

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 24, 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. Mayor for a Day Proclamation

5. PUBLIC COMMENTS

6. CONSENT AGENDA

- a. [Approval of draft minutes for September 10, 2013](#)

7. PUBLIC HEARINGS

None

action

8. BUSINESS ITEMS

- a. **SECOND READING [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 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

9. DISCUSSION ITEMS

- a. [Transportation and Infrastructure Update](#)
- b. [PARTF Grant Update](#)
- c. [Traffic Calming Program Update](#)

d. [Neighborhood Enhancement Program 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



Town of Indian Trail
Minutes of Town Council
September 10, 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, and David Waddell.

Absent Members: Darlene Luther.

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 , Senior Planner Rox Burhans , and Human Resources Director Carey Warner.

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Alvarez asked for a moment of silence in observance of September 11, 2001 and requested the deputies lead the Pledge of Allegiance. Mayor Alvarez announced that Council Member Luther was not in attendance.

ADDITIONS AND DELETIONS

None

MOTION TO APPROVE AGENDA

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

PRESENTATIONS

a. Certificates of Appreciation for Park Tree & Greenway Committee

Mayor Alvarez introduced the Park, Tree & Greenway Committee Chair Roger Fish. Mr. Fish explained the process conducted by staff, residents, Elected Officials and Committee members to receive the 2013 Tree City USA of the year and 2013 Outstanding Project of the year awards and presented them to the Town Council.

Mayor Alvarez described what was involved for the Mayors Tree Initiative, introduced Union County Arborist Bill Smith and expressed his gratitude to Mr. Smith for his participation. Mayor Alvarez presented the Principals of the Elementary Schools with a photo gallery for each school that participated.

Mayor Pro Tem Cohn presented certificates to the Park, Tree & Greenway Committee for their involvement in the Town receiving the awards.

b. July 4th Parade Float Contest winners

Indian Trail Business Association President presented the awards to the contest winners.

Most Patriotic	Brandon Oaks Community
Most Creative	Extreme Ice
Best Youth Float	Indian Trail Athletic Association
Best All Around Float	Victory Riders Motorcycle Ministry of First Baptist Church

c. Constitution Week Proclamation

Mayor Alvarez read the Proclamation (**COPY ATTACHED HERETO AND MADE A PART OF THE RECORD**)

d. Indian Trail Arts & Historical Society Presentation

David Collins, 4616 Hartis Grove Church Road, Indian Trail, NC suggested Council consider erecting a Historical Gateway/Wayfinding Monument on Blythe Drive at the Intersection of Indian Trail Road and the railroad tracks, advising that it is the Historical Society's belief this idea would serve a real need to direct residents and visitors where to go for various services.

PUBLIC COMMENTS

David Drehs, 3216 Bow Club Trail, Indian Trail, NC stated that it was encouraging when the elected officials exchanged emails about the apartments. He feels there might be a slight disconnect between the Schools and Elected Officials and suggested they periodically have lunch with each other to stay connected.

Gary D'Onofrio, 3005 Dataw Dr., Indian Trial, NC expressed his concern over the apartment projects being presented to them this evening and provided his thoughts as to why.

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 **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**
 - * A Certificate of Sufficiency **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**
 - * A resolution setting the public hearing date for the annexation to October 22, 2013 **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

Christopher King made a motion to approve the Consent Agenda.
Motion Passed 3 - 1 with David Waddell opposing.

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 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

Senior Planner Rox Burhans advised 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 has a gross density of approximately 16.2 acres (252 units/15.59 acres). The proposal also contemplates construction of 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 and approved by the North Carolina Department of Transportation.

As part of the conditional rezoning process, the applicant conducted two neighborhood meetings held on June 24th during the day and June 26th in the evening 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. The condition rezoning request was presented to the Planning Board at the July 16, 2013 meeting and the Board recommended approval (voting 5-1) subject to conditions which are included in the Ordinance. Mr. Burhans read the findings into the record:

**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.

The Town Council heard comments from the developer Cameron Helms, the General Contractor Larry Sagehorn and Don Spence who conducted the Traffic Analysis Study.

Mayor Alvarez opened the public comments portion of the hearing.

Richard Straser 3501 Elkway, Indian Trail, he has discussed concerns with developers on numerous occasions, advising that zoning currently allows for Buckhead Lane to cut thru from Old Monroe Road to Pioneer Lane creating dangerous traffic to Deerstyne residents, whereas if the apartment complex is built Buckhead Lane will not go thru, nor will the other possible commercial businesses. Mr. Straser stated that the Deerstyne neighborhood have all agreed that Glen Oaks apartment complex would be a better fit for the community if the following stipulations are met: Buckhead Lane will end at its current location, Glenn Oaks will have their own separate gated back entrance, a fence will separate the

apartment complex from Deerstyne and at least 200 feet of green space will be left between Deerstyne & Glen Oaks, all of which have been agreed upon by the developers.

David Drehs, 3216 Bow Club Trail, Indian Trail stated he is confused on the math, will there not be children in the 108 2 bedroom units and provided the math. He addressed the difference between commercial and rush hour traffic, apartments have a life cycle stating that within 24 months there is 90% occupancy and become profitable resulting in a major company taking it over resulting in a short lifespan and their value decreases over time as opposed to residential homes. Mr. Drehs recommended that we look long term and wait until Old Monroe Road is four lanes.

Jerry Morse, 271 Unionville Indian Trail Rd, Indian Trail, NC read an email that he sent to Mayor and Council, stating he has kept an open mind about this project. He has had meetings with the developers and now has reservations about this project. The existing apartments in Indian Trail have short term occupancy and those that live there seem unhappy. He provided statistics and asked if we truly want or need apartments in Indian Trail when other neighboring communities already provide them. He referred to the intersection of Old Monroe Road and Indian Trail Road stating it currently is not an acceptable situation, stating that if this request is approved the ones that will most benefit are the real estate agents, land developer and those involved in the mortgage industry, not the residents of Indian Trail.

Cheryl Mimi, 5017 Dresden Court, Monroe, NC expressed she is opposed to it but her concern is the future of the apartment complex as well as the schools capacity. She feels the schools are maxed out in capacity and adding additional students will result in additional problems. The complex will attract people who are looking for a better school system and that will result increases in the amount of children the schools have to serve, as a teacher she finds it challenging to deal with overcrowding.

Dallas Martinelli, 1001 Sebastian Court, Indian Trail expressed concern about the school crowding that his children started school and will end school in a trailer. He inquired what the water and crime impact would be and the number of additional deputies that will be required. Mr. Martinelli addressed the study done by NCDOT on the intersection of Old Monroe Road and Indian Trail Road that the turn lanes currently have to be extended an additional 500 feet, adding a 25 foot turn lane will not assist in any way. He stated that intersection is unsafe to walk or ride a bike across. It is not wanted by the people he has spoken to in his neighborhood; it totally changes the aspect of what was bought into in this town.

Dan Smith 4617 Pioneer Lane, Indian Trail stated that he was disappointed; he assumed that the developer would have told what he was developing and then our Planner would indicate approval/disapproval, instead of the Senior Planner endorsing it before the developer presented. He stated he built a house 5-6 years ago on Pioneer Lane and due to lack of sewage availability he was forced to incur the expense of a septic system and now asks how can we approve a 200 unit apartment complex with the sewage issues in Union County.

Jan Brown, 6727 Long Nook Lane, Indian Trail, NC stated he believes we need diversity in housing if you want industry in Indian Trail. This is a quality unit, it would be an improvement for Indian Trail and he hopes it gets passed.

Cam Helms, 4440 Old Monroe Road, Indian Trail thanked everyone for their comments. The question is do we want to have the economical benefit or let a neighboring community build it and reap the rewards.

Mayor Alvarez closed public comments portion of the public hearing.

Robert Allen made a motion to approve the required findings including the consistency statement.

Council had a discussion on this topic, each providing their thoughts on why they would or would not approve the motion.

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

Mayor Alvarez broke the tie voting in favor of the motion.

Mr. Merritt explained it will come back for a second reading at a later meeting, as this is an Ordinance and needs to pass by a super majority which was not the case this evening. There will not be another public hearing or presentation, it will simply be read and voted on again.

Robert Allen made a motion to approve as presented.

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

Mayor Alvarez broke the tie by voting in favor of the motion. Mr. Merritt advised that the same rules apply as in the last motion; it will need a second reading.

BUSINESS ITEMS

a. Council consideration of approval of bid for Chestnut Square Park and approval of amended Capital Improvement Project Ordinance

Mr. Fivas provided a history of both Crooked Creek Park and Chestnut Square Park Projects, explaining the bids went out and have been received and opened. Mr. Fivas advised that part of the process is occasionally to determine the cost of an upcoming possible item; you bid it as an alternate item that is not part of the base bid. Staff included 5 alternate items: multipurpose fields and the sports lightings, stating that we feel the quote on the fields were very strong and will be recommending Council approval on the base bid and multipurpose fields. The lights, staff feels we can negotiate with the company and review different options. Mr. Fivas clarified what is included in this bid is: tennis courts, sand volleyball, pavilion areas, bathroom facilities, trees and many construction items, if approved construction would commence very soon. If you added the two bids together, the base and alternate for multipurpose

would total \$1.8 million. Mr. Fivas advised that the Capital Improvement Project Ordinance needs to be approved as well. He stated that at the conclusion of this we will have used \$1.5 million of the park monies, leaving \$7 million for the other park facility.

Mr. Fivas advised that there is a contingency of \$150-160,000 if we bring the project in on time the costs could be reduced by this amount. There is no way to determine that until the project is completed.

Christopher King made a motion to approve item 8a the base bid and option alternate 1 for Chestnut Square Park. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Motion Passed 3 - 1 with David Waddell opposing.

Christopher King made a motion to approve Capital Project Improvement Ordinance **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Motion Passed 3 - 1 with David Waddell opposing.

b. Indian Trail Road Bridge Project

Mr. Fivas stated at the last meeting Council requested to table this matter until they had an opportunity to review the situation. Both Mr. King and Mr. Waddell went out to the site and feel widening this section of road simply does not make sense.

Mr. Allen made a motion to free form to respectfully decline NCDOT's project.
Council voted unanimously in favor of the motion.

c. Council consideration of Law Enforcement Assessment RFP

Mr. Fivas explained this is a draft Request for Proposal (RFP), a proposal for Council to bring someone in and start the process. This is simply the beginning of the process with no commitments. If Council approves tonight, the response needs to be back to us by October 11th and for Council to decide on who they want to interview on October 23rd, with the dates of interviewing being October 29th & 30th.

Robert Allen made a motion to approve the draft RFP proposal. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

Council voted unanimously in favor of the motion.

d. Resolution to establish a Minority Business Participation Goal

Mr. Merritt explained that this is a required program from the state; certain projects have goals of minority women participation in those projects. Council needs to determine the percentage goal, reminding council it's simply a goal not a requirement. This is done on a yearly basis not project by project.

Robert Allen made a motion to approve Resolution to establish a Minority Women in Business Participation Goal of 5%. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**
Motion Passed 3 - 1 with David Waddell opposing.

DISCUSSION ITEMS

a. Political activities at Town Events

Mr. Fivas advised he has had a request for Cultural Arts Festival if Council wanted to have candidates educate voters at that time. We would provide a space and have them stay at their location. Having heard no objection Mr. Fivas said we will provide them a space.

b. Transportation Update

Mr. Fivas requested to table this matter to a further meeting as a result of a phone call received from NCDOT today providing us additional information. By consensus Council approved tabling.

10. MANAGERS REPORT

Mr. Fivas inquired about the presentation from Indian Trail Arts & Historical Society if that something the Council wants to hear more from them, do you want staff to work with them. By consensus Council agreed.

At last meeting Council designated Parks Trees & Greenway Committee for names of 2 roads going to the Parks. They selected one name for each road, and before we bring it to you, do you want a couple of options or just one. Mr. Waddell suggested having public provide some input at the Cultural Arts Festival. Council agreed that was a great idea.

There will be signs going up for election if anyone has questions, please be sure to contact staff.

COUNCIL COMMENTS

Mr. Allen had no comments.

Mr. Waddell got call from a citizen in Ridgefield, said public works crew went out and cleared a drainage ditch for him he was very happy. He said they did quality work, were professional and had a good attitude. Appreciates the people who came out this evening to speak, and recommends they familiarize themselves with the different plans the town has.

Mr. King wished all the candidates here the best of luck.

Mr. Cohn thanked everyone who came out to speak these evening, difficult decisions and appreciates the emails he has received. Read an email from Porter Ridge Athletic Association.

Mayor Alvarez stated that he often goes out to schools and suggests we expand our horizons. He challenged that tomorrow September 11th, if you are in line getting coffee or out and about, if there is first responder there, buy them their coffee or lunch if you're able to, and show them how much we appreciate all they do.

CLOSED SESSION

None

ADJOURN

Robert Allen made a motion to adjourn

Motion Passed 3 - 1 with David Waddell opposing.

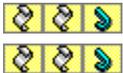
DRAFT

APPROVED:

Michael L. Alvarez, Mayor

Attest:

Peggy Piontek, Town Clerk



Town of Indian Trail

Memo

TO: Mayor and Town Council

FROM: Rox Burhans, AICP

DATE: September 17, 2013

SUBJECT: Second Reading of Ordinance for
CZ2013-002 Glen Oaks Apartments



The Indian Trail Town Council held the public hearing for Conditional Zoning Map Amendment CA-2013-002 on September 10, 2013. This amendment is a request to conditionally rezone ten parcels from Single-Family Residential-4 and General Business District to the Multifamily Residential District-Conditioned to support development of a 204 Unit Apartment Community. The audio recording of the public hearing can be heard on [Granicus](#).

At the conclusion of deliberations, the Council approved the first reading (introduction) of the draft ordinance approving CZ2013-002. Pursuant to North Carolina General Statute §160A-75, a second reading of the associated draft ordinance is required by Council to approve. The associated analysis is provided on our website www.indiantrail.org under the September 10th Town Council meeting.

Required Action by Council: *Receive the report and at the conclusion of deliberations:*

- **Make the Required Findings – Draft Findings as Transmitted by Planning Board**

**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.

- **Motion to Approve or disapprove CZ2013-002 as presented in the second reading**

Attachment 1 – Draft Ordinance

STATE OF NORTH CAROLINA)
)
TOWN OF INDIAN TRAIL)

ORDINANCE #

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF INDIAN TRAIL REZONING PARCELS 07114016C (portion of), 07114015 (portion of), 07114038Y, 07114023, 07114360, 07114359, 07114016, 07114016A, 07114016L & 07114025D).- LOCATED AT 4508 OLD MONROE ROAD FROM A COMBINATION OF GBD (GENERAL BUSINESS DISTRICT) & SF-5 (SINGLE FAMILY RESIDENTIAL-5) TO CZ-MFR (CONDITIONAL ZONING MULTIFAMILY RESIDENTIAL DISTRICT) IN THE TOWN OF INDIAN TRAIL, UNION COUNTY, NORTH CAROLINA

WHEREAS, the property owners consisting of Old Monroe Development, LLC, Cameron Helms, and Jack & Brenda Helms and the designated applicants – Cameron Helms & Larry Sagehorn, petitioned to rezone tax parcels 07114016C (portion of), 07114015 (portion of), 07114038Y, 07114023, 07114360, 07114359, 07114016, 07114016A, 07114016L & 07114025D) from GBD (General Business District) & SF-5 (Single Family Residential District-5) to CZ-MFR (Conditional Zoning District- General Business) classification and thereby removing parcels 07114023 and 07114025D from previously approved Conditional Use Permit 2004-006 ; and

WHEREAS, this Conditional Zoning Amendment (CZ2013-002) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, two community meetings were held on June 24th & 26th, 2013; and

WHEREAS, a public meeting was held by the Planning Board on July 16, 2013 to consider this conditional zoning request; and

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

Goal 1.3.1 Quality of Life – Indian Trail is a growing community of approximately 35,000 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.

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 and endorsed the Planning Board's consistency findings and the Town Council approved the first reading of the draft ordinance approving CZ2013-002; and

WHEREAS, the Town Council held a second public meeting on September 24, 2013 to consider said request and recommendation of approval from the Planning Board; and

WHEREAS, the Town Council further concurred with and endorsed the Planning Board's consistency findings and the Town Council approved the second reading of the ordinance approving CZ2013-002; 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 24th 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 & Town Council
FROM: Joe Fivas
DATE: September 24, 2013
SUBJECT: Transportation & Infrastructure Update



Staff will provide Council with an update on Transportation & Infrastructure.

JAF

Town of Indian Trail

Memo

TO: Mayor & Town Council
FROM: Joe Fivas
DATE: September 24, 2013
SUBJECT: PARTF Grant Update



Staff will provide Council with an update on the PARTF Grant process.

JAF

Town of Indian Trail

Memo

TO: Mayor & Town Council
FROM: Joe Fivas
DATE: September 24, 2013
SUBJECT: Traffic Calming Program Update



Staff will provide Council with an update on the Traffic Calming Program.

JAF

Town of Indian Trail

Memo

TO: Mayor & Town Council

FROM: Joe Fivas

DATE: September 24, 2013

SUBJECT: Neighborhood Enhancement Program
Update



Staff will provide Council with an update on the Neighborhood Enhancement Program.

JAF