

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
November 12, 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. [Presentation and acceptance of Annual Financial Statement for period ending 6/30/2013](#)
- b. [Certificate of Recognition for Condor Family – This matter was requested by Council Member King](#)
- c. [Veterans Day Proclamation](#)

5. PUBLIC COMMENTS

6. CONSENT AGENDA

- a. [Approval of draft minutes for October 22, 2013](#)
- b. [Approval of draft minutes for November 1, 2013](#)
- c. [Budget Amendments](#)
- d. [2013 Asphalt Patching Contract](#)
- e. [Approval of organization restructuring](#)

7. PUBLIC HEARINGS

- a. [Annexation 138 Southgate: A request for a voluntary satellite annexation of 140+ acres located within the Poplin and Rocky River Road area. Applicant: Walton North Carolina, LLC; Parcel numbers 07021015J; 07021015E; 07021007D; 07006001; 07006001A and 07009017](#)
- b. [CZ2013-006 Southgate Planned Union Development: A request to rezone 140+ acres from RA-40 to a conditional zoning district \(CZ-PUD\) to all for the Development of a planned mixed-use community consisting diverse residential](#)

action

housing types, institutional use for emergency responders, and neighborhood commercial use. Applicant: John Ross P.E. on behalf of the Walton Development Group; Location: Poplin and Rocky River Road area; Parcels 07021015E; 07021007D; 07006001; 07006001A; 07021015J and 07009017 Link to Project Files and Staff Report.

- c. [CPA 2012-001 Comprehensive Plan Update: A request to adopt updates to the Town of Indian Trail Comprehensive Plan.](#) The Comprehensive Plan serves as the Town's long range guide for managing growth and community development. Proposed updates were made throughout the existing plan and were largely based on updated data and mapping and community feedback. Applicant: Town of Indian Trail; Location: Town wide. Draft Plan Update may be found [here](#).
- d. [Spanish Moss Road Traffic Calming](#)

8. BUSINESS ITEMS

- a. [CZ2013-003 Union Grove Subdivision: Second reading of approval ordinance for a rezone request to establish a Conditional Single-Family Residential-5 Zone on an approximate 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
- b. [Council consideration of Records Request Policy](#)
- c. [Council consideration of approval of change order and Capital Project Amendment Ordinance for Chestnut Square Park](#)
- d. [Council consideration of Park Tree and Greenway Committee changes](#)
- e. [Council consideration of approval of Resolution supporting Union County Public Schools 2009 - 2014 Comprehensive Facilities Assessment – This matter was requested by Council Member King](#)

9. DISCUSSION ITEMS

- a. [Stormwater Program Modifications](#)
- b. [NCDOT discussion of future projection of US-74](#)
- c. [Discussion of process to accept Bonterra streets into public system](#)

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



TO: Mayor and Town Council

FROM: Joe Fivas

DATE: November 12, 2013

SUBJECT: Motion to Accept June 30, 2013 Audit

After the auditor's presentation of the June 30, 2013 financial statements, the Council will need to make a motion to accept the financial statements. Sample motion below:

Motion to accept the June 30, 2013 Annual Financial Report as submitted by Tinsely & Terry, Certified Public Accountants.

Certificate of Recognition

WHEREAS, the Conder Family were one of the first families that settled in the Indian Trail area, approximately 1750. The Conder Farm encompassed the area that is now Pebble Creek Golf Course, Harris Teeter Distribution Center and Radiator Specialty; and

WHEREAS, Eli Conder was an early farmer and merchant in Indian Trail; and

WHEREAS, Eli Conder's son, John Franklin Conder became a Town Commissioner in 1906, he was prominent in forming the first Indian Trail schools; and

WHEREAS, John Franklin wrote a letter to the North Carolina General Assembly requesting that the body pass a statute establishing Indian Trail as an Incorporated Town and that Bill was passed March 6, 1907; and

WHEREAS, John Franklin became the first Mayor of the newly Incorporated Town of Indian Trail in 1907; and

WHEREAS, John Franklin was appointed the first Indian Trail Postmaster in 1910 by the National Postmaster, Frank H. Hitchcock. The post office operated out of the corner of the Conder-Gurley Mercantile Store located at the corner of Indian Trail Road and Indian Trail Unionville Road; and

WHEREAS, John Franklin continued to supply the needs of the community and to be politically involved in the county while operating the Conder-Gurley Mercantile Store; and

WHEREAS, the descendants of Eli Conder continue to promote the Town of Indian Trail and Union County. A great deal of the development of the area is due to the work of this family; and

NOW THEREFORE, I, Mayor Michael Alvarez, along with the Indian Trail Town Council do hereby recognize the Conder Family as the first historical family of Indian Trail and do accept from the Indian Trail Arts and Historical Society the photo of John Franklin Conder and the copy of the original Act to Incorporate the Town of Indian Trail on March 6, 1907 to hand in a Town Hall Office.

This 12th day of November, 2013

Mayor Michael Alvarez

Proclamation
Commemorating Veterans Day
November 11, 2013

WHEREAS, the freedoms we enjoy as Americans have been purchased and maintained at a high price throughout our history; and

WHEREAS, since the establishment of the original 13 states, Americans have been willing to fight and die to preserve their individual rights as guaranteed in the United States Constitution and the Bill of Rights; and

WHEREAS, we owe a great debt to those who have served in defense of this nation, as throughout the generations, their sacrifices have preserved our unique form of government dedicated to human rights and respect for the individual; and

WHEREAS, for many, that sacrifice had ended in permanent injury or death, yet their spirit remains I the continued preservation of our freedoms and the promise of liberty established as an example for all the oppressed persons of the world; and

WHEREAS, in honor of these dedicated men and women, we pledge our continued defense of our nation so that their sacrifice will stand before the entire world as a tribute to the spirit and determination of people dedicated to the principles of freedom and democracy.

NOW, THEREFORE, I, Michael L. Alvarez, Mayor of the Town of Indian Trail, North Carolina, call upon our citizens to salute all veterans who have served with honor and distinction, and to observe this day with appropriate ceremonies in honor of our veterans, both living and deceased, who have served this Country so willingly to preserve the principles of justice, freedom and democracy; to fly the flag; and to show our veterans we appreciate their great sacrifice.

Signed this 11th day of November, 2013.

Michael L. Alvarez, Mayor



Town of Indian Trail
Minutes of Town Council
October 22, 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, Darlene Luther, and David Waddell.

Absent Members: Christopher King.

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

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Alvarez called the meeting to order and led in the Pledge of Allegiance. He announced Council Member King was absent.

ADDITIONS AND DELETIONS

David Waddell made a motion to approve adding a presentation from NCDOT on the Monroe Bypass as item 4c and move the rest down accordingly.
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. William Goodyear Presentation

Mr. Goodyear presented that William Goodyear Company is a manufacturing company that has been in business for 25 years, 21 of which are in Indian Trail. They currently have 2 facilities in Indian Trail and the one on Industrial Drive is involved with the Grant. He explained what his company manufactures advising that the Grant provided them an opportunity to grow. When applying for the grant they indicated it would increase their staff by 16 additional employees and stated that they hired only 10 additional staff members. Mr. Goodyear indicated he was prepared to reimburse the State for the grant obligations that were not completed. Mr. Goodyear was informed by Mr. Fivas that an application for an extension was possible and Mr. Goodyear feels that with the continued growth anticipated he sees no reason why that figure of 16 could not be achieved. In addition to asking for the extension, he wanted to express his gratitude for the grant in the first place, as it allowed them to purchase and refurbish completely an existing building to fit the needs of his company, to employ the people they do and the ones coming in, making on average \$20 per hour.

Mr. Fivas stated we've asked the State to draw up an extension agreement and Council can consider it at the next meeting.

b. Dr. Sidor Presentation

Mayor Alvarez read Dr. Sidor's profile and welcomed Dr. Sidor to the meeting.

Dr. Sidor, Dean of South Piedmont Community College provided information pertaining to the curriculum and opportunities available at South Piedmont Community College.

c. Monroe Bypass Presentation from NCDOT - this item was added as a result of a motion made in Additions & Deletions by Council Member Waddell.

Scott Cole, NCDOT Deputy Division Engineer provided a brief update on the Monroe Bypass that included its history, litigation experienced, current activities, and schedule.

Mayor Alvarez asked Council approval to move up the presentation from Union County Chamber of Commerce since Monroe Union Economic Development is detained. By consensus Council agreed.

e. Monroe Bypass Presentation for Union County Chamber of Commerce - By consensus Council approved moving this matter up because the Representative

from the Monroe Union Economic Development was detained.

Pat Kahle President of the Union County Chamber of Commerce presented to Council the history of the Chamber of Commerce and the many ways the Monroe Bypass will benefit the business community in the County, concluding that the Chamber supports the Bypass and requests construction begin as soon as possible. Ms. Kahle stated that if the Bypass is not built the County will lose approximately 550 businesses to widen US -74.

d. Monroe Bypass Presentation for Monroe Union Economic Development

Chris Patel of the Monroe Union Economic Development reviewed the many consequences that we would incur if the Bypass is not constructed and the quality of life benefits we will experience with the construction of the Monroe Bypass.

f. Monroe Bypass Presentation for Indian Trail Business Association

Mark Savard from the Indian Trail Business Association described the positive impact in the local community that is vital, quality of life for our residents and the business owners who are the conduit of our community. He requested that Council move forward on the project.

PUBLIC COMMENTS

Gordon Daniels, 1020 Wood Creek Lane, commented on the safety issue of Wesley Chapel Stouts/Old Monroe Road stating that emergency vehicles incur added response time on Old Monroe Road during rush hour. He suggested that Council should pass widening Old Monroe Road by a vote of 5-0 asking yourself what is a human life worth.

Gary Savoie, 2014 Apogee Dr., Indian Trail, NC addressed the article in the Enquirer Journal over the weekend, explaining the circumstances, stating that this case was dismissed and closed. He stated that he provided that information to the reporter and a retraction will be in the paper tomorrow. He said it's a personal matter, it's a political ploy, and he is willing to address this matter with anyone personally. He expressed his distress over the pain and suffering of his daughters requesting that candidates look at what they do and consider the consequences.

Jerry Morse, 271 Unionville-Indian Trail Road, Indian Trail, NC addressed the Cultural Arts Festival this weekend stating that it was a great event, he saw a lot of happy kids that had a good time. He stated that small business does drive our economy; he was able to appreciate and didn't know we had them in Indian Trail; it was a great way to promote those businesses. He expressed a concern about a walking billboard ordinance, stating that there was a violation at the festival, feeling it should be addressed, there was a complaint. He agrees the Bypass is needed; he supports it and feels both sides should be presented.

Jim Houston, 2009 Blue Range Road Indian Trail, encouraged everyone to go out and vote, he attended the forum, there were 6 people on the stage and he only recognized 3. He was able to recognize

them because they attend meetings. He spoke about some of the questions/comments made that evening. He believes that those that show and up get involved are committed. He informed he will vote for 2 of three candidates he named, Mr. Faulkenberry, Mr. Morse and Mr. Drehs. David Drehs, 3216 Old Club Trail, Matthews, NC addressed an email he received pertaining to Indian Trail named the best place for job seekers and complimented those responsible for it.

CONSENT AGENDA

- a. Approval of draft minutes for October 8, 2013
- b. Adoption of Union County Nuisance Ordinance **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

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

PUBLIC HEARINGS

- 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.

Mayor Alvarez inquired if anyone wants to sign up for Public Comments on this matter as the original signup sheet is missing. No one wanted to sign up.

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

Mr. Burhans stated that 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.

Mayor Alvarez opened and closed the Public Comments portion of the hearing as no one had signed up to speak.

Robert Allen made a motion to approve 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 and hereby adopts Annexation Ordinance #137.

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

- 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.

Mr. Burhans presented 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).

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.

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

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.

"X 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.

Mayor Alvarez opened the public comments portion of the hearing.

Jerry Morse, 271 Unionville-Indian Trail Road, Indian Trail, NC stated he still has concerns; he believes the traffic counts are a bit skewed s it's a high volume road, as a good neighborhood policy we should be considering how it will affect other schools, 5' setbacks he feels it should be 10'. He inquired how many Conditional Rezoning have not been approved and he was advised none, it's going from an SF1 to a SF5.

Mayor Alvarez closed public comments portion of the hearing.

Robert Allen made a motion to approve making the required findings as read into the record and found in draft ordinance including the Comprehensive Plan consistency statement.

Motion Passed 3 - 1 with David Waddell opposing.

Robert Allen made a motion to approve as presented.

Motion Passed 3 - 1 with David Waddell opposing.

Mr. Merritt advised this is the first reading of an Ordinance that did not pass by at least four of the Council Members it will have to be brought before Council for second reading at the next meeting.

BUSINESS ITEMS

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

Mr. Fivas explained this is a request for the Town to accept a public greenway trail for maintenance, purchase and install a Thread Trail Sign and coordinate a ribbon cutting event officially opening this segment of the Carolina Tread Trail by the owners of Hawthorne at the Trail Apartments. This will be the first built greenway trail segment of the Carolina Thread Trail in Indian Trail.

Robert Allen made a motion to approve taking over maintenance and also do the dedication for the Threadtrail and the sign.

Motion Passed 3 - 1 with David Waddell opposing.

DISCUSSION ITEMS

- a. Discussion of selection of Law Enforcement Agreement Consultant

Mr. Fivas advised that Council assisted in creating and approved the Law Enforcement Consultant RFP guidelines, which staff mailed out to several potential consultants around the Country. We received three proposals, two were delivered within the timeline provided and one was received a day late and has not been opened by staff. Mr. Fivas stated that within the RFP Council has the ability to wave requirements if they wish to open and consider the late arrival? If not we can simply discuss the two received on time, Council discussed the matter.

Robert Allen made a motion to approve adhering to the deadline that we established as a Council.

Motion Passed 3 - 1 with David Waddell opposing.

Mr. Fivas inquired if Council wanted to invite both Consultants in for an interview?

Robert Allen made a motion to approve inviting both Law Enforcement Agreement Consultants in for an interview.

Council voted unanimously in favor of the motion.

MANAGERS REPORT

None

COUNCIL COMMENTS

Mayor Alvarez commented on the report mentioned by Mr. Drehs stating the real credit goes to the hard work of the town staff and thanked them for making us look good. He stated that Mr. Waddell has set up a meeting at SPCC for those interested in hearing an opposing view on the Bypass, simply for informational purposes it's at 6:30 pm, SPCC Salon B. Election Day is coming up, make your decisions, all the candidates have made themselves available to you 24/7, due your due diligence and vote for the candidate that fits what your vision of this town is, leave personalities out of it simply vote on the issues please. He noticed on the school websites that the awards have gone out for teachers and assistant of the year, he congratulate all of them, suggesting each Council Member stop by the schools and congratulate them in person.

Mr. Waddell stated that Mr. Daniels brought up a good point that public safety is the primary purpose for us being here and protecting rights of individuals and he appreciated his comments on Fire safety and EMT safety. There will be conversations long after this council moves on about these services. Mr. Savoie, I appreciate you and wish you the best. Mr. Morse thank you for the support with the SELC thing. Mr. Drehs I can't take credit for Indian Trail being a good town there are many factors involved, the geographical location, proximity to Charlotte and 485, the natural landscape, climate, proximity to mountains and beach, it has done a wonderful job of growing. Council is a big part of the decision making process and we would have to be really bad to mess it up and there are a lot of hard working people to assist in how it grows and we are blessed to have those people behind the scenes doing hard work making it all fit together and in place; he appreciates the comments on that.

Mr. Cohn referred to Mr. Daniels comments on safety advising as a Council we do all we can for the safety of our town and the widening of Old Monroe Road. He suggested Mr. Daniels familiarize himself on why it's not widened. If we could wave our magic wand and widen it, money wouldn't be an issue or taxes, there's reasons why it's not done, as it's the number one concern of us up here. We do care and we have tried hard to get it widened and would want to get it done yesterday. I am proud to live in Indian Trail and thanked the staff for doing their hard work in making Indian Trail #1 again to be a great place to work, play and be a part of.

Mr. Allen as a candidate, until you get behind this desk you don't know how limited you truly are. Often I've seen candidates run on platforms that were addressing schools, water, sewer, roads; you'll spend a lot of time beating your head against the wall as you come to find out how much you don't have control over these issues. You can try and spend a lot of time making relationships and having dialogue with those that do have control over them. Such as we did on Old Monroe Road and Wesley Chapel intersection where we were able to reach out to Raleigh to get nearly a million dollars applied to that intersection that was rated F for 25 years. We were able to leverage that development project which could amount to over sixty million dollars build out to improve that intersection to protect our children. Suggesting that one keeps in mind we did not put those schools there, the County did, but it's our kids going to them so it was a big deal. Mr. Allen referred to the collaboration of staff and developers who worked tirelessly on this subdivision to bring us a better product; it doesn't even resemble what was brought before them in the beginning. Mr. Goodyear is another opportunity where government and the private sector created a positive environment; government does not create jobs, they create an

environment for the opportunity for the entrepreneur, that's what we' doing and that's why we're improving in leaps and bounds. Kudos to staff and Council and the Manager for creating that environment and reaching out and having that collaboration with other agencies creating better intersections for our kids, for grants to grow our businesses and hire people; that ripple effect is huge.

Ms. Luther clarified Mr. Daniels comments and the message she received was that he understand it's being done but he would expect that it be a 5-0 vote; that all of us to be in support of it. She agrees with Mr. Waddell he can't take credit for the advancement of the town, he votes against everything, so I agree with you that you had nothing to do with us moving forward. She believes Mr. Savoie is a great candidate who has been under attack which she doesn't believe is right, it's unfortunate but she agrees he is a darn good candidate and people always attack good candidates to bring them down. She hopes everyone goes out and votes and that we have a good turnout.

CLOSED SESSION

None

ADJOURN

David Cohn made a motion to adjourn
Council voted unanimously in favor of the motion.

APPROVED:

Michael L. Alvarez, Mayor

Attest:

Peggy Piontek, Town Clerk



Town of Indian Trail
Minutes of Special Meeting Town Council
November 1, 2013
Civic Building
8:30 A.M.

The following members of the governing body were present:

Mayor Pro Tem: David Cohn

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

Absent Members: Council Member Darlene Luther and Mayor Michael L. Alvarez.

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney Keith Merritt, Director of Engineering and Public Works Scott Kaufhold , and Director of Community & Economic Development Kelly Barnhardt.

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Pro Tem Cohn called the meeting to order and led in the Pledge of Allegiance.

BUSINESS ITEMS

- a. Council consideration of approval of Bill of Sale for Sanitary Sewage Collection/Outfall Lines located within Sanitary Sewer Easement(s) and/or Road Right-of-Way(s) previously Granted to Union County and/or Allowed through Encroachment(s) by Third Party(s)

Mr. Fivas explained that last year Council approved a large document for a permit for water and sewer application. This is just conveying the easements; essentially you are taking the property that the town owns and giving it to Union County who accepts the maintenance of that facility.

Mr. Merritt informed Council that this is just the conveyance of an easement of the underlying land to Union County for the utilities. Because it's a transfer of property, it requires Council approval which is why we are meeting this morning.

Robert Allen made a motion to approve the of Bill of Sale for Sanitary Sewage Collection/Outfall Lines. Motion Passed 3 - 1 with David Waddell opposing. **(COPY ATTACHED HEREWITH AND MADE A PART OF THE RECORD)**

Mayor Pro Tem Cohn announced that Mayor Alvarez and Council Member Luther were not in attendance.

- b. Council consideration of approval of Bill of Sale for Water Lin(s) located within Water Line Easement(s) and/or Road Right-of-way (s) previously granted to Union County and/or Allowed through Encroachment(s) by Third Party(s) new Park Committee structure

Mr. Fivas informed Council that this is the same situation as previously discussed.

Robert Allen made a motion to approve the Bill of Sale for Water Line(s) located within Water Line Easement(s) and/or Road Right-of-way (s) previously granted to Union County and/or Allowed through Encroachment(s) by Third Party(s) new Park Committee structure Motion Passed 3 - 1 with David Waddell opposing. **(COPY ATTACHED HEREWITH AND MADE A PART OF THE RECORD)**

- c. Council consideration of approval of Sanitary Sewer Line Easement and Bill of Sale for Sanitary Sewage Collection/Outfall Line.

Robert Allen made a motion to approve the Sanitary Sewer Line Easement and Bill of Sale for Sanitary Sewage Collection/Outfall Line.

Motion Passed 3 - 1 with David Waddell opposing. **(COPY ATTACHED HEREWITH AND MADE A PART OF THE RECORD)**

- d. Council consideration of approval of Surety Bond.

Mr. Fivas advised that part of the process to get the water permit for our park is that we need to put up a surety for this infrastructure and if something should happen we would be responsible for repairing it. It's part of their process, we have asked for a waiver on this as it's unusual that a surety is required between local governments, but it's prudent to have the Council approve and give staff authorization to

enter into a surety bond or letter of credit. The cost to the town is approximately \$400 to hold it for 12 months then the requirement goes away, assuming they deny the request for waiver.

Robert Allen made a motion to approve the Surety Bond.

Motion Passed 3 - 1 with David Waddell opposing. **(COPY ATTACHED HEREWITH AND MADE A PART OF THE RECORD)**

CLOSED SESSION

None

ADJOURN

David Waddell made a motion to adjourn

Council voted unanimously in favor of the motion.

DRAFT

APPROVED:

David Cohn, Mayor Pro Tem

Attest:

Peggy Piontek, Town Clerk



TO: Mayor and Town Council
FROM: Joe Fivas
CC: Marsha Sutton
DATE: November 12, 2013
SUBJECT: Budget Amendments for November 12th Meeting

Please find attached budget amendments processed through October 31, 2013. Please feel free to call, email, come in or ask any questions you may have regarding these matters.

**TOWN OF INDIAN TRAIL
BUDGET TO BUDGET AMENDMENT REQUEST**

DATE 10/30/13

DEPARTMENT

Account Number	(Transfer In / Out) Type	Amount	Description
10-00-4110-395-000	Out	500 ⁰⁰	
10-00-4110-454-000	Out	500 ⁰⁰	
10-00-4120-260-000	Out	1,000 ⁰⁰	
10-00-4120-311-000	Out	500 ⁰⁰	
10-00-4120-391-000	Out	2,000 ⁰⁰	
10-00-4120-395-000	Out	1,000 ⁰⁰	
10-00-4120-397-000	Out	5,000 ⁰⁰	
10-00-4130-311-000	Out	500 ⁰⁰	
10-00-4130-397-000	Out	1,000 ⁰⁰	
10-00-4210-183-000	Out	2,000 ⁰⁰	
10-00-4210-292-000	Out	1,000 ⁰⁰	
10-00-4210-397-002	Out	1,000 ⁰⁰	
10-00-4210-510-000	Out	3,000 ⁰⁰	
10-00-5000-450-000	Out	1,000 ⁰⁰	
10-40-4910-260-000	Out	500 ⁰⁰	
10-40-4910-321-000	Out	1,000 ⁰⁰	
10-40-4910-395-000	Out	500 ⁰⁰	
10-40-4910-397-000	Out	1,000 ⁰⁰	
10-40-4920-311-000	Out	500 ⁰⁰	

EXPLANATION:

Reallocate funds to Chestnut Square Project

REQUESTED BY:

FINANCE: Marsha S. Sutton

TOWN MANAGER: [Signature]

For Finance Dept Only:

EFFECTIVE DATE: 10/30/13 JOURNAL NO. ASSIGNED: 390

FISCAL YEAR: 2014 ENTERED: US

PERIOD: _____ DATE: 2/20/14

**TOWN OF INDIAN TRAIL
BUDGET TO BUDGET AMENDMENT REQUEST**

DATE 10/31/13

DEPARTMENT

Account Number	(Transfer In / Out) Type	Amount	Description
10-00-4125-353-000	Out	1,000 ⁰⁰	
10-00-4125-452-000	Out	1,000 ⁰⁰	
10-20-4510-395-000	Out	500 ⁰⁰	
10-20-4510-397-000	Out	1,500 ⁰⁰	
10-40-4260-212-000	Out	1,000 ⁰⁰	
10-40-4260-240-000	Out	1,000 ⁰⁰	
10-40-4260-354-000	Out	1,000 ⁰⁰	
10-40-4260-359-000	Out	1,000 ⁰⁰	
10-40-4260-391-000	Out	500 ⁰⁰	
10-40-4260-397-000	Out	1,000 ⁰⁰	
10-40-4260-397-001	Out	1,000 ⁰⁰	
10-40-4260-557-000	Out	1,000 ⁰⁰	
10-80-6130-496-003	In	11,500	

EXPLANATION:
Reallocate funds to Chestnut Square Project

REQUESTED BY: _____

FINANCE: Maria D. Sutton

TOWN MANAGER: [Signature]

For Finance Dept Only:

EFFECTIVE DATE: 10/31/13 JOURNAL NO. ASSIGNED: 391

FISCAL YEAR: 2014 ENTERED: 11/8

PERIOD: 11 DATE: 11/8/13



Town of Indian Trail

Memo

TO: Mayor and Town Council

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

COUNCIL DATE: November 12, 2013

SUBJECT: 2013 Asphalt Patching Contract

General Information:

Staff conducted an informal bid on Thursday, November 7, 2013 for asphalt patching at various locations.

The three bids ranged from \$30,948.75 to \$54,862.50. Staff recommends A Plus Paving with a bid of \$30,948.75 as the lowest responsive, responsible bidder.

Required Actions:

Council award of Contract

Attachments:

1. 2013 Asphalt Patching Contract Bid Results



Project Bid Opening Results

Project Title: 2013 Asphalt Patching Contract

Date: November 7, 2013, 12 p.m.

Place: Engineering Department, 130 Blythe Drive, Indian Trail, NC

Bidder's of Record	Bidder's Address	Bidder's City	Bidder's State	Bid Amount
A Plus Paving	527 Heather Place	Monroe	NC	\$30,948.75
Indian Trail Service Company	5919 Stockbridge Road, Suite B	Monroe	NC	\$47,750.00
W. M. Warr & Son, Inc.	4519 Old Charlotte Highway	Monroe	NC	\$54,862.50
Bids opened and recorded by Vicky Watts:				



To: Mayor and Town Council
From: Carey Warner, HR Manager
Date: November 12, 2013
Subject: Reorganization of the Public Works Department and creation of Parks and Recreation Department

Public Works

With the creation/establishment of our new park system we recognize the need to restructure our Public Works Department to be more efficient in our processes. We plan to do this by renaming our General Laborer to a Building Maintenance Laborer position and changing the title of our current Equipment Operator to Crew Leader. Currently, we have a General Laborer in the Public Works department who is responsible for providing janitorial functions. When the new parks become operational this new position will require someone to provide janitorial functions for the inside of those facilities as well. It will be more effective to have a General Laborer in Public Works be solely responsible for building maintenance throughout the Towns buildings and facilities and allow the Parks and Grounds Laborer(s) be responsible for all landscaping functions for the Towns grounds, cemeteries, fields, and properties. This will allow our public works employees to focus more on the streets, drains, and sight obstructions throughout the Town. Placing the responsibility of landscaping on the Parks and Recreation department will help us utilize our equipment and resources more efficiently. In changing titles it provides direction for the General Laborers and will allow for the Superintendent to spend more time managing projects and providing input.

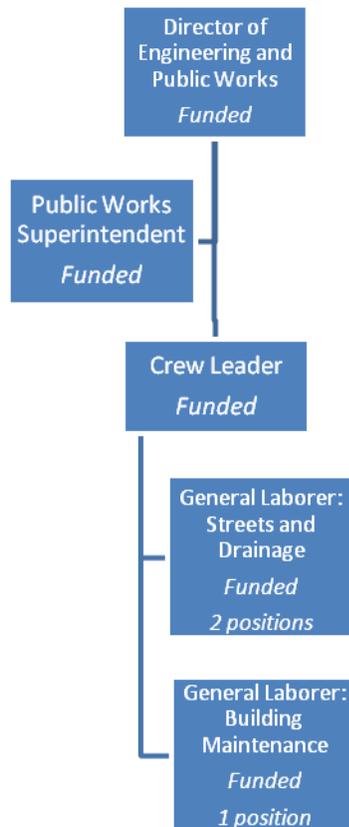
Parks and Recreation

After carefully reviewing the current structure of our Parks and Recreation Department we believe success will be determined by the coordination of events and facilities. Our current department structure does not have anyone handling the athletic and facilities coordination. We also feel that during peak season for tournaments and field usage we may require additional help in the area of field and grounds maintenance. The position(s) are an Athletic and Facilities Coordinator and a part time seasonal Laborer.

The above recommendation does not require any additional funding or creation of new full time positions for our Public Works Department; however, it does shift two Public Works positions to our Park and Recreation Department.

Recommendation: Council consideration of approval of the new organizational structure of Public Works Department on page 2 and the approval of the Parks and Recreation organizational structure on page 3.

Town of Indian Trail Public Works Department



Director of Engineering and Public Works: Under general direction, responsible for coordination, administration and management of all Town engineering and public works, activities and functions.

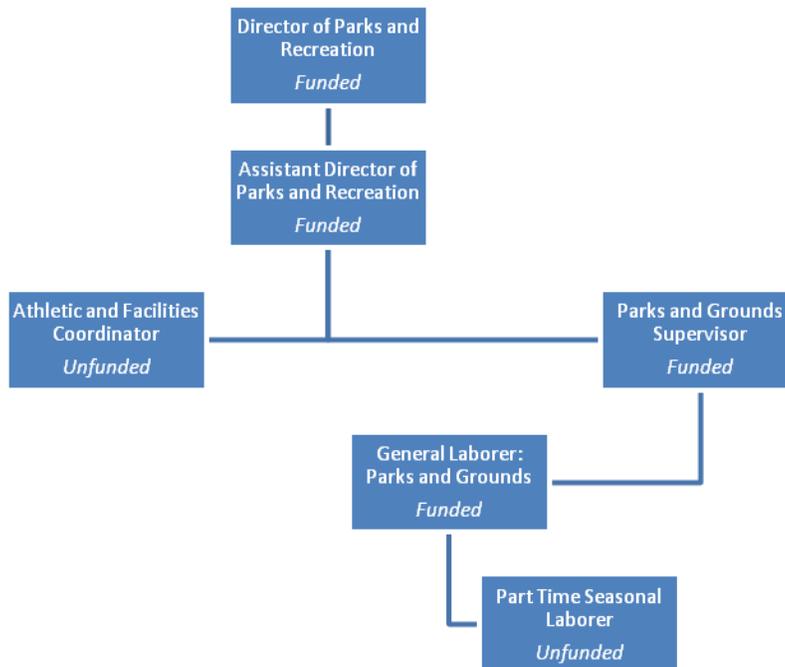
Public Works Superintendent: Performs difficult skilled work in the maintenance, repair and modification of buildings, public facilities, and related equipment, conducts site visits to commercial and residential developments, performs construction inspection for public works projects; does related work as required. Manages Public Works staff comprised of Crew Leader and General Laborers.

Crew Leader: Works under the general supervision of the Public Works Superintendent. Organizes, coordinates, supervises and participates in the work of Public Works General Laborers engaged in repair, replacement, installation and maintenance of streets, storm drainage, right of way maintenance, and other Public Works activities. *This is a working supervisor position with the successful candidate providing guidance in more difficult tasks and establishing work priorities based on departmental and citizen's needs.*

General Laborer: Streets and Drainage Works under the general supervision of the Public Works Crew Leader. Position will work on streets and drainage, right of way maintenance and sight obstructions; and any other work needed to be completed.

General Laborer: Building Maintenance Works under the general supervision of the Public Works Superintendent and Crew Leader. Person will be responsible for janitorial services for Town buildings and parks, electrical, plumbing, meeting set ups, and any additional duties or tasks that need to be completed.

Town of Indian Trail Parks and Recreation Department



Director of Parks and Recreation: Under general direction person is responsible for coordination, administration and management of all Parks and Recreation activities and functions.

Assistant Director of Parks and Recreation: Plans, programs, directs, monitors and controls the Towns Park and Recreation activities and the use and maintenance of the Towns Park and Recreation facilities. Position will manage the Parks and Grounds Supervisor and the Athletic Facilities Coordinator.

Athletic and Facilities Coordinator: Work involves coordinating athletic field use as well as park facilities. Person will be responsible for scheduling and overseeing athletic events, tournaments, user rentals for facilities use, and will be involved in helping coordinate Town events that occur on Park property.

Parks and Grounds Supervisor: Work includes planning, organizing, and supervising the daily operation and maintenance of the Parks facilities as well as the general landscaping of the Towns buildings and grounds. Will supervise General Laborer(s) involved in landscaping, turf care, forestry, rehabilitation and development of parks and recreational areas, facilities and equipment. *This is a working supervisor position with the successful candidate providing guidance in more difficult tasks and establishing work priorities based on departmental and citizen's needs.*

Laborer: Parks and Grounds: Works under the general supervision of the Parks and Grounds Supervisor. Work involves landscaping of buildings, grounds and cemeteries, turf care and rehabilitation, and field maintenance.

Part Time Seasonal Laborer: During peak season depending on fields and facilities usage schedules we would be able to utilize temporary part time Laborers to help during our busiest times.



PO Box 2430
Indian Trail, NC 28079

PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

Case: Annexation #138 Southgate	
Applicant	Walton North Carolina, LLC
Submittal Date	August 19, 2013
Location	Poplin and Rocky River Road Area
Tax Map Number	07009017, 07006001, 07006001A, 07021007D, 07021015E, 07021015J

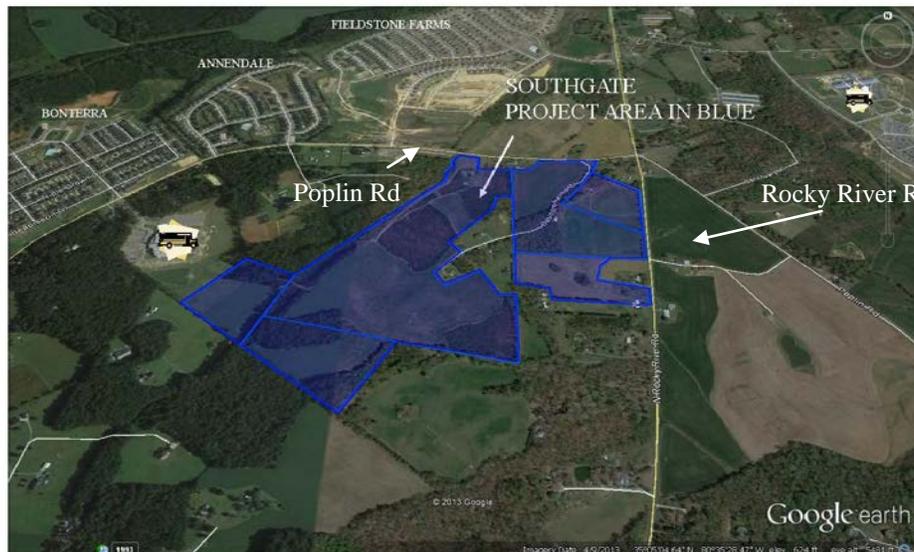
Summary

This is a request to voluntarily annex six properties identified above representing 140.83 acres into the Town of Indian Trail. This annexation is a noncontiguous annexation pursuant to G.S. 160A-58-58.8. The Council took the following actions at its October 8th, 2013 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 November 12, 2013.

Background and Analysis

The subject properties are located in the area of Poplin and Rocky River Road within the unincorporated area of the County.

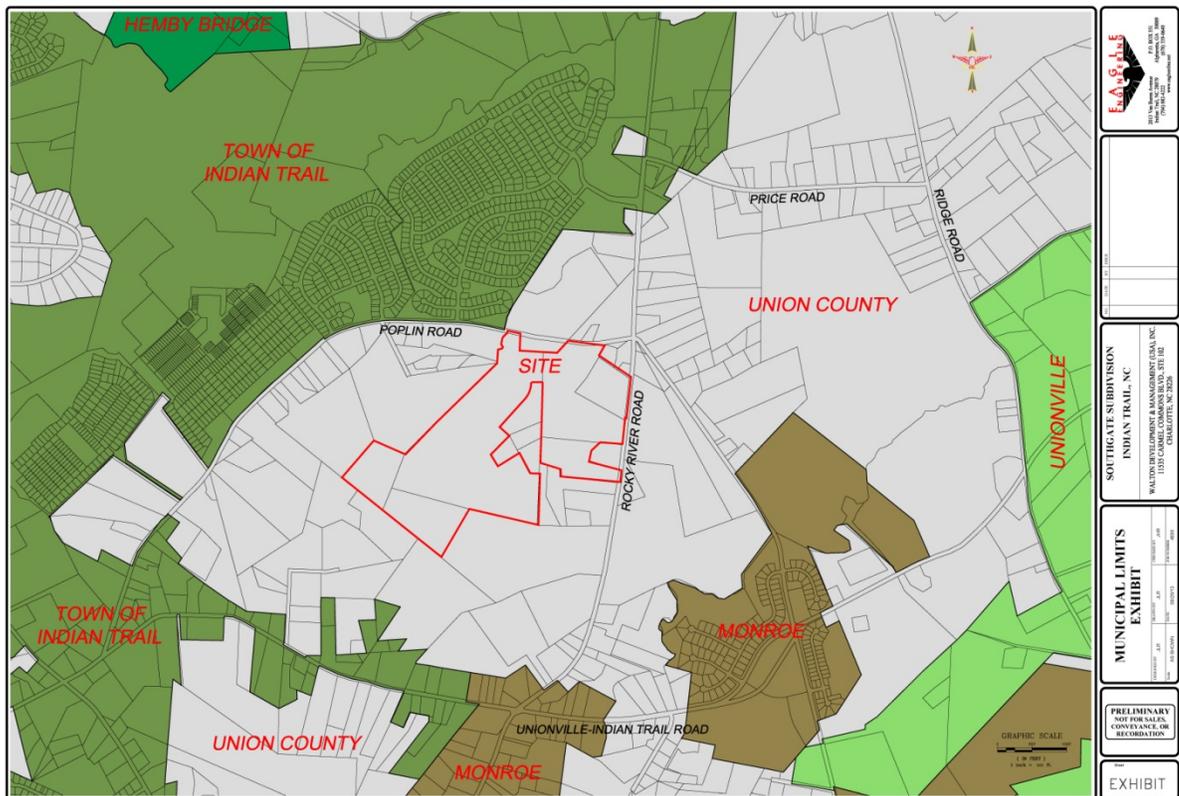


These properties have been used for farming activities and single-family residential use. There is a blue-line stream with associated floodplain adjacent to the west boundary of the site along with patches of wooded area distributed throughout the site. The applicants are processing a conditional zoning petition (CZ2013-006) concurrently with this annexation request.

Satellite Annexation

Properties that are noncontiguous to the jurisdictional boundaries are required to meet the following regulations:

1. Some part of the annexation area must not be more than three miles of the annexing city's corporate limits or must be contiguous to the satellite corporate limits of the annexation city. *The subject annexation area is located approximately 78-linear feet from the Town's corporate limit.*
2. No point in the annexation area may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city. *The map below identifies neighboring jurisdictional corporate limits. There are no closer jurisdictions than Indian Trail to the proposed site.*



3. The annexing city must be able to provide the same services to the annexation area that it provides to areas within its primary corporate limits. *The Town will provide the same services to this annexation area that it provides to areas within our corporate limits.*
4. If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included. *This area is not a subdivision as defined in G. S. 160-A-376.*
5. The total area of a city's satellites, including the annexation area, may not exceed ten percent (10%) of area within its primary corporate limit. *The total area of Town's satellite annexation area including the subject area is 5.4 percent of the primary corporate limit.*

The following finding, pursuant to NCGS § 160A-58.2 regarding voluntary satellite annexations (non-contiguous) in North Carolina, must be made for the annexation to be valid:

The Town Council of Indian Trail finds that Annexation Ordinance Petition #138 hereby:

- Meets the standards set out in G.S. 160A-58.1(b); and
- The petition bears the signatures of all of the owners of real property proposed for annexation; and
- The petition is otherwise valid; and
- The public health, safety and welfare of the inhabitants of the Town and area proposed for annexation will be best served by the annexation.

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-58.2 by 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 #138 establishing the effective date of the annexation as November 13, 2013 at 12:01am.

Staff Contact

Shelley DeHart, AICP

704 821-5401

srd@planning.indiantrail.org

Attachment One: Proposed Annexation Ordinance #138 w/Legal Description

Attachment Two: Petition Application for Proposed Voluntary Annexation w/Maps

TC ATTACHMENT ONE

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 11th day of November, 2013.

TOWN OF INDIAN TRAIL

BY: _____
Michael L. Alvarez, Mayor

ATTEST:

APPROVED AS TO FORM:

Peggy Piontek, Town Clerk

Keith J. Merritt, Town Attorney

LEGAL DESCRIPTION

BEGINNING AT AN EXISTING RAILROAD SPIKE LOCATED IN THE CENTER OF POPLIN ROAD AND BEING THE NORTHWESTERLY CORNER OF THE THERON R. KELLEY PROPERTY (BK. 4909, PG. 767). SAID RAILROAD SPIKE HAVING NORTH CAROLINA GRID COORDINATES OF N: 491,417.96; E: 1,524,174.39 (NAD 83/2007).

THENCE, FROM THE POINT OF BEGINNING AND WITH THE THERON R. KELLEY PROPERTY THE FOLLOWING SIX (6) CALLS: (1) S 02° 21' 04" W FOR A DISTANCE OF 30.41 FEET TO A 5/8" EXISTING IRON REBAR; (2) THENCE, S 02° 21' 04" W FOR A DISTANCE OF 219.61 FEET TO A 1/2" EXISTING IRON PIN; (3) THENCE, S 87° 10' 16" E FOR A DISTANCE OF 43.51 FEET TO A 1/2" EXISTING IRON PIN; (4) THENCE, S 86° 37' 09" E FOR A DISTANCE OF 302.26 FEET TO A NAIL AT THE BASE OF A 1" EXISTING IRON PIPE; (5) THENCE, S 86° 57' 41" E FOR A DISTANCE OF 196.77 FEET TO A 2" EXISTING IRON PIPE; (6) THENCE, N 42° 35' 38" E FOR A DISTANCE OF 236.99 FEET TO A RAILROAD SPIKE IN THE CENTER OF POPLIN ROAD.

THENCE RUNNING WITHIN THE RIGHT-OF-WAY OF POPLIN ROAD S 82° 32' 31" E FOR A DISTANCE OF 442.02 FEET TO A 1" EXISTING IRON REBAR; THENCE LEAVING SAID RIGHT-OF-WAY S 83° 22' 11" E FOR A DISTANCE OF 92.33 FEET TO A 1/2" EXISTING IRON PIPE A CORNER OF BEN L. & AMY G. MORRIS PROPERTY (BK. 1207, PG. 828).

THENCE, S 30° 13' 21" W FOR A DISTANCE OF 166.46 FEET TO A 1" EXISTING IRON PIPE, LOCATED AT THE SOUTHWEST CORNER OF THE BEN L. & AMY G. MORRIS PROPERTY (BK. 1207, PG. 828).

THENCE WITH THE SOUTHERLY BOUNDARY OF THE MORRIS PROPERTY AND THE AFOREMENTIONED FRANKIE L. GREENE PROPERTY, S 56° 04' 13" E FOR A DISTANCE OF 538.90 FEET TO A 1-1/4" EXISTING IRON ROD WITHIN IN THE WESTERLY MARGIN OF THE RIGHT OF WAY OF ROCKY RIVER ROAD NORTH.

THENCE RUNNING WITHIN THE PUBLIC RIGHT OF WAY OF ROCKY RIVER ROAD NORTH THE FOLLOWING THREE (3) COURSES AND DISTANCES: (1) S 56° 05' 37" E A DISTANCE OF 21.14 FEET TO A POINT; (2) S 06° 28' 58" W A DISTANCE OF 604.20 FEET TO A POINT, AND (3) N 61° 03' 42" W FOR A DISTANCE OF 20.23 FEET TO A 1/2" EXISTING IRON REBAR, THE NORTHEASTERLY CORNER OF THE SCOTT P. DAVIS PROPERTY (BK. 3053, PG. 537);

THENCE WITH THE AFORESAID DAVIS PROPERTY AND CONTINUING WITHIN THE RIGHT OF WAY OF ROCKY RIVER ROAD S 05° 45' 41" W FOR A DISTANCE OF 382.53 FEET TO AN EXISTING ANGLE IRON ON THE NORTHERN LINE OF THE JUSTIN M. JENKINS PROPERTY (BK. 5778, PG. 840).

THENCE WITH THE AFORESAID JUSTIN M. JENKINS PROPERTY THE FOLLOWING FOUR (4) CALLS: (1) N 85° 40' 24" W 323.25 FEET TO A ½" EXISTING IRON REBAR; (2) S 46° 45' 04" W FOR A DISTANCE OF 174.08 FEET TO A ½" EXISTING IRON REBAR; (3) THENCE, S 12° 48' 40" W FOR A DISTANCE OF 166.45 FEET TO A ½" EXISTING IRON REBAR; (4) THENCE, S 75° 10' 56" E CROSSING A ½" NEW IRON REBAR AT 429.95 FEET FOR A TOTAL DISTANCE OF 488.10 FEET TO A POINT WITHIN THE RIGHT OF WAY OF ROCKY RIVER ROAD; THENCE WITHIN SAID RIGHT OF WAY S 05° 48' 45" W A DISTANCE OF 169.56 FEET TO A POINT, THE NORTHEASTERN CORNER OF THE JOSEPH T. DEFLAVIS PROPERTY (BK. 4333, PG. 001).

THENCE, WITH THE JOSEPH T. DEFLAVIS PROPERTY THE FOLLOWING FOUR (4) COURSES AND DISTANCES: (1) N 84° 43' 26" W FOR A DISTANCE OF 34.67 FEET TO AN EXISTING ANGLE IRON; (2) THENCE, N 84° 43' 26" W FOR A DISTANCE OF 828.70 FEET TO A ½" EXISTING IRON REBAR; (3) THENCE N 01° 55' 54" W FOR A DISTANCE OF 105.84 FEET TO A BENT EXISTING ANGLE IRON; (4) N 72° 35' 41" W CROSSING A ½" IRON REBAR AT A DISTANCE OF 178.34 FEET FOR A TOTAL DISTANCE OF 308.10 FEET TO A ¾" IRON ROD BEING IN A LINE OF THE ANDREW M. ALLEN PROPERTY (BK 4264, PG. 858) SAID POINT BEING A NORTHWESTERN CORNER OF THE RAYMOND HARTIS PROPERTY (BK. 1590, PG. 138).

THENCE WITH THE ALLEN LINE N 01° 50' 31" E FOR A DISTANCE OF 362.33 FEET TO A 1-1/2" EXISTING IRON ROD AT THE SOUTHEAST CORNER OF THE DENNIS L. BAUCOM & SANDRA BAUCOM PROPERTY (BK. 260, PG. 488);

THENCE WITH THE BAUCOM LINE, N 01° 33' 27" E FOR A DISTANCE OF 236.55 FEET TO A ½" EXISTING IRON REBAR, THE SOUTHEASTERN CORNER OF THE DENNIS L. BAUCOM, JR. & BRANDY C. BAUCOM PROPERTY (BK. 4764, PG. 768);

THENCE, WITH THE AFORESAID BAUCOM PROPERTY THE FOLLOWING FIVE (5) COURSES AND DISTANCES: (1) N 01° 31' 12" E FOR A DISTANCE OF 572.01 FEET TO A 5/8" EXISTING IRON REBAR; (2) S 88° 51' 54" W FOR A DISTANCE OF 167.79 FEET TO A 5/8" EXISTING IRON REBAR; (3) WITH A NON-TANGENTIAL CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 43° 09' 48", HAVING A RADIUS OF 350.00 FEET, AND WHOSE LONG CHORD BEARS S 20° 23' 36" W FOR A DISTANCE OF 257.48 FEET TO A 5/8" EXISTING IRON REBAR; (4) THENCE, S 42° 00' 51" W FOR A DISTANCE OF 547.19 FEET TO A 5/8" EXISTING IRON REBAR; (5) THENCE, S 47° 59' 21" E FOR A DISTANCE OF 188.79 FEET TO A 5/8" EXISTING IRON REBAR BEING THE NORTHWESTERLY CORNER OF THE DENNIS L. BAUCOM PROPERTY (BK. 3765, PG. 620).

THENCE, WITH THE AFORESAID DENNIS L. BAUCOM PROPERTY (BK. 3765, PG. 620) THE FOLLOWING THREE (3) CALLS: (1) S 44° 25' 25" W FOR A DISTANCE OF 383.69 FEET TO A 1/2" EXISTING IRON REBAR; (2) THENCE, S 31° 36' 35" E FOR A DISTANCE OF 197.79 FEET TO A 1/2" EXISTING IRON REBAR; (3) THENCE, N 58°

05' 55" E FOR A DISTANCE OF 366.82 FEET TO A 1/2" EXISTING IRON REBAR ON THE WESTERLY LINE OF THE ANDREW M. ALLEN PROPERTY (BK. 4264, PG. 658).

THENCE, WITH THE AFORESAID ANDREW M. ALLEN PROPERTY THE FOLLOWING TWO (2) CALLS: (1) S 28° 04' 05" E FOR A DISTANCE OF 335.11 FEET TO A 5/8" EXISTING IRON REBAR; (2) THENCE, S 88° 08' 36" E FOR A DISTANCE OF 141.11 FEET TO A 5/8" EXISTING IRON REBAR ON THE WESTERLY LINE OF THE RAYMOND L. HARTIS PROPERTY (BK. 1590, PG. 138).

THENCE, WITH THE AFORESAID RAYMOND HARTIS PROPERTY S 01° 48' 04" W FOR A DISTANCE OF 744.33 FEET TO A NAIL FOUND AT THE BASE OF AN ANGLE IRON, A CORNER OF THE RAYMOND L. HARTIS PROPERTY (BK. 191, PG. 10).

THENCE WITH THE AFORESAID RAYMOND L. HARTIS PROPERTY (BK. 191, PG. 10) THE FOLLOWING TWO (2) CALLS: (1) N 76° 55' 19" W A DISTANCE OF 1026.98 FEET TO A 3/4" EXISTING IRON PIPE; (2) THENCE, S 30° 11' 35" W FOR A DISTANCE OF 805.30 FEET TO A 3/4" EXISTING IRON PIPE ON THE LINE OF THE THOMAS F. BROCK PROPERTY.

THENCE, WITH THE AFORESAID THOMAS F. BROCK PROPERTY N 51° 33' 15" W FOR A DISTANCE OF 423.07 FEET TO AN EXISTING AXLE BEING THE NORTHEASTERLY CORNER OF THE BRANDON M HELMS PROPERTY (BK. 1563, PG. 126).

THENCE, WITH THE BRANDON M. HELMS PROPERTY THE FOLLOWING TWO (2) CALLS: (1) N 51° 19' 10" W FOR A DISTANCE OF 674.30 FEET TO A 3/4" EXISTING IRON REBAR; (2) THENCE, N 51° 18' 41" W FOR A DISTANCE OF 446.56 FEET TO A 1/2" EXISTING IRON REBAR BEING THE NORTHEASTERLY CORNER OF THE STEPHEN T. JAMES PROPERTY (BK. 1563, PG.133).

THENCE WITH THE AFORESAID STEPHEN T. JAMES PROPERTY THE FOLLOWING TWO (2) CALLS: (1) N 50° 59' 28" W FOR A DISTANCE OF 43.04 FEET TO A 1/2" EXISTING IRON REBAR; (2) THENCE, N 51° 21' 14" W FOR A DISTANCE OF 256.41 FEET TO A 1" EXISTING IRON REBAR BEING THE SOUTHEASTERLY CORNER OF THE UNION COUNTY BOARD OF EDUCATION PROPERTY (BK. 4788, PG. 137).

THENCE, WITH THE AFORESAID UNION COUNTY BOARD OF EDUCATION PROPERTY N 40° 41' 19" E FOR A DISTANCE OF 706.61 FEET TO A 1" EXISTING IRON REBAR, A CORNER OF THE LEE REVOCABLE LIVING TRUST PROPERTY (BK. 5563, PG. 565).

THENCE, WITH THE LEE REVOCABLE LIVING TRUST PROPERTY THE FOLLOWING THREE (3) CALLS: (1) S 66° 21' 19" E FOR A DISTANCE OF 501.66 FEET TO A 3/4" EXISTING IRON PIPE; (2) THENCE, N 44° 01' 34" E FOR A

DISTANCE OF 651.00 FEET TO A 30" OAK TREE; (3) THENCE, N 45° 41' 22" E FOR A DISTANCE OF 1221.43 FEET TO AN EXISTING AXLE NEAR A CREEK, BEING A CORNER OF THE JP MORGAN CHASE BANK PROPERTY (BK. 5602, PG. 599) AND THE MARGARET T. PRICE PROPERTY (BK. 223, PG. 602).

THENCE, WITH THE AFORESAID MARGARET T. PRICE PROPERTY THE FOLLOWING TEN (10) CALLS: (1) N 03° 38' 59" E FOR A DISTANCE OF 197.73 FEET TO AN EXISTING AXLE; (2) THENCE, N 75° 39' 13" E FOR A DISTANCE OF 47.05 FEET TO A POINT IN A CREEK; (3) THENCE, N 69° 51' 49" E FOR A DISTANCE OF 16.39 FEET TO A POINT IN A CREEK; (4) THENCE, N 30° 44' 05" E FOR A DISTANCE OF 22.10 FEET TO A POINT IN A CREEK; (5) THENCE, N 32° 56' 25" W FOR A DISTANCE OF 47.09 FEET TO A POINT IN A CREEK; (6) THENCE, N 10° 15' 19" E FOR A DISTANCE OF 88.26 FEET TO A POINT IN A CREEK; (7) THENCE, N 30° 45' 03" E FOR A DISTANCE OF 28.87 FEET TO A POINT IN A CREEK; (8) THENCE, N 45° 28' 09" E FOR A DISTANCE OF 75.54 FEET TO A POINT IN A CREEK; (9) THENCE, N 17° 34' 58" E FOR A DISTANCE OF 17.37 FEET TO A 1/2" EXISTING IRON REBAR; (10) THENCE, N 10° 46' 56" E FOR A DISTANCE OF 16.31 FEET TO AN EXISTING MAG NAIL IN AT OR NEAR THE CENTERLINE OF POPLIN ROAD.

THENCE, WITH POPLIN ROAD N 78° 12' 52" W FOR A DISTANCE OF 189.38 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 140.837 ACRES MORE OR LESS AS SHOWN ON AN ANNEXATION MAP PREPARED BY EAGLE ENGINEERING, INC. (RUSSELL L. WHITEHURST, PLS) AND DATED AUGUST 15, 2013.

TC ATTACHMENT TWO



Town of Indian Trail, NC Voluntary Annexation Petition

A property owner can initiate a voluntary annexation. The property in question can be contiguous to the primary corporate limits of Indian Trail or can be a satellite annexation (i.e.: not contiguous).

Applicable NC State Statutes: Contiguous Annexation – G.S. 160A-31 and -31.1
Satellite (Noncontiguous) – G.S. 160A-58 through -58.8

Criteria for Contiguous Annexations:

An area shall be deemed "contiguous" if, at the time the petition is submitted, such area either abuts directly on the municipal boundary or is separated from the municipal boundary by a street or street right-of-way, a creek or river, or the right-of-way of a railroad or other public service corporation, lands owned by the municipality or some other political subdivision, or lands owned by the State of North Carolina.

Criteria for Satellite Annexations:

1. Some part of the annexation area must not be more than three miles of the annexing city's corporate limits or must be contiguous to the satellite corporate limits of the annexing city.
2. No point in the annexation area may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city, except as permitted by agreement with the other city and except where the annexation area is contiguous to satellite corporate limits of the annexing city.
3. The annexing city must be able to provide the same services to the annexation area that it provides to areas within its primary corporate limits.
4. If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.
5. The total area of a city's satellites, including the annexation area, may not exceed ten percent (10%) of the area within its primary corporate limits.

A Voluntary Annexation Application must include:

1. A Petition for Annexation
 - a. Describes property, including whether it is contiguous or non-contiguous
 - b. Includes printed name, address and signature of each owner of real property in the proposed annexation area
2. Tax Map Parcel Number (s)
3. Includes date of annexation request
4. A copy of deed for each tax parcel
5. A map that shows the proposed annexation area (all parcels included in annexation request) and its relationship to the annexing city, and if necessary (for satellite annexations), any other nearby city or cities.
6. A Metes and Bounds Description of the proposed annexation area (all parcels included in annexation request)



PETITION REQUESTING A VOLUNTARY ANNEXATION

Date: August 19, 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)

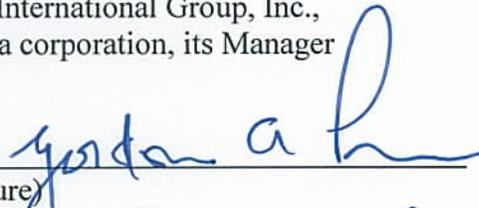
3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town of Indian Trail, North Carolina (and in relation to the primary corporate limits of another municipality if substantial question of whether the area is closer to another municipality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

NAME	ADDRESS (PRINT OR TYPE)	SIGNATURE
1. Walton North Carolina, LLC, a North Carolina limited liability company	c/o Walton Development & Management GA, LLC, 11535 Carmel Commons Blvd., Suite 102, Charlotte, NC 28226	SEE ATTACHED SIGNATURE PAGE
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____

Walton North Carolina, LLC's signature to Petition Requesting a Voluntary Annexation with the Town of Indian Trail dated August 19, 2013

WALTON NORTH CAROLINA, LLC,
a North Carolina limited liability company,
on behalf of itself in its capacity as an Owner
and on behalf of all other Owners in its capacity
as Operator pursuant to that certain Declaration of
Covenants, Conditions and Restrictions filed with
the Union County, North Carolina Register of Deeds
on June 28, 2012 in Book 05764, Pages 0535-0552

By: Walton International Group, Inc.,
a Nevada corporation, its Manager

By: 
(Signature)

Gordon A. Price, Authorized Signatory
Print Name and Title

8-19-2013
(Date)

By: 
(Signature)

Wayne G. Souza, Authorized Signatory
Print Name and Title

8-19-2013
(Date)

LEGAL DESCRIPTION

BEGINNING AT AN EXISTING RAILROAD SPIKE LOCATED IN THE CENTER OF POPLIN ROAD AND BEING THE NORTHWESTERLY CORNER OF THE THERON R. KELLEY PROPERTY (BK. 4909, PG. 767). SAID RAILROAD SPIKE HAVING NORTH CAROLINA GRID COORDINATES OF N: 491,417.96; E: 1,524,174.39 (NAD 83/2007).

THENCE, FROM THE POINT OF BEGINNING AND WITH THE THERON R. KELLEY PROPERTY THE FOLLOWING SIX (6) CALLS: (1) S 02° 21' 04" W FOR A DISTANCE OF 30.41 FEET TO A 5/8" EXISTING IRON REBAR; (2) THENCE, S 02° 21' 04" W FOR A DISTANCE OF 219.61 FEET TO A 1/2" EXISTING IRON PIN; (3) THENCE, S 87° 10' 16" E FOR A DISTANCE OF 43.51 FEET TO A 1/2" EXISTING IRON PIN; (4) THENCE, S 86° 37' 09" E FOR A DISTANCE OF 302.26 FEET TO A NAIL AT THE BASE OF A 1" EXISTING IRON PIPE; (5) THENCE, S 86° 57' 41" E FOR A DISTANCE OF 196.77 FEET TO A 2" EXISTING IRON PIPE; (6) THENCE, N 42° 35' 38" E FOR A DISTANCE OF 236.99 FEET TO A RAILROAD SPIKE IN THE CENTER OF POPLIN ROAD.

THENCE RUNNING WITHIN THE RIGHT-OF-WAY OF POPLIN ROAD S 82° 32' 31" E FOR A DISTANCE OF 442.02 FEET TO A 1" EXISTING IRON REBAR; THENCE LEAVING SAID RIGHT-OF-WAY S 83° 22' 11" E FOR A DISTANCE OF 92.33 FEET TO A 1/2" EXISTING IRON PIPE A CORNER OF BEN L. & AMY G. MORRIS PROPERTY (BK. 1207, PG. 828).

THENCE, S 30° 13' 21" W FOR A DISTANCE OF 166.46 FEET TO A 1" EXISTING IRON PIPE, LOCATED AT THE SOUTHWEST CORNER OF THE BEN L. & AMY G. MORRIS PROPERTY (BK. 1207, PG. 828).

THENCE WITH THE SOUTHERLY BOUNDARY OF THE MORRIS PROPERTY AND THE AFOREMENTIONED FRANKIE L. GREENE PROPERTY, S 56° 04' 13" E FOR A DISTANCE OF 538.90 FEET TO A 1-1/4" EXISTING IRON ROD WITHIN IN THE WESTERLY MARGIN OF THE RIGHT OF WAY OF ROCKY RIVER ROAD NORTH.

THENCE RUNNING WITHIN THE PUBLIC RIGHT OF WAY OF ROCKY RIVER ROAD NORTH THE FOLLOWING THREE (3) COURSES AND DISTANCES: (1) S 56° 05' 37" E A DISTANCE OF 21.14 FEET TO A POINT; (2) S 06° 28' 58" W A DISTANCE OF 604.20 FEET TO A POINT, AND (3) N 61° 03' 42" W FOR A DISTANCE OF 20.23 FEET TO A 1/2" EXISTING IRON REBAR, THE NORTHEASTERLY CORNER OF THE SCOTT P. DAVIS PROPERTY (BK. 3053, PG. 537);

THENCE WITH THE AFORESAID DAVIS PROPERTY AND CONTINUING WITHIN THE RIGHT OF WAY OF ROCKY RIVER ROAD S 05° 45' 41" W FOR A DISTANCE OF 382.53 FEET TO AN EXISTING ANGLE IRON ON THE NORTHERN LINE OF THE JUSTIN M. JENKINS PROPERTY (BK. 5778, PG. 840).

THENCE WITH THE AFORESAID JUSTIN M. JENKINS PROPERTY THE FOLLOWING FOUR (4) CALLS: (1) N 85° 40' 24" W 323.25 FEET TO A ½" EXISTING IRON REBAR; (2) S 46° 45' 04" W FOR A DISTANCE OF 174.08 FEET TO A ½" EXISTING IRON REBAR; (3) THENCE, S 12° 48' 40" W FOR A DISTANCE OF 166.45 FEET TO A ½" EXISTING IRON REBAR; (4) THENCE, S 75° 10' 56" E CROSSING A ½" NEW IRON REBAR AT 429.95 FEET FOR A TOTAL DISTANCE OF 488.10 FEET TO A POINT WITHIN THE RIGHT OF WAY OF ROCKY RIVER ROAD; THENCE WITHIN SAID RIGHT OF WAY S 05° 48' 45" W A DISTANCE OF 169.56 FEET TO A POINT, THE NORTHEASTERN CORNER OF THE JOSEPH T. DEFLAVIS PROPERTY (BK. 4333, PG. 001).

THENCE, WITH THE JOSEPH T. DEFLAVIS PROPERTY THE FOLLOWING FOUR (4) COURSES AND DISTANCES: (1) N 84° 43' 26" W FOR A DISTANCE OF 34.67 FEET TO AN EXISTING ANGLE IRON; (2) THENCE, N 84° 43' 26" W FOR A DISTANCE OF 828.70 FEET TO A ½" EXISTING IRON REBAR; (3) THENCE N 01° 55' 54" W FOR A DISTANCE OF 105.84 FEET TO A BENT EXISTING ANGLE IRON; (4) N 72° 35' 41" W CROSSING A ½" IRON REBAR AT A DISTANCE OF 178.34 FEET FOR A TOTAL DISTANCE OF 308.10 FEET TO A ¾" IRON ROD BEING IN A LINE OF THE ANDREW M. ALLEN PROPERTY (BK 4264, PG. 858) SAID POINT BEING A NORTHWESTERN CORNER OF THE RAYMOND HARTIS PROPERTY (BK. 1590, PG. 138).

THENCE WITH THE ALLEN LINE N 01° 50' 31" E FOR A DISTANCE OF 362.33 FEET TO A 1-1/2" EXISTING IRON ROD AT THE SOUTHEAST CORNER OF THE DENNIS L. BAUCOM & SANDRA BAUCOM PROPERTY (BK. 260, PG. 488);

THENCE WITH THE BAUCOM LINE, N 01° 33' 27" E FOR A DISTANCE OF 236.55 FEET TO A ½" EXISTING IRON REBAR, THE SOUTHEASTERN CORNER OF THE DENNIS L. BAUCOM, JR. & BRANDY C. BAUCOM PROPERTY (BK. 4764, PG. 768);

THENCE, WITH THE AFORESAID BAUCOM PROPERTY THE FOLLOWING FIVE (5) COURSES AND DISTANCES: (1) N 01° 31' 12" E FOR A DISTANCE OF 572.01 FEET TO A 5/8" EXISTING IRON REBAR; (2) S 88° 51' 54" W FOR A DISTANCE OF 167.79 FEET TO A 5/8" EXISTING IRON REBAR; (3) WITH A NON-TANGENTIAL CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 43° 09' 48", HAVING A RADIUS OF 350.00 FEET, AND WHOSE LONG CHORD BEARS S 20° 23' 36" W FOR A DISTANCE OF 257.48 FEET TO A 5/8" EXISTING IRON REBAR; (4) THENCE, S 42° 00' 51" W FOR A DISTANCE OF 547.19 FEET TO A 5/8" EXISTING IRON REBAR; (5) THENCE, S 47° 59' 21" E FOR A DISTANCE OF 188.79 FEET TO A 5/8" EXISTING IRON REBAR BEING THE NORTHWESTERLY CORNER OF THE DENNIS L. BAUCOM PROPERTY (BK. 3765, PG. 620).

THENCE, WITH THE AFORESAID DENNIS L. BAUCOM PROPERTY (BK. 3765, PG. 620) THE FOLLOWING THREE (3) CALLS: (1) S 44° 25' 25" W FOR A DISTANCE OF 383.69 FEET TO A 1/2" EXISTING IRON REBAR; (2) THENCE, S 31° 36' 35" E FOR A DISTANCE OF 197.79 FEET TO A 1/2" EXISTING IRON REBAR; (3) THENCE, N 58°

05' 55" E FOR A DISTANCE OF 366.82 FEET TO A 1/2" EXISTING IRON REBAR ON THE WESTERLY LINE OF THE ANDREW M. ALLEN PROPERTY (BK. 4264, PG. 658).

THENCE, WITH THE AFORESAID ANDREW M. ALLEN PROPERTY THE FOLLOWING TWO (2) CALLS: (1) S 28° 04' 05" E FOR A DISTANCE OF 335.11 FEET TO A 5/8" EXISTING IRON REBAR; (2) THENCE, S 88° 08' 36" E FOR A DISTANCE OF 141.11 FEET TO A 5/8" EXISTING IRON REBAR ON THE WESTERLY LINE OF THE RAYMOND L. HARTIS PROPERTY (BK. 1590, PG. 138).

THENCE, WITH THE AFORESAID RAYMOND HARTIS PROPERTY S 01° 48' 04" W FOR A DISTANCE OF 744.33 FEET TO A NAIL FOUND AT THE BASE OF AN ANGLE IRON, A CORNER OF THE RAYMOND L. HARTIS PROPERTY (BK. 191, PG. 10).

THENCE WITH THE AFORESAID RAYMOND L. HARTIS PROPERTY (BK. 191, PG. 10) THE FOLLOWING TWO (2) CALLS: (1) N 76° 55' 19" W A DISTANCE OF 1026.98 FEET TO A 3/4" EXISTING IRON PIPE; (2) THENCE, S 30° 11' 35" W FOR A DISTANCE OF 805.30 FEET TO A 3/4" EXISTING IRON PIPE ON THE LINE OF THE THOMAS F. BROCK PROPERTY.

THENCE, WITH THE AFORESAID THOMAS F. BROCK PROPERTY N 51° 33' 15" W FOR A DISTANCE OF 423.07 FEET TO AN EXISTING AXLE BEING THE NORTHEASTERLY CORNER OF THE BRANDON M HELMS PROPERTY (BK. 1563, PG. 126).

THENCE, WITH THE BRANDON M. HELMS PROPERTY THE FOLLOWING TWO (2) CALLS: (1) N 51° 19' 10" W FOR A DISTANCE OF 674.30 FEET TO A 3/4" EXISTING IRON REBAR; (2) THENCE, N 51° 18' 41" W FOR A DISTANCE OF 446.56 FEET TO A 1/2" EXISTING IRON REBAR BEING THE NORTHEASTERLY CORNER OF THE STEPHEN T. JAMES PROPERTY (BK. 1563, PG.133).

THENCE WITH THE AFORESAID STEPHEN T. JAMES PROPERTY THE FOLLOWING TWO (2) CALLS: (1) N 50° 59' 28" W FOR A DISTANCE OF 43.04 FEET TO A 1/2" EXISTING IRON REBAR; (2) THENCE, N 51° 21' 14" W FOR A DISTANCE OF 256.41 FEET TO A 1" EXISTING IRON REBAR BEING THE SOUTHEASTERLY CORNER OF THE UNION COUNTY BOARD OF EDUCATION PROPERTY (BK. 4788, PG. 137).

THENCE, WITH THE AFORESAID UNION COUNTY BOARD OF EDUCATION PROPERTY N 40° 41' 19" E FOR A DISTANCE OF 706.61 FEET TO A 1" EXISTING IRON REBAR, A CORNER OF THE LEE REVOCABLE LIVING TRUST PROPERTY (BK. 5563, PG. 565).

THENCE, WITH THE LEE REVOCABLE LIVING TRUST PROPERTY THE FOLLOWING THREE (3) CALLS: (1) S 66° 21' 19" E FOR A DISTANCE OF 501.66 FEET TO A 3/4" EXISTING IRON PIPE; (2) THENCE, N 44° 01' 34" E FOR A

DISTANCE OF 651.00 FEET TO A 30" OAK TREE; (3) THENCE, N 45° 41' 22" E FOR A DISTANCE OF 1221.43 FEET TO AN EXISTING AXLE NEAR A CREEK, BEING A CORNER OF THE JP MORGAN CHASE BANK PROPERTY (BK. 5602, PG. 599) AND THE MARGARET T. PRICE PROPERTY (BK. 223, PG. 602).

THENCE, WITH THE AFORESAID MARGARET T. PRICE PROPERTY THE FOLLOWING TEN (10) CALLS: (1) N 03° 38' 59" E FOR A DISTANCE OF 197.73 FEET TO AN EXISTING AXLE; (2) THENCE, N 75° 39' 13" E FOR A DISTANCE OF 47.05 FEET TO A POINT IN A CREEK; (3) THENCE, N 69° 51' 49" E FOR A DISTANCE OF 16.39 FEET TO A POINT IN A CREEK; (4) THENCE, N 30° 44' 05" E FOR A DISTANCE OF 22.10 FEET TO A POINT IN A CREEK; (5) THENCE, N 32° 56' 25" W FOR A DISTANCE OF 47.09 FEET TO A POINT IN A CREEK; (6) THENCE, N 10° 15' 19" E FOR A DISTANCE OF 88.26 FEET TO A POINT IN A CREEK; (7) THENCE, N 30° 45' 03" E FOR A DISTANCE OF 28.87 FEET TO A POINT IN A CREEK; (8) THENCE, N 45° 28' 09" E FOR A DISTANCE OF 75.54 FEET TO A POINT IN A CREEK; (9) THENCE, N 17° 34' 58" E FOR A DISTANCE OF 17.37 FEET TO A 1/2" EXISTING IRON REBAR; (10) THENCE, N 10° 46' 56" E FOR A DISTANCE OF 16.31 FEET TO AN EXISTING MAG NAIL IN AT OR NEAR THE CENTERLINE OF POPLIN ROAD.

THENCE, WITH POPLIN ROAD N 78° 12' 52" W FOR A DISTANCE OF 189.38 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 140.837 ACRES MORE OR LESS AS SHOWN ON AN ANNEXATION MAP PREPARED BY EAGLE ENGINEERING, INC. (RUSSELL L. WHITEHURST, PLS) AND DATED AUGUST 15, 2013.



Indian Trail, North Carolina 28079
 PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

Planning Board Transmittal for the November 12, 2013 Town Council Meeting

Case: CZ 2013-006 Conditional Zoning			
Reference Name	Southgate Planned Unit Development		
Planning Board Meeting Date	October 29, 2013		
Members Present	Chair Cowan <input type="checkbox"/>	Jan Brown <input checked="" type="checkbox"/>	Vice Chair Larry Miller <input checked="" type="checkbox"/>
	Chair Higgins <input checked="" type="checkbox"/>	Kelly D' Onofrio <input checked="" type="checkbox"/>	Robert Rollins <input checked="" type="checkbox"/>
	Sidney Sandy <input checked="" type="checkbox"/> Alternate 3	Cheryl Mimy <input checked="" type="checkbox"/> Alternate 1 (Present non-voting)	Steve Long <input checked="" type="checkbox"/> Alternate 2 (Present non-voting)
	Alan Rosenberg <input checked="" type="checkbox"/>		
Case Found Complete	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Motion	Recommend approval to Town Council as Conditioned		
Member Making the Motion	Boardmember Sandy		
Second the Motion	Boardmember Rosenberg		
Vote	6-1 recommend approval		

Request: This is a request to establish a Conditional Planned Unit Development (CZ-PUD) zoning district, with the Village Center Overlay, to support a mixed use development on approximately 140 acres. Six parcels make up the 140+ acre project site which is located in the area of the Poplin/Rocky River Road intersection. The planned development is proposed to be designed under Traditional Neighborhood Development (TND) principles of compact design, mixed use, pedestrian-oriented development, with parks, greens, and squares. This proposed TND consists of mixed residential housing types (single-family detached, townhomes, and apartments), institutional use (emergency response facility site), and neighborhood commercial use. The gross density of the community would be approximately 3.8 dwelling units to the 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

The applicant has requested this conditional rezone for the purpose of developing a Planned Unit Development (PUD) pursuant to Chapter 660 of the Indian Trail Unified Development Ordinance (UDO). A Planned Unit Development is intended to allow creative and harmonious mixtures of land uses under a single master plan, which are well planned and complimentary to each other. The proposed Conditional Planned Unit Development (CZ-PUD) zoning district, with the Village Center Overlay, has been branded as *Southgate* by the applicant. The guiding principles for the Southgate Planned Community, as identified within the Southgate Master Plan, are: *Quality of Life, Sense of Community, Enduring Design, and Site Stewardship*. Section 4 of the Southgate packet is the Master Plan which provides the development design guidelines proposed to fulfill the applicant vision for this planned community and support its guiding principles listed above.

Six parcels make up the 140+ acre project site which is located in the area of the Poplin/Rocky River Road intersection. The planned development is proposed to be designed under Traditional Neighborhood Development (TND) principles of compact design, mixed use, pedestrian-oriented development, with parks, greens, and squares. This proposed Planned Unit Development consists of mixed residential housing types (single-family detached – 250 units, townhomes-52 units, and apartments-240 units), institutional use (emergency response facility site- 2 acres), and 23+ acres of neighborhood commercial use. The gross density of the community would be approximately 3.8 dwelling units to the acre. The development will have five access points, two on Poplin Rd and three on Rocky River Road. The proposal also contemplates roadway improvements as recommended in the submitted Traffic Impact Analysis and approved by the North Carolina Department of Transportation (NCDOT). The development provides both recreational and passive open space within each use district including a trail pathway to the adjacent elementary school. See Section 3 for larger concept plan and detailed analysis.



Planning Board

This project was heard by the Planning Board at its October 29, 2013 public meeting. The Planning Board had few questions associated with timing of the development and internal circulation. The applicant provided the following additional information at the Board meeting:

- *An economic impact report was provided prepared by the Bleakly Advisory Group which projected the following:*
 - *Southgate will be valued at \$124,850,000, based on today's real estate development prices and today's dollars.*
 - *Combined local property and sales tax collections at Southgate will equal \$1.9 million annually.*
 - *286 permanent jobs would be created by the commercial tenants of the development at build-out.*
 - *1,500 construction jobs over the course of the build-out period.*

See attachment 1- for the complete report.

- *The applicant has also committed monies (\$180,000) for a longer-term intersection improvement at Poplin and Rocky River Road. NCDOT has recommended a partnership between the developer, the Town and NCDOT to construct longer-term improvement of a traffic circle at that location.*

There were no members of the public signed up to speak to the project other than the applicant's development team. After receiving the report, public comments, and deliberations, the Board motioned to make the findings and transmit a recommendation to approve as conditioned (6-1). The proposed draft conditions are:

1. *Concept Plan and Architectural Guidelines:* The site shall be developed as generally depicted on the approved concept plans dated August 23rd, 2013 (detailed concept plan) and September 17th 2013 (Zoning Concept Plan). The overall development shall comply with Unified Development Ordinance (UDO) Chapter 13 *Statement of Integrity and Design* standards and the supplementary *Southgate Design Guidelines* dated "Updated September 19, 2013". Additional conditions:
 - a. Parking for the townhomes shall located and accessed from behind units with visitor parking provided on-street.
 - b. Additional on-street parking shall be provided within the single-family district at key locations including the district's green spaces.
 - c. A trail shall be constructed from the neighborhood to the adjacent school – Poplin Elementary. Said trail shall be design and approved by Union County Public Schools.
 - d. Building materials shall be limited to those identified within the *Southgate Design Guidelines* or otherwise conditioned herein.
 - e. Side facades of the single-family residential dwellings are restricted to masonry materials.
 - f. All structures shall meet the requirements of the fire codes and building codes adopted by Union County at the time of development.
2. *Permitted Uses:* The permitted use of the subject property shall consist of a mix of single-family residential, multi-family residential, institutional use for emergency responders, and neighborhood commercial. All uses are restricted to those identified within the *Southgate Design Guidelines*.

- a. The applicant shall dedicate a two acre parcel, as identified within the concept plan, to the Town for the purpose of emergency responder facility within 6-months from the date of approval.
 - b. Said emergency responder parcel will be donated to the fire protection agency (currently Hemby Bridge Fire Department) that services the area. The fire protection facility shall include an office and storage area for the Town's law enforcement agency (UCSO).
 - c. The commercial district (NBD) is approved for 23.07 acres for a maximum of 16.4% of the PUD.
3. *Maximum Residential Dwelling Units*: The maximum number of residential dwelling units permitted within the planned community is 542 dwelling units consisting of:
 - a. 250-single-family detached residential units;
 - b. 52- townhome units, and
 - c. 240 multi-family apartment dwelling units.
 - d. The overall density of the project shall not exceed 3.81 du/acre.
 4. *TIA Roadway Improvements*: The developer shall be responsible for constructing all road improvements identified in the Final TIA prepared October, 2013 by DMPR. The applicant has offered \$180,000 towards a future traffic circle in partnership with the Town and NCDOT for the intersection of Rocky River Road and Poplin Rd. The acceptance of these funds shall satisfy the required left-turn lane at this intersection and Poplin and Unionville- Indian Trail Road (within Monroe Bypass Alignment).
 5. *Frontage Improvements*: Poplin Road and Rocky River Road street frontage will be improved with curb/gutter, a 6 to 10-ft wide sidewalk, and street trees. A min. 42 1/2-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 pursuant to an approved phasing plan.
 6. *Landscaping*: A master landscape plan shall be submitted and approved by the Town during the site plan approval process. The perimeter landscaping and entry areas shall be design to mimic the rural open space feel of the surrounding areas. Other amenities such as ornamental fencing, monuments, and/or other community amenities etc. that are consistent with the *Southgate Design Guidelines* shall also be integrated within this area.
 7. *Onsite Road Improvements*: A complete hierarchy of streets are required promoting good connectivity in keeping with principles of a TND:
 - The main arterials located within the commercial/multi-family/single-family district will be 60—ft wide ROW and shall accommodate on-street parking. Secondary roads within the single-family districts shall be 50-foot wide ROWs.
 - All streets shall be improved with curb/gutter, sidewalks, street trees, and decorative street lights.
 - The primary entrance road within the single-family residential district at Poplin will include a small round-about to preserve some existing heritage oak trees of the site.
 - Proposed stubbed streets will be designed to address any required temporary turn-around needed by emergency services.
 - Traffic calming is required throughout the development and shall include such features as: corner bulb-outs, enhanced pedestrian crossings, and landscape medians.
 - Alternative roadway designs would be considered at plan review to encourage rear loading garages within the single-family district subject to approval by the Town Engineer and emergency service responders.

8. *Open Space and Tree Retention:*
 - a. The development shall provide a minimum of 35.21 acres or 25% of the total site area is open space. This open space shall be distributed through-out the planned community including the commercial area.
 - b. Each residential district (single-family & multi-family) shall include a recreation amenity area.
 - c. Both active and passive recreation facilities shall be found throughout the development which can include: plazas and green spaces promoting public art within the commercial district.
 - d. A greenway trail shall be constructed within the floodplain area along the west property line. Additional trails shall be constructed linking residents to the various districts.
 - e. The applicant shall comply with the Tree Preservation Ordinance within the UDO.
 - f. Street trees are required on all streets including exterior streets to the development.
 - g. A minimum 25-wide buffer is required adjacent to the exterior boundaries of the planned development. Buffers are required to be a minimum of 50-feet in width surrounding the multi-family district adjacent to single-family residential properties located exterior to the development. Buffers are required to be built in compliance with the UDO or otherwise as agreed upon with adjacent property owners.
 - h. Maintenance of all open space areas shall be the responsibility of the Southgate developer and/or his/her assigns.
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. A min. 10-ft of separation shall be provided between the facility and any property lines or ROW lines.
 - b. 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 if not designed as an amenity. 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.
 - c. Large detention facilities located within required open space located at the entrance areas of all districts shall be designed as an amenity.
10. *Adjacent Property Owner Agreements:* The developer shall be conditioned to comply with signed agreements enter into with the James/Helms property owners to the South providing sewer access and separation fencing.
11. The approval of this conditional district (CZ-PUD/O-VC) is subject to the approval of Annexation Ordinance #138.
12. The Town Council may act to revoke the conditional zoning district designation if the applicant fails to meet the terms of the district.

Upon agreement on the proposed conditions, the Board made the following findings of fact:

Goal 1.3.1 Quality of Life – The proposed conditional district will create a planned unit development under the guiding principles of a Traditional Neighborhood Development providing diverse housing and affordable living opportunities for a wide range of residents, promoting a walkable mixed use community with a compact design, pedestrian amenities, and open space.

The community's extensive design guidelines further establishes a unique identity for the Rocky River Village Center and the Town.

Goal 1.3.2 Land Use - The proposed conditional district will avoid potential land use impacts with adjacent properties and adjacent municipalities by providing a sensitive buffer design between neighboring properties. The proposed district will further contribute to a more balanced tax base through the voluntary annexation of 140 acres into the Town of Indian Trail and mixed use approach providing 23 acres of commercial use.

Goal 1.3.3 Transportation – The proposed district is designed under the guiding principles of a Traditional Neighborhood Development providing mixed use in a compact design offering multi-modal options thus relieving congestion on our roads.

This conditional zoning district is a reasonable request and is in the public interest because it helps create a mix of land uses within a well planned community providing expanded housing, business, job, and lifestyle opportunities for Indian Trail citizens and business owners. The district also includes elements that benefit the general public in the areas of open space, tree preservation, and transportation infrastructure investment.

Town Council Action

Receive the Planning Board Transmittal recommending approval, public comment, and after deliberations, make one of the following motions:

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 map amendment.*

Staff Contact

Shelley DeHart, AICP
srd@planning.indiantrail.org
(704) 821-5401

Attachment 1- Bleakly Advisory Group Economic Impact Report dated October 15, 2013.
Complete Analysis found in Section 3- of this packet.



Bleakly Advisory Group

To: Peter Langham
Walton Development and Management, Southeast USA

From: Ken Bleakly & Geoff Koski
Bleakly Advisory Group

Date: October 15, 2013

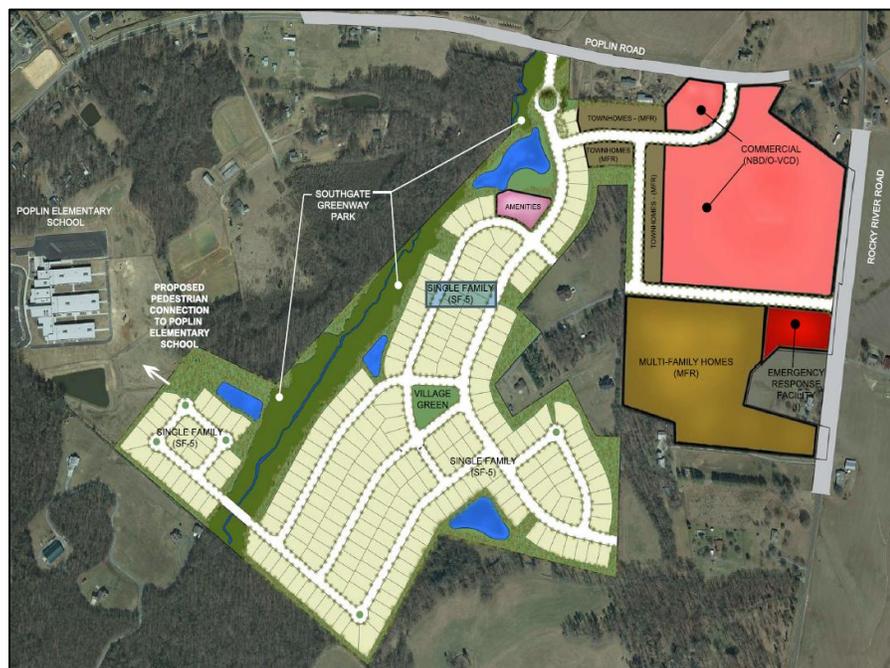
Re: Southgate

Relevant to the impending development of Walton's Southgate mixed use development in Indian Trail, NC, Bleakly Advisory Group (BAG) analyzed the project's potential economic impacts. This memo summarizes the results of that analysis and is based on the current build-out assumptions for the property supplied to BAG by Walton.

Southgate is located approximately 15 miles southeast of Charlotte in Union County, NC, which was the fastest growing county in North Carolina during the last decade. The development is situated at the southwest corner of Poplin Road and Rocky River Road, currently in unincorporated Union County.

Walton officials have indicated that the development will be annexed into the town of Indian Trail prior to build out. Thus, this analysis examines the future fiscal revenues generated at Southgate to both Union County and Indian Trail.

Southgate Conceptual Zoning Plan



The town of Indian Trail grew by 185% from 2000-2010 to 33,518 people. Walton's Southgate proposes to serve this growth by providing not only new residential and commercial opportunities and greenspace for residents, but also municipal services in the form of a new emergency response facility.

6000 Lake Forrest Drive • Suite 108 • Atlanta, GA 30328

Tel: 404-845-3550 • Fax: 404-795-0707 • Cell: 404-316-8990 • Email: ken@blagroup.com

The current Southgate land use assumptions, as provided by Walton are as follows:

Single-family Detached	250 units
Townhomes	52 units
Multifamily Residential	240 units
Retail	170,000 SF
Emergency Response Facility	10,000 SF

Economic Impact Conclusions

Southgate is expected to be valued at over \$125 million, home to 286 permanent jobs, and provide an estimated \$1.9 million in annual total local taxes, including property and sales taxes.

- Southgate will be valued at \$124,850,000, based on today's real estate development prices and in today's dollars.
- The local property tax rate in Union County is .66 per \$100 of assessed property tax value and in Indian Trail it is .185 per \$100. Given these rates, Southgate will generate \$824,000 to Union County and \$231,000 to Indian Trail in annual property tax revenues for a total of \$1,055,000.
- Assuming retail sales of \$250 per SF at Southgate's 170,000 SF commercial component, retail sales at project build out would bring another \$850,000 in sales taxes into the local county coffers annually, based on the 2% local sales tax rate.
- Combined local property and sales tax collections at Southgate will equal \$1.9 million annually.
- The commercial and residential components of Southgate will pay an estimated \$27,800 in annual stormwater fees to Indian Trail.
- 286 permanent jobs would be created by the commercial tenants of the development at build-out.
- Further, the project would bring over 1,500 construction jobs over the course of the build-out period.
- The proposed Indian Trail emergency response facility at Southgate would bring an added benefit to the community. At 10,000 SF, the facility will necessitate 15-20 temporary construction workers and additional 3-5 permanent employees.

Figure 1: Impact Summary

ECONOMIC IMPACTS OF PROPOSED SOUTHGATE DEVELOPMENT, UNION COUNTY, NORTH CAROLINA								
	Project Value			Employment Impacts				
	Units/SF Rooms	Value per Unit/SF	Market Value	Employ. per Unit/SF/Room	Permanent Employment	Construction Cost	Labor Costs	Construction Employment
Residential								
Single-family Detached	250	\$ 250,000	\$62,500,000			\$ 50,000,000	\$ 27,500,000	751
Townhomes	52	\$ 200,000	\$10,400,000			\$ 8,320,000	\$ 4,576,000	125
Multifamily	240	\$ 125,000	\$30,000,000			\$ 24,000,000	\$ 13,200,000	361
Subtotal Residential Units	542		\$102,900,000			\$ 82,320,000	\$ 45,276,000	1,237
Retail	170,000	\$ 120	\$20,400,000	1/600 SF	283	\$ 16,320,000	\$ 8,976,000	245
Emergency Response Facility	10,000	\$ 155	\$1,550,000		3	\$ 1,240,000	\$ 682,000	19
Total Development/ Employment			\$124,850,000		286	\$ 99,880,000	\$ 54,934,000	1,501
Union County Property Tax @ .66/\$100	\$ 824,010							
Indian Trail Property Tax @ .185/\$100	\$ 230,973							
Retail Sales @ \$250/SF	\$ 42,500,000							
Local Sales Taxes @ 2%	\$ 850,000							
Stormwater Fees								
Single-family @ \$50.88	\$ 12,720							
Townhome/MultiFamily @ \$42.48	\$ 12,404							
Non-residential @ \$32.40/equivalent residential unit (ERU)	\$ 2,674							
Total Stormwater Fees	\$ 27,798							

Note: Construction employment figures reflect jobs created over the course of the project build-out.



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

To: Mayor Michael Alvarez & Town Council

From: Rox Burhans, Senior Planner

Date: November 6, 2013

RE: CPA2012-001: COMPREHENSIVE PLAN UPDATE ADOPTION

Overview

Enclosed for Town Council consideration is a draft hard copy of the Comprehensive Plan update prepared by HNTB (comp. plan consultant team). The plan update was initiated by the Council in August of 2012 and reflects a broad update based on current data and mapping, refinements to the villages and corridors concept, and input from residents and business owners. The intent of the update was to ensure that the Comprehensive Plan reflected the latest data and information and is capable of guiding the Town's growth and community development for the coming years. The update was not intended to make significant changes to the overall vision for the community that received significant community endorsement and Town Council approval in 2005 and later in 2008. Please refer to the enclosed Planning Board memo for a broad overview of the Comprehensive Plan Update process.

Planning Board Review

The Planning Board reviewed the draft plan update at their October 29, 2013 public meeting. There were no public comments provided, however, there were recognitions made to members of the Comprehensive Plan Update Advisory Committee that were in attendance. The Advisory Committee was a volunteer group comprised of citizens and other stakeholders that acted as a sounding board for proposed updates throughout the process. After receiving a presentation by HNTB, the Planning Board inquired about minor topics regarding the relationship of the plan to the potential future Monroe Bypass and indicated their overall satisfaction with the update. The Board also indicated their pleasure with the key pad polling tools used at the December 2012 public meeting. The Planning Board voted unanimously to recommend Town Council adoption of the proposed Comprehensive Plan updates (CPA2012-001).

Next Steps

Town Council will consider the proposed Comprehensive Plan updates in a public hearing at their November 12, 2013 meeting. If adopted, the consultant team will prepare the Implementation Element for the plan along with final editing and formatting for Planning Board approval in 2014. A condensed, "digital magazine" version of the Comprehensive Plan will be developed for use by citizens, Town Council, and other interested groups.

Please feel free to contact me at 821.5401 or RBurhans@planning.indiantrail.org with any questions.

Enc: Draft Comprehensive Plan Update
Planning Board Memo and Draft Resolution



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

PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

To: Planning Board
From: Rox Burhans, Senior Planner
Date: October 17, 2013
RE: **2013 COMPREHENSIVE PLAN UPDATE ADOPTION**

Enclosed for Planning Board consideration is a draft copy of the Indian Trail Comprehensive Plan Update. The Board will consider the proposed updates at their October 29, 2013 meeting and will provide a recommendation to the Town Council for adoption. The following will provide a brief overview of the project background and additional information to guide review of the material.

BACKGROUND AND OVERVIEW

The Indian Trail Comprehensive Plan: *The Villages of Indian Trail-A Plan for Managed Growth and Livability* is intended to be a long term road map for the Town to guide future growth and community development. The Town Council adopted the previous Comprehensive Plan in November 2005 and it was later updated in July 2008 to help address the changing landscape occurring due to rapid growth. The plan recommended two benchmarks regarding when an update should occur. These benchmarks include:

1. When the Monroe Connector final alignment is determined and a construction schedule is set; and
2. At five years after the Plan's adoption or when the Planning Area population reaches 30,000.

Both of these recommended benchmarks were previously reached, and this, combined with other growth factors, necessitated Town Council approval of an update to the Plan in August of 2012.

OVERVIEW

In reviewing the enclosed materials, it is important for Board members to keep in mind that this project was a plan update and is not intended to reflect development of a new plan or major changes in the overall vision for Indian Trail. The updates were largely based on incorporation of new demographic and economic data, updated mapping, improvements to the document narrative and format, and incorporation of community feedback. The Town and HNTB would like to recognize the Comprehensive Plan Advisory Committee, a group largely comprised of residents that represent a broad cross section of the Indian Trail community, for volunteering their service as a sounding board for draft plan proposals.

NEXT STEPS

Following the October Planning Board meeting, the Town Council will hold a public hearing at their November 12, 2013 regular meeting to review the proposed updates and the Planning Board recommendation. If the updates are adopted by the Town Council, HNTB will begin preparing updates to the Comprehensive Plan Implementation Program and will return to the Planning Board for feedback. The consultant team will also prepare a tax base analysis of the updated plan following adoption. The adopted plan will also be condensed into a graphically based "digital magazine" following adoption.

Draft copies of the updated plan are available for public review within the Town's Administrative Services Building, the Union-West Regional Library, and on the Town's website at www.indiantrail.org/departments.php?cat=377. Please feel free to contact me at 704.821.5401 or RBurhans@planning.indiantrail.org should you have any questions.

WHEREAS, the Town Council held a public hearing on November 12, 2013 and concurred with and endorsed the Planning Board's recommendation and the Town Council approved the draft resolution approving CPA2012-001; and

WHEREAS after adoption of CPA2012-001, the Town of Indian Trail Planning Board will review and approve the final formatting, editorial changes, and implementation element associated with the plan update; and

NOW THEREFORE, BE IT RESOLVED by the Town Council of Indian Trail, North Carolina hereby takes the following actions:

Section 1 – Approves CPA 2012-001 Comprehensive Plan Amendment:

Amend the Town of Indian Trail Official Comprehensive Plan to reflect incorporation of current data and mapping, refinement to the villages and corridors concept, incorporation of citizen and business owner feedback, and other updated elements.

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

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

TOWN OF INDIAN TRAIL COUNCIL

Attest:

Peggy Piontek, Town Clerk

Michael Alvarez, Mayor

APPROVED AS TO FORM:

TOWN ATTORNEY



Town of Indian Trail

Memo

TO: Mayor and Town Council

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

COUNCIL DATE: November 7, 2013

SUBJECT: Spanish Moss Road Traffic Calming Public Hearing

General Information:

In accordance with the Traffic Calming Policy adopted by Town Council on April 10, 2012, a Public Hearing is required for citizen input on recommended traffic calming measures.

Required Actions:

Receive report and public input



Planning & Neighborhood Services
PO Box 2430, Indian Trail, NC 28079
704 821-5401

Memo

To: Mayor and Town Council

From: Rox Burhans, AICP

Date: November 4, 2013

Re: Second Reading of Ordinance for CZ2013-003 Union Grove Subdivision

The Indian Trail Town Council held the public hearing for Conditional Zoning Map Amendment CZ-2013-003 on October 22, 2013. This amendment is a request to conditionally rezone two parcels from Single-Family Residential-1 and Residential-20 (UC) to the Single Family Residential-5 District-Conditioned to support development of a 207 lot subdivision. The audio recording of the public hearing can be heard on [Granicus](#).

At the conclusion of deliberations, the Council approved the first reading (introduction) of the draft ordinance approving CZ2013-003. Pursuant to North Carolina General Statute §160A-75, a second reading of the associated draft ordinance is required by Council to approve the rezoning. The associated analysis is provided in attachment two of this report.

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

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

- *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.

2. Motion to Approve or Disapprove CZ 2013-003 as presented in the second reading.

Attachment 1- Draft Ordinance & Attachments



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: ±5.3 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

OWNER:
 WELLS FARGO BANK
 100 N. 20TH STREET
 WASHINGTON DC 20036
 JACKSONVILLE, FL 32202
 (904) 241-1000
 (410) 421-0000
 WWW.WELLSFARGO.COM

DEVELOPER:
 BAYARD GROUP
 800 TRINITY PARTNERS
 1700 WILSON LANE, STE 300
 CHARLOTTE, NC 28207
 (704) 366-3000
 (800) 345-0000
 WWW.BAYARDGROUP.COM



Project Manager: [Blank]
 Designer: [Blank]
 Draftsman: [Blank]
 Date: 11/11/13
 Scale: 1" = 100'
 Sheet: RZ-1 of 2 TOTAL



RZ-1
 SHEET 1 OF 2 TOTAL

STATE OF NORTH CAROLINA)
)
TOWN OF INDIAN TRAIL)

ORDINANCE # O131022-184

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 concurred with and endorsed the Planning Board's consistency findings and the Town Council approved the first reading of the draft ordinance approving CZ2013-003; and

WHEREAS, the Town Council held a second public meeting on November 12, 2013 to consider said request and recommendation of approval from the Planning Board; and

WHEREAS, the Town Council further concurred with and endorsed the Planning Board's consistency findings and the Town Council approved the second reading of the ordinance approving CZ2013-003; 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. *Sidewalk Extension*: The 6-ft wide concrete frontage sidewalk described in Condition 7 above shall be extended by the applicant and/or his assigns westward to the intersection with Faith Church Road (approx. 660-linear feet across parcels 07066006A and F). The sidewalk extension shall be constructed at the same time as the frontage sidewalk described in Condition 7 unless a later or phased timeline is approved by the Town of Indian Trail Engineer.

Alternatively, the applicant may provide the Town of Indian Trail with funds to be held in escrow for the Town to construct the sidewalk improvements. The sidewalk construction cost estimate and amount of deposited funds shall be approved by the Town Engineer. The funds may be held by the Town for a period of time not to exceed 5-years from the date provided to the Town. If the sidewalk is not constructed by the Town during this period the funds shall be returned to the rezoning applicant and/or his assigns and the sidewalk extension condition shall be deemed nullified.

9. *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.

10. *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.
11. *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.

12. *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.
13. *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 12th day of November, 2013.

TOWN OF INDIAN TRAIL COUNCIL

Attest:

Peggy Piontek, Town Clerk

Michael Alvarez, Mayor

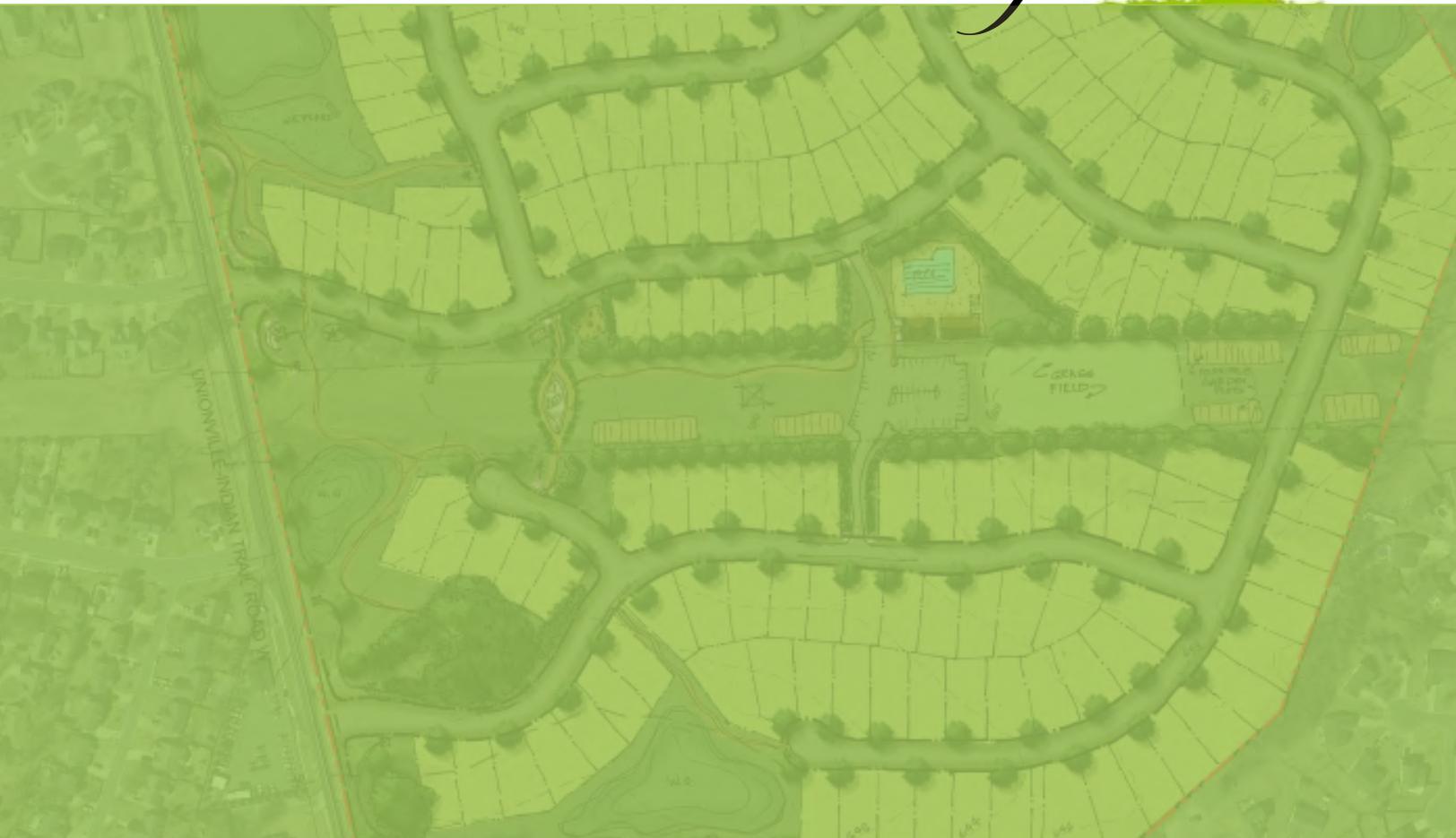
APPROVED AS TO FORM:

TOWN ATTORNEY

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.
10. 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.



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.





TO: Mayor and Town Council

FROM: Joe Fivas, Town Manager

DATE: November 12, 2013

SUBJECT: Public Records Request Policy Amendments

Mr. Merritt has put together Council requested amendments to the Town's Public Records Request Policy. He has also revised a couple areas within this policy.

jaf



PUBLIC RECORDS REQUEST POLICY

How to make a Public Records Request: Pursuant to N.C.G.S. Chapter 132, the Town of Indian Trail makes available to the public all records in its custody and control that are defined as “public records” under N.C.G.S. 132-1. Any person may request public records by completing the Public Records Request Form and submitting it to the Town Manager, or his/her designee. These requests shall be processed, recorded, and filed by the Town Manager or his/her designee.

Response to Public Records Request:

A. The Town will make an initial response to a completed request for public records within seven (7) business days of receiving the completed request. The initial response will include any clarifying information needed, cost estimates for providing records if known and an estimated delivery time of final records. Should the request be received after 5 p.m., the request shall be considered received on the next business day.

B. Depending upon the nature of the request, the Town may respond initially by:

1. Producing the record after the payment of any applicable fees (see Town fee schedule);
2. Acknowledging the Town’s receipt of the request accompanied by an estimate of the time necessary for further response;
3. Requesting a deposit of 75% of the estimated cost where it is estimated that the production of the record will exceed \$100 in accordance with the fees set forth in this Policy-schedule;
4. Requesting clarification of the request. A request shall not be deemed complete until such clarification has been made so as to inform the Town as to which specific records are being requested; and
5. Denying the request accompanied by an explanation of the statutory basis for the denial.

Formatted: Font: Not Bold

Formatted: Indent: Left: 0", Line spacing: Multiple 1.15 li

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Indent: Left: 0.75", Right: 0.19"

Upon completion of the Public Records Request Form, the Town commits to responding to each Public Records Request by making the records available for inspection or pick-up within a reasonable time following the request given the Town's hours of operations, staffing, scope and breadth of the request, form of retention, and necessity for consultant or contractor retention.

Requests for Inspection: In the event a requester requests to inspect records, the Town will notify the requestor once the records are available for inspection. The records will be available for inspection at a date and time mutually agreeable between the requestor and the Town. The appointment to inspect records may need to be broken into intervals, possibly over several days, so as not to interfere with the daily operations of the Town.

An appointment to inspect records is limited to no more than a two (2) hour appointment on any given day, unless mutually agreed upon between the requestor and the Town.— If the requestor fails to make an appointment with the Town to inspect the records within fourteen (14) calendar days of being notified that the records are available for inspection: (1) the records will be returned to the originating department; and (2) the requestor will need to submit a new Public Records Request Form. To protect the confidentiality and integrity of the records stored on the Town's computer system, in lieu of an inspection of the original electronic record, the Town reserves the right to provide a copy of any electronically-stored data. Such copy shall be either hard copy

or in an electronic format. The requestor shall be responsible for payment of the copies in accordance with the Town ~~f~~Fee ~~s~~Schedule.

Fee Schedule: The law permits the Town to charge a fee for an uncertified copy of a record that recovers the actual cost of duplicating the record. Current charges for copies and compact disks are as follows:

BLACK & WHITE COPIES PER PAGE- letter or legal \$.0755

COLOR COPIES PER PAGE- letter or legal \$.50

COPIES OF COMPACT DISCS- \$2 per CD.

(If the charge is less than \$1.99, the Town will not assess a charge.)

Copies of records that are not otherwise collected or available in pre-printed form and that require an extensive use of clerical or information technology resources may be considered a special service and subject to additional labor and technology charges. The special service labor charge for Town employees, if applicable, shall be \$43 per hour. This rate approximates the hourly rate of pay plus fringe benefits for the position of Town Clerk for the Town. Charges under this provision shall be imposed for every six (6) minute increment or fraction thereof. A request shall be deemed to require an extensive use of clerical resources if the estimated clerical time for responding to the request exceeds 15 hours, or if the number of documents that must be reviewed in responding to the request exceeds 1000.

If the Town has to use an outside consultant for processing ~~a this~~ request, the Town will charge a fee to cover the incurred expenses. If the Town needs to have an informational technology consultant to process these requests, an estimated time and cost will be given to the requestor. The associated cost will be based on the hourly rate charged for services, currently \$50 per hour. The requestor shall pay for the full cost of these services before the Town produces these documents. If the costs look like they may exceed the estimate, then the requestor shall be notified of the increase in costs. All fees and charges should be collected before producing the records or at the time the records are delivered.

~~BLACK & WHITE COPIES PER PAGE- letter or legal \$.05~~

~~COLOR COPIES PER PAGE- letter or legal \$.50~~

~~COPIES OF COMPACT DISCS- \$2 per CD.~~

~~(If the charge is less than \$1.99, the Town will not assess a char~~

Deposit for production:

{00280945.RTF V.2 T082.016091;}

Formatted: Indent: Left: 0", Right: 1.71"

In the event that it is estimated that the duplication or other fees applicable to a particular records request exceed \$100.00, the Town, in its discretion, may require the requestor to deposit a sum equal to 75% of the estimated cost prior to duplication of the records.

In the event that a deposit is required, the Town will notify the requestor of the necessity of the deposit. If the actual production costs are less than the amount deposited by the requestor, the Town will return to the requestor the sum collected in excess of the actual cost.

Failure to pay required fees:

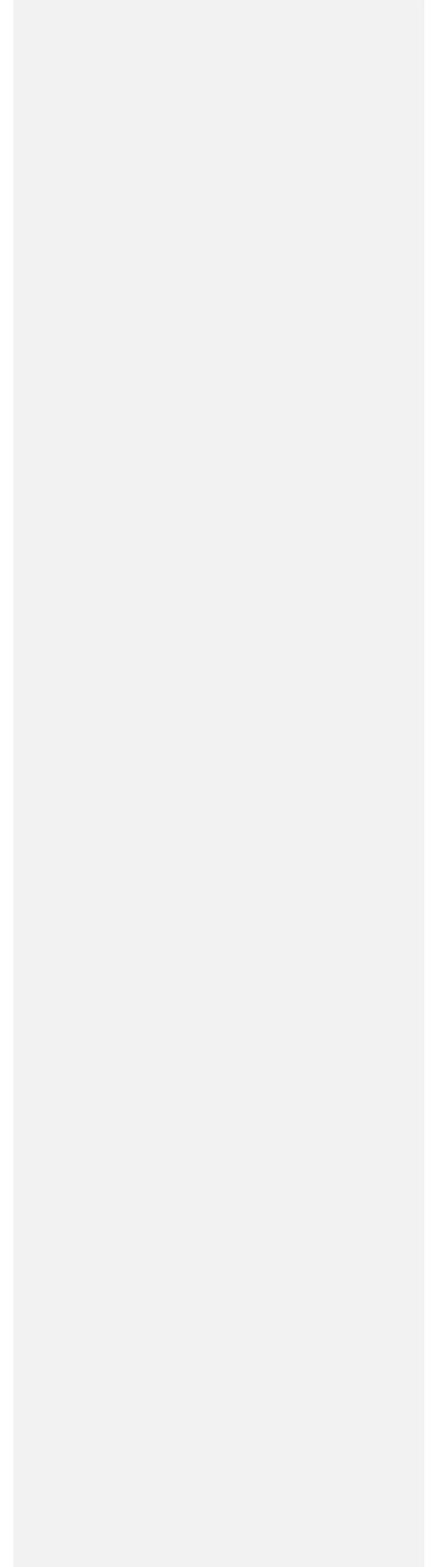
In the event a requestor fails to pay a bill for fees incurred within thirty (30) calendar days, the Town will require the requestor to pay in full the past due amount owed before it will begin processing a new request or a pending request from the delinquent requestor.

In addition, the Town may require advance payment for any future requests of the full amount of the estimated fee before the Town begins to process a new request or a pending request from that requestor.

If the City is unable to collect the duplication fees from the requestor, the Town may, upon providing thirty (30) calendar days written notice to the requestor, destroy the duplication set of records made available to the requestor in order to avoid storage concerns. Although the records are destroyed, the requestor will remain responsible for the payment for the costs the Town incurred in responding to the request.

100 Navajo Trail, PO Box 2430, Indian Trail, NC 28079 Tel (704) 821-8114 Fax (704) 821-3689

{00280945.RTF V.2 T082.016091;}





TO: Mayor and Town Council

FROM: Joe Fivas, Town Manager

DATE: November 12, 2013

SUBJECT: Chestnut Square Park Change Order & Capital Ordinance

When the Town Council approved the Chestnut Square Park bid staff recommended negotiating the price for the lighting system for the multi-purpose fields, volleyball courts, and tennis courts. Staff has been able to negotiate and reduce the price for Council's consideration. Staff has also completed the work on the wayfinding sign for park.

Staff is in the last steps of finalizing these change orders and will present this information to the public and the Council before the Council meeting next Tuesday.

jaf



TO: Mayor and Town Council

FROM: Joe Fivas, Town Manager

DATE: November 12, 2013

SUBJECT: Changes to Park, Tree, and Greenway Committee

The Town Council discussed making changes to the structure of the Park, Tree's, and Greenway Committee to reflect changes in our park system. The Town Council directed staff to modify the current structure. Town staff will present a new structure to the Town Council for consideration.

jaf

STATE OF NORTH CAROLINA)

)

Resolution #R131112-1

TOWN OF INDIAN TRAIL)

RESOLUTION SUPPORTING 2009 - 2014 COMPREHENSIVE FACILITIES ASSESSMENT

WHEREAS, Sun Valley High School was built in 1961 and has provided both a quality education and athletic program for our youth; and

WHEREAS, the Sun Valley Football Stadium and Athletic Field is now dated and possibly jeopardizes the safety of our families and those visiting schools that attend; and

WHEREAS, the investment into this Field will provide a better experience for student athletes and spectators; and

WHEREAS, the Union County Board of Education establishes the budget for our local schools, the Union County Commissioners determines the financial funding which supports the maintenance and repairs, along with Capital Improvements to each of the school properties; and

NOW THEREFORE, I, Michael L. Alvarez, Mayor along with the Indian Trail Town Council and citizens ask the Union County Commissioners to fully fund the 2009 - 2014 Comprehensive Facilities Assessment allowing the Board of Education to make full repairs to our schools specifically those inside the Town Limits of Indian Trail amongst the oldest schools in the county.

Adopted this 12th day of November, 2013

Michael L. Alvarez, Mayor

Peggy Piontek, Town Clerk



TO: Mayor and Town Council

FROM: Joe Fivas, Town Manager

DATE: November 12, 2013

SUBJECT: Stormwater Program Modifications

The Town's Stormwater Advisory Committee has discussed making minor modifications to the Stormwater Program. Town staff will discuss these changes with the Town Council and look for direction on these changes.

jaf



TO: Mayor and Town Council

FROM: Joe Fivas, Town Manager

DATE: November 12, 2013

SUBJECT: US-74 Intersection Presentation

NCDOT has requested an opportunity to discuss possible future intersection improvements on US-74 with the Mayor and Town Council.



TO: Mayor and Town Council

FROM: Joe Fivas, Town Manager

DATE: November 12, 2013

SUBJECT: Bonterra Street Acceptance Options

Bonterra HOA has requested that the Town Council consider taking over the streets in Bonterra. Town staff has met with the HOA and has discussed our policy and options. Staff will give a brief overview, and will look for direction from the Town Council.

jaf



TO: Mayor and Town Council

FROM: Joe Fivas, Town Manager

DATE: November 12, 2013

SUBJECT: Bonterra Street Acceptance Options

Bonterra HOA has requested that the Town Council consider taking over the streets in Bonterra. Town staff has met with the HOA and has discussed our policy and options. Staff will give a brief overview, and will look for direction from the Town Council.

jaf