented writing.
- _____ (8) Providing assistance to an otherwise qualified minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily is required. Assisting minority businesses in obtaining the same unit pricing with the bidder’s suppliers in order to help minority businesses in establishing credit.

- _____ (9) Negotiating joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public construction or repair project when possible.
- _____ (10) Providing quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands.

In accordance with GS143-128.2(d) the undersigned will enter into a formal agreement with the firms listed in the Identification of Minority Business Participation schedule conditional upon execution of a contract with the Owner. Failure to abide by this statutory provision will constitute a breach of the contract.

The undersigned hereby certified that he or she has read the terms of the minority business commitment and is authorized to bind the bidder to the commitment herein set forth.

Date: _____ Name of Authorized Officer: _____

Signature: _____

[Seal]

Title: _____

State of North Carolina,
County of _____
Subscribed and sworn to before me this _____ day of _____, 20____.
Notary Public _____
My commission expires _____

ATTACH TO BID

Town of Indian Trail

**Intent to Perform Contract
With Own Workforce**

County of _____

Affidavit of _____
(Name of Bidder)

I hereby certify that it is our intent to perform 100% of the work required for the
_____ contract.
(Name of Project)

In making this certification, the Bidder states that the Bidder does not customarily subcontract elements of this type project, and normally performs and has the capability to perform and will perform all elements of the work on this project with his/her own current work forces; and

The Bidder agrees to provide any additional information or documentation requested by the owner in support of the above statement.

The undersigned hereby certifies that he or she has read this certification and is authorized to bind the Bidder to the commitments herein contained.

Date: _____ Name of Authorized Officer: _____

Signature: _____

[Seal] Title: _____

State of North Carolina

County of _____

Subscribed and sworn to before me

this _____ day of _____, 20____.

Notary Public _____

My commission expires. _____

Town of Indian Trail

-Portion of the Work to be Performed by Minority Firms

****(NOTE: THIS FORM IS NOT TO BE SUBMITTED WITH THE BID PROPOSAL)****

If the portion of the work is to be executed by minority businesses as defined in GS 143-128.2 (g) is equal to or greater than 5% of the bidders total contract price, then the bidder must complete this affidavit. This affidavit shall be provided by the apparent lowest responsible, responsive bidder within 72 hours after notification of being low bidder.

Affidavit of: _____ I do hereby certify that on the
(Bidder)

(Project Name)

Project ID# _____ Amount of Bid \$ _____

I will expend a minimum of _____% of the total dollar amount of the contract with minority business enterprises. Minority Businesses will be employed as construction subcontractors, vendors, suppliers or providers of professional services. Such work will be subcontracted to the following firms listed below.

Attach additional sheets if required.

Name and Phone Number	*Minority Category	Work Description	Dollar Value

*Minority categories: Black, African American (**B**), Hispanic (**H**), Asian American (**A**), American Indian (**I**), Female (**F**), Socially and Economically Disadvantaged (**D**)

Pursuant to GS 143-128.2 (d), the undersigned will enter into a formal agreement with Minority Firms for work listed in this schedule conditional upon execution of a contract with the Owner. Failure to fulfill this commitment may constitute a breach of the contract.

The undersigned hereby certifies that he or she has read the terms of this commitment and is authorized to bind the bidder to the commitment herein set forth.

Date: _____ Name of Authorized Officer: _____

Signature: _____

[Seal]

Title: _____

State of North Carolina,

County of _____

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public _____

My commission expires _____

If the contract for goal participation by minority business **is not** achieved, the Bidder shall provide the following documentation to the Owner of his good faith efforts.

Affidavit of: _____
(Bidder)

I do certify the attached documentation as true and accurate representation of my good faith efforts.

Minority firms contacted by Bidder
(Attach additional sheets if required.)

Name and Phone Number	*Minority Category	Work Description	Dollar Value

*Minority categories: Black, African American (**B**), Hispanic (**H**), Asian American (**A**), American Indian (**I**), Female (**F**), Socially and Economically Disadvantaged (**D**)

Documentation of the Bidder’s good faith efforts to meet the goals set forth in these provisions. Examples of documentation shall include the following evidence:

- A. Copies of solicitation for quotes to at least three (3) minority business firms from the source listed provided for each subcontract to be let under this contract (if 3 or more firms are shown on the source list). Each solicitation shall contain a specific description of the work to be subcontracted, location where bid documents can be reviewed, representative of the Prime Bidder to contract, and location, date and time when quotes must be received.
- B. Copies of quotes or responses received from each firm responding to the solicitation.
- C. A telephone log of follow-up calls to each firm sent a solicitation.
- D. For subcontracts where a minority business firm is not considered the lowest responsible sub-bidder, copies of quotes received from all firms submitting quotes for that particular subcontract.
- E. Documentation of any contacts or correspondence to minority business, community, or contractor organizations in an attempt to meet the goal.
- F. Copy of pre-bid roster.
- G. Letter documenting efforts to provide assistance in obtaining required bonding or insurance for minority business.
- H. Letter detailing reasons for rejection of minority business due to lack of qualification.
- I. Letter documenting proposed assistance offered to minority businesses in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letter of credit, including waiving credit that is ordinarily required.

Failure to provide the documentation as listed in these provisions may result in rejection of the bid and award to the next lowest responsible and responsive bidder.

Date: _____ Name of Authorized Officer: _____

Signature: _____

[Seal]

Title: _____

State of North Carolina,

County of _____

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public _____

My commission expires _____

Town of Indian Trail

MBE DOCUMENTATION FOR CONTRACT PAYMENTS

Prime Contractor/Architect: _____

Address & Phone: _____

Project Name: _____

Pay Application#: _____ Period: _____

The following is a list of payments to be made to minority business contractors on this project for the above-mentioned period.

Firm Name	*Minority Category	Payment Amount	Owner Use Only

*Minority categories: Black, African American (**B**), Hispanic (**H**), Asian American (**A**), American Indian (**I**), Female (F), Socially and Economically Disadvantaged (D)

Date: _____

Approved/Certified By: _____

Name

Title

Signature

****THIS DOCUMENT MUST BE SUMITTED WITH EACH PAY REQUEST & FINAL PAYMENT**

STATE OF NORTH CAROLINA

TOWN OF INDIAN TRAIL

RESOLUTION #

**TOWN OF INDIAN TRAIL RESOLUTION TO ADOPT MINORITY BUSINESS
OUTREACH PLAN AND TO ESTABLISH A PERCENTAGE GOAL
FOR PARTICIPATION BY MINORITY BUSINESSES IN THE AWARDING OF
BUILDING CONSTRUCTION CONTRACTS PURSUANT TO N.C.G.S. 143-128.2**

WHEREAS, the North Carolina General Assembly enacted Session Law 2001– 496, Senate Bill 914 to enhance and improve the good faith efforts to recruit and select minority businesses for participation in public building construction or repair contracts by adding N.C.G.S. 143-128.2; and

WHEREAS, N.C.G.S. 143-128.2 requires each city, county, or other local public entity to adopt, after notice and a public hearing, an appropriate verifiable percentage goal for participation by minority businesses in the total value of work for building projects costing \$300,000 or more; and

WHEREAS, N.C.G.S. 143-128.2(b) requires a public entity awarding a building contract where the total cost equals or exceeds \$300,000 to establish, prior to solicitation of bids, good faith efforts that it will take to make it feasible for minority businesses to submit successful bids or proposals for the contracts for building projects; and

WHEREAS, N.C.G.S. 143-128.2(e)(1) requires a public entity awarding a building construction or repair contract where the total cost exceeds \$300,000, prior to awarding a contract, to develop and implement a minority business participation outreach plan; and

WHEREAS, notice of the public hearing was duly published in The Monroe Enquirer-Journal Newspaper on Wednesday, August 28, 2013 and the required public hearing was held on Tuesday, September 10, 2013;

NOW THEREFORE, BE IT RESOLVED,

1. That the Town of Indian Trail shall have a verifiable ___ percent (___%) goal for participation by minority businesses in the total value of work for building projects awarded by the Town of Indian Trail and costing \$300,000 or more.
2. That the Town of Indian Trail shall make a good faith effort to recruit minority participation in accordance with NC GS 143-128.2 for minority business participation in building construction or repair contracts.
3. That this resolution shall become effective upon its adoption.

ADOPTED BY THE TOWN COUNCIL OF INDIAN TRAIL this the 10th day of September, 2013.

Michael Alvarez, Mayor

Attest:

Peggy Piontek, Town Clerk

Town of Indian Trail

Memo

TO: Mayor and Town Council

FROM: Joe Fivas, Town Manager

DATE: September 10, 2013

SUBJECT: Political activities at Town Events



Staff has had a request from a Town Council candidates to campaign at Town Events. This item is for Town Council consideration.

Town of Indian Trail

Memo

TO: Mayor and Town Council
FROM: Joe Fivas, Town Manager
DATE: September 10, 2013
SUBJECT: Transportation Update



Staff will provide an update of current transportation projects and discussions.