

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
October 22, 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. William Goodyear Presentation
- b. Dr. Sidor Presentation
- c. Monroe Bypass Presentation for Monroe Union Economic Development
- d. Monroe Bypass Presentation for Union County Chamber of Commerce
- e. Monroe Bypass Presentation for Indian Trail Business Association

5. PUBLIC COMMENTS

6. CONSENT AGENDA

- a. [Approval of draft minutes for October 8, 2013](#)
- b. [Adoption of Union County Nuisance Ordinance](#)

7. PUBLIC HEARINGS

action

- a. **Annexation 137** - This is a voluntary annexation request to annex a single parcel of land consisting of 3.182 acres into the Town of Indian Trail. The parcel being considered for annexation is part of the proposed Union Grove Subdivision also being considered for conditional rezoning (CZ2013-003). Location: Unionville-Indian Trail Road- Parcel 07066007 90, Applicant: Wells Fargo Bank N.A.
- b. **CZ2013-003 Union Grove Subdivision**: This is a rezone request to establish a Conditional Single-Family Residential-5 Zone on an approx. 68-acre subject property for the purpose of

developing a single-family residential subdivision. Location: Unionville-Indian Trail Road-
Parcels 07066007-80 and 90, Applicant: The Bayard Group.

8. BUSINESS ITEMS

- a. Council consideration of acceptance of greenway trail from Hawthorne at the Trail

9. DISCUSSION ITEMS

- a. Discussion of selection of Law Enforcement Agreement Consultant

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
October 8, 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, Director of Engineering and Public Works Scott Kaufhold , and Finance Director Marsha Sutton.

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Alvarez called the meeting to order and led in the Pledge of Allegiance and announced the Cultural Arts Festival.

ADDITIONS AND DELETIONS

David Waddell made a motion to approve switching item 8b Chestnut Parkway Extension to 8c Change order for Chestnut Square and vice versa.
Council voted unanimously in favor of the motion.

MOTION TO APPROVE AGENDA

Robert Allen made a motion to approve the agenda.
Council voted unanimously in favor of the motion.

PRESENTATIONS

a. Mayor for a Day Proclamation

Mayor Alvarez read and presented the Proclamation to Will Henely. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

b. National Planning Month Proclamation

Mayor Alvarez read the Proclamation and presented to the Planning Board Members in attendance, Patti Cowan and Larry Miller. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

PUBLIC COMMENTS

Peter Brown, 2005 Sandbox Circle, Indian Trail, NC spoke regarding the park asking Council to consider the needs for the disabled community, by ensuring accessibility and amenities are available for them.

CONSENT AGENDA

- a. Approval of draft minutes for September 24, 2013
- b. Budget Amendments **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- c. Annexation # 138:
 - * 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 RECORD)**
 - * A Certificate of Sufficiency **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
 - * A resolution setting the public hearing date for the annexation to November 12, 2013 **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- d. Establish Public Hearing for Traffic Calming for Spanish Moss on

November 12, 2013

Robert Allen made a motion to approve the Consent Agenda
Motion Passed 4 - 1 with David Waddell opposing.

PUBLIC HEARINGS

None

BUSINESS ITEMS

- a. Council consideration of approval of Crooked Creek Park bid and Amendment of Capital Project Ordinance.

Mr. Fivas provided some history on this matter, advising that the bids came in lower than anticipated and recommended the lowest bidder Sossamon Construction. Mr. Fivas explained what the base bid included. He informed Council there were 11 bid alternates providing his recommendation for approving alternates 5, 6, 7, 9 and 10 and an explanation as to why these are recommended for approval and why the other ones are not recommended for approval at this time. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Council had a lengthy discussion about ensuring the park is Handicap accessible, they were all in agreement in the importance of this park being accessible to everyone.

Robert Allen made a motion to approve the Sossamon Construction bid for \$4,373,000.00 and bid alternatives for 5,6,7,9 & 10.

Mr. Waddell inquired what is the total dollar amount of the bid alternatives, after a brief discussion he was advised approximately \$380,000.

Motion Passed 4 - 1 with David Waddell opposing.

Robert Allen made a motion to approve the Capital Project Ordinance for Crooked Creek Park. Motion Passed 4 - 1 with David Waddell opposing. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Mr. Fivas informed Council that we have sold \$6 million dollars in bonds. If this Ordinance is approved, the Council will have \$2.5 million dollars of bond money left for future phases, or the Council can repay the other funds in the Capital Projects Ordinance.

- c. Council consideration of approval of Change Order for JD Goodrum

contract and approval of Capital Project Ordinance for Chestnut Square Park - this item was changed to item b as a result of a motion made in additions and deletions.

Mr. Fivas explained this is for the landscaping on Chestnut Parkway and Shady Bluff Road this was put into the contract item to be discussed next, we bid them as alternatives they came in higher but the initial contractor for the park was the lowest bid. If this is approved, the landscaping would be done by a different contractor than the one doing the actual parkway.

Christopher King made a motion to approve Business Item 8c the change order for JD Goodrum contract and approval of Capital Project Ordinance for Chestnut Square Park.

Motion Passed 4 - 1 with David Waddell opposing. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Darlene Luther made a motion to approve Business item (c) Capital Project Improvement Ordinance.

Motion Passed 4 - 1 with David Waddell opposing. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

b. Council consideration of approval of Chestnut Parkway Extension bid and Amendment of Capital Project Ordinance for Chestnut Square Park - this item was changed to item c as a result of a motion made in additions and deletions.

After Mayor Alvarez read this matter into the record, Mr. Fivas explained that this item should read "approval of Chestnut Parkway Extension bid". Mayor Alvarez stated let the record stand corrected.

Mr. Fivas stated this is the next leg of the Chestnut Parkway; this would get us fully in line from Matthews Indian Trail Road to US 74. The low bid was Devere Construction in the amount of \$1,425,254.00. This gets the Parkway completed with acceleration lanes on US 74 per NCDOT, changes necessary in median, Union County Public Works required us to move a sewer line. This contract also opens up Shady Bluff Drive, so you can get to Indian Trail Road from the Parkway. Mr. Fivas stated that we will not do a permanent change on Shady Bluff Road, we will simply do an overlay and try to widen it out a little bit; with the hopes that future development will be required to include widening it out and install curb and gutter. It will provide additional access from Indian Trail Road to the Chestnut Square area.

Christopher King made a motion to approve the Chestnut Parkway Extension bid.

Motion Passed 4 - 1 with David Waddell opposing. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Christopher King made a motion to approve Capital Project Ordinance for Chestnut Parkway Extension.

Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

d. Council consideration of Traffic Calming Policy revisions

Mr. Fivas explained the issues for the Traffic Calming Policy discussed at the last meeting to simplify it and we received technical suggestions from local regional locations. Currently in the process we have requests for calming, but the revisions to this policy will affect any new requests received after this date. We are not changing the rules on requests we are currently in possession of. Mr. Fivas explained some of the broad changes in this policy as compared to the current policy.

Mayor Alvarez inquired who determines where these devices are needed and although analysis is part of it, but how much consideration is being given to actual issues that law enforcement is receiving on those streets.

Robert Allen made a motion to approve Traffic Calming Policy revisions.

Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

e. Council consideration of Approval of agreement with Woolpert to assist with Town PARTF Grant application

Mr. Fivas explained that since Woolpert has a lot of our information and have been successful with these projects in the past, along with other skills we lack, he feels it's worth having Woolpert assist us and get it out the door. This contract would be in the amount of \$6,150. The next part of this discussion is what do you want to have added? The result of a conversation with the State PARTF Grant agency suggested we get as many users that will use it in different ways. Obviously the Dog Park is one, the trail head for Carolina Thread Trail might enable us to get additional grants available, a disc golf course, and a spray ground next to our playground area. We will have to have public participation process to show support for it.

Robert Allen made a motion to approve agreement with Woolpert to assist with Town PARTF Grant application.

Motion Passed 4 - 1 with David Waddell opposing. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Darlene Luther made a motion to approve submitting amendments to the current Crooked Creek Park phase to include a Dog Park, additional walking/biking trails, disc golf course, trail head for Thread Trail and a spray ground.

Motion Passed 4 - 1 with David Waddell opposing.

DISCUSSION ITEMS

a. Discussion of changes of responsibilities for Park, Tree & Greenway Committee

Mr. Fivas stated at the last Park, Tree & Greenway Committee meeting there was a conversation to expand the duties of this Committee. One of the weaknesses are what some of the issues we will have such as facility use, pavilions to rent out, agreements to be worked through, potential tournaments, donations, etc. and we should consider changing the name of the Park, Tree & Greenway Committee to include recreation and amending their membership to have some specific appointments that are considered for recreational services. There has also been some discussion of some arts and culture and do we need to have a citizen body giving feedback, discussion, direction trying to help staff and keep a lot of those issues from Council having to worry about. The general consensus from Council was to have staff research this item and bring it back for another meeting.

b. Discussion of update on Bell Tower Report

Mr. Fivas reviewed this item from the last meeting and explained the location of a wayfinding sign with the bell would be located across the street from Lilly's Auction House and the functions of each sign design. One sign is digital which can be used to announce events and the other is not. Mr. Fivas inquired if Council was interested in moving forward and if so, which sign would be preferred. After a brief discussion, by consensus, Council decided it's a good idea but they need more information including the cost.

c. Discussion of Monroe Bypass Project

Mr. Fivas advised that the State will soon have their record of decision for the Monroe Bypass. The Council has voiced support of this item in the past and if Council wants to get educated one way is to potentially bring in the Chamber of Commerce and local businesses to determine if there is a financial impact on the community.

Council had a lengthy discussion about this topic ranging from support, to who should or should not be invited to provide input.

Christopher King made a motion to approve to put NCDOT and supporters of the Monroe Bypass Project on an agenda

Motion Passed 4 - 1 with David Waddell opposing.

MANAGERS REPORT

Mr. Fivas advised that he received a memo that NCDOT is no longer accepting local streets into their system. He wanted Council to be aware that several smaller communities are calling us for guidance. The direction was to hear what other communities have to say and then put it on an agenda for further discussion.

Our Law enforcement assessment RFP has gone out to 11 difference consultants and we have not received any feedback we will contact them and determine who will be supplying documents.

COUNCIL COMMENTS

Mr. King had no comments.

Mr. Cohn discussed the Porter Ridge game ending, he addressed the comments made by Mr. Allen earlier stating that he is offended by Mr. Allen's comments.

Mr. Waddell advised he is not an environmentalist but he spoke with a representative from Department of Natural Resources about the Heel Splitters and provided the information he received on their importance to the audience. They are considered a warning of certain water pollutants and toxicity.

Mayor Alvarez would like to continue to look into handicapped accessibility of parks and playground equipment. He would appreciate it if Council would get a copy of sign ordinance, look at ways to improve it and make it a little friendlier to businesses as he gets a lot of comments about it. He thanked everyone for their support of Will Henely, showing community and helping someone when they are down, putting politics aside, if you can join in the 5k walk. He would like more information on the Rogers Road project. Mr. Fivas advised they are working on Chestnut Road and will be in the area soon. As for the Traffic Calming Policy, he would like statistics from law enforcement on decisions. He supports the Bypass but not necessarily SELC but in the 2,000 page report they provide there might be one comment that makes sense, he feels it's his duty to go through all the pages to find something that might make sense then he needs to do that and allow for the opposing viewpoint.

Ms. Luther stated that if majority of Council is saying we want the Bypass, we're not here to hear both sides we are here to move forward and get that road built. The SELC say they are an environmental group, they are just an antigrowth group, and they oppose everything, every road and have lawsuits against everybody. We want growth, jobs and to firm my point we need to facilitate this and move forward. If you want more information, feel free to have a

community meeting and get that information. The purpose of the Council is to educate the Council to do their business and if people want to sit in and listen.

Mr. Allen stated we're here to do the business of the Town, not float a weather balloon and take a poll we need to make a decision and keep moving it forward.

CLOSED SESSION

None

ADJOURN

Robert Allen made a motion to adjourn
Council voted unanimously in favor of the motion.

DRAFT

APPROVED:

Michael L. Alvarez, Mayor

Attest

Peggy Piontek, Town Clerk



TO: Mayor and Town Council

FROM: Joe Fivas, Town Manager

DATE: October 22, 2013

SUBJECT: Adoption of the Nuisance Ordinance

Lt. Coble has recommended that Town adopt the Union County Nuisance Ordinance. This action would resolve any issues related to Union County Sherriff's Office enforcing this ordinance within our jurisdiction. Mr. Merritt has drafted this resolution for the Town Council's consideration.

jaf

STATE OF NORTH CAROLINA)

)

RESOLUTION #R131022-1

TOWN OF INDIAN TRIAL)

)

**RESOLUTION AUTHORIZING ENFORCEMENT OF THE UNION COUNTY
NUISANCE ORDINANCE WITHIN THE TOWN OF INDIAN TRAIL
MUNICIPAL LIMITS**

WHEREAS, the Union County Board of Commissioners adopted a nuisance ordinance pursuant to North Carolina General Statute 152A-133 (the "Nuisance Ordinance") to regulate, restrict or prohibit the production or emission of noises or amplified speech, music or other sounds that tend to annoy, disturb or frighten its citizens; and

WHEREAS, Union County pursuant to North Carolina General Statute 153A-123 may by ordinance define, regulate, prohibit or abate acts, omissions or conditions detrimental to the health, safety or welfare of its citizens and the peace and dignity of the County, and may define and abate nuisances; and

WHEREAS, North Carolina General Statute 153A-123 authorizes Union County to enforce the Nuisance Ordinance through a variety of mechanisms including civil, criminal and injunctive remedies; and

WHEREAS, North Carolina General Statute 153A-122 allows the Town of Indian Trail to permit the Nuisance Ordinance to be applicable and enforceable within the Town of Indian Trail;

NOW, THEREFORE, BE IT RESOLVED that the Town of Indian Trail Council hereby makes the Union County Nuisance Ordinance applicable and enforceable by Union County within the municipal limits of the Town of Indian Trail.

This Resolution shall take effect upon its adoption.

ADOPTED this 22nd day of October, 2013.

TOWN OF INDIAN TRAIL COUNCIL

Michael Alvarez, Mayor

Attest:

Peggy Piontek Town Clerk

APPROVED AS TO FORM

Keith J. Merritt, Town Attorney

NUISANCE ORDINANCE

WHEREAS, pursuant to G.S. § 153A-133, Union County may by ordinance regulate, restrict, or prohibit the production or emission of noises or amplified speech, music, or other sounds that tend to annoy, disturb, or frighten its citizens; and

WHEREAS, pursuant to G.S. 153A-123, Union County may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county; and may define and abate nuisances.

NOW, THEREFORE, BE IT ORDAINED by the Union County Board of Commissioners as follows:

Section 1. It shall be unlawful and shall constitute a nuisance for any person or group of persons, regardless of number, to willfully make, continue, or cause to be made or continued any loud, raucous and disturbing noise, which term shall mean any sound which, because of its volume level, duration and character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within Union County. The term "loud, raucous and disturbing noise" shall be limited to loud, raucous and disturbing noises heard upon the public streets, in any public park, in any school or public building or upon the grounds thereof while in use, in any church or hospital or upon the grounds thereof while in use, upon any parking lot open to members of the public as invitees or licensees, or in any occupied residential unit which is not the source of the noise or upon the grounds thereof.

In determining whether a noise is unreasonably loud, raucous and disturbing, the following factors incident to such noise shall be considered: (i) time of day; (ii) proximity to residential structures; (iii) whether the noise is recurrent, intermittent or constant; (iv) the volume and intensity; (v) whether the noise has been enhanced in volume or range by any type of electronic or mechanical means; (vi) the character and zoning of the area; and (vii) whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof.

Section 2. The following acts are declared to be nuisances in violation of this Ordinance, but such enumeration shall not be deemed to be exclusive:

- (1) Horns and Signal Devices. The sounding of any horn, whistle or signal device on any automobile, motorcycle, bus or other vehicle, except as a danger signal or as required by law, so as to create any unreasonable, loud or harsh sound, or the sounding of such device for an unnecessary and unreasonable period of time.
- (2) Radios, Stereos, and Sound Reproduction. The playing, use, or operation, either from a motor vehicle or by a pedestrian, of any radio, tape or CD player, or other sound amplification device emitting sound that is audible from a distance of fifty (50) or more feet from the source of the sound.
- (3) Pets. The keeping of any animal or bird, which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person of ordinary sensibilities in the vicinity; provided, however, that this Ordinance shall not apply to a dog or dogs being used in a lawful hunt;

Section 3. The following shall be exempt from the application of this Ordinance:

- (1) Noise resulting from the normal and lawful operations of any (i) industrial enterprise, (ii) commercial enterprise, or (iii) governmental facility or function.
- (2) Noise resulting from agricultural and horticultural operations conducted in a reasonable manner on property classified as a bona fide farm for ad valorem tax purposes.
- (3) Noise resulting from any authorized emergency or public safety vehicle, when responding to an emergency call or acting in the time of an emergency.
- (4) Noise of safety signals, warning devices and emergency pressure relief valves.
- (5) Noise resulting from emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster, or to restore public utilities, or to protect persons or property from imminent danger.
- (6) Noise resulting from motor vehicles in proper operating condition and properly equipped with the manufacturers' standard mufflers and noise-reducing equipment.
- (7) Noise resulting from any military or law enforcement activities of the federal, state, or any local government, to include military observances.

- (8) Noise resulting from construction operations from 7:00 a.m. to 9:00 p.m. on weekdays and from 8:00 a.m. to 9:00 p.m. on weekends for which building permits have been issued or for which building permits are not required; provided that all equipment is in proper operating condition and properly equipped with the manufacturers' mufflers and noise-reducing equipment.
- (9) Noise from lawn mowers and other landscape maintenance equipment used between the hours of 7:00 a.m. and 9:00 p.m., provided that all equipment is in proper operating condition and properly equipped with the manufacturers' mufflers and noise-reducing equipment.
- (10) Noise resulting from any event held in recognition of a community celebration, or national, state, or county events or public festivals or parades.
- (11) Noise from lawful fireworks and noise makers on holidays and at religious ceremonies.
- (12) Noise created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration.
- (13) Noise of any bell or chime from any building clock, school, or church.
- (14) Noise created by any public recreational activity.
- (15) Noise from dogs and firearms while being used in a lawful hunt.

Section 4.

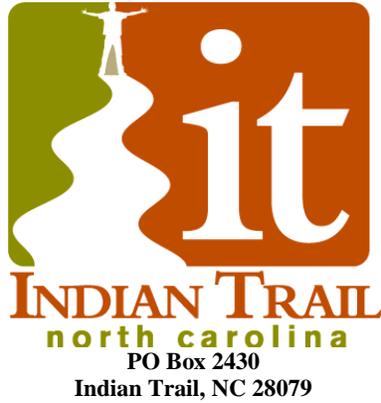
Violation of any provision of this Ordinance shall subject the offender to one or more of the following enforcement actions. Each day that any violation continues after notification by the County that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

- (1) Violations shall constitute a Class 3 misdemeanor pursuant to G.S. 14-4, punishable by a fine of up to \$200 and imprisonment in the discretion of the court.
- (2) The County may apply for an appropriate equitable remedy from the General Court of Justice, including but not limited to mandatory and prohibitory injunctions and orders of abatement as allowed pursuant to

G.S. 153A-123. Such civil actions may name as defendants any person or persons creating, allowing the creation of, or assisting in the creation of any unlawful noise, including the owner of the premises from which the noise emanates and the person having actual control of the premises from which it emanates.

Section 5. If any provision of this Ordinance is adjudged invalid or if the application thereof to any person or in any circumstance is adjudged invalid, such invalidity shall not affect the validity of this Ordinance as a whole or of any part, subpart, sentence or clause thereof not adjudged invalid.

Section 6. This Ordinance is adopted the 8th day of September, 1998, and shall become effective the 9th day of September, 1998.



PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

Case: Annexation #137 Union Grove Property	
Reference Name	Union Grove
Applicant	Wells Fargo Bank, N.A. (D. Bruce McFadden)
Submittal Date	August 2013
Location	Unionville-Indian Trail Road, east of Faith Church Road
Tax Map Number	07-066-007 90

Summary

This is a request to voluntarily annex one undeveloped, 3.1825 acre property (07-066-007-90) into the Town of Indian Trail. The Council took the following actions at its September 10, 2013 public meeting initiating the annexation process:

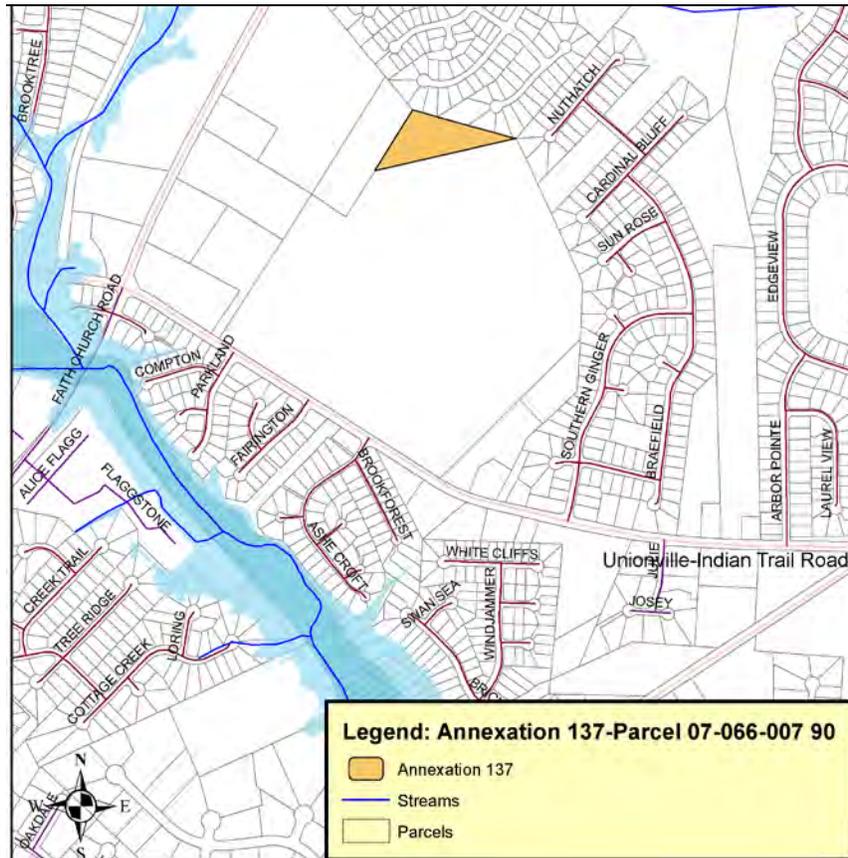
1. Adopted a resolution directing the Town Clerk to Investigate the Sufficiency of the Voluntary Annexation Petition; and
2. Certified the Sufficiency of the Annexation Petition; and
3. Adopted a resolution setting the public hearing to October 22, 2013.

Background and Analysis

The subject property is located on the north side of Unionville-Indian Trail Road within the unincorporated area of Union County. The property is a wooded, undeveloped parcel shaped with a triangular configuration. It is approximately 3.1825 acres in size and is zoned Union County Residential-20 (R-20).

The parcel being considered for annexation is also part of the Union Grove Conditional Rezoning subject property (CZ 2013-003). The Town Council is holding a public hearing for the Union Grove rezoning on October 22, 2013. Parcel 07-066-007-90 must first be annexed into the Town of Indian Trail prior to the Town Council taking action on the Union Grove rezoning. The location Map for Annexation 137 is provided below.

LOCATION MAP



The following consistency finding, pursuant to NCGS § 160A-31(d) regarding voluntary annexations in North Carolina, must be made for the annexation to be valid:

The Town Council of Indian Trail finds that, pursuant to the requirements of NCGS § 160A-31(d), that the proposed Annexation Ordinance #137 petition offered by the applicants does in fact meet all requirements for a proper voluntary annexation under North Carolina law and is found to be valid in form and manner.

Staff Recommendation -Staff recommends to the Town Council the following actions:

- 1.) Receive this staff report and public testimony on this annexation.
- 2.) Make the required finding in accordance with NCGS § 160A-31(d) reading into the record the statement above; and
- 3.) Make a motion to approve/disapprove extending the corporate limits of the Town of Indian Trail to include Annexation Ordinance #137 establishing the effective date of the annexation as October 22, 2013.

Staff Contact

Rox Burhans, AICP
704 821-5401
rburhans@planning.indiantrail.org

Attachment One: Proposed Annexation Ordinance #137 w/Legal Description
Attachment Two: Petition Application for Proposed Voluntary Annexation w/Maps

TC ATTACHMENT ONE

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF
INDIAN TRAIL, NORTH CAROLINA**

**ANNEXATION ORDINANCE #137- Voluntary annexation for one 3.1825 acre parcel
(more or less) located on Unionville-Indian Trail Road – Union County and identified as
Tax Parcel Number 07-066-007-90 Owned by Wells Fargo Bank, N.A.**

WHEREAS, the Town Council has been petitioned pursuant to N.C.G.S. Chapter 160A, Article 4A, Part 1 to annex the area described below; and

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

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of annexation was held at the Town Civic Building at 6:30 PM on the 22nd day of October, 2013, after due notice by Charlotte Observer – Union County Section; and

WHEREAS, the Town Council finds that the petition meets the requirements of G.S. 160A-31(d);

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

Section 1. By Virtue of the authority granted pursuant to N.C.G.S. Chapter 160A, Article 4A, Part 1, the following described territory is hereby annexed and made part of the Town of Indian Trail, North Carolina as of the 22nd day of October, 2013:

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).

Section 2. Upon and after the 22nd day of October, 2013, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Indian Trail, North Carolina and shall be entitled to the same privileges and benefits as other parts of the Town of Indian Trail, North Carolina. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Indian Trail, North Carolina shall cause to be recorded in the office of the Register of Deeds of Union County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Board of Elections, as required by G.S. 163-288.1.

Section 4. The Attorney of the Town of Indian Trail, North Carolina shall submit in the Office of the United States Attorney General, in accordance with Section 5 of the Voting Rights Act of 1965, codified as 42 U.S.C. 1973c, documents and materials required for review pursuant to federal law.

Adopted this 22nd day of October, 2013.

TOWN OF INDIAN TRAIL

BY: _____
Michael L. Alvarez, Mayor

ATTEST:

APPROVED AS TO FORM:

Peggy Piontek, Town Clerk

Keith J. Merritt, Town Attorney

TC ATTACHMENT TWO



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, [Signature]. Rows 2-5 are blank.

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:

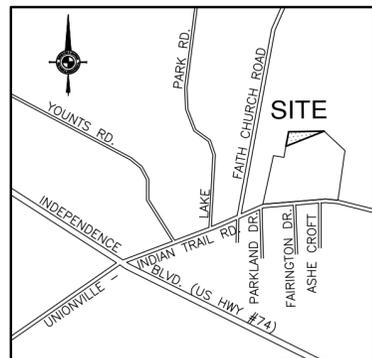
To locate the BEGINNING commence at National Geodetic Survey monument "HM74", having NAD83 grid coordinates of N: 482,352.51 ft., E: 1,511,565.11 ft. and proceed thence North 13°47'10" East for a ground distance of 5,303.42 feet to an existing concrete monument being the southeast corner of Lot 30, Block 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).

INDIAN TRAIL ANNEXATION PLAT

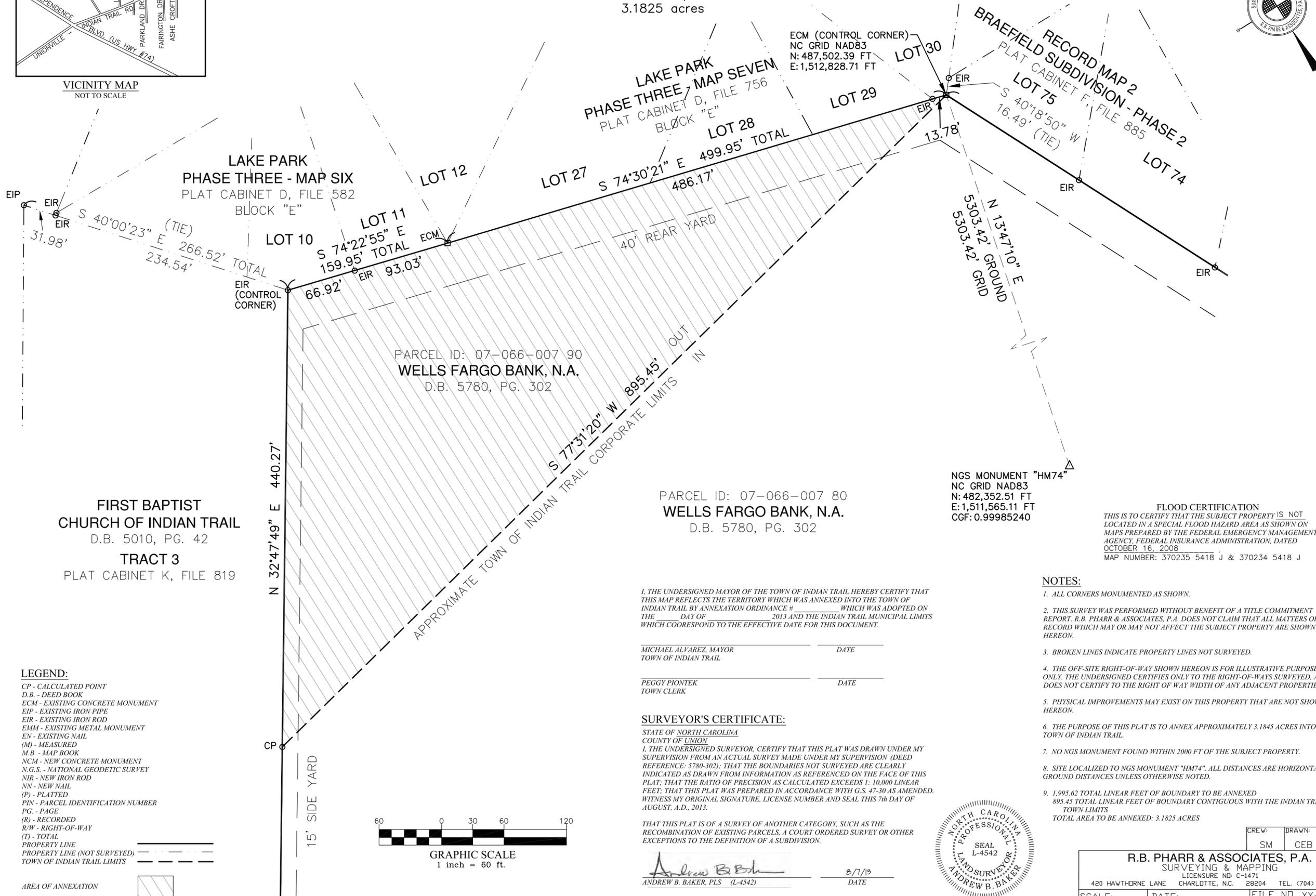
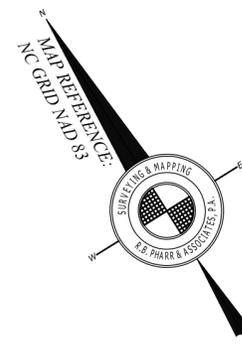
WELLS FARGO, N.A. PROPERTY
 UNIONVILLE-INDIAN TRAIL RD
 TOWN OF INDIAN TRAIL, UNION COUNTY, N.C.
 DEED REFERENCE: 5780-302
 PARCEL ID: 07066007 90

AREA OF ANNEXATION

138,629 sq. ft.
 3.1825 acres



VICINITY MAP
 NOT TO SCALE



FIRST BAPTIST
 CHURCH OF INDIAN TRAIL
 D.B. 5010, PG. 42
TRACT 3
 PLAT CABINET K, FILE 819

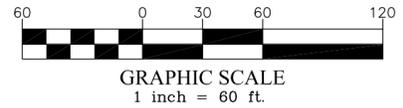
PARCEL ID: 07-066-007 90
WELLS FARGO BANK, N.A.
 D.B. 5780, PG. 302

PARCEL ID: 07-066-007 80
WELLS FARGO BANK, N.A.
 D.B. 5780, PG. 302

NGS MONUMENT "HM74"
 NC GRID NAD83
 N: 482,352.51 FT
 E: 1,511,565.11 FT
 CGF: 0.99985240

FLOOD CERTIFICATION
 THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED OCTOBER 16, 2008
 MAP NUMBER: 370235 5418 J & 370234 5418 J

- LEGEND:**
- CP - CALCULATED POINT
 - D.B. - DEED BOOK
 - ECM - EXISTING CONCRETE MONUMENT
 - EIP - EXISTING IRON PIPE
 - EIR - EXISTING IRON ROD
 - EMM - EXISTING METAL MONUMENT
 - EN - EXISTING NAIL
 - (M) - MEASURED
 - M.B. - MAP BOOK
 - NCM - NEW CONCRETE MONUMENT
 - N.G.S. - NATIONAL GEODETIC SURVEY
 - NIR - NEW IRON ROD
 - NN - NEW NAIL
 - (P) - PLATTED
 - PIN - PARCEL IDENTIFICATION NUMBER
 - PG. - PAGE
 - (R) - RECORDED
 - R/W - RIGHT-OF-WAY
 - (T) - TOTAL
 - PROPERTY LINE
 - PROPERTY LINE (NOT SURVEYED)
 - TOWN OF INDIAN TRAIL LIMITS



I, THE UNDERSIGNED MAYOR OF THE TOWN OF INDIAN TRAIL HEREBY CERTIFY THAT THIS MAP REFLECTS THE TERRITORY WHICH WAS ANNEXED INTO THE TOWN OF INDIAN TRAIL BY ANNEXATION ORDINANCE # _____ WHICH WAS ADOPTED ON THE _____ DAY OF _____ 2013 AND THE INDIAN TRAIL MUNICIPAL LIMITS WHICH COORESPOND TO THE EFFECTIVE DATE FOR THIS DOCUMENT.

MICHAEL ALVAREZ, MAYOR
 TOWN OF INDIAN TRAIL

PEGGY PIONTEK
 TOWN CLERK

SURVEYOR'S CERTIFICATE:
 STATE OF NORTH CAROLINA
 COUNTY OF UNION
 I, THE UNDERSIGNED SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED REFERENCE: 5780-302); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION AS REFERENCED ON THE FACE OF THIS PLAT; THAT THE RATIO OF PRECISION AS CALCULATED EXCEEDS 1: 10,000 LINEAR FEET; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 7th DAY OF AUGUST, A.D., 2013.

THAT THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY OR OTHER EXCEPTIONS TO THE DEFINITION OF A SUBDIVISION.

Andrew B. Baker
 ANDREW B. BAKER, PLS (L-4542) 8/7/13 DATE



- NOTES:**
1. ALL CORNERS MONUMENTED AS SHOWN.
 2. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. R.B. PHARR & ASSOCIATES, P.A. DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
 3. BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.
 4. THE OFF-SITE RIGHT-OF-WAY SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAYS SURVEYED, AND DOES NOT CERTIFY TO THE RIGHT OF WAY WIDTH OF ANY ADJACENT PROPERTIES.
 5. PHYSICAL IMPROVEMENTS MAY EXIST ON THIS PROPERTY THAT ARE NOT SHOWN HEREON.
 6. THE PURPOSE OF THIS PLAT IS TO ANNEX APPROXIMATELY 3.1845 ACRES INTO THE TOWN OF INDIAN TRAIL.
 7. NO NGS MONUMENT FOUND WITHIN 2000 FT OF THE SUBJECT PROPERTY.
 8. SITE LOCALIZED TO NGS MONUMENT "HM74". ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
 9. 1,995.62 TOTAL LINEAR FEET OF BOUNDARY TO BE ANNEXED
 895.45 TOTAL LINEAR FEET OF BOUNDARY CONTIGUOUS WITH THE INDIAN TRAIL TOWN LIMITS
 TOTAL AREA TO BE ANNEXED: 3.1825 ACRES

AREA OF ANNEXATION

CREW:	DRAWN:	REVISED:
SM	CEB	
R.B. PHARR & ASSOCIATES, P.A.		
SURVEYING & MAPPING		
LICENSURE NO: C-1471		
420 HAWTHORNE LANE CHARLOTTE, N.C. 28204 TEL: (704) 376-2186		
SCALE: 1" = 60'	DATE: AUG. 7, 2013	FILE NO. XX-3827 JOB NO. 79960



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 October 22, 2013 Public Hearing

Case: CZ 2013-003 Union Grove Subdivision			
Reference Name	Union Grove Subdivision		
Planning Board Meeting Dates	September 23 and October 15, 2013		
Members Present	Chair Cowan <input checked="" type="checkbox"/>	Jan Brown <input checked="" type="checkbox"/>	Vice-Chair Miller <input type="checkbox"/>
	Cathi Higgins <input checked="" type="checkbox"/>	Kelly D' Onofrio <input checked="" type="checkbox"/>	Robert Rollins <input checked="" type="checkbox"/>
	Alan Rosenburg <input checked="" type="checkbox"/>	Cheryl Mimy <input checked="" type="checkbox"/> Alternate 1	Steven Long <input type="checkbox"/> Alternate 2
	Sidney Sandy <input type="checkbox"/> Alternate 3		
Case Found Complete	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Motion	Recommend Approval to Town Council		
Member Making the Motion	Boardmember Cheryl Mimy		
Second the Motion	Boardmember Jan Brown		
Vote	5 to 2 Recommendation to Approve.		

Request: This is a request to establish a Conditional Single Family Residential-5 (SF-5-CZ) Zoning District to support development of a 207-lot residential subdivision and related improvements. The approx. sixty eight (68) acre subject property is located on Unionville-Indian Trail Road, east of the Faith Church Road intersection. The gross density of the community would be approximately 3-units per-acre.

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 Single Family Residential-5 (SF-5-CZ) zoning district to support development of a 207-home neighborhood and related improvements. The approx. sixty-eight (68) acre subject property is located on Unionville-Indian Trail Road, east of Faith Church Road. The gross density of the community would be approximately 3-units per-acre. The neighborhood features two points of access on Unionville-Indian Road. The proposal also contemplates constructing eastbound left turn lanes on Unionville-Indian Trail Road at each site entrance, as recommended by the submitted Traffic Impact Analysis (summary enclosed) and approved by the North Carolina Department of Transportation (NCDOT). A triangular shaped section of the subject property (3-acres) abutting the Metrolina Christian Academy site will require annexation into the Town prior to the final rezoning approval (Annexation #137).

The conditional rezoning request was presented to the Planning Board at their September 23, 2013 meeting. At the meeting, the Board received a presentation providing an overview of the Staff Report, received public comments, and discussed various aspects of the proposal. The Board voted unanimously to *Continue* the case until October 15, 2013 to provide time for staff and the applicant to research additional information related to emergency vehicle access requirements, the proposed stormwater management design, pedestrian accessibility on Unionville-Indian Rd, and additional information on the proposed 5-ft side building setbacks. At the October 15, 2013 Planning Board meeting, the Board received a presentation providing the requested additional information and voted 5 to 2 to recommend approval of the rezoning subject to conditions.

Planning Board

This project was first heard by the Planning Board at its August 23, 2013 public meeting. At the meeting, the Board was provided with a presentation by Town staff providing an overview of the Staff Report (enclosed). The applicant also made a brief presentation that introduced his company (The Bayard Group), provided an overview of the site relative to surrounding land uses, and provided supplementary information relative to existing road conditions on Unionville-Indian Trail Rd. and the proposed road improvements if the Union Grove rezoning were to be approved. The Board asked staff and the applicant a series of clarifying questions to help better understand the proposed rezoning scope of work. These questions and the corresponding responses can be found on Pages 7 thru 10 of the approved September Planning Board Meeting Minutes (enclosed). While Planning Board questions covered a wide range of topics, major questions raised included the project's impact on public schools in light of the assigned middle and high schools currently being over capacity, turnaround requirements associated with a future road extension in the eastern section of the site, the proposed 5-ft side building setbacks, pedestrian crossings to the Town sidewalk on the opposite side of Unionville-Indian Trail Rd. (currently under construction), and stormwater management requirements.

The public comment portion of the meeting was opened and three members of the public provided feedback on the proposed rezoning. The members of the public providing comments included Robert Kiker (3721 Unionville-IT Rd.), Jerry Morse (271 Unionville-IT Rd.), and Sammy Thomas (3512 Faith Church Rd., Metrolina Christian Academy/First Baptist Church). A summary of the public comments and associated Planning Board questions can be found on Pages 10 and 11 of the approved Planning Board meeting minutes.

Mr. Kiker expressed concerns associated with stormwater from the Union Grove site potentially draining onto his undeveloped property (Parcel 07066008A). Mr. Morse expressed concerns related to schools, stormwater management, traffic, and fire protection. Mr. Morse recommended rezoning the property to a less intense district and to undertake a broader discussion on the project. Mr. Thomas provided additional information to clarify that the operations of the CEMEX Concrete Plant located adjacent to the rezoning subject property cannot be heard from the nearby Metrolina Christian Academy facility. Mr. Thomas also indicated that the existing lights at the Academy's football fields would not create spill over light onto the proposed Union Grove residential lots.

Following the public comment portion of the meeting, the Planning Board engaged in dialogue amongst each other and asked Town staff additional clarifying questions regarding the rezoning. This discussion can be found on Pages 11 thru 15 of the approved Planning Board meeting minutes. At the conclusion of the discussion, the Planning Board voted unanimously to *Continue* the case until October 15, 2013 to provide time for staff and the applicant to research additional information related to emergency vehicle turnaround requirements with the Union County Fire Marshal's Office for the future road extension in the eastern portion of the site, research additional information on ways to provide pedestrian accessibility/crossings on Unionville-Indian Rd., provide additional information on the potential stormwater management design, and provide additional information on the proposed 5-ft side building setbacks. The audio recording for the September Planning Board meeting can be found on [Granicus](#).

Town Staff prepared a summary memo in response to the above noted request that is attached to this transmittal. At the October 15, 2013 meeting, Town staff and the applicant made a presentation providing the requested additional information. In the presentation, staff indicated that the Fire Marshal's Office had approved the proposed temporary turnaround at the end of the future road extension. The Fire Marshal was also supportive of the applicant's willingness to not utilize vinyl siding on the homes to help prevent the spread of fire between homes. Town staff also described a potential public-private partnership to extend the Unionville-Indian Trail Rd. sidewalk from the Union Grove subject property to the Faith Church Rd. intersection. In this partnership, the applicant would fund the sidewalk construction and the North Carolina Department of Transportation and/or the Town would provide the pedestrian crossing improvements to safely cross the street. Town staff indicated additional time is needed to research the final details of this potential partnership. The applicant and the Town Engineer provided an overall site drainage assessment, an overview of the potential stormwater design, and an overview of associated stormwater design requirements. A conceptual design was also discussed regarding how stormwater will be accommodated near adjacent property owner Mr. Robert Kiker's property (Parcel 07066008A). The applicant also shared examples of other communities within the Charlotte Metropolitan Area and within Indian Trail that were approved with 5-ft side building setbacks. Planning Board members asked a series of clarifying questions regarding the additional information. The three most significant topics discussed included an explanation regarding what assurances could be provided if there were drainage impacts to the above noted Kiker property caused by the Union Grove site, concerns regarding the impacts of this project (and other future residential projects) on the Union County Public Schools, and whether or not a reduction of the conventional SF-5 Zoning District's 10-ft side setback to 5-ft should be granted. This discussion can be heard on [Granicus](#). Please be aware there were technical difficulties with the audio equipment at the meeting that may impact the quality of the recording.

After deliberations the Board motioned to make the findings and transmit a recommendation to approve as conditioned and with two new conditions. New Draft Conditions were added by the Planning Board to prohibit vinyl siding due to the reduced side setbacks (Condition #2) and to require consultation with Mr. Robert Kiker (adjacent property owner) regarding the engineered stormwater design (Condition #12). The Planning Board voted 5 to 2 to recommend approval of CZ2013-003.

The Draft Conditions are as follows:

1. *Concept Plan and Community Design Guidelines:* The site shall be developed as generally depicted on the approved Concept Plan, referenced as Attachment 1. The proposed single-family homes and amenity improvements shall comply with Unified Development Ordinance (UDO) Chapter 13 *Statement of Integrity and Design* standards and the supplementary Community Design Guidelines developed for the Union Grove conditional rezoning and referenced as Attachment 2.
2. *Exterior Wall Siding Materials:* The use of vinyl siding on the exterior walls of the single family homes shall be prohibited within the Union Grove community. The exterior wall materials shall consist of brick, stone, and/or cement fiber board (i.e. Hardie) materials. The side building walls shall also not be constructed with any highly flammable building material such as natural, cedar shakes or wood siding, and similar materials.
3. *Permitted Uses:* The permitted use of the subject property is for single-family residential detached homes and accessory uses as permitted by the UDO.
4. *Maximum Dwelling Units:* The maximum number of dwelling units permitted on the 68-acre subject property (approx.) shall be limited to 207-homes. The maximum number of 50-ft wide lots shall be limited to 137 lots or 66% of all developed lots. The applicant may make a request to the Planning Director for up to an additional 4-single family lots (211 total) if it can be demonstrated that the lots can be accommodated in compliance with the UDO and the conditions of approval with no substantive impact to buffering from stormwater management facilities or impacts to open space and tree retention areas. The lot type arrangement within Union Grove shall be defined by having the 50-ft lots located west of the Duke Energy transmission line easement and the 60-ft lots located east of the transmission line easement. Cul-de-sac lots requiring increased setbacks to meet min. lot width shall be generally designed to ensure a consistent overall home placement.
5. *Building Setbacks:* Min. building setbacks for single-family homes shall consist of the following: 25-ft front, 5-ft side/10-ft corner or street-side, and 30-ft rear. All homes and related improvements shall also be located outside all sight distance areas. The common area improvements will comply with the conventional SF-5 District setbacks.
6. *TIA Roadway Improvements:* The developer shall be responsible for constructing all road improvements identified in the TIA prepared April 18, 2013 by Kimley-Horn and its associated Addendum prepared August 13, 2013, 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 any homes unless a later or phased timeline is approved by the Town of Indian Trail Engineer and the North Carolina Department of Transportation.
 - Construct a 3-lane road cross section on Unionville-Indian Trail Road between the two site access points with required tapers to create eastbound left turn lanes at each site entrance.

7. *Frontage Improvements:* Unionville-Indian Trail Road along the common site frontage with the Union Grove neighborhood will be improved with curb/gutter, a 6-ft wide sidewalk, and street trees. A min. 35-ft ROW measured from the existing road centerline will be dedicated to NCDOT or its assigns. All required frontage improvements shall be constructed and any associated public ROW dedicated prior to issuance of a Town Zoning Compliance for any homes unless a later or phased timeline is approved by the Town of Indian Trail Engineer and the North Carolina Department of Transportation.
8. *Perimeter Landscaping:* A min. 20-ft perimeter landscape area (outside future ROW) along the common site frontage with Unionville-Indian Trail Road shall be established and planted with trees, shrubs, and ground cover. Other amenities such as ornamental fencing, monuments, and/or other community amenities etc. that are consistent with the Union Grove Community Design Guidelines shall also be integrated within this area. Stormwater management facilities may not be located within perimeter landscape or buffer areas.
9. *Onsite Road Improvements:* Internal roads within Union Grove shall be constructed with a min. of 50-ft and 60-ft Rights-of-Way with improvements consisting of two travel lanes, curb/gutter, sidewalks, and street trees, as generally depicted on Sheet 2 of the Concept Plan. Cul-de-sac roads shall be constructed with an ornamental, center island turning features such as a landscape island (trees not permitted) or similar improvement (subject to Town approval). All internal roads shall be constructed with a minimum pavement thickness consisting of an 8-inch base course, 1.5-inch Intermediate Course, and 1-inch Surface Course, in accordance with Town Engineering standards. Traffic calming shall also be incorporated into the internal road network, as needed, in accordance with the Town Traffic Calming Policy and Town Engineering standards.
10. *Open Space and Tree Retention:* Approximately 15.7 acres of useable open space will be provided. In the event the Duke Energy transmission easement area cannot be used for active recreational uses, parking, and/or road access as generally indicated on the Concept Plan, a major Conditional Rezoning Amendment will be required. Active recreation features shall include paved, concrete trails sized at a min. of 5-ft in width (unless alternative design/material is approved by Town Planning Director), a pool with cabana /recreational building (and associated parking), playground areas, and similar features. The pool and cabana building may be substituted for other major common area amenities representing an equal financial investment in the Union Grove neighborhood (subject to Town approval). The pool and cabana building shall be constructed prior to issuance of Zoning Compliance Permits for the first 25% of homes. Pedestrian amenities consisting of seating areas, landscaping, and related amenities will be provided at trail intersections and in the small pocket parks located throughout Union Grove. A public access easement will be provided for the trail section running through the Duke transmission line easement. 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 Union Grove developer and/or his/her assigns.

Trees retention areas shall be established as generally referenced on the Concept Plan. A survey of existing canopy and/or heritage trees shall be performed with the Site Plan submittal identifying additional trees for retention and/or mitigation needed for removed trees. All reasonable efforts shall be made to retain existing canopy and/or heritage trees, particularly those located on the perimeter of the development adjacent to residential properties.

11. *Stormwater Detention Pond:* The size of the proposed stormwater management facilities identified on the Concept Plan is for illustrative purposes only. The exact size will be

determined with the Site Plan submittal. A min. 10-ft of separation shall be provided between the facility and any property lines or ROW lines. A dense vegetated screen shall be provided around the stormwater management improvements to minimize any visual obtrusiveness to adjacent properties or existing or future ROW. The size of the facility separation and/or its screening may be increased by the Planning Director based on the final proposed design and its likely increased visual impact to adjacent properties or existing or future ROW.

12. *Review of Stormwater Plans:* Town Engineering staff and the rezoning applicant's representatives (if needed) will review the proposed grading and drainage plans with the owner of adjacent Parcel #07066008A unless such a review is declined by the adjacent property owner. The intent of the review is to keep the property owner apprised of the final grading and stormwater design and its relationship to adjacent, downstream properties.

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 – The proposed conditional district will create a master planned, medium-density residential community with a mix of lot types and housing sizes that will provide affordable living opportunities for a wide range of residents. The plan also contributes to Indian Trail's supply of parks and recreation lands through the development of a publically accessible trail that will eventually lead to a public greenway identified on the adopted Parks and Greenways Master Plan. The conditional district will also contribute to the enlargement of Indian Trail's protected, community forest through the establishment of tree retention areas.

Goal 1.3.2 Land Use - The proposed conditional district will avoid potential land use impacts with adjacent properties and surrounding municipalities through the use of extensive separation and buffering from adjacent industrial uses as well as making a significant roadway investment to mitigate any transportation impacts on Unionville-Indian Trail Road. The proposed district will further contribute to a more balanced tax base through the voluntary annexation of approx. 3-acres into the Town of Indian Trail.

The request for this conditional zoning district is a reasonable request and is in the public interest because it helps create a mix of lot types and housing sizes within the Sardis Village Center, provides expanded housing opportunities for Indian Trail citizens and business owners, and includes elements that benefit the general public in the areas of open space, tree preservation, and transportation infrastructure investment.

Staff Contact

Rox Burhans, AICP

rburhans@planning.indiantrail.org

(704) 821-5401

Attachment 1- A) Planning Board Report,
B) Approved September PB Meeting Minutes,
and C) October PB Follow Up Memo

Attachment 2- Draft Ordinance



P.O. Box 2430
Indian Trail, North Carolina 28079

PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

Conditional Zoning Staff Report

Case: CZ 2013-003			
Reference Name	Union Grove Subdivision		
Request	Proposed Zoning	Conditional Zoning-Single Family Residential-5 District (SF-5-CZ)	
	Proposed Uses	Single Family Residential (detached homes)	
Existing Site Characteristics	Existing Zoning	Single-Family Residential-1 and Union County Residential-20 with a Village Center Overlay	
	Existing Use	Vacant	
	Site Acreage	68- acres (approximate)	
Applicant	The Bayard Group		
Submittal Date	April 30, 2013		
Location	Unionville-Indian Trail Road (near intersection of Faith Church Rd.)		
Tax Map Number(s)	07066007 80 & 07066007 90		
Plan Consistency	Comprehensive Plan	Designation	Interchange 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 Single Family Residential-5 (SF-5-CZ) zoning district to support development of a 207-home neighborhood and related improvements. The approx. sixty-eight (68) acre subject property is located Unionville-Indian Trail Road, east of Faith Church Road. The gross density of the community would be approximately 3-units per-acre. The neighborhood features two points of access on Unionville-Indian Road. The proposal also contemplates constructing eastbound left turn lanes on Unionville-Indian Trail Road at each site entrance, as recommended by the submitted Traffic Impact Analysis (summary enclosed) and approved by the North Carolina Department of Transportation (NCDOT). A triangular shaped section of the subject property (3-acres) abutting the Metrolina Christian Academy site will require annexation into the Town as part of the final rezoning approval (if acceptable).

Recommendation

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

Analysis

Location Characteristics and Surrounding Zoning

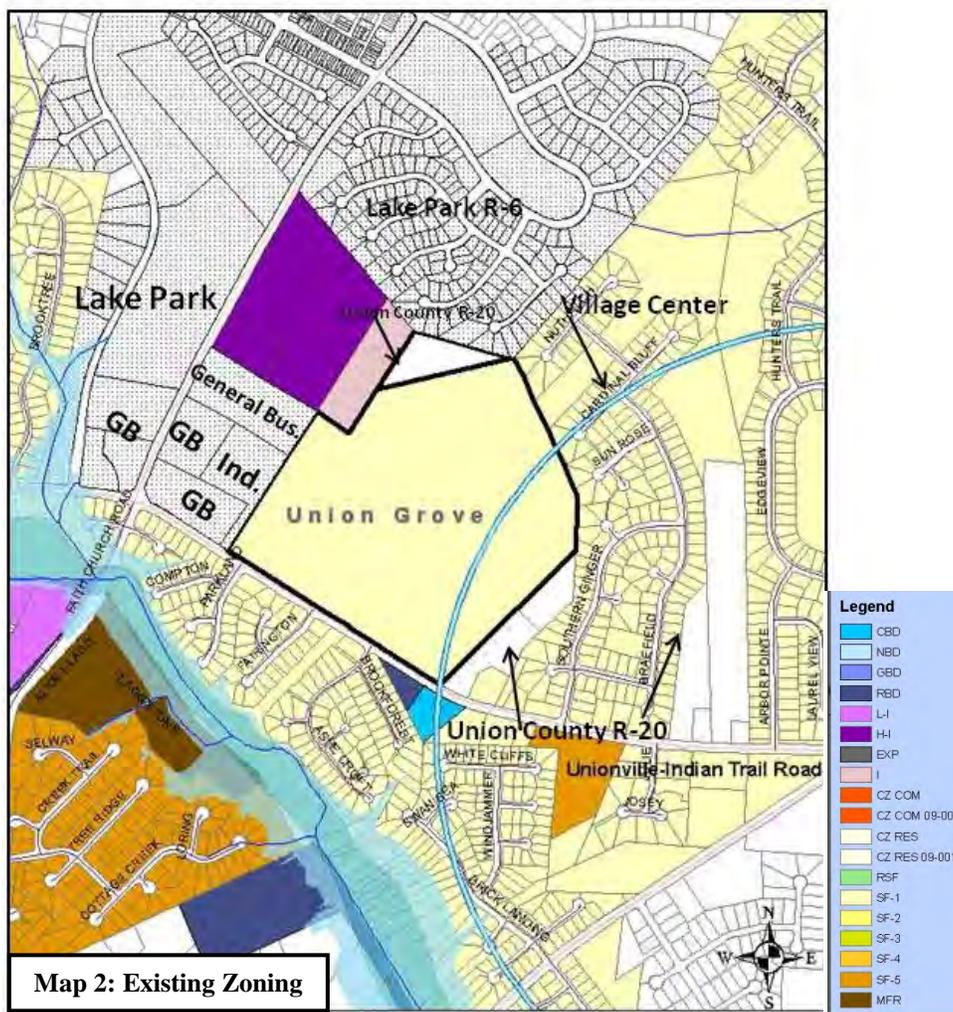
Location Overview

The subject property is located immediately east of the intersection of Unionville-IT Rd. and Faith Church Rd., sharing a common border with the Village of Lake Park. The subject property is divided by an existing 100-ft wide Duke Energy transmission line/easement. The subject property is largely cleared with remaining vegetation limited to secondary tree/shrub growth and select areas of the site containing pockets and linear arrangements of larger trees. The portions of the subject property located to the east of the Duke transmission line (closest to Sardis Church Road) may have been previously used for agricultural uses with the western portions having been previously cleared in approx. 2006 by a former property owner.

Map 1 (below) provides a current conditions snapshot of the Union Grove subject property relative to surrounding neighborhoods and non-residential uses. The subject property is located immediately across Unionville-IT. Rd. from the Ashe Croft neighborhood and the Baucom Auto Sales business. The subject property is also located to the east of the existing Cemex concrete facility and the Metrolina Christian Academy athletic fields (graded area behind building and parking lot). It is also located to the south and west of the Braefield neighborhood and to the south of the Chvrchill (*Old English* spelling) neighborhood in Lake Park. An individual house in unincorporated Union County is also located immediately to the east of the subject property.



As reflected in Map 2 (below), the subject property is surrounded by a mix of zoning districts located in the Town of Indian Trail, Village of Lake Park, and unincorporated Union County. The speckled areas of the map below represent the corporate limits of Lake Park with the white colored parcels representing unincorporated Union County. To the south across Unionville-IT Rd. the subject property is surrounded by a combination of the Indian Trail Single-Family Residential-1 District, the Community Business District, and the Regional Business District (Baucom Auto Sales). To the west (toward Faith Church Rd.) the subject property is surrounded by a combination of Industrial (Cemex site) and General Business Zoning Districts in Lake Park and a combination of the Indian Trail Heavy Industrial and Institutional Zoning Districts, which serve the Metrolina Christian Academy. To the north and east the subject property is surrounded by the Lake Park Residential-6 zoning district, the Indian Trail Single-Family Residential-1 District, and the Residential-20 Zoning District in unincorporated Union County. A portion of the eastern side of the site is also located within a Village Center.



Concept Plan

Attachment 2 (below) reflects the Concept Plan that is a required element of the conditional rezoning application submittal. The Concept Plan reflects development of a 207 home neighborhood with corresponding recreational amenities, a small tree retention area, and proposed road improvements to mitigate traffic impacts. The following will provide a brief overview of key elements of the Concept Plan.



1. *Site Layout:* Site access is taken off of Unionville-IT Rd on each side of the previously mentioned Duke Energy transmission line. Access 1, located closest to Faith Church Road is immediately opposing Fairington Drive in the Ashe Croft neighborhood. In light of sight distance constraints, Access 2 is located generally across from Baucom Auto Sales business. The internal streets are intended to interconnect with one-another unless prevented by offsite conditions or challenges associated with crossing the Duke Energy easement. As previously noted, the Duke Energy transmission line effectively divides the proposed neighborhood, however, the site layout attempts to interconnect the otherwise divided areas though its placement of recreational amenities and by providing two road/drive connections across it. The location of the existing Cemex concrete facility posed a significant challenge in the locating of nearby home sites. The site layout provides an 85-ft wide buffer supplemented with a berm, fence, and landscape plantings to help minimize any visual or noise impacts associated with this use. The provision of this wide of a buffer also prevented the connection of two roads, which required their design as cul-de-sacs. Cul-de-sac roads are generally discouraged by the Unified Development Ordinance (UDO).

2. *Lot Types and Dimensions:* The Union Grove community will include two lot types defined by 50-ft and 60-ft foot wide lots. The corresponding setback scheme, min. lot areas, and densities are noted in Table 1 below. A comparison of this information to the conventional SF-5 requirements and to other Indian Trail neighborhoods near the Union Grove subject property is provided as well. Please be aware that some of the development information for the surrounding neighborhoods had to be estimated in light of these communities having been originally developed in unincorporated Union County several years ago.

TABLE 1: UNION GROVE LOT TYPE COMPARISON

	Min. Lot Width	Min. Lot Area	Min. Front Setback	Min. Rear Setback	Min. Side Setback	Density
Union Grove	50-ft	6,000 sq. ft.	25-ft	30-ft	5-ft	Approx. 3.10-units/acre OR 3.40 units/acre w/o Duke easement area
	60-ft	7,000 sq. ft.				
Conventional SF-5 Requirements	60-ft	8,000 sq. ft.	25-ft	30-ft	10-ft	5-units/acre
Ashe Croft	Approx. 60-ft (estimate)	Approx. Range of 6,011 to 13,939 sq. ft. (8,455 sq. ft. Average size)	25-ft	25-ft	5-ft	Approx. 2.43 units/acre (148-lots/61 acres*) Includes 25-acre floodplain/ops
Braefield	65-ft.	Approx. Range of 7,153 to 14,607 sq. ft. (9,696 sq. ft. Average size)	25-ft	30-ft. (40-ft exterior lots)	5-ft (estimate)	Approx. 2.55 units/acre (187-lots/73.4 acres)
Arbor Glen	66-ft (estimate)	Approx. Range of 7,734-15,316 sq. ft. (10,296 sq. ft. Average size)	25-ft	25-ft (40-ft Exterior)	5-ft	Approx. 2.49 units/acre (282-lots/113.39 acres)

3. *Frontage Improvements:* Unionville-Indian Trail Road along the common site frontage with the Union Grove neighborhood will be improved with curb/gutter, a 6-ft wide sidewalk, and street trees.
4. *Onsite Road Improvements:* Access within the site will be provided by a series of interconnected public roads with 50-ft wide Rights-of-Way (ROW) that will be designed with curb/gutter, sidewalks, and street trees. Entrance roads will include 60-ft wide ROW to enable wider travel lane widths and the provision of a center island landscape median. Cul-de-sac roads will include an ornamental, center island turning feature. Access to the proposed open space amenity area will be provided using a private driveway that will include similar curb/gutter, sidewalk, and street tree features as the associated public roads. Off-site road improvements on Unionville-IT Road will be described in the Traffic Impact Analysis section.
5. *Open Space/Tree Retention:* As reflected on the Concept Plan, Union Grove will be providing approximately 15.7-acres or 23% of the total site area as useable open space. Approximately 6.1-acres of this open space is located within the Duke Energy transmission easement. The UDO requires a min. of 5.91 acres of land be set-aside as useable open space for a development the size of Union Grove (1/35 of an acre per home). To meet the active recreation needs of Union Grove residents, the community will include a swimming pool and associated cabana/recreation building. Trails will be located throughout the community to

provide residents and visitors with walking and jogging facilities. A trail will be provided through the Duke Energy transmission line that will eventually provide a connection to a future public greenway identified on the Parks and Greenways Master Plan. Trails will be a min. of 5-wide and surfaced with concrete. The portions of the Duke Energy transmission easement not specifically identified for active recreation will be maintained in a regularly mowed condition to provide additional recreational opportunities such as play fields, etc.

Approximately 1.1 acres of land is set-aside for tree retention. Many of the trees proposed for retention are located around the former home site on the western portion of the site. A tree survey will be completed with the site plan submittal to identify removal of any canopy or heritage trees and associated mitigation.

6. *Architectural Design*: The applicant has proposed a set of supplementary architectural design guidelines to ensure development of an attractive, well-coordinated community. These standards will exceed the conventional UDO architectural requirements. These guidelines are included within Attachment 1 and generally will provide the following:

- Non-Repetitive Architecture
- Raised Building Foundations
- Additional Architectural Treatment
- Min. Home Sizes
- Garages Recessed 24-inches Behind Home
- Architecturally Design Garage Doors

Traffic Impact Analysis

A Traffic Impact Analysis (TIA) was prepared by Kimley Horn, Inc. on April 18, 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/cms_wfc/uploads/comment/Unionville-IndianTrailRdReport\(Final\)3310.pdf](http://www.indiantrail.org/cms_wfc/uploads/comment/Unionville-IndianTrailRdReport(Final)3310.pdf). The applicant also prepared an Addendum to the TIA to more closely examine the existing sight distances along Unionville-IT Rd. (Attachment 3).

The rezoning applicant has agreed to construct all improvements identified in the TIA.

Union Grove is anticipated to generate approximately 2,112 daily trips with 161-morning peak hour (7:00 a.m. to 9:00 a.m.) trips and 210 afternoon peak hour (4:00 p.m. to 6:00 p.m.) trips. Please refer to the enclosed TIA Summary for a review of existing road conditions and Levels of Service.

In order to manage the proposed traffic generated by the Union Grove neighborhood, the TIA recommends constructing left turn lanes at each proposed site entrance along Unionville-IT Rd. These turn lanes will be constructed as a continuous 3-lane road section potentially providing turn lane opportunities for the Ashe Croft community at Fairington Drive and Ashe Croft Drive located across from Union Grove.

NCDOT has approved the above noted TIA and the proposed improvements as having acceptably mitigated traffic impacts created by the proposed Union Grove neighborhood.

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 Single Family Residential-5 District. The following are the draft conditions.

1. *Concept Plan and Architectural Guidelines:* The site shall be developed as generally depicted on the approved Concept Plan. The proposed single-family homes and amenity improvements shall comply with Unified Development Ordinance (UDO) Chapter 13 *Statement of Integrity and Design* standards and the supplementary Architectural Guidelines developed for the Union Grove conditional rezoning.
2. *Permitted Uses:* The permitted use of the subject property is for single-family residential detached homes and accessory uses as permitted by the UDO.
3. *Maximum Dwelling Units:* The maximum number of dwelling units permitted on the 68-acre subject property (approx.) shall be limited to 207-homes. The maximum number of 50-ft wide lots shall be limited to 137 lots or 66% of all developed lots. The applicant may make a request to the Planning Director for up to an additional 4-single family lots (211 total) if it can be demonstrated that the lots can be accommodated in compliance with the UDO and the conditions of approval with no substantive impact to buffering from stormwater management facilities or impacts to open space and tree retention areas. The lot type arrangement within Union Grove shall be defined by having the 50-ft lots located west of the Duke Energy transmission line easement and the 60-ft lots located east of the transmission line easement. Cul-de-sac lots requiring increased setbacks to meet min. lot width shall be generally designed to ensure a consistent overall house placement.
4. *TIA Roadway Improvements:* The developer shall be responsible for constructing all road improvements identified in the TIA prepared April 18, 2013 by Kimley-Horn and its associated Addendum prepared August 13, 2013, 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 any homes.
 - Construct a 3-lane road cross section on Unionville-IT Rd. between the two site access points with required tapers to create eastbound left turn lanes at each site entrance.
5. *Frontage Improvements:* Unionville-Indian Trail Road along the common site frontage with the Union Grove neighborhood will be improved with curb/gutter, a 6-ft wide sidewalk, and street trees. A min. 35-ft ROW measured from the existing road centerline will be dedicated to NCDOT or its assigns. All required frontage improvements shall be constructed and any associated public ROW dedicated prior to issuance of a Town Zoning Compliance for any homes.
6. *Perimeter Landscaping:* A min. 20-ft perimeter landscape area (outside future ROW) along the common site frontage with Unionville-Indian Trail Road shall be established and planted with trees, shrubs, and ground cover. Other amenities such as ornamental fencing, monuments, and/or other community amenities etc. that are consistent with the Union Grove Architectural Guidelines shall also be integrated within this area. Stormwater management facilities may not be located within perimeter landscape or buffer areas.
7. *Onsite Road Improvements:* Internal roads within Union Grove shall be constructed with a min. of 50-ft and 60-ft Rights-of-Way with improvements consisting of two travel lanes, curb/gutter, sidewalks, and street trees, as generally depicted on Sheet 2 of the Concept Plan.

Cul-de-sac roads shall be constructed with an ornamental, center island turning features such as a tree island or similar improvement (subject to Town approval).

8. *Open Space and Tree Retention*: Approximately 15.7 acres of useable open space will be provided. In the event the Duke Energy transmission easement area cannot be used for active recreational uses, parking, and/or road access as generally indicated on the Concept Plan, a major Conditional Rezoning Amendment will be required. Active recreation features shall include paved, concrete trails sized at a min. of 5-ft in width, a pool with cabana /recreational building (and associated parking), playground areas, and similar features. The pool and cabana building may be substituted for other major common area amenities representing an equal financial investment in the Union Grove neighborhood (subject to Town approval). The pool and cabana building shall be constructed prior to issuance of Zoning Compliance Permits for the first 25% of homes. Pedestrian amenities consisting of seating areas, landscaping, and related amenities will be provided at trail intersections and in the small pocket parks located throughout Union Grove. A public access easement will be provided for the trail section running through the Duke transmission line easement. The portions of the Duke Energy transmission easement not specifically identified for active recreation will be maintained in a regularly mowed condition consistent with other onsite amenity areas to provide additional recreational opportunities such as play fields, etc. 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 Union Grove developer and/or his/her assigns.

Trees retention areas shall be established as generally referenced on the Concept Plan. A survey of existing canopy and/or heritage trees shall be performed with the Site Plan submittal identifying additional trees for retention and/or mitigation needed for removed trees. All reasonable efforts shall be made to retain existing canopy and/or heritage trees, particularly those located on the perimeter of the development adjacent to residential properties.

9. *Stormwater Detention Pond*: The size of the proposed stormwater management facilities identified on the Concept Plan is for illustrative purposes only. The exact size will be determined with the Site Plan submittal. A min. 10-ft of separation shall be provided between the facility and any property lines or ROW lines. A dense vegetated screen shall be provided around the stormwater management improvements to minimize any visual obtrusiveness to adjacent properties or existing or future ROW. The size of the facility separation and/or its screening may be increased by the Planning Director based on the final proposed design and its likely increased visual impact to adjacent properties or existing or future ROW.
10. 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 Unionville-Indian Trail Road (see Attachment 3).
- *Union County Public Works (UCPW)*: The July 8, 2013 UCPW comment letter provided feedback requesting information on estimated water/sewer demand and related information. The applicant is coordinating with UCPW to provide this information and receive sketch plan approval.
- *Union County Public Schools (UCPS)*: UCPS has provided the following comments. This development will be in the current Stallings Elementary School and Porter Ridge Middle

School and High School districts. Stallings Elementary is presently below capacity. Both Porter Ridge High and Middle Schools are currently above capacity (PR Middle School significantly so) and are 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. A copy of the current UCPS school capacity worksheet is included as Attachment 4.

- *Union County Fire Marshall (UCFM) & Union County Inspections Office (UCIO)*: UCFM and UCIO did not have any comments on the rezoning.
- *Union County Sherriff Office (UCSO)*: UCSO expressed sight distance concerns related to the location of the second proposed access point (generally across from the existed auto sales lot). The applicant's traffic engineer prepared an August 13, 2013 Addendum to the submitted TIA that specifically analyzing the location of the proposed access points and their ability to safely provide ingress/egress at the Union Grove community (Attachment 3).
- *Duke Energy*: In light of the Duke Energy transmission line easement being proposed for active recreational uses, Duke Energy was provided a copy of the original submittal and a follow up revision. Duke Energy provided preliminary comments relative to the trail crossing the Transmission ROW (concerns regarding maintenance vehicle crossings) and parking in the ROW. Future site plan/construction plans will be provided to Duke Energy, if rezoning approved.

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. 385-addresses), and posting one sign on the site. The first community meeting was held at Mill Grove United Methodist Church on July 29, 2013 from 10:00 a.m. to 12:00 p.m. The second community meeting was held on July 31, 2013 at the Indian Trail Civic Building from 5:00 p.m. to 7:00 p.m. The following will provide a brief summary of the Town required community meetings.

- *Daytime Meeting*: This meeting was attended by approximately 6-members of the public. Discussion at the meeting focused on clarifying the types of homes constructed (single-family versus multifamily), the envisioned architectural design of the homes, timing of construction, traffic impacts, existing sight distance issues on Unionville-Indian Trail Road, and existing stormwater management issues in the Ashe Croft neighborhood. The applicant's traffic engineer (w/Kimley Horn) attended the meeting and provided attendees with an overview of how the proposed access points were selected and the traffic mitigation (i.e. turn lanes) proposed to address potential impacts to existing roads.
- *Evening Meeting*: This meeting was attended by approximately 7-members of the public. Several of the attendees only briefly attended, confusing this meeting with a Parks, Tree, and Greenway Committee meeting occurring at the same time in the nearby Cultural Arts Center. Questions raised at this meeting were similar to questions raised at the day time meeting. These question included the types of homes constructed (single- family versus multifamily), the envisioned architectural design of the homes, timing of construction, traffic impacts, and existing sight distance issues on Unionville-Indian Trail Road. The applicant's traffic engineer attended the meeting and provided attendees with an overview of how the proposed

access points were selected and the traffic mitigation (i.e. turn lanes) proposed to address potential impacts to existing roads. The owner of the unincorporated parcel abutting the subject property immediately to the east was concerned about stormwater running off from the developed Union Grove site to his property. The applicant and neighboring property owner met onsite after the meeting to discuss potential solutions to his concerns.

Comprehensive Plan Consistency

The Union Grove subject property is located within Indian Trail’s Sardis Village. Sardis Elementary School and the future Crooked Creek Park are two of the most identifiable features within this Village. As identified in Map 3 below, portions of the site are also located within the Sardis Village Center that radiates outward from the Unionville-IT Rd. and Sardis Church Rd. intersection. The Comprehensive Plan assigns the Interchange Mix land use category to the subject property due to its location between major highways and its proximity to the future Monroe Bypass. These factors contribute to the Council adopted Comprehensive Plan envisioning the Interchange Mix location as being appropriate for higher density development that can take advantage of the convenient regional transportation access.

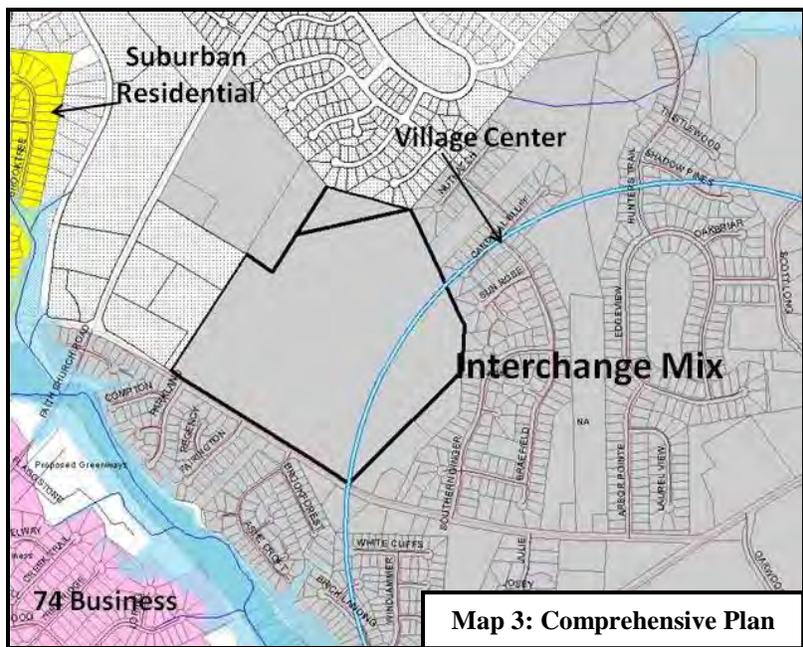


Table 2 below provides the desired land use mix within the Interchange Mix classification. Medium density housing represents 40% of its composition, but may reach as high as 45% if market conditions are able to support it. If approved, the approximately 68-acre Union Grove subject property would represent approximately 37.68% of the village area (1,183 total acres) and would therefore be consistent with the recommended adopted village land use mix.

TABLE 2: INTERCHANGE MIX LAND USE

Interchange Mix Village Land Uses						
Corridor	Land Use	Sq. Feet	Acres	Current Base	Percent Base	Flex
Sardis	Low Density Res.	1,209,357.85	27.76	2.35%	5%	+ 3
	Med. Density Res.	16,447,114.10	445.67	37.68%	40%	+/- 5
	High Density Res.	11,635,904.60	267.12	22.59%	15%	- 5
	Multi-Family Res.				15%	- 5
	Parks/Open Space/Agriculture/Forest	2,520,928.73	57.87	4.89%	5%	
	Institutional	352,337.79	8.09	0.68%	5%	+/- 2
	Retail	541,160.03	12.42	1.05%	6%	+/- 2
	Office				4%	+/- 2
	Boulevards/Thoroughfares	4086774.403	93.82	7.93%	5%	
Industrial	809,914.08	18.59	1.57%			
Total:				78.74%	100%	

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 – The proposed conditional district will create a master planned, medium-density residential community with a mix of lot types and housing sizes that will provide affordable living opportunities for a wide range of residents. The plan also contributes to Indian Trail’s supply of parks and recreation lands through the development of a publically accessible trail that will eventually lead to a public greenway identified on the adopted Parks and Greenways Master Plan. The conditional district will also contribute to the enlargement of Indian Trail’s protected, community forest through the establishment of tree retention areas.

Goal 1.3.2 Land Use - The proposed conditional district will avoid potential land use impacts with adjacent properties and surrounding municipalities through the use of extensive separation and buffering from adjacent industrial uses as well as making a significant roadway investment to mitigate any transportation impacts on Unionville-Indian Trail Road. The proposed district will further contribute to a more balanced tax base through the voluntary annexation of approx. 3-acres into the Town of Indian Trail.

The request for this conditional zoning district is a reasonable request and is in the public interest because it helps create a mix of lot types and housing sizes within the Sardis Village Center, provides expanded housing opportunities for Indian Trail citizens and business owners, and includes elements that benefit the general public in the areas of open space, 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 and Architectural Guidelines

Attachment 3 – TIA Summary

Attachment 4 – UCPS Capacity Assessment

Attachment 5 –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 W. Unionville - Indian Trail Road
City Indian Trail State NC Zip 28079
Tax Parcel ID 07066007-080¹/₋₀₉₀ Zoning Designation SF5 (conditional)
Total Acres +/- 70 acres Impervious Area +/- 23.5 acres
Project Description Residential Community

Contact Information - Applicant

Name The Bayard Group
Address 11220 Elm Lane, Suite 205B
City Charlotte State NC Zip 28277
Phone 704.309.8094 Fax 704.542.3722
Email Ken@bayarddevelopment.com

Contact Information - Property Owner

Name Wells Fargo Bank, NA
Address 301 Junction Hwy, Suite 238
City Kerrville State TX Zip 78028
Phone 830-792-6428 Fax 830-895-1444

CONDITIONAL ZONING APPLICATION



Email

Bruce.mcfadden@wellsfargo.com

Applicant's Certification

Signature [Signature] Date 9/25/13

Printed Name/Title Ken Holbrooks, President

Signature of Notary Public [Signature] Date 9-25-13

Notary Seal



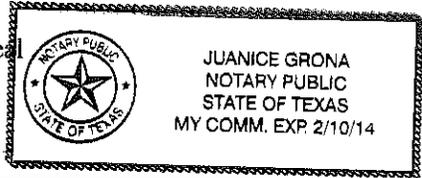
Property Owner's Certification

Signature [Signature] Date 9/30/13

Printed Name/Title David Bruce McFadden, Vice President

Signature of Notary Public [Signature] Date 9-30-13

Notary Seal



TOWN OF INDIAN TRAIL OFFICE USE ONLY

CASE NUMBER: _____

DATE RECEIVED: _____

AMOUNT OF FEE: _____

RECEIVED BY: _____

RECEIPT #: _____

PB Attachment 2
Concept Plan



VICINITY MAP - NTS

SITE DATA

PARCEL ID: 0706007 80 DB 5780 PG 302
 0706007 80 DB 5780 PG 302
 PROPOSED USE: SINGLE FAMILY RESIDENTIAL
 PROPOSED ZONING: SF-8 CONDITIONAL
 PROPOSED LOTS: * 60' WIDE LOTS - 70
 * 80' WIDE LOTS - 137
 TOTAL LOTS: - 207 MAX.

PROPOSED GROSS DENSITY: ± 3.0 DU/AC.
 TOTAL SITE AREA: ±68.1 AC.
 REQUIRED OPEN SPACE: 207/35 = ±5.9 AC.
 PROPOSED COMMON AREA: ±21.0 AC (30.8%)
 FOR WATER QUALITY AND DETENTION: ±5.5 AC.
 USABLE OPEN SPACE: 15.7 AC (23.1%)
 OPEN SPACE W/IN DUKE EASEMENT: ±26.315 S.F. ±0.1 AC.
 PROPOSED TREE SAVE AREA: ±47,500 S.F. ±1.1 AC.

NOTES

PROPERTIES THAT ARE A PART OF THIS CONCEPT PLAN ARE SUBJECT TO REZONING CONDITIONS OF APPROVAL.

OPEN SPACE AND AMENITIES SHOWN ON THIS PLAN ARE THE MINIMUM REQUIRED. MORE IMPROVEMENTS MAY BE BUILT.

ENTRY SIGNAGE AND MONUMENTS WILL BE PROVIDED.

SEE SHEET RZ-3 FOR GRAPHICS OF TYPICAL LAYOUTS AND CROSS SECTIONS.



CONCEPT PLAN UNION GROVE REZONING CASE #CZ2013-003

INDIAN TRAIL, UNION COUNTY, NORTH CAROLINA

FOR:

BAYARD GROUP AND TRINITY PARTNERS

Project Manager
 LIA
 Designer
 LIA
 Draftsman
 LIA
 Date
 11/11/13
 Scale
 1" = 100'
 11/11/13
 11/11/13



DPR Associates, Inc. 1001 Hawthorne Lane | Charlotte, NC 28209
 Tel: 704.333.1287 | Fax: 704.333.1212 | www.dprassociates.com

OWNER:

WELLS FARGO BANK
 100 N. 20TH STREET
 WASHINGTON DC 20001
 JACKSONVILLE, FL 32202
 WASHINGTON, DC 20001
 714.421.6666
 20254 | www.wellsfargo.com

DEVELOPER:

BAYARD GROUP
 800 TRINITY PARTNERS
 1700 N. LANE, STE 300B
 CHARLOTTE, NC 28207
 704.333.1100
 100 N. LANE #300B
 FLS, 32202-2024
 714.421.6666



Scale
 1" = 100'

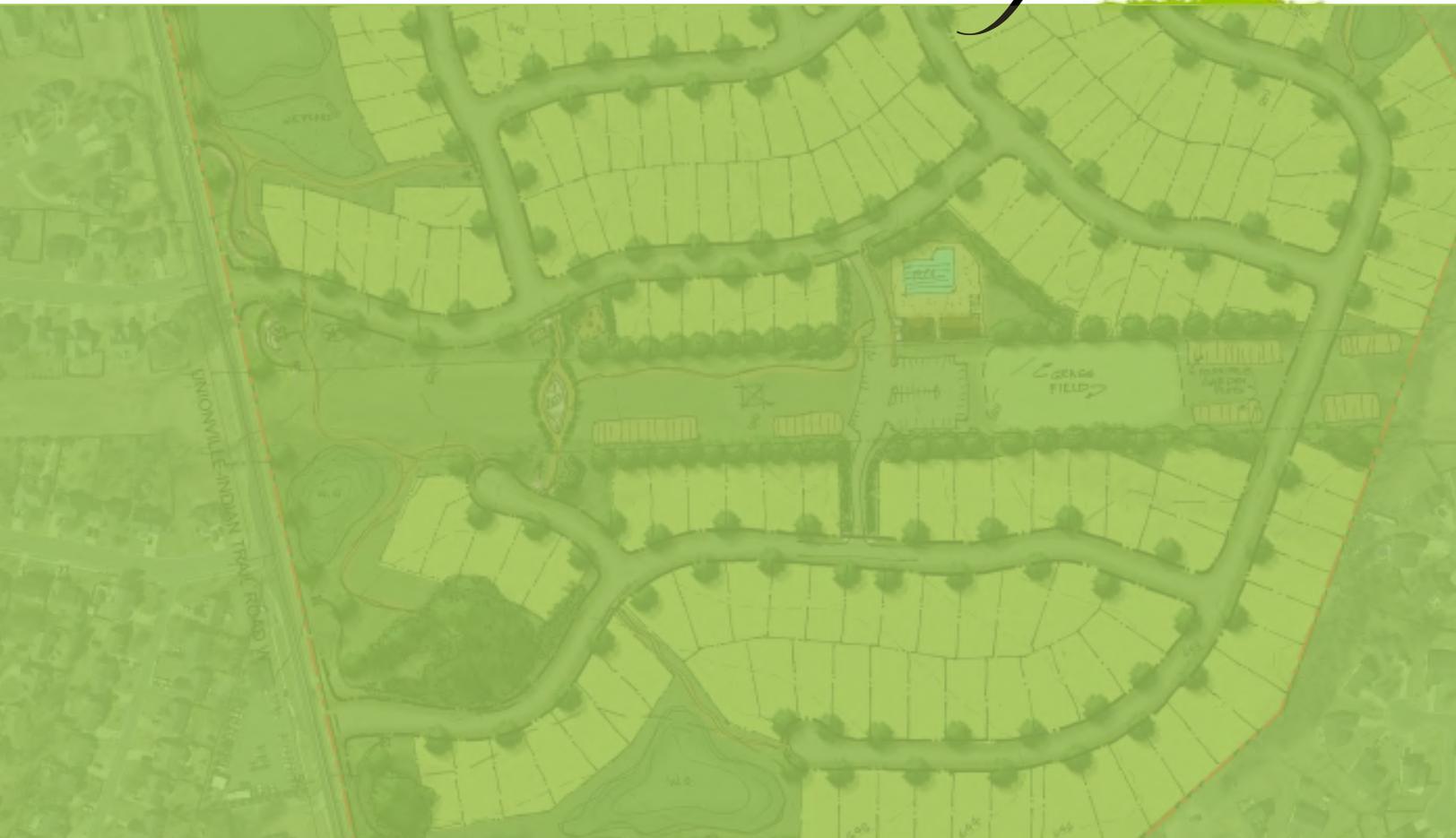
0 100 200 400

RZ-1
 SHEET 1 OF 2 TOTAL

COMMUNITY DESIGN GUIDELINES

*Town of Indian Trail
September 2013*

*Union
Grove*





COMMUNITY DESIGN OBJECTIVES

PHILOSOPHY FOR UNION GROVE

Partnering with the Town of Indian Trail and the surrounding community to create a neighborhood that enhances the quality of life for the residences and creates a family friendly community through diligent site planning, attention to details and classic design.

Site Planning

Careful site planning to create attractive community open spaces and adding topography to a naturally unappealing landscape. To leave a piece of land better than when you began is the goal for Union Grove. Designed with a central gathering space of amenities and all accessible by sidewalks. Consistent design for amenity, entrance monuments, mailboxes and street lights will create a unique design for residences who call Union Grove home.

Attention to Detail

Details in site design, street scape and single family architecture will be of utmost importance. Union Grove will partner with builders who share in this philosophy and will create a personalized home for every residence. Architecture offered will be diverse, streets will be tree lined and community will be pedestrian friendly.

Classic Design

Every aspect of design from site design, landscape design to architecture design will evoke a sense of character and appeal. Classic designs will create an attractive community for today and years to come. Variations in architecture will all share an overall consistent theme for the community.



All homes located within the Union Grove Community shall comply with the following architectural design requirements in addition to requirements specified in Unified Development Ordinance (UDO) Chapter 1310: *Integrity and Design Standards*. Additionally, private standards exceeding these requirements may be created by the developer and/or Homeowners Association.

SINGLE FAMILY HOME GUIDELINES

1. Minimum total conditioned square footage of each home must be 1,800 s.f., however, up to 20-homes may be constructed with a min. total conditioned square footage of 1,600 s.f.
2. Architectural shingles shall be used on all houses; no three tab shingles will be accepted. Copper and standing seam metal roofs shall be allowed.
3. All homes shall be built on a raised stem wall slab (with vents) or a crawl space foundation. All raised foundation walls shall have a min. exposed height on the front of 16" above finished grade.
4. All home articulation/detailing shall be arts and crafts details.
5. All windows on the side elevations that front a public street shall have decorative shutters.
6. Any homes that have a side elevation that fronts a public street shall have supplemental landscaping to soften the elevations of the house. This landscaping shall consist of 8 foundation plants, one 2.5" caliper street tree at the corner and one 2.5" caliper flowering tree.
7. All homes shall have an articulated front elevation; the wall of the front elevation shall not run unbroken for a distance greater than twenty-four (24') linear feet.
8. If front porches are constructed on homes, they shall be sized at a min. of 6' x 8' (48 s.f. min.) Homes constructed without front porches meeting this standard shall have architecturally enhanced entrances that include multiple features such as recessed entries, decorative columns, contrasting materials and details, window and similar features.
9. All roof lines shall have a minimum 6/12 pitch.



SINGLE FAMILY HOME GUIDELINES (CONTINUED)

10. There shall be multiple distinctly different house front facade designs within the Union Grove Community. Any given house front facade must be distinctly different than those of the adjacent lot on each side and the house most directly across the street (3-total houses evaluated). Distinctly different shall be defined to mean that a house front facade differs from the other evaluated house facades in two of the following ways:
- a. Use of different garage orientations (i.e. side loaded, front loaded, etc.) or the use of multiple garage doors with architecturally finished dividers and other treatments such as dormers or trellises over garage, etc. and
 - b. Use of different roof types (i.e. gable, hip, mansard, etc.); and
 - c. Use of different primary surface materials; and
 - d. Use of multiple different design features such as size/types of columns, variations in window sizes/types, and use of different articulation features.



BUILDING FORM AND ARTICULATION

- Elevations include variation in wall planes and roof details and heights to reduce perceived scale of structure.
- Columns on porches will vary in shape and material to enhance front elevations.
- Architectural details such as overhang details, projecting porches and dormers will be used to contribute to the homes character; however all details will be of a consistent themed design to create a true sense of community specific to Union Grove.
- All homes shall be constructed with contrasting accent materials to contribute to the home's character, visual interest and to break up large expanses of the primary exterior wall material.
- Common Area Amenity improvements such as the pool building/cabana, fencing, signage and other amenities shall feature a consistent theme and utilize design features and materials found in the residential homes.



GARAGE DESIGN VARIED

- Well integrated garages will ensure they will not dominate front elevations.
- Door styles will vary
- Architectural details such as the use of dormers and/or other elements will be used to enhance garage appearance
- All homes shall have a two car garage (front or side loaded). Front loaded/street facing garages shall be recessed a min. of 24" behind the conditioned living space of the home.
- Architectural features and hardware shall be incorporated into the design of garage doors (i.e. carriage style and other similar styles) to create an attractive, architecturally finished appearance.
- Street facing walls on side loaded garages shall include windows with decorative shutters sized consistently with the associated home.



Attachment 3
TIA Summary

**Traffic Impact Analysis for
Unionville-Indian Trail Site
Indian Trail, North Carolina**



**Prepared by:
Kimley-Horn and Associates, Inc.
2000 South Boulevard, Suite 440
Charlotte, North Carolina 28203
(704) 333-5131
#F-0102**

**April 2013
01819400**

1.0 Executive Summary

The proposed Unionville-Indian Trail Road housing development is located in Indian Trail, North Carolina, along the north side of Unionville-Indian Trail Road east of Faith Church Road. The proposed development is expected to consist of 216 single family housing units, to be completed in 2018. The proposed development is proposed to be accessed via the following access points:

- One full-movement access along Unionville-Indian Trail Road, directly across from Fairington Drive.
- One full-movement access along Unionville-Indian Trail Road to the east of the Fairington Drive intersection.

Kimley-Horn and Associates, Inc. was retained to determine the potential traffic impacts of this development on the identified study area intersections and the transportation improvements that may be required to accommodate these impacts. This report presents trip generation, distribution, traffic analyses, and recommendations for transportation improvements required to meet anticipated traffic demands. The following study area intersections were included in this traffic impact analysis (TIA) as required by North Carolina Department of Transportation (NCDOT) and the Town of Indian Trail:

- Unionville-Indian Trail Road and Faith Church Road
- Unionville-Indian Trail Road and Fairington Drive/Access #1 (proposed)
- Unionville-Indian Trail Road and Access # 2 (proposed)
- Unionville-Indian Trail Road and Sardis Church Road

Recommendations for improvements to intersection lane configurations for intersections in the study area for this Traffic Impact Analysis are summarized in the following listing. Final improvements, including potential signalization and turn lane storage lengths, are to be determined based on NCDOT and Town requirements.

The following improvements are recommended due to **2018 background traffic** (regardless of proposed site construction and associated traffic):

- Potential signalization of the Unionville-Indian Trail Road/Sardis Church Road intersection (if/when warrants are met) OR
- Construction of a southbound right-turn lane and northbound left-turn lane on Sardis Church Road at Unionville-Indian Trail Road, along with extension of the existing eastbound left-turn storage length.

The following additional improvements are recommended due to **2018 build-out traffic**:

- Eastbound left-turn lane on Unionville-Indian Trail Road at Access #1, warranted in the PM peak.



2.0 Introduction

The proposed Unionville-Indian Trail Road housing development is located in Indian Trail, North Carolina, along the north side of Unionville-Indian Trail Road east of Faith Church Road. Figure 2.1 shows the site location. The proposed development is expected to consist of 216 single family housing units, to be completed in 2018. The proposed development is proposed to be accessed via the following access points:

- One full-movement access along Unionville-Indian Trail Road, directly across from Fairington Drive.
- One full-movement access along Unionville-Indian Trail Road to the east of the Fairington Drive intersection.

Figure 2.2 shows the proposed site plan for the project. Note that there are no known transit services available within a quarter-mile of the site, with the closest transit opportunity being the CATS park-and-ride at Union Town Center. Based on information provided by the project developer, sidewalk is planned for the property frontage along Unionville-Indian Trail Road. In addition, sidewalks are planned for the streets within the development. A multi-use trail is planned along the existing utility easement, intended to connect with the Carolina Thread Trail.

Kimley-Horn and Associates, Inc. was retained to determine the potential traffic impacts of this development on the identified study area intersections and the transportation improvements that may be required to accommodate these impacts. This report presents trip generation, distribution, traffic analyses, and recommendations for transportation improvements required to meet anticipated traffic demands. The following study area intersections were included in this traffic impact analysis (TIA) as required by North Carolina Department of Transportation (NCDOT) and the Town of Indian Trail:

- Unionville-Indian Trail Road and Faith Church Road
- Unionville-Indian Trail Road and Fairington Drive/Access #1 (proposed)
- Unionville-Indian Trail Road and Access # 2 (proposed)
- Unionville-Indian Trail Road and Sardis Church Road

This report provides a review of existing conditions, existing plus site, 2018 background traffic conditions, and 2018 projected build-out conditions.

The North Carolina Department of Transportation (NCDOT) and the Town of Indian Trail were contacted to obtain background information and to ascertain the elements to be covered in this TIA.

3.0 Inventory

3.1 Study Area

The study area for this TIA includes the following intersections:

- Unionville-Indian Trail Road and Faith Church Road
- Unionville-Indian Trail Road and Fairington Drive/Access #1 (proposed)
- Unionville-Indian Trail Road and Access # 2 (proposed)
- Unionville-Indian Trail Road and Sardis Church Road

The study area was determined based on discussions with the Town of Indian Trail and NCDOT staff.

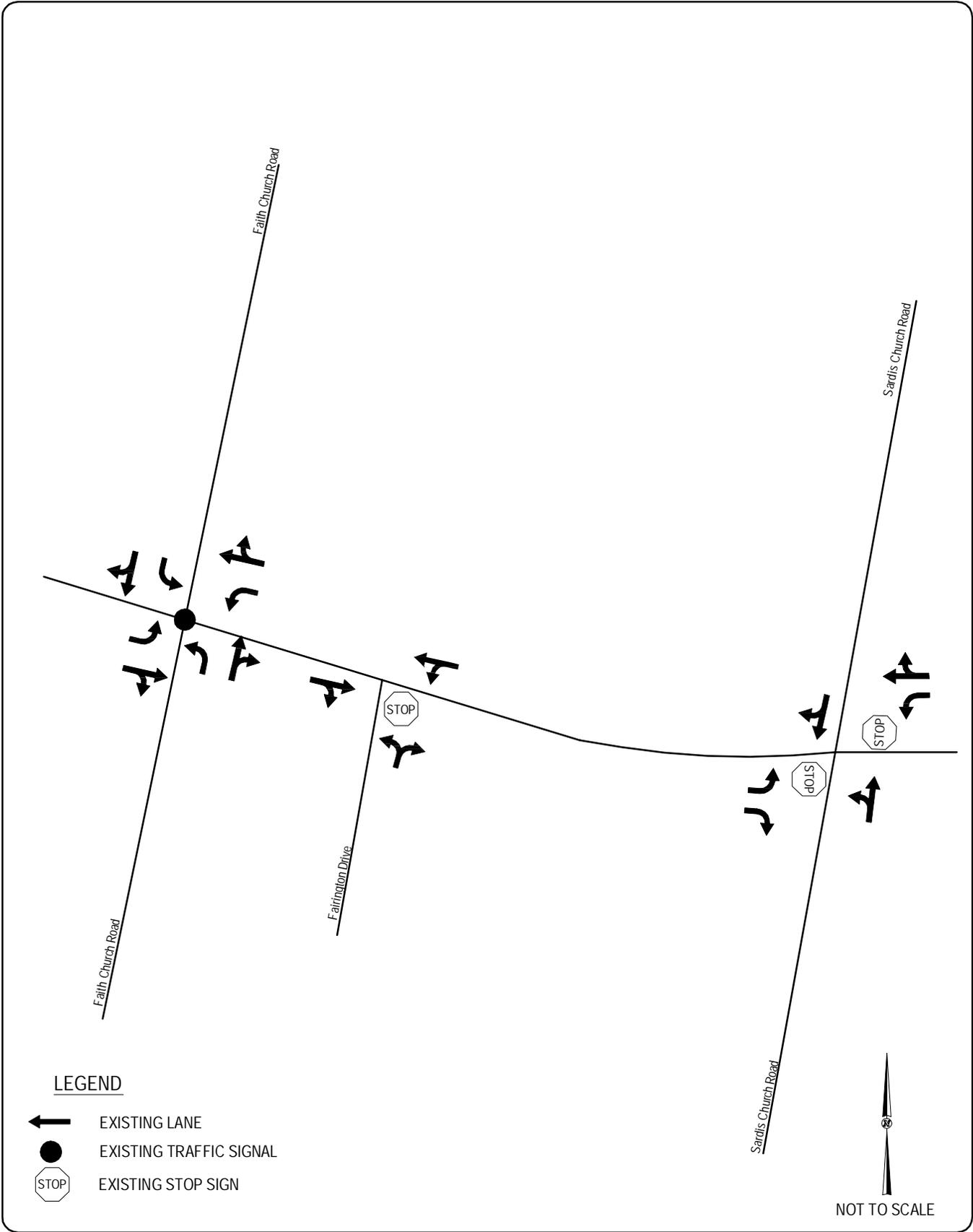
3.2 Existing Conditions

The major roadways in the project vicinity are Unionville-Indian Trail Road, Faith Church Road, and Sardis Church Road. Existing roadway laneage is depicted in Figure 3.1.

Unionville-Indian Church Road is a two-lane divided roadway with a posted speed limit of 45 mph in the vicinity of the project.

Faith Church Road is a two-lane divided roadway with a posted speed limit of 35 mph in the vicinity of the project.

Sardis Church Road is a two-lane divided roadway with a posted speed limit of 45 mph in the vicinity of the project.




**Kimley-Horn
and Associates, Inc.**
 © 2013
 2000 SOUTH BLVD, STE 440
 CHARLOTTE, NORTH CAROLINA 28203

**UNIONVILLE-INDIAN TRAIL
SITE**

**EXISTING ROADWAY
GEOMETRY**

**FIGURE
3.1**

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.

4.0 Traffic Generation

The traffic generation potential of the proposed development was determined using the trip generation rates published in ITE *Trip Generation Handbook* (Institute of Transportation Engineers, 8th Edition). The proposed development is expected to consist of 216 single family housing units. Table 4.0 summarizes the daily and peak-hour trips associated with the proposed development. As shown, the proposed development has the potential to generate 161 trips during the AM peak hour and 210 trips during the PM peak hour during a typical weekday at total project build-out in 2018.

Table 4.0 – Trip Generation

Table 4.0 - Trip Generation Unionville-Indian Church Road								
Land Use	Intensity	Daily	AM Peak Hour			PM Peak Hour		
			Total	In	Out	Total	In	Out
Single-Family Homes	216 DU	2,112	161	40	121	210	132	78
Net New External Trips		2,112	161	40	121	210	132	78
Note: Trip generation was calculated using the following data:								
Daily Traffic Generation								
Single-Family Homes	[ITE 210]	=	$\text{Ln}(T) = 0.92 \text{Ln}(X) + 2.71$; (50% in, 50% out)					
AM Peak-Hour Traffic Generation								
Single-Family Homes	[ITE 210]	=	$T = 0.70(X) + 9.74$; (25% in, 75% out)					
PM Peak-Hour Traffic Generation								
Single-Family Homes	[ITE 210]	=	$\text{Ln}(T) = 0.90 \text{Ln}(X) + 0.51$; (63% in, 37% out)					

7.1 Unionville-Indian Trail Road at Faith Church Road

Table 7.1 summarizes the LOS and control delay (seconds per vehicle) at the signalized intersection of Unionville-Indian Trail Road and Faith Church Road.

Table 7.1 - Unionville-Indian Trail Road @ Faith Church Road						
Condition	Measure	EB	WB	NB	SB	Intersection
		EBL	WBL	NBL	SBL	
AM Peak Hour						
2013 Existing	LOS (Delay)	A (6.1)	A (9.5)	B (10.4)	A (9.2)	A (8.8)
	Synchro 95th Q	25'	23'	28'	13'	
2013 Existing + Site	LOS (Delay)	A (6.4)	B (11.8)	B (10.4)	A (9.4)	B (10.0)
	Synchro 95th Q	27'	26'	28'	17'	
2018 Background	LOS (Delay)	A (7.6)	B (14.8)	B (10.9)	B (10.5)	B (11.8)
	Synchro 95th Q	35'	28'	32'	14'	
2018 Build	LOS (Delay)	A (9.4)	B (19.6)	B (10.5)	B (11.6)	B (14.8)
	Synchro 95th Q	55'	34'	32'	19'	
PM Peak Hour						
2013 Existing	LOS (Delay)	B (10.6)	A (8.4)	B (14.3)	B (13.1)	B (11.3)
	Synchro 95th Q	54'	19'	38'	23'	
2013 Existing + Site	LOS (Delay)	B (15.8)	B (10.8)	B (12.3)	B (11.4)	B (13.1)
	Synchro 95th Q	74'	30'	35'	34'	
2018 Background	LOS (Delay)	B (17.9)	B (11.5)	B (13.9)	B (13.1)	B (14.7)
	Synchro 95th Q	105'	30'	42'	23'	
2018 Build	LOS (Delay)	C (22.8)	B (13.7)	B (13.8)	B (13.1)	B (17.0)
	Synchro 95th Q	118'	38'	42'	36'	
	Existing Storage	135'	160'	165'	125'	-

Under 2013 existing conditions, the intersection currently operates at LOS A during the AM peak hour and LOS B during the PM peak hour overall.

Under all other scenarios analyzed, the intersection is expected to operate at LOS B overall during both the AM and PM peak hours. Synchro 95th percentile queues are within the available left-turn storage lengths.

7.2 Unionville-Indian Trail Road at Fairington Drive/Access #1

Table 7.2 summarizes the LOS and control delay (seconds per vehicle) at the unsignalized intersection of Unionville-Indian Trail Road at Fairington Drive/Access #1.

Table 7.2 - Unionville-Indian Trail @ Fairington Drive/Access #1					
Condition	Measure	EB	WB	NB	SB
		EBL	WBL	NBL	SBL
AM Peak Hour					
2013 Existing	LOS (Delay)	A (0.0)	A (0.0)	B (13.5)	-
	Synchro 95th Q	0'	0'	3'	-
2013 Existing + Site	LOS (Delay)	A (1.0)	A (0.0)	C (19.0)	C (17.8)
	Synchro 95th Q	2'	0'	5'	26'
2018 Background	LOS (Delay)	A (0.0)	A (0.0)	B (14.9)	-
	Synchro 95th Q	0'	0'	4'	-
2018 Build	LOS (Delay)	A (1.1)	A (0.0)	C (24.4)	C (21.3)
	Synchro 95th Q	2'	0'	8'	33'
PM Peak Hour					
2013 Existing	LOS (Delay)	A (0.0)	A (0.2)	C (15.3)	-
	Synchro 95th Q	0'	0'	2'	-
2013 Existing+ Site	LOS (Delay)	A (1.9)	A (0.2)	C (24.3)	C (17.5)
	Synchro 95th Q	6'	0'	4'	16'
2018 Background	LOS (Delay)	A (0.0)	A (0.2)	C (17.8)	-
	Synchro 95th Q	0'	1'	3'	-
2018 Build	LOS (Delay)	A (2.0)	A (0.2)	D (31.3)	C (20.9)
	Synchro 95th Q	6'	1'	6'	22'
	Existing Storage	-	-	-	-

Under 2013 existing conditions, the minor street (northbound) approach currently operates with short delays during both the AM and PM peak hours. Under 2013 proposed project only (existing plus site traffic), both minor street approaches are expected to operate with short delays during both the AM and PM peak hours.

Under 2018 background conditions, the minor street (northbound) approach is expected to continue operating with short delays during both the AM and PM peak hours.

Upon build-out of the site in 2018, the minor street approaches are expected to operate with short delays in the AM peak hour and short to moderate delays in the PM peak hour.

7.3 Unionville-Indian Trail Road at Sardis Church Road

Table 7.3 summarizes the LOS and control delay (seconds per vehicle) at the unsignalized intersection of Unionville-Indian Trail Road at Sardis Church Road.

Table 7.3 - Unionville-Indian Trail @ Sardis Church Road						
Condition	Measure	EB	WB	NB	SB	Intersection
		EBL	WBL	NBL	SBR	
AM Peak Hour						
2013 Existing	LOS (Delay)	F (68.8)	D (31.8)	A (2.3)	A (0.0)	-
	Synchro 95th Q	192'	56'	4'	0'	-
2013 Existing + Site	LOS (Delay)	F (86.2)	D (32.9)	A (2.5)	A (0.0)	-
	Synchro 95th Q	231'	58'	4'	0'	-
2013 Existing + Site Improved with SBR Turn Lane on Sardis Church	LOS (Delay)	E (41.7)	D (32.7)	A (2.5)	A (0.0)	-
	Synchro 95th Q	154'	58'	4'	0'	-
2013 Existing + Site Improved with Traffic Signal Only	LOS (Delay)	C (22.8)	C (28.6)	A (7.1)	B (10.7)	B (14.6)
	Synchro 95th Q	158'	93'	82'	323'	-
2018 Background	LOS (Delay)	F (281.2)	F(54.2)	A (2.5)	A (0.0)	-
	Synchro 95th Q	402'	100'	5'	0'	-
2018 Build	LOS (Delay)	F (346.2)	F (58.7)	A (2.7)	A (0.0)	-
	Synchro 95th Q	460'	108'	6'	0'	-
2018 Build Improved with SBR Turn Lane on Sardis Church Road	LOS (Delay)	F (193.6)	F (57.9)	A (2.7)	A (0.0)	-
	Synchro 95th Q	372'	107'	6'	0'	-
2018 Build improved with Traffic Signal Only	LOS (Delay)	B (18.0)	C (24.9)	B (10.8)	B (19.5)	B (18.2)
	Synchro 95th Q	179'	106'	113'	465'	-
PM Peak Hour						
2013 Existing	LOS (Delay)	F (107.0)	C (21.3)	A (2.3)	A (0.0)	-
	Synchro 95th Q	289'	7'	6'	0'	-
2013 Existing+ Site	LOS (Delay)	F (152.8)	C (24.1)	A (2.6)	A (0.0)	-
	Synchro 95th Q	356'	11'	8'	0'	-
2013 Existing + Site Improved with SBR Turn Lane on Sardis Church	LOS (Delay)	F (86.6)	C (23.2)	A (2.6)	A (0.0)	-
	Synchro 95th Q	270'	10'	8'	0'	-
2013 Existing + Site Improved with Traffic Signal Only	LOS (Delay)	B (18.4)	B (15.8)	B (18.8)	B (10.8)	B (15.8)
	Synchro 95th Q	198'	27'	278'	194'	-
2018 Background	LOS (Delay)	F (284.7)	D (27.3)	A (2.6)	A (0.0)	-
	Synchro 95th Q	511'	10'	8'	0'	-
2018 Build	LOS (Delay)	F (370.1)	D (31.3)	A (2.9)	A (0.0)	-
	Synchro 95th Q	587'	16'	9'	0'	-
2018 Build Improved with SBR Turn Lane on Sardis Church Road	LOS (Delay)	F(235.5)	D (29.7)	A (2.9)	A (0.0)	-
	Synchro 95th Q	487'	15'	9'	0'	-
2018 Build improved with Traffic Signal Only	LOS (Delay)	C (34.8)	C (21.3)	B (17.3)	A (9.9)	B (19.4)
	Synchro 95th Q	279'	31'	329'	216'	-
	Existing Storage	210'	-	-		



Under 2013 existing conditions and all studied scenarios without improvements, the eastbound stop-controlled approach operates with long delays during both the AM and PM peak hours. It is typical for stop-controlled side streets to experience moderate to long delays during peak hours. Adding a southbound right-turn lane to help alleviate delays and queuing for eastbound left-turning traffic does not appear to provide considerable benefit, as shown in Table 7.3. Adding a traffic signal with existing laneage, however, would be expected to improve the LOS and queuing on the eastbound left-turn movement, as well as provide LOS B overall under 2018 build conditions. It is noted that the 95th percentile queue length would be expected to exceed the available storage for the eastbound left-turn movement during the PM peak hour. A signal warrant study would be necessary to confirm whether a traffic signal at this location would be warranted.



7.4 Unionville- Indian Trail Road at Access # 2

Table 7.4 summarizes the LOS and control delay (seconds per vehicle) at the proposed unsignalized intersection of Unionville-Indian Trail Road and Access # 2.

Table 7.4 - Unionville-Indian Trail Road@ Access # 2				
Condition	Measure	EB	WB	SB
		EBL	WBL	SBL
AM Peak Hour				
2013 Existing + Site	LOS (Delay)	A (0.4)	A (0.0)	B (13.9)
	Synchro 95th Q	1'	0'	6'
2018 Build	LOS (Delay)	A (0.4)	A (0.0)	C (15.4)
	Synchro 95th Q	1'	0'	7'
PM Peak Hour				
2013 Existing + Site	LOS (Delay)	A (0.7)	A (0.0)	B (12.5)
	Synchro 95th Q	2'	0'	3'
2018 Build	LOS (Delay)	A (0.7)	A (0.0)	B (13.5)
	Synchro 95th Q	2'	0'	4'
	Existing Storage	-	-	-

Under all analyzed conditions, the minor street (southbound) approach is expected to operate with short to moderate delays during both the AM and PM peak hours.



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PATRICK L. MCCRORY
GOVERNOR

P. O. BOX 25201, RALEIGH, NC 27611-5201

ANTHONY J. TATA
SECRETARY

July 23, 2013

Amy Massey, P.E.
Kimley-Horn and Associates, Inc.
Suite 303
131 East Main Street
Rock Hill, SC 29730

Subject: Traffic Impact Study Review for Unionville Indian Trail Site

Dear Ms. Massey,

We have completed our review of the TIA for the proposed housing development of 216 single family units in Union County. The Department previously forwarded review comments by email on May 1, 2013.

This memo shall serve as NCDOT approval of the subject TIA with the following conditions:

- A left turn lane will be constructed at Access One and Two along Unionville Indian Trail Road with minimum 100' full storage and appropriate design tapers for the posted speed.
- Construct a three lane cross section between the referenced access points if the left turn tapers fall within 250 feet of one another. In this case, stripe pavement accordingly to provide left turn lanes into Fairington Drive and Ashe Croft Drive

If you have any questions or need additional information, please contact me at the telephone number below.

Sincerely,

John W. Underwood
District Engineer

Cc: Sean M. Epperson, P.E.
Scott Kaufold, P.E. (Town of Indian Trail)
file



Memorandum

To: Rox Burhans, Town of Indian Trail
John Underwood, NCDOT

From: Amy Massey, P.E.

Date: August 13, 2013

Re: Unionville-Indian Trail Site Traffic Impact Analysis Addendum

The purpose of this memorandum is to provide an addendum to the Traffic Impact Analysis (TIA, Kimley-Horn, April 2013) incorporating an updated site plan and associated site distance review. The updated site plan removes consideration for what is referenced as 'Proposed Driveway B' (aligned with Ashe Croft Drive) in the TIA due to sight distance issues, and refines the location of 'Proposed Driveway C,' located to the east of Ashe Croft Drive. We understand that the NCDOT and Town will require a left-turn lane at each of the two site access points based review of the TIA submitted.

The updated site plan and sight distance review graphics are included in the attached exhibits. Based on American Association of State Highway and Transportation Official (AASHTO) Standards, the following sight distance calculations are applicable for an existing 45 mph posted speed limit (50 mph design speed) along Unionville Indian Trail Road for passenger vehicles:

- Intersection Sight Distance (ISD) = 590 feet (for left turns)
- Intersection Sight Distance (ISD) = 480 feet (for right turns)
- Stopping Sight Distance (SSD) = 425 feet
- Left from Major to Minor (LSD) = 425 feet

Findings based on a review of GIS mapping for the existing Unionville-Indian Trail Road conditions pertaining to the proposed access points are represented below:

- ISD standard appears to be met at both Driveways A and C. This standard applies to the sight line of vehicles turning out of the access points onto Unionville-Indian Trail Road.
- SSD standard appears to be met at both Driveways A and C. This standard applies to the sight line of vehicles traveling along Unionville-Indian Trail Road approaching the access points.
- LSD standard appears to be met at Driveway C, but may not be met at Driveway A. This standard applies to the sight line of vehicles traveling eastbound along Unionville-Indian Trial Road turning left onto the access points. It appears that the issue at Driveway A may be relatively minor.

The additional LSD review was performed due to the field conditions that show an existing deficiency with the vertical geometry along Unionville-Indian Trail Road based on the GIS mapping. It is noted (as indicated in the TIA) that the existing roadway itself does not meet current SSD standards; however, the two proposed driveways are located at or near the crests of the vertical curves to achieve SSD specifically for the driveways. Also note that the addition of left-turn lanes along Unionville-Indian Trail Road as part of the site development plan will be an improvement of the condition along Unionville-Indian Trail Road as it exists today.

Since the above review is based on GIS data, detailed field survey and access design will be critical in confirming whether the various sight distance standards are actually met, and what access and roadway modifications are necessary to achieve the appropriate sight distance standards. Roadway profile adjustments and/or horizontal sight line clearing may be necessary.

Aside from the proposed site development, we recommend that NCDOT consider evaluating the existing stopping sight distance issue along Unionville-Indian Trail Road for potential improvement such as lowering the posted speed limit, posting advisory speeds, and/or adjusting the roadway geometry to meet current standards.

Enclosure:

Updated site plan with sight distance exhibits

Attachment 4
UCPS Capacity Worksheet

**Union County Public Schools Enrollment Forecast
January 2013**

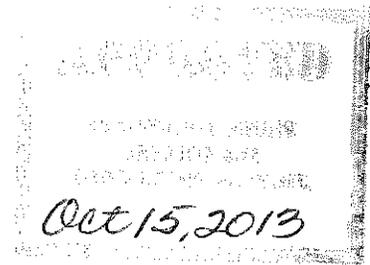
	Capacities	ADM	Forecast 20th Day ADM						
	2012-2013	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
Elementary									
Marshville	619	455	439	427	421	416	409	399	391
Union	486	398	391	386	388	391	391	390	387
Wingate	619	535	571	560	556	556	556	552	546
Kensington	804	816	803	801	783	763	747	729	713
New Town	804	873	883	848	835	818	803	788	777
Marvin	804	652	649	655	646	634	621	611	602
Rea View	804	735	720	722	709	696	680	666	650
Sandy Ridge	804	880	864	851	835	820	805	788	777
East	670	451	440	433	433	431	427	422	415
Rock Rest	670	576	596	611	600	591	581	571	567
Walter Brackett	670	674	657	650	651	647	642	636	631
Prospect	466	466	454	444	447	445	442	436	431
Waxhaw	304	588	580	555	549	544	537	527	515
Western Union	578	402	388	376	372	371	370	367	363
Fairview	670	454	452	449	455	456	454	453	446
New Salem	289	314	316	312	315	315	312	312	308
Unionville	670	716	700	681	660	659	656	651	646
Hemby Bridge	670	488	479	471	466	461	455	451	448
Poplin	804	698	685	689	680	674	659	644	629
Porter Ridge	804	581	576	552	541	531	520	510	501
Sandis	670	514	519	511	503	496	488	480	470
Stallins	804	893	887	879	879	876	869	861	854
Indian Trail	722	711	708	675	672	669	664	659	651
Rocky River	804	773	764	728	733	728	720	709	699
Shiloh	804	572	568	537	540	538	534	526	517
Sun Valley	804	609	654	653	650	648	644	633	622
Antioch	804	834	843	844	841	833	825	813	800
Weddington	804	652	648	647	645	641	633	622	611
Wesley Chapel	670	557	557	556	548	540	530	521	513
Totals	20415	17681	17471	17193	17063	16990	16674	16429	16186
Middle									
East Union	1000	810	828	841	820	805	809	821	830
Cuthbertson	1200	1193	1236	1258	1283	1251	1229	1226	1217
Marvin Ridge	1200	1380	1423	1361	1463	1433	1443	1420	1395
Monroe	1000	935	982	1019	1119	1102	1101	1111	1112
Parkwood	1000	726	729	733	742	728	703	714	719
Piedmont	1000	973	983	984	1010	983	958	962	1007
Porter Ridge	1200	1411	1419	1421	1459	1455	1483	1418	1394
Sun Valley	1300	1337	1366	1378	1448	1444	1366	1401	1404
Weddington	1000	1086	1103	1115	1074	1080	1089	1087	1084
Totals	9900	9951	10069	10120	10399	10282	10161	10178	10162
High									
Forest Hills	1275	932	932	924	965	1005	1031	1053	1055
Cuthbertson	1800	1295	1365	1495	1596	1616	1613	1605	1553
Marvin Ridge	1600	1456	1529	1648	1750	1761	1755	1747	1707
Mintoe	1000	921	956	1016	1116	1167	1198	1231	1248
Parkwood	1235	903	907	933	942	1014	1049	1046	1068
Piedmont	1330	1136	1181	1263	1289	1332	1387	1356	1372
Porter Ridge	1400	1453	1508	1491	1519	1528	1518	1491	1472
Sun Valley	1480	1314	1299	1329	1400	1452	1538	1520	1525
Weddington	1400	1366	1389	1351	1310	1318	1332	1366	1406
Totals	12300	10776	11054	11450	11889	12192	12419	12415	12406
Special									
Benton Heights	670	668	670	670	670	670	670	670	670
CATA	850	855	855	855	855	855	855	855	855
S. Providence	101	122	122	122	122	122	122	122	122
UCEC	400	339	339	339	339	339	339	339	339
Wote	100	65	65	65	65	65	65	65	65
Totals	2121	2049	2051	2051	2051	2051	2051	2051	2051
System Totals	44736	40367	40646	40914	41402	41415	41305	41073	40805
System Growth			0.71%	0.42%	1.44%	0.03%	-0.27%	-0.56%	-0.65%

w/in cap

over cap

Visiting students are included in High School ADMs
 Included in the UCEC ADM are "13th graders"
 EC students are included in the ADMs
 Pre-K students are NOT included in the ADMs

01/29/2013



PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

PLANNING BOARD MINUTES

September 23, 2013

6:30 P.M.

The following members of the governing body were present:

Chair Patricia Cowan, Vice Chair Larry Miller, Cathi Higgins, Kelly D'Onofrio, Robert Rollins, Jan Brown, Alan Rosenberg. Steve Long and Cheryl Mimy were seated in the audience.

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

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

Roll Call: Sidney Sandy was absent.

Approval of Minutes- July 16, 2013- APPROVED

Public Item:

- a. **CZ2013-003: Union Grove Subdivision:** This is a rezone request to establish a Conditional Single-Family Residential-4 Zone on an approx. 68-acre subject property for the purpose of developing a single-family residential neighborhood. Location: Unionville-Indian Trail Road (southeast of Faith Church intersection/adjacent to CEMEX site)-Parcels 07066007-80 and 90, Applicant: Bayard Group.

Senior Planner Rox Burhans stated the request is to rezone approximately 68 acres from a Single Family R-1 and Union County R-20 to an SF-5 district. The intent of the proposal is to support the development of a 207 home subdivision. As a Conditional Zoning there will be conditions of approval to the project if it were to be approved to ensure compatibility and address impacts. There is also a small 3 acre annexation associated with this project. Surrounding Indian Trail home properties are SF-1, Heavy Industrial and Institutional (Metrolina Christian Academy). Lake Park surrounding parcels consists of Industrial and General Business and Residential 6, and two Union County parcels R-20. Cemex concrete facility, a landscape company and Metrolina

Christian Academy border the western boundary of the proposed site. The surrounding area is primarily single family homes.

Mr. Burhans stated the Concept Plan is a requirement for a Conditional rezoning application. It reflects development of a 207 home neighborhood with corresponding recreational amenities, tree retention areas and proposed road improvements to mitigate traffic impacts. There are two access points into the subdivision. The first access is across from Fairington Drive. The second has been moved further down due to sight distance constraints. Mr. Burhans stated there is a 100 foot wide Duke Energy easement that runs through the site. The applicant has organized the community around the easement, fifty foot lots are on one side and sixty foot lots are on the other side. The challenge is how to interlink the lots. The open space amenities try to do this. There is a centralized pool and cabana, trails and play ground.

Mr. Burhans stated another element is the guidelines that the applicant has created to come up with a set of standards that will not only enhance the homes, going above the standards of the Ordinance. It establishes minimum home sizes of 1800 sq feet, there are some allowances for smaller homes of 1600. There are also raised front foundations and recessed front garages, 2 feet behind the living area of the home. There are architecturally enhanced garage doors and façade enhancements.

Mr. Burhans presented a comparison with surrounding neighborhoods.

TABLE 1: UNION GROVE LOT TYPE COMPARISON

	Min. Lot Width	Min. Lot Area	Min. Front Setback	Min. Rear Setback	Min. Side Setback	Density
Union Grove	50-ft	6,000 sq. ft.	25-ft	30-ft	5-ft	Approx. 3.10-units/acre OR 3.40 units/acre w/o Duke easement area
	60-ft	7,000 sq. ft.				
Conventional SF-5 Requirements	60-ft	8,000 sq. ft.	25-ft	30-ft	10-ft	5-units/acre
Ashe Croft	Approx. 60-ft (estimate)	Approx. Range of 6,011 to 13,939 sq. ft. (8,455 sq. ft. Average size)	25-ft	25-ft	5-ft	Approx. 2.43 units/acre (148-lots/61 acres*) Includes 25-acre floodplain/ops
Braefield	65-ft.	Approx. Range of 7,153 to 14,607 sq. ft. (9,696 sq. ft. Average size)	25-ft	30-ft. (40-ft exterior lots)	5-ft (estimate)	Approx. 2.55 units/acre (187-lots/73.4 acres)
Arbor Glen	66-ft (estimate)	Approx. Range of 7,734-15,316 sq. ft. (10,296 sq. ft. Average size)	25-ft	25-ft (40-ft Exterior)	5-ft	Approx. 2.49 units/acre (282-lots/113.39 acres)

Mr. Burhans stated a traffic analysis is part of the Conditional Rezoning process.

Trip Generation

- A.M. Peak Hour Trips: **161**
- P.M. Peak Hour Trips: **210**
- Daily Trips: 2,112

LOS For Existing Intersections

1. Unionville-IT Rd/Faith Church Rd: Intersection has Existing *LOS B*
2. Unionville-IT Rd. at Sardis Church Rd: Eastbound *LOS F* (a.m./p.m.) and Westbound *LOS D* (a.m.) and *LOS C* (p.m.).
3. Unionville-IT Rd. at Fairington Drive/Access 1: Northbound Approach *LOS B* (a.m.) and *LOS C* (p.m.). Remaining Approaches *LOS A*.

The sight distance was taken into consideration when developing the plan for both entrances. In taking into consideration the traffic flow the applicant has proposed a continuous 3-Lane Road Section along Unionville-IT Road. This would provide center turn lanes at each entrance and a possible turn lane into the Ashe Croft subdivision at Fairington Dr. This has been approved by NCDOT.

Mr. Burhans stated the Union County School system is contacted as part of the routing process. The property falls within the Stallings Elementary and the Porter Ridge Middle and High School assignment. The elementary school is currently operating below capacity and the Middle and High schools are operating above capacity. He stated it is known we would be getting these comments with all residential projects.

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. 385-addresses), and posting one sign on the site. The first community meeting was held at Mill Grove United Methodist Church on July 29, 2013 from 10:00 a.m. to 12:00 p.m. The second community meeting was held on July 31, 2013 at the Indian Trail Civic Building from 5:00 p.m. to 7:00 p.m. The following will provide a brief summary of the Town required community meetings.

- *Daytime Meeting*: This meeting was attended by approximately 6-members of the public. Discussion at the meeting focused on clarifying the types of homes constructed (single-family versus multifamily), the envisioned architectural design of the homes, timing of construction, traffic impacts, existing sight distance issues on Unionville-Indian Trail Road, and existing stormwater management issues in the Ashe Croft neighborhood. The applicant's traffic engineer (w/Kinley Horn) attended the meeting and provided attendees with an overview of how the proposed access points were selected and the traffic mitigation (i.e. turn lanes) proposed to address potential impacts to existing roads.
- *Evening Meeting*: This meeting was attended by approximately 7-members of the public. Several of the attendees only briefly attended, confusing this meeting with a Parks, Tree, and Greenway Committee meeting occurring at the same time in the nearby Cultural Arts Center. Questions raised at this meeting were similar to questions raised at the day time meeting.

These question included the types of homes constructed (single-family versus multifamily), the envisioned architectural design of the homes, timing of construction, traffic impacts, and existing sight distance issues on Unionville-Indian Trail Road. The applicant's traffic engineer attended the meeting and provided attendees with an overview of how the proposed access points were selected and the traffic mitigation (i.e. turn lanes) proposed to address potential impacts to existing roads. The owner of the unincorporated parcel abutting the subject property immediately to the east was concerned about stormwater running off from the developed Union Grove site to his property. The applicant and neighboring property owner met onsite after the meeting to discuss potential solutions to his concerns.

In relation to the Comprehensive Plan the Union Grove subject property is located within Indian Trail's Sardis Village. Sardis Elementary School and the future Crooked Creek Park are two of the most identifiable features within this Village. Portions of the site are also located within the Sardis Village Center that radiates outward from the Unionville-IT Rd. and Sardis Church Rd. intersection. The Comprehensive Plan assigns the Interchange Mix land use category to the subject property due to its location between major highways and its proximity to the future Monroe Bypass. These factors contribute to the Council adopted Comprehensive Plan envisioning the Interchange Mix location as being appropriate for higher density development that can take advantage of the convenient regional transportation access.

Mr. Burhans discussed the land use mix within the Interchange Mix classification. Medium density housing represents 40% of its composition, but may reach as high as 45% if market conditions are able to support it. If approved, the approximately 68-acre Union Grove subject property would represent approximately 37.68% of the village area (1,183 total acres) and would therefore be consistent with the recommended adopted village land use mix.

Mr. Burhans stated as part of the a Conditional Rezoning 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 Single Family Residential-5 District.

1. *Concept Plan and Architectural Guidelines:* The site shall be developed as generally depicted on the approved Concept Plan. The proposed single-family homes and amenity improvements shall comply with Unified Development Ordinance (UDO) Chapter 13 *Statement of Integrity and Design* standards and the supplementary Architectural Guidelines developed for the Union Grove conditional rezoning.
2. *Permitted Uses:* The permitted use of the subject property is for single-family residential detached homes and accessory uses as permitted by the UDO.
3. *Maximum Dwelling Units:* The maximum number of dwelling units permitted on the 68-acre subject property (approx.) shall be limited to 207-homes. The maximum number of 50-ft wide lots shall be limited to 137 lots or 66% of all developed lots. The applicant may make a request to the Planning Director for up to an additional 4-single family lots (211 total) if it can be demonstrated that the lots can be accommodated in compliance with the UDO and the conditions of approval with no substantive impact to buffering from stormwater management facilities or impacts to open space and tree retention areas. The lot type arrangement within Union Grove shall be defined by having the 50-ft lots located west of the Duke Energy transmission line easement and the 60-ft lots located east of the transmission line easement.

Cul-de-sac lots requiring increased setbacks to meet min. lot width shall be generally designed to ensure a consistent overall house placement.

4. *TIA Roadway Improvements:* The developer shall be responsible for constructing all road improvements identified in the TIA prepared April 18, 2013 by Kimley-Horn and its associated Addendum prepared August 13, 2013, 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 any homes.
 - Construct a 3-lane road cross section on Unionville-IT Rd. between the two site access points with required tapers to create eastbound left turn lanes at each site entrance.
5. *Frontage Improvements:* Unionville-Indian Trail Road along the common site frontage with the Union Grove neighborhood will be improved with curb/gutter, a 6-ft wide sidewalk, and street trees. A min. 35-ft ROW measured from the existing road centerline will be dedicated to NCDOT or its assigns. All required frontage improvements shall be constructed and any associated public ROW dedicated prior to issuance of a Town Zoning Compliance for any homes.
6. *Perimeter Landscaping:* A min. 20-ft perimeter landscape area (outside future ROW) along the common site frontage with Unionville-Indian Trail Road shall be established and planted with trees, shrubs, and ground cover. Other amenities such as ornamental fencing, monuments, and/or other community amenities etc. that are consistent with the Union Grove Architectural Guidelines shall also be integrated within this area. Stormwater management facilities may not be located within perimeter landscape or buffer areas.
7. *Onsite Road Improvements:* Internal roads within Union Grove shall be constructed with a min. of 50-ft and 60-ft Rights-of-Way with improvements consisting of two travel lanes, curb/gutter, sidewalks, and street trees, as generally depicted on Sheet 2 of the Concept Plan. Cul-de-sac roads shall be constructed with an ornamental, center island turning features such as a tree island or similar improvement (subject to Town approval).
8. *Open Space and Tree Retention:* Approximately 15.7 acres of useable open space will be provided. In the event the Duke Energy transmission easement area cannot be used for active recreational uses, parking, and/or road access as generally indicated on the Concept Plan, a major Conditional Rezoning Amendment will be required. Active recreation features shall include paved, concrete trails sized at a min. of 5-ft in width, a pool with cabana /recreational building (and associated parking), playground areas, and similar features. The pool and cabana building may be substituted for other major common area amenities representing an equal financial investment in the Union Grove neighborhood (subject to Town approval). The pool and cabana building shall be constructed prior to issuance of Zoning Compliance Permits for the first 25% of homes. Pedestrian amenities consisting of seating areas, landscaping, and related amenities will be provided at trail intersections and in the small pocket parks located throughout Union Grove. A public access easement will be provided for the trail section running through the Duke transmission line easement. The portions of the Duke Energy transmission easement not specifically identified for active recreation will be maintained in a regularly mowed condition consistent with other onsite amenity areas to provide additional recreational opportunities such as play fields, etc. 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 Union Grove developer and/or his/her assigns.

Trees retention areas shall be established as generally referenced on the Concept Plan. A survey of existing canopy and/or heritage trees shall be performed with the Site Plan submittal identifying additional trees for retention and/or mitigation needed for removed trees. All reasonable efforts shall be made to retain existing canopy and/or heritage trees, particularly those located on the perimeter of the development adjacent to residential properties.

9. *Stormwater Detention Pond*: The size of the proposed stormwater management facilities identified on the Concept Plan is for illustrative purposes only. The exact size will be determined with the Site Plan submittal. A min. 10-ft of separation shall be provided between the facility and any property lines or ROW lines. A dense vegetated screen shall be provided around the stormwater management improvements to minimize any visual obtrusiveness to adjacent properties or existing or future ROW. The size of the facility separation and/or its screening may be increased by the Planning Director based on the final proposed design and its likely increased visual impact to adjacent properties or existing or future ROW.
10. The Town Council may act to revoke the conditional zoning district designation if the applicant fails to meet the terms of the district.

Mr. Burhans stated that staff is of the opinion the goals of the Comprehensive Plan are satisfied as follows:

Goal 1.3.1 Quality of Life – The proposed conditional district will create a master planned, medium-density residential community with a mix of lot types and housing sizes that will provide affordable living opportunities for a wide range of residents. The plan also contributes to Indian Trail’s supply of parks and recreation lands through the development of a publically accessible trail that will eventually lead to a public greenway identified on the adopted Parks and Greenways Master Plan. The conditional district will also contribute to the enlargement of Indian Trail’s protected, community forest through the establishment of tree retention areas.

Goal 1.3.2 Land Use - The proposed conditional district will avoid potential land use impacts with adjacent properties and surrounding municipalities through the use of extensive separation and buffering from adjacent industrial uses as well as making a significant roadway investment to mitigate any transportation impacts on Unionville-Indian Trail Road. The proposed district will further contribute to a more balanced tax base through the voluntary annexation of approx. 3-acres into the Town of Indian Trail.

The request for this conditional zoning district is a reasonable request and is in the public interest because it helps create a mix of lot types and housing sizes within the Sardis Village Center, provides expanded housing opportunities for Indian Trail citizens and business owners, and includes elements that benefit the general public in the areas of open space, tree preservation, and transportation infrastructure investment.

Mr. Ken Holbrooks, President of the Bayard Group and applicant, came before the Board. Mr. Holbrooks stated the property being a hole they are finding they are having to transition uses

somewhat why they did not mix. The intense industrial use that borders the property resulted in a lot of planning for buffering and other design in hopes of buyers being happy in the community. The surrounding developments are very similar in the proposed lot mix for this project. The adjacent commercial, industrial uses and the power easement has resulted in many months working with Indian Trail in design concept. He stated their goal is to enhance the community.

Mr. Holbrook stated the development is a small percentage of the traffic. The Bayard Group worked with Kimley-Horn on how the road could be improved. He stated he believes building the 3 lane section, which DOT asked for, would be the solution for helping to allow the residents the ability to get in and out of the subdivision. The hill that is near Mr. Kiker's property will need to be looked at to try and maybe shave that off to allow for a better site distance. Mr. Holbrook stated he feels like they have addressed the concerns. The Town Engineers, NCDOT and the consultant have all come to the conclusion what is best there to mitigate their concerns.

Member Rosenberg asked Mr. Burhans if the power easement area would become common area. Mr. Burhans replied yes.

Member Rosenberg asked if the concrete plant is in Indian Trail. Mr. Burhans replied it is in the Village of Lake Park. Mr. Rosenberg commented so there then is no jurisdiction over that property from Indian Trail for future development. Mr. Burhans replied that is correct.

Member Rosenberg asked what the zoning is to the unincorporated Union County parcel located between the subject property and the Braefield subdivision. Mr. Burhans replied it is Union County R-20. He stated there is currently a single family house located on the parcel.

Member Rosenberg asked if there is any language as to what type of siding will be used on the homes. Mr. Burhans replied in terms of the type of siding the Planning Department defers back to the UDO for building materials.

Member Rosenberg asked if there are trees already there in the buffer area between the property and concrete plant. Mr. Burhans replied there are some existing trees along that common edge. In speaking with the applicant and the landscape architect the desire is to keep as many trees as possible. They cannot make a firm commitment on that until they see how much stormwater improvement there would need to be.

Mr. Burhans stated because of the intense use of the concrete company which is adjacent to the property the applicant has come up with an 85 foot wide buffer. Within that buffer will be a 10 foot high berm, a fence and supplemental plantings.

Member Rosenberg asked what type of fencing will be put up. Mr. Burhans replied it will be a 6 foot solid fence on top of the berm, the exact material has not been specified. It will not be a wooden fence but something of low maintenance. Evergreen landscaping will further minimize impacts.

Member Higgins asked about the easement and the fact the staff report indicates it is not locked in stone for access for the road to connect the two areas. Mr. Burhans replied Duke Energy, like

all outside agencies, will not give final approval until there are final construction drawings. Duke Energy has been sent concept and revised concept plans and having said that they have not flagged any problems. It is stated in the conditions of approval if the concept cannot be achieved or implemented with a joint recreation area in the easement a major plan revision would need to be taken and it would go back through the process.

Member Higgins asked if there is a possibility the subdivision would be two separate communities without connection between the two. Mr. Burhans replied without the connection it would require a major revision to the concept plan which would have to go back through the process as a new submittal. The applicant wants to market one community, not two.

Member Higgins asked about the statement in the staff report indicating there could be a substitution for the pool. Mr. Burhans replied this is correct. In the conditions of approval it states there can be substitution but as a precaution to prevent major amenity packages being replaced with minor there is a requirement it must be of equal value. Ms Higgins asked if this would be determined before the homes are advertised. She referred to her subdivision advertising it would be a pool community at time of purchase and a pool not being built. Mr. Burhans stated there is no guarantee that what would be on the final plans could not change due to foreseen circumstances. Staff wants to make sure that what is represented as a major amenity package is what is delivered on the ground.

Member Higgins asked are they asking for SF-5 because the lot sizes are small. Mr. Burhans replied in looking at the lot sizes they want to construct in lot area staff felt the SF-5 more closely fit. Ms Higgins asked if the project doesn't go through what would the zoning be. Mr. Burhans replied it would be SF-5 Conditioned. The zoning would be recorded after approval from Town Council and whoever purchases the property will know exactly the restrictions on the property. Ms Higgins expressed concerns of developers leaving and left undeveloped parcels.

Member Higgins asked if the lot sizes are the smallest in the area. Mr. Burhans replied yes, some are smaller than in the area. She asked if the cul de sacs will be able to accommodate school buses and truck. Mr. Burhans replied there are minimum radius requirements for all cul de sacs. That is part of the engineering review. Ms Higgins commented the overcapacity issue for the schools was not noted in the staff report. She wanted that to be noted for the record.

Member Higgins asked if SF-5 is considered a medium density. Mr. Burhans replied the SF-5 isn't by itself considered a medium density, 3 units per acre is considered medium density. In the Comprehensive Plan it is a higher single detached density.

Member D'Onfrio expressed concern for the schools. She asked if there is a maximum sq footage for the home. Mr. Burhans replied there is an established minimum 1800 sq ft.

Member Cowan commented on the excellence of the Union County schools. She asked about the flatness of the property and its relation to stormwater. She asked how many, where they will be and the screening. Mr. Burhans replied they are identified. They are spread out and that is because of the layout of the land. Mr. Holbrooks stated there is only 12 feet of fall in the property that is the reason for the number and the location. They are very flat shallow ponds.

Mr. Holbrooks stated he has spoken to Don Hughes, David Pope and Don Ogram from Union County schools. There will be an updated demographic plan by October or December. The lawsuit that is going on right now is hindering some things. The school issue would not be in discussion if the Union County Commission did not defund the elementary, middle and high school on Mill Grove. The land has already been cleared, graded and the schools have already been designed. He stated he will not be putting people in homes until the middle of 2015 and the school system will be catching up with the population. He stated he feels comfortable with that. There is a school site to eliminate the issue. Mr. Burhans stated he wants the Board to be aware these are just estimated time lines.

Member Miller expressed his concerns for the side setbacks. He commented that Ashcroft, Braefield and Arbor Glen have 5 ft setbacks but they have slightly over 3 homes per acre without the Duke Power easement taken into consideration. He stated he has a problem with the 50 foot wide lot size. He asked if sidewalks are lining all of the properties. Mr. Burhans replied there will be sidewalks on both sides of all internal streets. Mr. Miller expressed his concern regarding fire truck accessibility. He stated he likes the concept of this project regarding the materials used on the homes. He stated again he is just concerned about the 5 foot setback especially on the 50 ft wide lots. Mr. Miller stated there is a problem with traffic at Sardis Road. There is going to be a large park constructed in the area. He asked if the Town has addressed the shape of the road and the difficulty it could cause. He stated he feels it is a major problem.

Member Miller asked if there has been any study regarding the noise from Cemex. He also asked if perspective buyers will be notified of the location of the concrete company. Mr. Burhans replied with the development of smaller lots you are seeing a reduction in side setbacks. It is not out of the ordinary in all over construction today. The homes would be reviewed by the Union County inspection office for safety requirements. Mr. Burhans stated the Sardis Road intersection is very complicated. The applicant has prepared a traffic study and the three lane section to help with impact at the development site. Ms DeHart stated the Town Engineering Dept is currently in discussion with NCDOT about improvements at that intersection. Mr. Burhans stated the Town has not done a noise study for the Cemex facility. Staff did go to the site during operation times to determine the needs for buffering. Mr. Holbrooks stated they have not done a study. He stated he has worked at the facility in an engineering capacity and talked to Metrolina who are located next to the facility. He stated he feels comfortable with the mitigation plans of buffering and design of the 3 lots closest to the facility. Mr. Burhans suggested, with legal advice, that notification could be added to the construction plans to advise potential buyers of the concrete company location.

Chair Cowan asked about the hours of operation. Mr. Burhans replied he does not know. Ms Cowan asked if Metrolina has any issue with the noise. Mr. Burhans stated he has not heard anything from Metrolina. He stated a Pastor from First Baptist is in the audience and can speak to that during the public session. Metrolina fields have a 25 foot buffer.

Member Brown stated concern for the berm and asked how tall the trees will be. Mr. Burhans stated they will be evergreen trees but they have not gotten to that level of detail yet. Mr. Brown asked if the larger homes will be put on the larger lots. Mr. Holbrooks stated there will be a mix.

Mr. Brown asked about the width of the roads. Mr. Burhans the entrance areas will have 12 foot wide travel lanes because they get the biggest amount of traffic. The roads will then be transitioned down to 11 foot travel lanes. The streets are not being designed for on street parking.

Member Rollins asked about the road that just ends. Mr. Burhans replied this is an issue that will be coordinated at the final engineering design. There is an undeveloped parcel adjacent to that area and in the event there could be redevelopment this would allow for a continuation of the road. A temporary turnaround is required to accommodate vehicles. Mr. Rollins stated his concern with the 5 foot setback. He asked if the road to the pool will be used as a cut through and if there has been consideration to that. He questioned the counts of the traffic study and has concern more traffic is being put on the roads. He asked if there will be sidewalks on the development side of Unionville Indian Trail Rd. Mr. Burhans replied there are challenges being the sections of right of way down the road are in a different jurisdiction.

Member Miller expressed his concern for the turning ratio at the street that dead ends. Mr. Burhans replied presented is the concept plan not the engineered plan.

Chair Cowan asked if it could be a requirement that developers indicate markers on common area trails for emergency situations.

Mr. Burhans stated they will have a follow up discussion with the fire marshal as to how they address an emergency situation in remote locations. He will also check with the Town Engineer regarding the dead end road.

Public session.

Robert Kiker, resident in the area, stated his property has major problems with drainage. He has property that floods now. He stated the runoff will not work for this development. He also stated the traffic count must be wrong, there is more traffic. Mr. Kiker said the developer did come to his property and discuss the situation.

Jerry Morse stated there are a lot of red flags on this project: Schools, flood plain, traffic, fire services. He asked how many houses would there be if it was zoned as SF1, 140. When you have more acreage the drainage issue starts going away. He stated one of his concerns is when looking at land we start to maximizing the profit potential. He suggested rezoning the land to SF3. He has seen homes with 5 ft setbacks and if they ever caught fire and the wind was blowing the whole row would just go up. He recommended more talking before a decision is made. Get some more input from schools, the Sheriffs dept, Lake Park about sidewalks and include more people that are not.

Member D'Onofrio asked Mr. Morse if while he is out campaigning if he has heard any feedback for a need for larger communities like this with smaller lots. Mr. Morse replied they are not opposed to apartments. He also said there are neighborhoods that are not fully developed out yet. He stated he cannot speak for other people but the feedback is we already have the capacity

of having townhomes available and he sees a need for bigger yards, a lot of folks are concerned we are becoming too urban not as rural as it was when they first moved down here.

Sammy Thomas, on behalf of First Baptist Church of Indian Trail, stated in regards to the noise from the cement facility the offices of the church were on Faith Church Rd for awhile and he never heard them whether he was inside or outside. Mr. Thomas stated the fields that are adjacent to the development have activity mostly during the day. The home football games are there. There are about 6 Friday nights that there will be about 1000 people that are on that parcel. It will get a little noisy if we score a touchdown. He stated they want to be good neighbors and he is sure the developer has considered a good size berm. Mr. Thomas stated the only lighted field is the football field, everything else takes place during the day.

Member Higgins asked if there might be light pollution from the football field. Mr. Thomas replied they are also neighbors to Lake Park. There was concern before the fields were built but there have been no complaints now.

Public session closed.

Member Rollins asked about water flow and grading plans.

Member Brown stated he would like to have more input from the Fire Dept.

Member Miller stated his main concern is the 5 foot side setbacks on the 50 foot wide lots. He also would like information on the turnaround at the dead end street for safety equipment.

Member D'Onofrio stated there have been a lot of red flags regarding the schools.

Member Higgins asked Mr. Burhans to show her on the map where the football fields are. Chair Cowan asked him to also indicate where Mr. Kiker's property is located.

Mr. Burhans indicated the location and stated there is a 25 foot buffer on the Metrolina site. He also indicated the location of Mr. Kiker's property.

Member Higgins asked if 25 feet is wide enough to keep the light out. Mr. Thomas replied that as far as the placement of the fields the buffer is more because there is a whole soccer field between the football field and the development property line. Member Higgins asked if there is a fence along the property line. Mr. Thomas replied yes.

Member Higgins stated she would like to hear from an engineer regarding the drainage.

Member Rosenberg stated he has concerns for all the mentioned issues.

Member Rollins asked about a crosswalk.

Chair Cowan stated she is comfortable with the Fire Marshal making sure the development are meeting the requirements of the turnaround at the dead end. Mr. Burhans stated the Fire Marshal

has reviewed the plans for this community and did not express any comments. He stated he will double check with him about the issue.

Mr. Burhans replied to the concerns and questions. He stated in regards to stormwater he reminded the members this is a concept plan stage. While design professionals have been involved in laying this out and taking some preliminary design and information they have not fully engineered the site. That is where the ponds will go. He stated he can assure the members that the engineering department does review the plans and has not flagged any issue regarding stormwater. If they did see something they would certainly make the applicant aware of it and seek to have it rectified. There are State and Town stormwater guidelines that all projects have to comply with. Mr. Burhans stated the applicant showed good faith in meeting with Mr. Kiker to discuss his situation and concerns immediately after the community meeting. Mr. Holbrooks has stated this situation will be closely looked at when they start engineering the site.

Mr. Burhans stated, relating to a crosswalk, that he will consult with the Town engineers that are managing the sidewalk project as to the plans for a crosswalk. It is not with every project that the town can catch up with all the needed infrastructure. It would be at the intersection not mid block.

Chair Cowan asked if the Town could contact Lake Park and see what their plans are for sidewalks along Unionville Indian Trail Rd. Mr. Burhans stated that Lake Park just adopted a UDO and it would be interesting to know if they have similar requirements if the properties of Cemex develop regarding sidewalks. He stated he would be happy to check with Lake Park.

Member Higgins stated she has talked with Rob Jackson from Union County Public Schools. She stated she was comforted to know the school systems and the towns do communicate. The schools request the information and the towns willingly give it. She commented the middle school is 200 over capacity and it is not safe to be over capacity.

Member D'Onofrio stated she does not believe it is responsible to change zoning, know how over crowded the school is. Mr. Burhans stated being this is not just an isolated problem this is more of a topic the Town Council should discuss in partnership with other communities. We are a district not Town schools. This or any other project if not approved in Indian Trail will jump the border and the problem still exists. We will lose out on infrastructure investment and tax revenue.

Member Higgins stated just because another town may get the development and over burden the schools doesn't mean we have to do it.

Member D'Onofrio stated she doesn't believe we have a dire need for housing.

Chair Cowan stated many members have concerns regarding the 5 foot setback for the 50 foot lots. Member Miller stated the only way this issue could be alleviated is fewer lots, it is a safety issue. He stated he has been on a town board since 1996 and it has always been an issue. Some of the developments that were annexed into Indian Trail already had the 5 foot setbacks but that doesn't mean that we can't change it. He stated the development itself is a nice development, the

concept is fantastic. Mr. Burhans asked if it would be helpful to provide information regarding the material on the side walls of the houses. Mr. Miller replied no, it won't for him. Five is just not safe, how would the fire equipment get to the back of the house.

Chair Cowan asked Mr. Burhans to explain the distance for a 5 foot setback. Mr. Burhans replied if you have two houses there will be a distance of 10 feet between them.

Chair Cowan asked if 5 feet is the minimum listed in the UDO. Mr. Burhans stated the minimum for the SF5 is 10 feet. As part of the Conditional Rezoning request the applicant is asking for a smaller side setback, the trade off being to step up the architecture design of the homes.

Mr. Burhans asked, being there are many items that require research if it is the boards desire to seek out more information and come back. Chair Cowan replied she believes it is being steered towards that or it would possibly be a disapproval.

Mr. Burhans stated the items of issue are to check with the Fire Marshal, Engineering Dept, Lake Park regarding the possible sidewalks, and any options regarding the 5 foot setbacks.

Member Higgins asked, if the setbacks for SF5 are 10 feet, what was the Planning Departments rationale for support of the 5 foot setback. Mr. Burhans replied the project has smaller lot sizes which is conducive to having tighter setbacks. You are seeing 5 foot setbacks more frequently with contemporary small lot developments. The buildings would still go into review with the County Inspection Dept for safety. They would have to pass National standards before they could be built.

Member D'Onofrio asked if the UDO needs any change at this point since it is going towards the 5 foot setbacks. Mr. Burhans replied at this point he does not think so with the standpoint the Conditional Rezoning is a viable process allowing projects to be looked at on a site specific basis. There are a lot of things on the plans that you are not going to get above the requirements of the UDO. Open space land is significantly higher than required.

Member Rollins stated there are a lot of positive in the plan but the 5 foot setback is the issue. There are so many housing developments that they are right on top of each other. You would like to see a little bit larger lot size.

Member Brown stated he likes the concept of the development but they are very close to each other.

Member Miller stated he does not know what would be an alternative but the 5 is a definite no. He stated he likes the project itself.

Member D'Onofrio stated she sympathizes with the developer and she knows the schools are an issue but the setback is an issue. She stated the UDO was put in place for a reason.

Member Higgins stated the UDO is only 5 years old and there was much research done in developing why the setbacks were determined for the different zoning categories. She stated she realizes things have changed because we were in a recession but because the UDO specifies a 10 foot setback for SF5 it should be a 10 foot setback otherwise all other developers are going to come in and request 4 foot, 5 foot or maybe 8 foot side setbacks. She stated she knows Conditional zoning is needed in certain cases but what is the point of having standards.

Member Rosenberg stated he does not really have a problem with the 5 foot setbacks. He believes it is not only profit driven but market driven. There are many people who do not have time for yards. Mr. Rosenberg stated he lives in Bonterra with 5 foot setbacks in some areas, the Charleston Homes might even be less than 5 ft. Many people like that home style. He stated he hears feedback and he knows what people want. He stated he does not want the confusion to be between profit driven and market driven when it comes to the setback issue. He stated the concerns regarding safety issues are legitimate that need to be considered.

Chair Cowan asked if it was set to the minimum of the 10 foot setback how many lots would they get out of this. Mr. Burhans replied they don't know, they haven't done the math. He stated the applicant has indicated they need the 5 foot setback based on the market they are targeting.

Chair Cowan stated if it is the 5 foot that is necessary it is not going to pass. She suggested the item be tabled and maybe with more information the ones that are against the 5 foot setback may be more comfortable with the 5 the next go round. She stated she is looking for a motion to table the item.

Member Rosenberg asked if there is some marketing information the developer can bring back to the board. It would help to enlighten as to what is in demand. Mr. Burhans stated the applicant is developing in Charlotte and in South Carolina utilizing the 5 foot setbacks.

Chair Cowan stated she may be OK with the 5 foot setback; she is very on the fence. She asked the members if they want the 5 foot setback, the 3 is working at Bonterra or do you want apartments, there is no setback between neighbors.

Member Rollins asked about the setbacks in adjacent neighborhoods. Mr. Burhans stated again Ashcroft, Braefield and Arbor Glen are 5 feet. These are all minimum it doesn't mean it can't be larger.

Member Brown asked if the setback was a total of 15 what would the price point of the house be. Mr. Holbrooks replied the price point is not going to change, it is the same pad size. The price of the house is based on sq footage. He stated Mecklenburg County a couple of years ago changed their setbacks from 3 to 5. The National Fire Code dictated that. 10 Foot separation is fine with a masonry wall. He stated the surrounding residential is 5 foot so he did not think this issue would be a concern.

Member Miller motioned to table this item.

Member Brown seconded the motion.

Mr. Burhans stated being this is a tabled item there will be no advertizing required. A special meeting can be held on Tuesday October 15th to hear this item only.
All members voted in favor.

OTHER BUSINESS

Member Higgins stated there will be a Town Council candidate forum Thursday Sept 26th at Sun Valley High School.

PLANNING REPORT

ADJOURN

Town of Indian Trail
Planning Board

Peterson L. Conrad Chair 10-15-2013 Date

Nelson S. Raich Secretary

STATE OF NORTH CAROLINA)
)
TOWN OF INDIAN TRAIL)

ORDINANCE #

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF INDIAN TRAIL REZONING PARCELS 07066007 80 AND 07066007 90. LOCATED ON UNIONVILLE-INDIAN TRAIL ROAD FROM A COMBINATION OF SF-1 (SINGLE FAMILY RESIDENTIAL-1 DISTRICT) & UNINCORPORATED UNION COUNTY R-20 (RESIDENTIAL-20 DISTRICT) TO CZ-SF-5 (CONDITIONAL ZONING SINGLE FAMILY RESIDENTIAL-5 DISTRICT) IN THE TOWN OF INDIAN TRAIL, UNION COUNTY, NORTH CAROLINA

WHEREAS, the property owners consisting of Wells Fargo N.A. and the designated applicants – The Bayard Group, petitioned to rezone tax parcels 07066007 80 and 07066007 90 from a combination of SF-1 (Single Family Residential-1 District) and Unincorporated Union County R-20 (Residential-20 District) to CZ-SF-5 (Conditional Zoning Single Family Residential-5 District); and

WHEREAS, this Conditional Zoning Amendment (CZ2013-003) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, two community meetings were held on July 29th & 31th, 2013; and

WHEREAS, public meetings were held by the Planning Board on September 23, 2013 and October 15, 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 – The proposed conditional district will create a master planned, medium-density residential community with a mix of lot types and housing sizes that will provide affordable living opportunities for a wide range of residents. The plan also contributes to Indian Trail’s supply of parks and recreation lands through the development of a publically accessible trail that will eventually lead to a public greenway identified on the adopted Parks and Greenways Master Plan. The conditional district will also contribute to the enlargement of Indian Trail’s protected, community forest through the establishment of tree retention areas.

Goal 1.3.2 Land Use - The proposed conditional district will avoid potential land use impacts with adjacent properties and surrounding municipalities through the use of extensive separation and buffering from adjacent industrial uses as well as making a significant roadway investment to mitigate any transportation impacts on Unionville-Indian Trail Road. The proposed district will further contribute to a more balanced tax base through the voluntary annexation of approx. 3-acres into the Town of Indian Trail.

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 lot types and housing sizes within the Sardis

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

WHEREAS, after making the draft findings the Planning Board voted 5 to 2 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 October 22, 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 2013-003 Conditional Zoning Petition thereby granting the Zoning Map amendment to establish a Conditional Single Family Residential-5 Zoning District on parcel numbers 07066007 80 and 07066007 90 subject to the following conditions:

1. *Concept Plan and Community Design Guidelines:* The site shall be developed as generally depicted on the approved Concept Plan, referenced as Attachment 1. The proposed single-family homes and amenity improvements shall comply with Unified Development Ordinance (UDO) Chapter 13 *Statement of Integrity and Design* standards and the supplementary Community Design Guidelines developed for the Union Grove conditional rezoning and referenced as Attachment 2.
2. *Exterior Wall Siding Materials:* The use of vinyl siding on the exterior walls of the single family homes shall be prohibited within the Union Grove community. The exterior wall materials shall consist of brick, stone, and/or cement fiber board (i.e. Hardie) materials. The side building walls shall also not be constructed with any highly flammable building material such as natural, cedar shakes or wood siding, and similar materials.
3. *Permitted Uses:* The permitted use of the subject property is for single-family residential detached homes and accessory uses as permitted by the UDO.
4. *Maximum Dwelling Units:* The maximum number of dwelling units permitted on the 68-acre subject property (approx.) shall be limited to 207-homes. The maximum number of 50-ft wide lots shall be limited to 137 lots or 66% of all developed lots. The applicant may make a request to the Planning Director for up to an additional 4-single family lots (211 total) if it can be demonstrated that the lots can be accommodated in compliance with the UDO and the conditions of approval with no substantive impact to buffering from stormwater management facilities or impacts to open space and tree retention areas. The lot type arrangement within Union Grove shall be defined by having the 50-ft lots located west of the Duke Energy transmission line easement and the 60-ft lots located east of the transmission line easement. Cul-de-sac lots requiring increased setbacks to meet min. lot width shall be generally designed to ensure a consistent overall home placement.
5. *Building Setbacks:* Min. building setbacks for single-family homes shall consist of the following: 25-ft front, 5-ft side/10-ft corner or street-side, and 30-ft rear. All homes and related improvements shall also be located outside all sight distance areas. The common area improvements will comply with the conventional SF-5 District setbacks.

6. *TIA Roadway Improvements:* The developer shall be responsible for constructing all road improvements identified in the TIA prepared April 18, 2013 by Kimley-Horn and its associated Addendum prepared August 13, 2013, 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 any homes unless a later or phased timeline is approved by the Town of Indian Trail Engineer and the North Carolina Department of Transportation.
 - Construct a 3-lane road cross section on Unionville-Indian Trail Road between the two site access points with required tapers to create eastbound left turn lanes at each site entrance.
7. *Frontage Improvements:* Unionville-Indian Trail Road along the common site frontage with the Union Grove neighborhood will be improved with curb/gutter, a 6-ft wide sidewalk, and street trees. A min. 35-ft ROW measured from the existing road centerline will be dedicated to NCDOT or its assigns. All required frontage improvements shall be constructed and any associated public ROW dedicated prior to issuance of a Town Zoning Compliance for any homes unless a later or phased timeline is approved by the Town of Indian Trail Engineer and the North Carolina Department of Transportation.
8. *Perimeter Landscaping:* A min. 20-ft perimeter landscape area (outside future ROW) along the common site frontage with Unionville-Indian Trail Road shall be established and planted with trees, shrubs, and ground cover. Other amenities such as ornamental fencing, monuments, and/or other community amenities etc. that are consistent with the Union Grove Community Design Guidelines shall also be integrated within this area. Stormwater management facilities may not be located within perimeter landscape or buffer areas.
9. *Onsite Road Improvements:* Internal roads within Union Grove shall be constructed with a min. of 50-ft and 60-ft Rights-of-Way with improvements consisting of two travel lanes, curb/gutter, sidewalks, and street trees, as generally depicted on Sheet 2 of the Concept Plan. Cul-de-sac roads shall be constructed with an ornamental, center island turning features such as a landscape island (trees not permitted) or similar improvement (subject to Town approval). All internal roads shall be constructed with a minimum pavement thickness consisting of an 8-inch base course, 1.5-inch Intermediate Course, and 1-inch Surface Course, in accordance with Town Engineering standards. Traffic calming shall also be incorporated into the internal road network, as needed, in accordance with the Town Traffic Calming Policy and Town Engineering standards.
10. *Open Space and Tree Retention:* Approximately 15.7 acres of useable open space will be provided. In the event the Duke Energy transmission easement area cannot be used for active recreational uses, parking, and/or road access as generally indicated on the Concept Plan, a major Conditional Rezoning Amendment will be required. Active recreation features shall include paved, concrete trails sized at a min. of 5-ft in width (unless alternative design/material is approved by Town Planning Director), a pool with cabana /recreational building (and associated parking), playground areas, and similar features. The pool and cabana building may be substituted for other major common area amenities representing an equal financial investment in the Union Grove neighborhood (subject to Town approval). The pool and cabana building shall be constructed prior to issuance of Zoning Compliance Permits for the first 25% of homes. Pedestrian amenities consisting of seating areas, landscaping, and related amenities will be provided at trail intersections and in the small pocket parks located throughout Union Grove. A public access easement will be provided for the trail section running through the Duke transmission line easement. 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 Union Grove developer and/or his/her assigns.

Trees retention areas shall be established as generally referenced on the Concept Plan. A survey of existing canopy and/or heritage trees shall be performed with the Site Plan submittal identifying additional trees for retention and/or mitigation needed for removed trees. All reasonable efforts shall be made to retain existing canopy and/or heritage trees, particularly those located on the perimeter of the development adjacent to residential properties.

11. *Stormwater Detention Pond*: The size of the proposed stormwater management facilities identified on the Concept Plan is for illustrative purposes only. The exact size will be determined with the Site Plan submittal. A min. 10-ft of separation shall be provided between the facility and any property lines or ROW lines. A dense vegetated screen shall be provided around the stormwater management improvements to minimize any visual obtrusiveness to adjacent properties or existing or future ROW. The size of the facility separation and/or its screening may be increased by the Planning Director based on the final proposed design and its likely increased visual impact to adjacent properties or existing or future ROW.
12. *Review of Stormwater Plans*: Town Engineering staff and the rezoning applicant's representatives (if needed) will review the proposed grading and drainage plans with the owner of adjacent Parcel #07066008A unless such a review is declined by the adjacent property owner. The intent of the review is to keep the property owner apprised of the final grading and stormwater design and its relationship to adjacent, downstream properties.

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 22nd day of October, 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: Shelley DeHart, AICP
Director of Planning

DATE: October 15, 2013

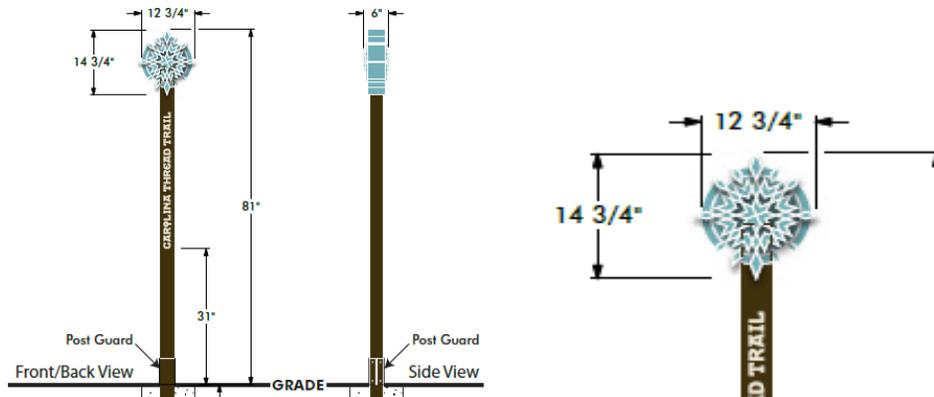
SUBJECT: Greenway Trail Dedication and Acceptance



This is a request for the Town to accept a public greenway trail for maintenance by the owners of Hawthorne at the Trail Apartments (previously Meridian). The property owners were conditioned to build a greenway trail for public use as a condition of their conditional rezoning petition approved by the Town Council in November of 2012. This required greenway trail is now complete and ready for public dedication. This is the first built greenway trail segment of the Carolina Thread Trail in Indian Trail and is approximately a third of a mile in length. Pedestrians can access the trail from the sidewalk on Faith Church Road at the front of the complex or from the southern parking lot at the rear of the complex.

The property owners are also requesting:

- The Town purchase and install a Thread Trail Sign. The sign pictured below will cost \$470; and
- The Town coordinate a ribbon cutting event with them officially opening this segment of the Thread Trail.



Council Action: Accept the public greenway trail and easement as shown on attachment. Consider purchase of sign and ribbon cutting.



TO: Mayor and Town Council

FROM: Joe Fivas, Town Manager

DATE: October 22, 2013

SUBJECT: Interview Selection of the Law Enforcement Study Consultant

As the Town Council directed, Town staff sent out the approved RFQ's to 11 consultant groups. The Town has received three RFQ's proposals. One of the three proposals was received after the deadline and will remain sealed unless the Council would like to waive the deadline requirement and possibility interview the third candidate.

The Town Council must determine which consultant groups to bring into an interview with the Town Council. The Council should also give direction on when the interviews shall be held.

jaf