

**MAYOR**  
Michael L. Alvarez

**MAYOR PRO TEM**  
David Cohn



**TOWN COUNCIL**  
Gordon B. Daniels  
David W. Drehs  
Christopher M. King  
Gary M. Savoie

Indian Trail Town Council Meeting  
April 22, 2014  
Civic Building  
6:30 p.m.

1. **CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE**
2. **ADDITIONS AND DELETIONS** **action**
3. **MOTION TO APPROVE AGENDA** **action**
4. **PRESENTATIONS**
  - a. [Arbor Day Proclamation](#)
  - b. Point Man Union County Outpost – *requested by Mayor Pro Tem David Cohn*
  - c. [Stormwater Advisory Committee Update](#)
5. **PUBLIC COMMENTS**
6. **PUBLIC COMMENTS FOR FY 2014/2015 BUDGET DEVELOPMENT**
7. **LAW ENFORCEMENT UPDATE**
8. **CONSENT AGENDA** **action**
  - a. [Approval April 3, 2014 draft minutes](#)
  - b. [Approval of April 8, 2014 draft minutes](#)
  - c. [Approval of appointment of Jocelyn Sams as seat #7 on the PARC Committee](#)
  - d. [Approval of appointment of Jeff Sullivan as seat #8 on the PARC Committee](#)
  - e. [Approval of appointment of Steven Smith as Alternate seat #10 on the PARC Committee](#)
  - f. [Approval of appoint of Steven Smith as seat #5 of the Public Safety Committee](#)
  - g. [Approval of appoint of Calvin Cooke as Alternate seat #2 of the Public Safety Committee](#)
  - h. [Request to amend contract for CEI Services on Union Indian Trail Sidewalk Project](#)

**9. PUBLIC HEARINGS**

**action**

- a. **Annexation #140- 2419 Waxhaw-Indian Trail Rd:** Request for a voluntary annexation of 11.47 acres located at the corner of Blanchard & Waxhaw-Indian Trail Road. Applicant: Hartis Grove Baptist Church of Union County. Parcel number: 07-117-11A
- b. **CZ2012-010 CZ2013-010 Blanchard Circle:** This is a request to establish a Conditional Single Family Residential-5 (SF-5-CZ) zoning district to support development of a 29-home neighborhood at a density of 2.5du/acre (approximately), with related improvements. The 11.47 acre subject property is located at the northeast corner of Waxhaw- Indian Trail Road and Blanchard Circle. Tax parcel 07-117-011A: Applicant: Natures Calling, LLC

**10. BUSINESS ITEMS**

- a.

**11. DISCUSSION ITEMS**

- a. [Discussion on forming an Economic Development Advisory Committee](#)
- b. Discussion on Law Enforcement Assessment interviews

**12. STRATEGIC PLANNING SESSION**

- a. 5-Year Transportation Plan
- b. Parks & Recreation Update
- c. Neighborhood Enhancement Program
- d. Municipal Complex Update

**13. MANAGERS REPORT**

**14. COUNCIL COMMENTS**

**15. CLOSED SESSION**

**action**

**16. 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](mailto:townclerk@admin.indiantrail.org); the phone number is 704-821-5401*



# Arbor Day

INDIAN TRAIL NORTH CAROLINA

*Whereas*, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

*Whereas*, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

*Whereas*, Arbor Day is now observed throughout the Nation and the world; and

*Whereas*, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

*Whereas*, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

*Whereas*, trees in our town increase property values, enhance the economic vitality of business areas, and beautify our community; and

*Whereas*, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, Michael L. Alvarez, Mayor of the Town of Indian Trail, do hereby proclaim April 26th, 2014, as Arbor Day in the Town of Indian Trail, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands; and

Furthermore, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 22nd day of April, 2014

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## Town of Indian Trail

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### Memo

TO: Mayor and Town Council

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

COUNCIL DATE: April 22, 2014

SUBJECT: Stormwater Advisory Committee Update

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#### **General Information:**

The Stormwater Advisory Committee has requested time to provide the Town Council with a brief update of committee activities.

#### **Required Actions:**

1. Council receives the committee update.



**Town of Indian Trail**  
**Minutes of Town Council**  
**Special Meeting**  
**April 3, 2014**  
**Civic Building**  
**6:30 P.M.**

The following members of the governing body were present:

Mayor: Michael L. Alvarez

Council Members: David Cohn, Gordon B. Daniels, David Drehs, Christopher King, and Gary M. Savoie.

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney Keith Merritt, Planning Director Shelley DeHart, Finance Director Marsha Sutton, Director of Community & Economic Development Kelly Barnhardt, Director of Engineering and Public Works Scott Kaufhold , Assistant Director of Parks & Recreation Jason Tryon and Communications Coordinator Lindsey Edmonds

**CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Alvarez called the meeting to order and led in the Pledge of Allegiance. Mayor Alvarez announced a correction in agenda for item 5g, it should read the public hearing has been set for Aril 22nd, not April 27th.

**COUNCIL INTERVIEW OF MR. DAVID DREHS**

Council Members Savoie and Daniels asked Mr. Drehs several questions. Council Members Cohn and King and Mayor Alvarez had no questions for Mr. Drehs.

## **COUNCIL CONSIDERATION OF APPOINTMENT OF MR. DAVID DREHS TO VACANT COUNCIL POSITION**

David Cohn made a motion to approve appointing David Drehs to Council  
Motion tied 2 - 2 with Gordon B. Daniels, and Gary M. Savoie opposing.  
Mayor Alvarez broke tie in favor of the motion

## **OATH OF OFFICE**

Mayor Alvarez administered the Oath of Office to Mr. David W. Drehs

## **CONSENT AGENDA**

- a. Approval January 11, 2014 draft minutes
- b. Approval of January 29, 2014 Special Meeting draft minutes
- c. Approval of February 5, 2014 Special Meeting draft minutes
- d. Approval of February 14, 2014 Special Meeting draft minutes
- e. Approval of Budget Amendments
- f. Approval of refund of overpayment of taxes over \$500
- g. Annexation # 140 \* A resolution directing the Town Clerk to investigate the sufficiency of the proposed voluntary annexation petition \* A Certificate of Sufficiency \* A resolution setting the public hearing date for the annexation to April 27, 2014
- h. Approval of release of tax interest
- i. Approval of advertisement of delinquent tax accounts
- j. Approval of additional signatories on town bank accounts
- k. Public Safety Committee request for approval to remove Joseph Carteret
- l. Approval of reopening application process for ABC Board
- m. Approval of Renewal of Deer Urban Archery Season 2015
- n. Approval of Jan Deans application for Transportation Advisory Committee
- o. Approval of Jocelyn Sams application for Transportation Advisory Committee
- p. Approval of Park and Recreation Fee Schedule

Gary M. Savoie made a motion to approve the Consent Agenda.  
Council voted unanimously in favor of the motion.

## **COUNCIL CONSIDERATION OF SPANISH MOSS ROAD TRAFFIC CALMING**

Town Engineer Scott Kaufhold presented to Council the history of this matter. Mr. Kaufhold advised that according to the traffic data collected after 3 temporary speed tables were installed, Council has the following options: 1) Do nothing, 2) install 3 asphalt speed tables, 3) install a temporary (6 month) road closure at Mustang Drive, 4) install a permanent road closure at Mustang Drive. Council had a lengthy discussion on this matter.

Gordon B. Daniels made a motion to approve going with the speed bumps to the maximum of 3.

Council voted unanimously in favor of the motion.

**ADJOURN**

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

**APPROVED:**

\_\_\_\_\_  
**Michael L. Alvarez, Mayor**

Attest: \_\_\_\_\_  
Peggy Piontek, Town Clerk

DRAFT



**Town of Indian Trail**  
**Minutes of Town Council**  
**April 8, 2014**  
**Civic Building**  
**6:30 P.M.**

The following members of the governing body were present:

Mayor: Michael L. Alvarez

Council Members: David Cohn, Gordon B. Daniels, David W. Drehs, Christopher King, and Gary M. Savoie.

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney Keith Merritt, Director of Community & Economic Development Kelly Barnhardt, Planning Director Shelley DeHart, Finance Director Marsha Sutton, Director of Engineering and Public Works Scott Kaufhold, Communications Coordinator Lindsey Edmonds, and Assistant Director of Parks & Recreation Jason Tryon.

**CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Alvarez led in the pledge and announced that CZ2013-009 Plyler Road Community is not on the agenda and will not be discussed this evening. Mayor Alvarez informed Council that an extension of time for Public Comments is needed due to the number of people who signed up to speak.

Christopher King made a motion to approve extending Public Comments.  
Council voted unanimously in favor of the motion.

## **ADDITIONS AND DELETIONS**

*None*

## **MOTION TO APPROVE AGENDA**

Gary M. Savoie made a motion to approve the agenda.  
Council voted unanimously in favor of the motion.

## **PRESENTATIONS**

- a. Donate Life Proclamation (COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)
- b. Proclamation for National Poetry Month (COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)
- c. Proclamation for Child Abuse Prevention Month & Sexual Assault Awareness Month (COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)
- d. Recognition of Leroy Rushing (COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)

Mayor Alvarez read all of the above Proclamations.

Roger Fish provided a brief history on Mr. Rushing.

## **PUBLIC COMMENTS**

Ruth G. Koss, 6729 First Ave., Indian Trail, NC referred to the road, ditches and flooding of First Avenue. She stated the problem has been flooding during heavy rainstorms for many years. This is stormwater that flows down to First Avenue from Woodhaven Road which compounds the problem when our own stormwater is overwhelming our ditches and roads and properties. Her proposal to Council is a document in writing within 30 days on how you intend to resolve this problem.

Amanda Faulkenberry, 519 Pickett Circle, Indian Trail, NC congratulated the newest Council Member and addressed Mr. Daniels & Mr. Savoie about their not attending the meeting held on March 25<sup>th</sup>. Ms. Faulkenberry stated that, we the people will begin taking back our town and recited a Native American proverb - "Listen or your time will make you deaf". Margaret Mead said: "never doubt that a small group of thoughtful citizens can change the world, indeed it is the only thing that ever has".

Shirley Howe, 6205 Clearwater Dr., Indian Trail, NC thanked Mr. Drehs for his behavior during the interview and stated he showed dignity, honesty, respect, control and understanding. Ms. Howe then referred to Stallings street sweeping delay stating that we are not in compliance with Phase II of the Stormwater Permit. She handed out an article to Council from a local newspaper. She requested that they pay attention to this as she is uncertain as to why it has not been done, stating that she served on the Stormwater Committee for 3 years and during that time the Town complied with all requirements.

Lars Knapp, 655 Powderhorn, stated he learned many things about growth in Indian Trail during a conversation with Council Member Daniels. He was advised and agreed with it's necessity but the point of contention was the manner in which growth should be conducted. Mr. Knapp feels it would irresponsible for any municipality to approve more large scale building projects without first meeting with the appropriate officials to discuss the implications involved with such a project. Although he and Councilman Daniels don't seem to agree on much, he knows they agree that growth is essential to the economic well being of any town, we only disagree on how fast this growth should happen. He requested that the Council vote against rezoning in the areas in question to residential areas.

Bledar Apostoli, no address provided, stated he moved here 1.5 months ago and advised that he has concerns about street parking. People are parking on both sides of the streets, which are narrow, creating traffic and safety issues for emergency vehicles. He is requesting Council vote on an Ordinance for people to park on their own property and not in the street.

Michael Faulkenberry, 519 Picketts Circle, Indian Trail, NC addressed item 11 on the agenda pertaining to the future of Indian Trail, stating that if you want this town to grow properly, you need diversity and spend money across the board, not just parks only or the Chestnut Parkway or just widening Old Monroe Road, you need to go all across the board to be successful. The question is for item 11, there should be some good discussion here, but are you just going to pick a few of your preferences, all five or just one item itself, reminding Council that Law Enforcement is going to be very important for growth or there will be disastrous consequences.

Cathi Higgins, 3004 Clover Hill Rd., Indian Trail, NC congratulated Mr. Drehs on his appointment to the Town Council and thanked him for the honorable way he handled the turmoil surrounding his appointment. She urged the Council to fix the loophole that allows your members to boycott Town Council meetings without any official reprimand, sanction, censure or punishment for obstructing the business of our Town, please don't let that happen again.

#### **PUBLIC COMMENTS FOR FY 2014/2015 BUDGET DEVELOPMENT**

Shirley Howe, 6205 Clearwater Drive, Indian Trail, NC stated that the Municipal Ordinances have to be updated, without them you can't get things done here. Completions of road paving, in her development there have been streets that have gone unattended; and the Code of Ethics and the Charter need to be revised.

Michael Faulkenberry, 519 Picketts Circle, Indian Trail, NC suggested adding 2 deputies regardless of the law enforcement assessment, we know we're understaffed; a snow removal contract would be appreciated by the deputies and emergency services, the tax increase approved 2 years ago, you should change the structure to be used for what it's needed and finally money for committees.

### **CONSENT AGENDA**

- a. Approval January 14, 2014 draft minutes
- b. Budget Amendments (**COPY ATTACHED HERETO AND MADE A PART OF THE RECORD**)
- c. Approval of refund of overpayment of taxes over \$500
- d. Approval of state grant extension for WM Goodyear Co.

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

### **PUBLIC HEARINGS**

- a. ZM 2014-001 8009 Fountainbrook

Planning Director Shelley DeHart presented to Council that this is a housekeeping exercise associated with a recent voluntary annexation (Annexation 139). Pursuant to North Carolina General Statutes, local jurisdictions are required to establish local zoning on properties annexed into their community. This request proposes to reclassify zoning on parcel 07-091-033, 8009 Fountainbrook, from the Union County Residential R-20 to Single-Family Residential-4 (SF-4) with a Pre-Existing Development Overlay (PED Overlay 1). The proposed zoning classification is consistent with this phase ("The Gardens") in the Brandon Oaks subdivision. The subject property is developed with a single-family residential dwelling on a .17 acre parcel. The Planning Board heard this rezone request on February 18, 2014 made the following required findings and unanimously voted to transmit a recommendation to approve the rezone request. The proposed rezone petition is consistent with the goals of the Comprehensive Plan in the area of:

**Quality of Life:** the proposed rezoning to SF-4 with a PED Overlay 1 will help to promote a better quality of life for our residents by ensuring the continuation of the unique identity and residential character of the Brandon Oaks community.

**Land Use and Housing:** the proposed rezoning to SF-4 with a PED Overlay 1 will help provide a diverse range of housing opportunities in Indian Trail by providing additional medium density housing within an overall planned development community with varying housing sizes and densities.

The Planning Board further found this zoning reclassification is a reasonable request and is in the public interest because it promotes the goals of the adopted Indian Trail Comprehensive Plan in the areas of *Quality of Life* and *Land Use and Housing* and is consistent with the adopted plans within the Town of Indian Trail.

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

Christopher King made a motion to approve the findings as read into the record and found in the draft Ordinance.

Council voted unanimously in favor of the motion.

Christopher King made a motion to approve ZM 2014-001 8009 Fountainbrook **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Council voted unanimously in favor of the motion.

b. ZT2014-001 Flood Damage Reduction Ordinance Amendment

Planning Director Shelley DeHart presented that the Town Council recently approved a text amendment of Chapter 1360-Flood Damage Reduction Ordinance (ZT2013-003) which provided new references to newly adopted FIS and DFIRM within this Chapter in December 2013. The State has completed its review of our Ordinance and has requested some very small modifications.

The Planning Board met on January 21, 2014 to hear the proposed amendment in a public meeting. The Board had questions regarding an acronym-DFIRM within the proposed amendment. This acronym means - Digital Flood Insurance Rate Map. The Board then made the following findings with a suggested modification to add this acronym to the glossary portion of the ordinance and unanimously voted to transmit a recommendation to approve:

1. The proposed UDO amendment is consistent with the following goal of the Comprehensive Plan:

**Utilities** - because it will update our local regulations consistent with the requirements of the State thus improving regulations with the intent of protecting life and property as it relates to the Special Flood Hazard Areas within the Town.

2. This UDO ordinance amendment is in the best interest of the public because it maintains current regulations within the Unified Development Ordinance consistent with the State upholding the Town's Flood Insurance Program for its residents.

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

Christopher King made a motion to approve the findings as read into the record and found in the draft Ordinance  
Council voted unanimously in favor of the motion.

Christopher King made a motion to approve ZT2014-001 Flood Damage Reduction Ordinance Amendment **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**  
Council voted unanimously in favor of the motion.

### **BUSINESS ITEMS**

- a. Consider approval of adding Law Enforcement Update and Town Committee Update after Public Comments- Item Requested by Mayor Alvarez

Mayor Alvarez suggested placing a law enforcement update after public comments at every meeting. He also recommended that the Committees be given an opportunity to present to Council when they feel it's warranted.

David Cohn made a motion having law enforcement update on the agenda for every regular scheduled meeting.  
Motion Passed 4 - 1 with Gordon B. Daniels opposing.

David W. Drehs made a motion make time available at Town Council meetings for up to two committees to report to the Council as they feel necessary and that coordination should be made through the Town Clerk.  
Council voted unanimously in favor of the motion.

### **DISCUSSION ITEMS**

- a. Discussion on Bonterra Streets

Mr. Fivas inquired if Council would like to hear a brief overview of the resident's position on this item. Although this has been presented to Council previously, it was late and some time ago. Council agreed Mr. Rosenberg should provide a brief overview. Upon completion of Mr. Rosenberg's presentation, Council had a discussion amongst themselves and Mr. Merritt.

David W. Drehs made a motion to approve staff working with the Bonterra Homeowners Association and find the process to either approve or deny adoption of those roads.

Council voted unanimously in favor of the motion.

Mr. Fivas stated when we emerge from this issue we will have a policy that will apply to the future.

b. Discussion of organization of Committees and Boards

Mr. Fivas explained that it is the time of year to revisit our rotation of committees and boards, recommending that when the Council is out speaking with the residents that all committees and boards will have open spots. The deadline for applications is currently May 23rd, after that we will start having interviews for the boards and appointments for committees. These are very important to our town.

**STRATEGIC PLANNING SESSION**

a. Discussion of Law Enforcement Analysis

Mr. Fivas stated this was discussed in January, and if Council has no further questions we will begin the process of bringing some of these potential consultants in before Council for interviews. Once the interviews are completed, Council will make a selection and we will begin the process of the analysis. Council had a lengthy discussion on this subject on what time limits should be given to the consultants to present to Council.

David Cohn made a motion to approve bringing in the contractors to our meeting on either the 10th or 24th of May.

Motion Passed 3 - 2 with Gordon B. Daniels, and Christopher King opposing.

b. Presentation on future Business Park & Economic Development

Kelly Barnhardt provided a brief background and introduction of Melanie Underwood an Economic Development Consultant.

Ms. Underwood presented to Council the benefits of Economic Development, who the players are, the duties of the Economic Development staff, Town Manager and Council, the process and where leads come from, examples of successful business parks in the State, potential funding availability, the advantages of our location and what the next steps for Indian Trail are.

Mr. Fivas stated that this is not something that can be done overnight, inquiring if Council would like staff to research this further and provide more information. By consensus Council agreed they would like more information on this.

c. Discussion of 5 year Transportation Plan

Mr. Fivas advised this was presented in January and staff would like to come back in a month or so to get some public comment on it to determine what they want so we can prepare a 5 year plan. Council agreed it's very important topic that we need to stay focused on.

d. Presentation on adopted Downtown Master Plan

Mr. Fivas stated that this presentation is to show we have a Downtown Master Plan and how we got to where we are and requested that Ms. DeHart give a presentation.

Ms. DeHart presented a brief overview of how we got there and it's history; In 2000 the Planning Board was getting regulations and zoning ordinances and presented a Resolution to Council to support a Downtown Overlay study identifying a clear boundary of the downtown area and establish unique regulations to help the development of quality in the downtown area which was approved. A contract with the Centralina Council of Governments to conduct the plan; process included partnerships among various diverse groups that have a stake in downtown Indian Trail (city and county, local bankers, merchants, the chamber of commerce, property owners, community leaders and others). **(A copy of: Defining the Vision and the Downtown Master Plan is attached hereto and made a part of the record).**

e. Discussion on future Municipal Complex

Mr. Fivas explained in the future we will need other facilities like a public works yard, community center, updated version of chambers and at some point we need to figure out where those places are and that it makes sense. These investments will not be made in the near future, but we need to plan for it. Council agreed this was something to consider but expressed concern over funding. They requested that staff begin to research some locations for a start.

f. Discussion on improvements to Town website

Mr. Fivas explained this is a major project and labor intensive. Mr. King strongly recommended that staff bring in a consultant on web development, as there is a lot of analysis to be conducted and it has to be done correctly the first time. By consensus Council agreed. Mr. Fivas clarified that after the budget is passed we will allocate some funds in the budget for a consultant.

## **MANAGERS REPORT**

Mr. Fivas passed out brochures staff created for pet owners in Indian Trail. He explained that tonight we had a presentation on National Poetry Month and an event in the Cultural Arts Building this past weekend and it was well attended and successful. Apparently there is an active poetry group in India Trail.

Mr. Fivas explained that staff is aware of the street sweeping needs and there is a contract on his desk but we have another option and are trying to save the town some funds. Staff will research that option and if not appropriate, we will probably execute the contract and go forward with the sweeping, explaining some of the challenges it presents. In the future we may have to look into owning our own street sweeper.

## **COUNCIL COMMENTS**

Mr. Daniels thanked everyone for coming out and speaking about your concerns for Indian Trail.

Council Members Cohn, King and Savoie had no comments.

Mayor Alvarez welcomed Mr. Drehs aboard to his first Council meeting, a job well done. He thanked everyone for coming out and introduced Ms. Mercedes Cass, requesting Council's permission for her to speak. Ms. Cass invited Council to enjoy some Hispanic cuisine at a new restaurant located in Indian Trail.

Mr. Drehs stated he is happy to be here.

Mr. Fivas reminded everyone that the Community Clean Up Day will be Saturday, April 12th, 9-11 am at the Food Lion on Highway 74.

## **CLOSED SESSION**

*None*

## **ADJOURN**

Gary M. Savoie made a motion to adjourn

Council voted unanimously in favor of the motion.

**APPROVED:**

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**Michael L. Alvarez, Mayor**

Attest:

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Peggy Piontek, Town Clerk



DRAFT



**TO:** Mayor and Town Council

**FROM:** Peggy Piontek, Town Clerk

**CC:** Joe Fivas

**DATE:** April 22, 2014

**SUBJECT:** Appointment of Jocelyn Sams to PARC

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Staff has already provided the Council the application; the Committee Chair has sent a letter of recommendation. Ms. Sams will be filling in an existing vacant regular seat which term expires in 2015



**TO:** Mayor and Town Council

**FROM:** Peggy Piontek, Town Clerk

**CC:** Joe Fivas

**DATE:** April 22, 2014

**SUBJECT:** Appointment of Sullivan to PARC

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Staff has already provided the Council the application; the Committee Chair has sent a letter of recommendation. Mr. Sullivan will be filling in an existing vacant regular seat which term expires in 2017.



**TO:** Mayor and Town Council

**FROM:** Peggy Piontek, Town Clerk

**CC:** Joe Fivas

**DATE:** April 22, 2014

**SUBJECT:** Appointment of Smith to PARC

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Staff has already provided the Council the application; the Committee Chair has sent a letter of recommendation. Mr. Smith will be filling in an existing vacant alternate seat which term expires in 2015.



**TO:** Mayor and Town Council

**FROM:** Peggy Piontek, Town Clerk

**CC:** Joe Fivas

**DATE:** April 22, 2014

**SUBJECT:** Appointment of Smith to Public Safety Committee

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Staff has already provided the Council the application; the Committee Chair has sent a letter of recommendation. Mr. Smith will be filling in an existing vacant seat which term expires in 2016.



**TO:** Mayor and Town Council  
**FROM:** Peggy Piontek, Town Clerk  
**CC:** Joe Fivas  
**DATE:** April 22, 2014  
**SUBJECT:** Appointment of Cooke to Public Safety Committee

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Staff has already provided the Council the application; the Committee Chair has expressed some reservations on this appointment. The existing vacant seat term expires in 2016.



## Town of Indian Trail

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### Memo

TO: Mayor and Town Council

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

COUNCIL DATE: April 22, 2014

SUBJECT: Request for additional funding for Construction Engineering & Inspection

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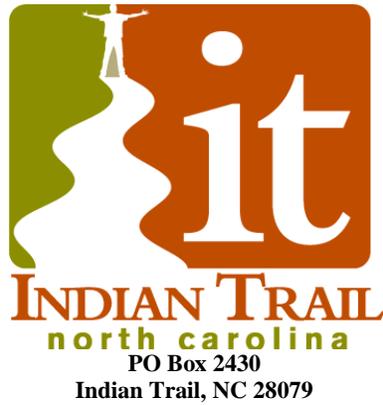
#### **General Information:**

The Unionville Indian Trail Road Sidewalk project currently nearing completion is a federally funded project requiring the oversight of NCDOT approved Construction Engineering & Inspection (CEI) services. The Town has contracted with Ally Williams Carmen & King to provide CEI services to satisfy federal requirements. The continued delays by the contractor Boggs Construction, has resulted in the need for additional funds to continue the required CEI oversight and project completion.

Staff is requesting an additional \$25,000 in Powell Bill funds to complete the CEI work.

#### **Required Actions:**

1. Council approval of additional funds for CEI services.



**PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT**

<b>Case: Annexation #140</b>	
<b>Reference Name</b>	Blanchard Circle Annexation
<b>Applicant</b>	Hartis Grove Baptist Church of Union County North Carolina
<b>Submittal Date</b>	April 4, 2014
<b>Location</b>	2419 Waxhaw-Indian Trail Road, Indian Trail, NC 28079
<b>Tax Map Number</b>	07-117-11A

**Summary**

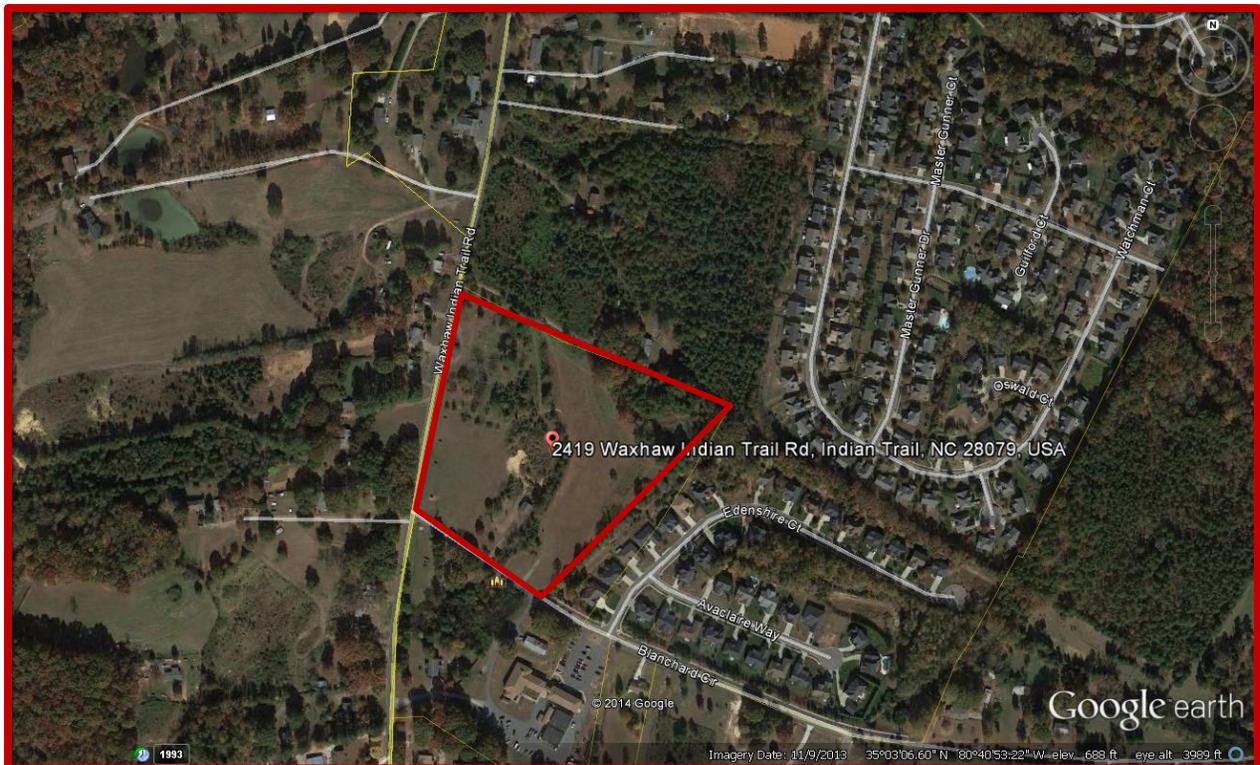
This is a request to voluntarily annex an 11.47 acre property (07-117-11A) into the Town of Indian Trail. The Council took the following actions at its April 4, 2014 public meeting initiating the annexation process:

1. Adopted a resolution directing the Town Clerk to Investigate the Sufficiency of the Voluntary Annexation Petition; and
2. Certified the Sufficiency of the Annexation Petition; and
3. Adopted a resolution setting the public hearing to April 22, 2014.

**Background and Analysis**

The subject property is located at the northeast corner of Waxhaw- Indian Trail Road and Blanchard Circle, is approximately 11.47 acres in size, and was previously used for single-family residential purposes. The residential structures no longer exist on the property and use has been limited to signage for the Church located on Blanchard Circle (previously known as Hartis Grove Baptist Church). A map and pictures of the subject property is provided below.

## LOCATION MAP



This petition is being processed concurrent with a conditional zoning request. The recording of this annexation, if approved, is contingent upon the approval of the associated Conditional Zoning petition CZ2014-010 titled Blanchard Circle which will be heard by Council immediately following this request.

The following consistency findings, 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 #140 petition offered by the applicants does in fact meet all requirements for a proper voluntary annexation under North Carolina law and is found to be valid in form and manner.

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

- 1.) Receive this staff report and public testimony on this annexation.
- 2.) Make the required finding in accordance with NCGS § 160A-31(d) reading into the record the statement above; and
- 3.) Make a motion to approve/disapprove extending the corporate limits of the Town of Indian Trail to include Annexation Ordinance #140 establishing the effective date of the annexation as April 22, 2014 at 11:59 p.m.

**Staff Contact**

Shelley DeHart, AICP

704 821-5401

srd@planning.indiantrail.org

Attachment One: Proposed Annexation Ordinance #140

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

**TC ATTACHMENT ONE**

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

**ANNEXATION ORDINANCE #140 Voluntary annexation for one .11.47 acre parcel (more  
or less) located at 2419 Waxhaw-Indian Trail Road – Union County and identified as Tax  
Parcel Number 07-117-11A Owned by Hartis Grove Church of Union County,  
North Carolina**

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

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

**WHEREAS**, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of annexation was held at the Town Civic Building at 6:30 PM on the 22nd day of April, 2014, after due notice by Charlotte Observer – Union County Section; and

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

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

Section 1. By Virtue of the authority granted pursuant to N.C.G.S. Chapter 160A, Article 4A, Part 1, the following described territory is hereby annexed and made part of the Town of Indian Trail, North Carolina as of the 22nd day of April, 2014 at 11:59 p.m.:

TAX PARCEL NO: 07-117-11A: BEGINNING at a PK nail found at the intersection of the centerline of Blanchard Circle (S.R. #1360) and the centerline of Waxhaw-Indian Trail Road (S.R. # 1008) and from said POINT AND PLACE OF BEGINNING, thence following the centerline of Waxhaw-Indian Trail Road for the following three courses and distances: (1<sup>st</sup>) North 14-58-37 East 441.36 feet to a point; (2<sup>nd</sup>) North 15-40-59 East 184.18 feet to a point; and (3<sup>rd</sup>) North 16-26-45 East 66.87 feet to a point; thence South 58-51-38 East 933.75 feet, passing an axle found at 32.21 feet, to an axles found in the Southwestern line of the now or former James H. Shelby, Jr. and wife Patricia Shelby Property (Deed Book 407, Page 697, Union County Registry); thence South 50-26-15 West 775.50 feet, along the Northwestern line of the now or former 25' Common Area of Satterfield Subdivision (Plat Cabinet I, File 960, Union County Registry), to a point in the centerline of Blanchard Circle, passing an iron set at 744.33 feet; thence along the centerline of Blanchard Circle for the following three courses and distances: (1<sup>st</sup>) North 53-15-09 West 65.93 feet to a point; (2<sup>nd</sup>) North 51-15-24 West 102.82 feet to a point; and (3<sup>rd</sup>) North 50-44-51 West 324.28 feet to the POINT AND PLACE OF BEGINNING, containing 11.47 acres, more or less, as shown on the boundary and physical survey of "11.47 Acres, Intersection of Waxhaw-Indian Trail Road & Blanchard Circle" prepared by Walter Gordon and Associates for Demetre Kourakos, et al., dated August 6, 2007, and certified on August 8, 2007 by Walter L. Gordon, N.C.P.L.S. (L-1372).

Section 2. Upon and after the 22<sup>nd</sup> day of April, 2014, at 11:59 p.m., the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Indian Trail, North Carolina and shall be entitled to the same privileges and benefits as other parts of the Town of Indian Trail, North Carolina. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

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

Adopted this 22nd day of April, 2014.

TOWN OF INDIAN TRAIL

BY: \_\_\_\_\_  
Michael L. Alvarez, Mayor

ATTEST:

\_\_\_\_\_  
Peggy Piontek, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Keith J. Merritt, Town Attorney

**TC ATTACHMENT TWO**



4769  
0758

FILED  
UNION COUNTY  
CRYSTAL CRUMP  
REGISTER OF DEEDS

FILED Dec 21, 2007  
AT 05:08 pm  
BOOK 04769  
START PAGE 0758  
END PAGE 0761  
INSTRUMENT # 55085  
EXCISE TAX \$1,320.00  
cdc

Union County 12-21-2007  
NORTH CAROLINA  
Excise Tax \$1,320.00

Excise Tax \$1,320.00

Recording Time, Book and Page

Tax Lot No. \_\_\_\_\_ Parcel Identifier No. 07-117-11A  
Verified by UNION County on the \_\_\_\_\_ day of \_\_\_\_\_, 2007  
by \_\_\_\_\_

NCA549086/CHA

Mail after recording to HARTIS GROVE BAPTIST CHURCH OF UNION COUNTY, NORTH CAROLINA  
4224 BLANCHARD CIRCLE, INDIAN TRAIL, NC 28079

This instrument was prepared by JARVIS LAW GROUP, PLLC

Brief description for the Index

**METES AND BOUNDS**

**NORTH CAROLINA GENERAL WARRANTY DEED**

THIS DEED made this 21<sup>ST</sup> day of DECEMBER, 2007, by and between

GRANTOR

GRANTEE

DIMITRIOS P HONDROS BY HIS ATTORNEY IN FACT  
KONSTANTINA HONDROS, AND WIFE,  
KONSTANTINA HONDROS,  
AND  
DEMETRE KOURAKOS AND WIFE,  
DIMITRA KOURAKOS,  
AND  
ANDRIGOULA FOTINI HONDROS, UNMARRIED,  
AND  
SOFIA J. HONDROS, UNMARRIED,

HARTIS GROVE BAPTIST CHURCH OF UNION  
COUNTY, NORTH CAROLINA  
PROPERTY ADDRESS:  
2419 WAXHAW INDIAN TRAIL ROAD  
INDIAN TRAIL, NC 28079

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of INDIAN TRAIL, \_\_\_\_\_ Township, UNION County, North Carolina, and more particularly described as follows:

SEE ATTACHED EXHIBIT B FOR LEGAL DESCRIPTION

Together with and subject to any and all covenants, conditions, restrictions, reservations, easements and rights-of-way of public record.

The property hereinabove described was acquired by Grantor by instrument recorded in BOOK 4761 PAGE 726

A map showing the above described property is recorded in Plat Book N/A page N/A

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

APPLICABLE ZONING; ANY EASEMENTS AND RIGHTS OF WAY FOR SERVICE LINES, ROADS AND UTILITIES AS MAY BORDER OR CROSS THE PROPERTY, INCLUDING THE SUBDIVISION STREETS AS SHOWN ON RECORDED PLAT; ANY EASEMENTS RESERVED IN THE RESTRICTIVE COVENANTS, INCLUDING HOMEOWNERS ASSOCIATION PROVISIONS; APPLICABLE RESTRICTIVE COVENANTS OF RECORD AND STREET ASSESSMENTS; 2007 REAL PROPERTY TAXES; SUBJECT TO MATTERS THAT COULD BE REVEALED BY AN ACCURATE AND CURRENT PHYSICAL SURVEY AND BOUNDARY SURVEY OF THE PROPERTY.

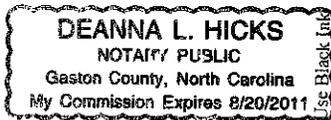
IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

\_\_\_\_\_  
(Entity Name)  
By: \_\_\_\_\_  
ITS \_\_\_\_\_  
\_\_\_\_\_

Konstantina Hondros (SEAL)  
KONSTANTINA HONDROS  
Andrioula Fotini Hondros (SEAL)  
ANDRIGOULA FOTINI HONDROS  
Demetre Kourakos (SEAL)  
DEMETRE KOURAKOS  
Dimitra Kourakos (SEAL)  
DIMITRA KOURAKOS  
Sofia J. Hondros (SEAL)  
SOFIA J. HONDROS  
Dimitrios P. Hondros by Konstantina Hondros,  
Attorney in fact  
DIMITRIOS P. HONDROS BY KONSTANTINA HONDROS, ATTORNEY IN FACT (SEAL)

USE BLACK INK ONLY

SEAL-STAMP



NORTH CAROLINA, Mecklenburg County.  
I, a Notary Public of the County and State aforesaid, certify that KONSTANTINA HONDROS, ANDRIGOULA FOTINI HONDROS, DEMETRE KOURAKOS, DIMITRA KOURAKOS, AND SOFIA J. HONDROS personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 21st day of December, 2007

My commission expires: 8-20-11 Deanna L. Hicks Notary Public

SEE EXHIBIT A FOR ATTORNEY IN FACT NOTARY ACKNOWLEDGEMENT

The foregoing Certificate(s) of \_\_\_\_\_

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

REGISTER OF DEEDS FOR \_\_\_\_\_ UNION \_\_\_\_\_ COUNTY

By \_\_\_\_\_ Deputy/Assistant - Register of Deeds

EXHIBIT A

North Carolina  
Mecklenburg County

I, Deanna L. Hicks, a Notary Public for said County and State, do hereby certify that Konstantina Hondros, attorney in fact for Dimitrios P. Hondros

personally appeared before me this day, and being duly sworn by me, says that (s)he executed the foregoing and annexed instrument for and in behalf of the said Dimitrios P. Hondros

and that the authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged, and recorded in the office of the Public Registry in the County of Union, State of North Carolina, in Book \_\_\_\_\_ at Page \_\_\_\_\_ and that this instrument was executed under and by virtue of the authority given by said instrument granting the power of attorney.

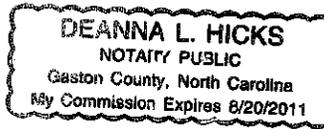
I do further certify that the said Konstantina Hondros acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said Dimitrios P. Hondros

Witness my hand and official seal, this 21<sup>st</sup> day of December, 2007.

My commission expires: 8-20-11

Deanna L. Hicks  
Notary Public

(Seal)



## EXHIBIT B

BEGINNING at a PK nail found at the intersection of the centerline of Blanchard Circle (S.R. # 1360) and the centerline of Waxhaw-Indian Trail Road (S.R. # 1008), and from said POINT AND PLACE OF BEGINNING, thence following the centerline of Waxhaw-Indian Trail Road for the following three courses and distances: (1<sup>st</sup>) North 14-58-37 East 441.36 feet to a point; (2<sup>nd</sup>) North 15-40-59 East 184.18 feet to a point; and (3<sup>rd</sup>) North 16-26-45 East 66.87 feet to a point; thence South 58-51-38 East 933.75 feet, passing an axle found at 32.21 feet, to an axle found in the Southwestern line of the now or former James H. Shelby, Jr. and wife Patricia Shelby Property (Deed Book 407, Page 697, Union County Registry); thence South 50-26-15 West 775.50 feet, along the Northwestern line of the now or former 25' Common Area of Satterfield Subdivision (Plat Cabinet I, File 960, Union County Registry), to a point in the centerline of Blanchard Circle, passing an iron set at 744.33 feet; thence along the centerline of Blanchard Circle for the following three courses and distances: (1<sup>st</sup>) North 53-15-09 West 65.93 feet to a point; (2<sup>nd</sup>) North 51-15-24 West 102.82 feet to a point; and (3<sup>rd</sup>) North 50-44-51 West 324.28 feet to the POINT AND PLACE OF BEGINNING, containing 11.47 acres, more or less, as shown on the boundary and physical survey of "11.47 Acres, Intersection of Waxhaw-Indian Trail Road & Blanchard Circle" prepared by Walter Gordon and Associates for Demetre Kourakos et al., dated August 6, 2007, and certified on August 8, 2007 by Walter L. Gordon, N.C.P.L.S. (L-1372).



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

**Planning Board Transmittal for the April 22, 2014 Town Council Public Hearing**

<b>Case: CZ 2013-010</b>			
<b>Reference Name</b>	<b>Blanchard Road Subdivision</b>		
<b>Planning Board Meeting Date</b>	March 18, 2014		
<b>Members Present</b>	Chair Cowan <input checked="" type="checkbox"/>	Jan Brown <input type="checkbox"/>	Vice Chair Larry Miller <input checked="" type="checkbox"/>
	Cathi Higgins <input checked="" type="checkbox"/>	Kelly D' Onofrio <input checked="" type="checkbox"/>	Robert Rollins <input checked="" type="checkbox"/>
	Alan Rosenberg <input type="checkbox"/>	Cheryl Mimy <input checked="" type="checkbox"/> Alternate 1 Present not voting	Steve Long <input checked="" type="checkbox"/> Alternate 2
	Sidney Sandy <input checked="" type="checkbox"/> Alternate 3		
<b>Case Found Complete</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
<b>Motion</b>	Recommend to approval as Conditioned to Town Council		
<b>Member Making the Motion</b>	Boardmember Steven Long		
<b>Second the Motion</b>	Vice Chair Larry Miller		
<b>Vote</b>	6-1		

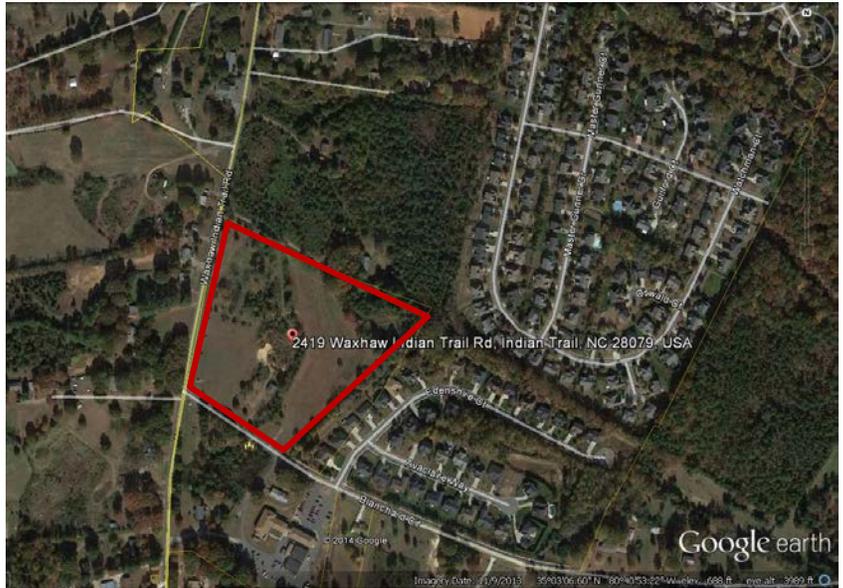
**Purpose of the Amendment:** This is a request to establish a Conditional Single Family Residential-5 (SF-5-CZ) zoning district to support development of a 29-home neighborhood at a density of 2.5du/acre (approximately), with related improvements (Attachment 1). The 11.47 acre subject property is located at the northeast corner of Waxhaw-Indian Trail Road and Blanchard Circle. The neighborhood features two access points, over two-acres of open space consisting of a trail within a wooded area, on-street parking, and 29-single-family residential home sites for brick wrapped dwelling units. The subject property is currently within the unincorporated area of Union County. The property owner, Hartis Grove Baptist Church, is processing a voluntarily annexation petition concurrent with the project.

**Town Council Action:** *Receive the Planning Board transmittal report and public testimony and:*

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

As stated in the summary, this is a request to rezone an 11.47-acre property for the purpose of developing a 29-lot single-family residential community resulting in a density of 2.5 dwelling units to the acre.

The adjacent location map provides an aerial view of the subject property. According to historic aerial photos, this property once had multiple single-family residential homes which have since been removed. There is one remaining dilapidated structure on the property. This property is currently used for signage for an adjacent church located on Blanchard Circle.



All conditional zoning requests are accompanied with a conceptual plan. The adjacent conceptual plan depicts two points of access, required infrastructure consisting of curb, gutter, sidewalk, street trees, and street lights located interior and exterior of the proposed subdivision, and over two acres of openspace. Attachment 3 of the attached Planning Board Report consists of the associated Architectural Guideline document which establishes the minimum architectural performance standards for the housing units. The highlights are:

- *Homes will be a minimum of 2100 sq. ft. of conditioned area;*
- *All homes will be brick wrapped, the use of brick, stone, and/or stucco is permissible as wall cladding materials of front facade. Accent material such as fiber cement siding or cedar style shake may not exceed 30% of wall area where it is used;*
- *Non-Repetitive Architecture;*
- *Raised Stem wall slab or crawl space foundation a minimum exposed height of 18" above finished grade;*
- *Architecturally designed garage doors;*
- *All home sites will have a sodded front yard and seeded and straw placed in the rear-yard at the time of occupancy.*



Attachment 1 of this report provides a complete analysis of the proposed project.

## Identified Builder

The applicant has identified the project's builder as "Bonterra Builders". The images below represent some product type identified for this development.



## Planning Board Meeting

This request was heard by the Indian Trail Planning Board on March 18, 2014. The Board discussed school assignment, storm water drainage, and setbacks. After deliberations, the Planning Board voted to transmit a recommendation to approve (6-1) as presented making the following required findings: The project as conditioned is consistent with the goals of the Comprehensive Plan are satisfied as follows:

*Goal – Land Use and Housing* - The proposed conditional district provides for quality medium density residential use at an appropriate location providing a transition at an intersection, and at a scale consistent with the Siting Criteria – SC-5 of the Comprehensive Plan. The project also supports the existing neighborhoods and community by providing a well designed, quality, subdivision at a Town gateway location.

*Goal- Mobility and Transportation* – The proposed conditional district includes the construction of curb, gutter, and sidewalk enhancing mobility in the area, construction of a roadway improvements (turn-lane and storage) and dedication of right-of-way on adjacent roadways to meet the future transportation needs of our community.

*Goal- Infrastructure*-The proposed conditional district will expand utilities in the area, underground overhead utilities where feasible, and will evaluate stormwater needs to avoid potential impacts with adjacent properties.

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 Moore Farm Village, provides expanded housing opportunities for Indian Trail citizens and business owners, includes transportation and utility infrastructure investment, and is in general conformity of the Comprehensive Plan.

**Town Council Action** - Based on the transmittal, public testimony, and deliberations, the Council may take one of the following actions:

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.*

Shelley DeHart, AICP

704 821-5401

[srd@planning.indiantrail.org](mailto:srd@planning.indiantrail.org)

Attachment -1- Planning Board Report

Attachment- 2 – Draft Ordinance

TC Attachment 1- Planning Board Report



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

PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

**Conditional Zoning Staff Report**

<b>Case: CZ 2013-0010</b>			
<b>Reference Name</b>	Blanchard Circle Subdivision		
<b>Request</b>	Proposed Zoning	Conditional Zoning-Single Family Residential-5 District (SF-5-CZ)	
	Proposed Uses	Single Family Residential (detached homes)	
<b>Existing Site Characteristics</b>	Existing Zoning	Union County Residential- R-40 Rural Single-family	
	Existing Use	Vacant	
	Site Acreage	11.47 acres	
<b>Applicant</b>	Natures Calling, LLC		
<b>Submittal Date</b>	December 13, 2013		
<b>Location</b>	Corner of Waxhaw-Indian Trail Road & Blanchard Circle		
<b>Tax Map Number(s)</b>	07-117-011A		
<b>Plan Consistency</b>	Comprehensive Plan	Designation	Rural Mix Village
		Consistent with Request	General Compliance with modification
<b>Recommendations &amp; Comments</b>	Planning Staff	Recommends approval of a Conditional Zoning District	

**Project Summary**

This is a request to establish a Conditional Single Family Residential-5 (SF-5-CZ) zoning district to support development of a 29-home neighborhood at a density of 2.5du/acre (approximately), with related improvements (Attachment 1). The 11.47 acre subject property is located at the northeast corner of Waxhaw-Indian Trail Road and Blanchard Circle. The neighborhood features two access points, over two-acres of open space consisting of a trail within a wooded area, a guest on-street parking area at the park, and 29-single-family residential home site for brick wrapped dwelling units. The proposal also contemplates constructing an eastbound left turn lane on Waxhaw-Indian Trail Road as required by the North Carolina Department of Transportation (NCDOT). The subject property is currently within the unincorporated area of Union County. The property owner, Hartis Grove Baptist Church, is processing a voluntarily annexation petition concurrent with the project.

**Recommendation**

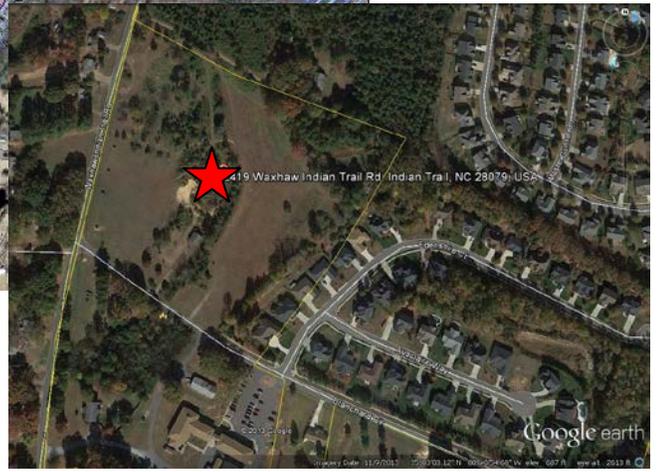
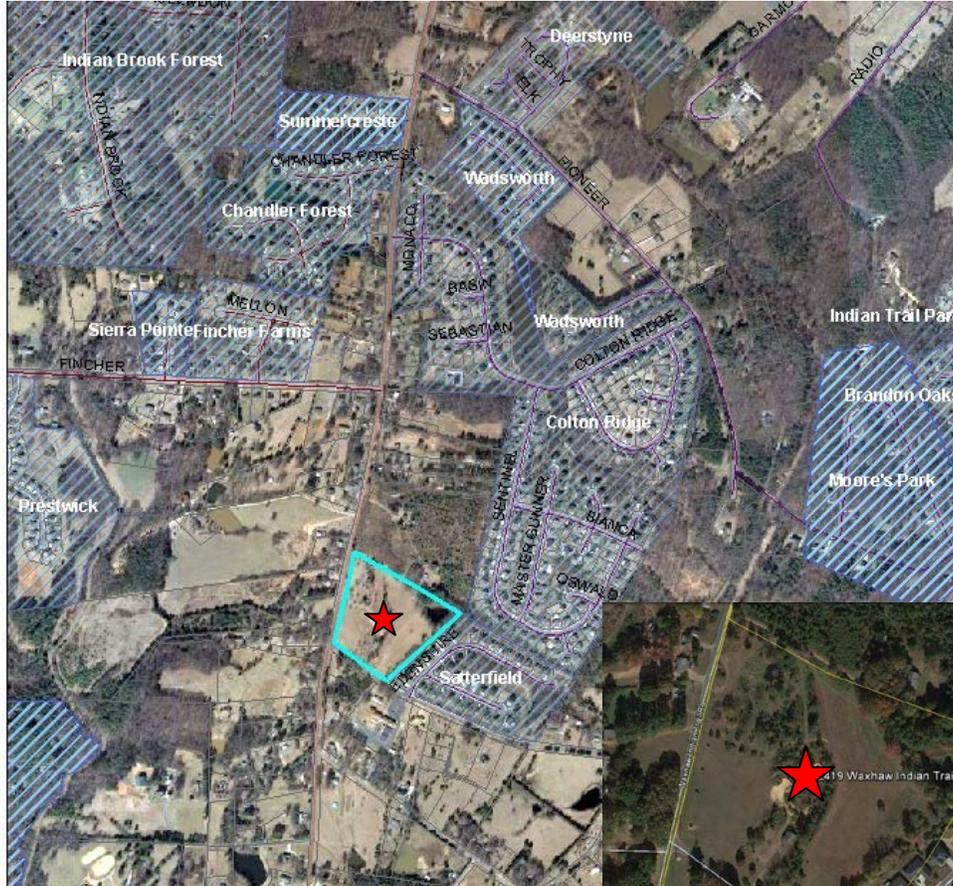
Staff is of the opinion the necessary findings can be made to support this Conditional Zoning request.

# Analysis

## Location Characteristics and Surrounding Zoning

### Location Overview

The subject property is located at the northeast corner of Waxhaw-Indian Trail Road and Blanchard Circle which is the southern gateway into the Town from Wesley Chapel.



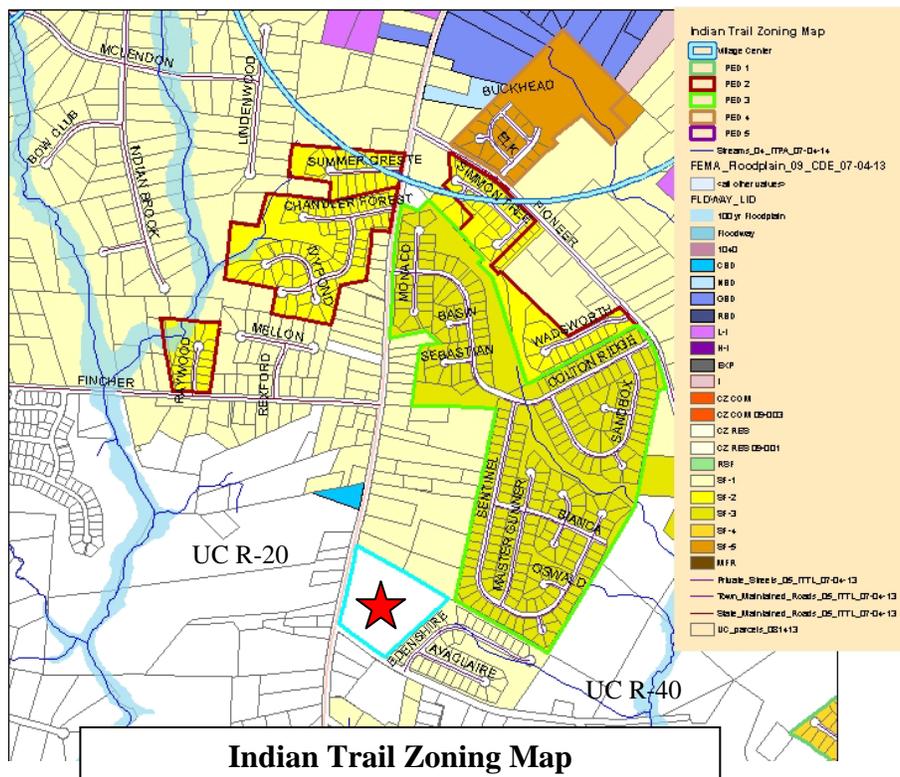
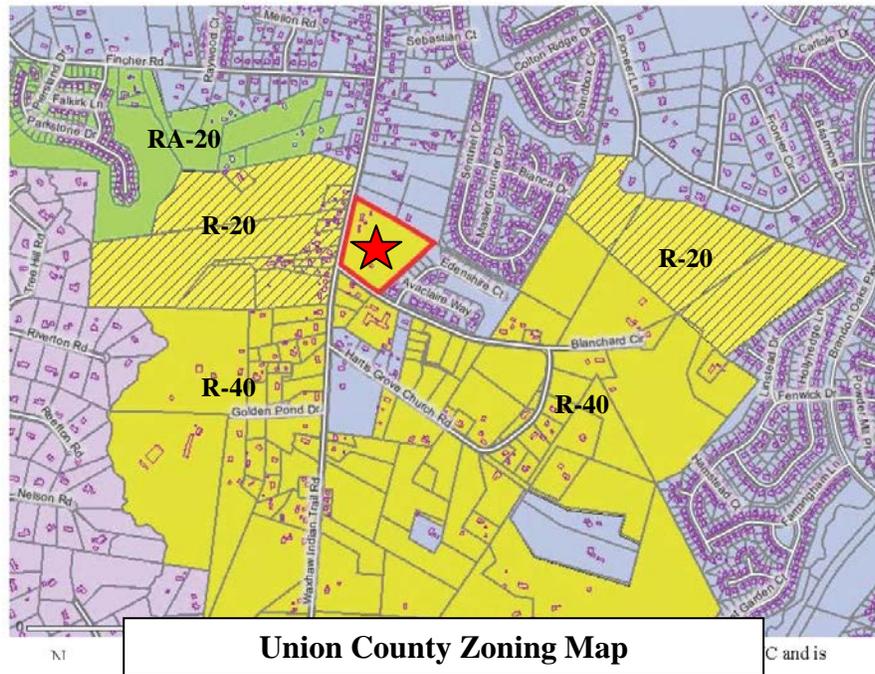
This map provides a current conditions snapshot of the subject property relative to surrounding neighborhoods and uses. The Table below provides a listing of adjacent uses.

Direction	Current Use
North	Single-family Residential
West	Single-family Residential
South	Church, Daycare, Residential
East	Single-family Residential

The homes in the area range in the year built from the early 1920's to 2013. Minor agriculture activities are still visible in the area. Many of the planned residential communities were built in early 2000's.

## Area Zoning

I have provided two zoning maps- the first map represents existing Union County Zoning and the second map the Town of Indian Trail Zoning Classifications.



The zoning classifications vary from R-40 within the unincorporated area of the County to Planned Developments within the Town of Indian Trail (PED – SF 2 – SF-5). The density of the Planned Residential Developments within the project area, vary from 2.2 dwelling units to the acre to 2.7 dwelling units to the acre.

### Concept Plan

The Concept Plan provided below is a required element of the conditional rezoning application submittal. The Concept Plan reflects development of a 29 lot single-family neighborhood with corresponding passive open space, and proposed road improvements to mitigate traffic impacts.



The following will provide a brief overview of key elements of the Concept Plan (Attachment 2).

1. *Site Layout:* Site access is provided on Waxhaw-Indian Trail Road and on Blanchard Circle. The internal streets interconnect with one-another providing a loop to access points. A landscape buffer is proposed adjacent to the external roads providing screening and privacy for the adjacent residential lots.
2. *Lot Types and Dimensions:* This community is proposed to follow the conventional SF-5 lot and building standards as identified in the UDO except in the area of interior side-yard setback which will be discussed below.
  - a. All of the lots exceed the minimum 8,000 sq. ft. lot area (average lot size 9,488 sq.ft) with the minimum 66 foot lot width.
  - b. The applicant is requesting a small reduction (2-feet) within the interior side-yard setback. The SF-5 zoning classification requires a 10-foot side-yard setback. The applicant is proposing an 8-foot setback on interior side-yards only. All corner lots will have a 10-ft- street-side side-yard setback.
  - c. The corresponding proposed setback scheme, min. lot areas, and densities are noted in the Table below. A comparison of this information to the conventional SF-5 requirements and to other Indian Trail neighborhoods near the subject property is provided as well.

**TABLE: PROPOSED DEVELOPMENT LOT TYPE COMPARISON**

	<b>Min. Lot Width</b>	<b>Min. Lot Area</b>	<b>Min. Front Setback</b>	<b>Min. Rear Setback</b>	<b>Min. Side Setback</b>	<b>Density</b>
<b>Proposed Development</b>	66-ft	8,250 sq. ft Adv. 9,488 sq. ft.	25-ft	30-ft	8-ft on interior lot lines 10-ft on street side	2.5 units/acre
<b>Conventional SF-5 Requirements</b>	60-ft	8,000 sq. ft.	25-ft	30-ft	10-ft	5-units/acre
<b>Satterfield PRD</b>	Approx. 60-ft +	Approx. Range of 8,250 – 14,000 (9,474 sq. ft. Average size)	25-ft	25-ft 40-ft exterior lot	8-ft interior 18-ft street side	2.2 units/acre
<b>Colton Ridge PND</b>	65-ft.	Approx. Range of 8250 sq.ft to 20,331 sq. ft. (9,696 sq. ft. Average size)	20-ft	20-ft.	5-ft interior 12-ft street side	2.7 units/acre
<b>Chandler Forest</b>	60-ft	Approx. Range of 7,726, to 23,407sq. ft. (11,147 sq. ft. Average size)	25-ft	25-ft (40-ft Exterior)	8-ft interior 18-ft street side	2.2 units/acre

3. *Frontage Improvements:* Waxhaw-Indian Trail Road will be improved with curb, gutter, 6-ft. wide sidewalk, decorative pedestrian street lights, and street trees. Blanchard Circle frontage will be improved with curb, gutter, 5-ft wide sidewalk, decorative pedestrian street lights, and street trees. There is required right-of-way (ROW) dedication on both Waxhaw-Indian Trail Road and Blanchard Circle. NCDOT is requiring a left turn-lane with associated storage be built on Waxhaw-Indian Trail Road. The applicant has worked with NCDOT to identify the best location for the left turn lane into the subdivision which at the crest of the hill on Waxhaw-Indian Trail Road.
4. *Onsite Road Improvements:* Access to residential lots within the community will be provided by a 50-ft wide right-of-way (ROW) that will be designed with curb/gutter, sidewalks, street lights, and street trees. A secondary right-of-way is proposed to be 40-foot in width designed with curb, gutter, sidewalk, street lights and street trees. There will be no on-street parking on the 40-foot ROW. The 50-ft right-of-way will be design to accommodate on-street parking on one side ONLY. The Town will work with the developer and builder on appropriate parking related signage where required. The developer is also providing a few additional on-street parking spaces adjacent to the park area.
5. *Open Space/Tree Retention:* The required open space area per the UDO (based on the number of lots) is slightly less than one acre (.83 acre). The proposed community has been designed with approximately 2+ acres of open space that will include a meandering walking trail around an existing pond located within the wooded area at the northeast corner of the property. The applicant is preserving the wooded tree area (as much as feasible) within the open space area and is required to comply with the Tree Preservation Ordinance of the UDO.

6. *Architectural Design*: The applicant has proposed an architectural design guideline document to memorialize the vision of a high quality residential community in keeping with the vision of the Town (Attachment 3). The proposed standards exceed the Town's minimum architectural requirements of Chapter 13 of the UDO. The developer has committed to the following:
  - a. *Brick wrapped homes with a mix of materials such as stone and/or stucco on the front facades. Accent material such as fiber cement siding or cedar style shake may not exceed 30% of wall area where it is used. The use of vinyl as a siding material is prohibited.*
  - b. *Minimum Home Size of 2,100 square feet of conditioned area.*
  - c. *Non-Repetitive Architecture*
  - d. *Raised Stem wall slab or crawl space foundation a minimum exposed height of 18" above finished grade.*
  - e. *Architecturally Designed Garage Doors*
  - f. *All home sites will have a sodded front yard and seeded and straw placed in the rear-yard at the time of occupancy.*

### **Comments from Outside Agencies**

- *North Carolina Department of Transportation (NCDOT)*: NCDOT identified the need for a left-turn lane with 50 feet of storage on Waxhaw-Indian Trail Road.
- *Union County Public Works (UCPW)*: The UCPW comment letter dated February 20, 2014 that water and sewer capacity presently exists in their treatment plants to meet the projected water and sewer demands of the Development.
- *Union County Public Schools (UCPS)*: UCPS stated in an email dated January 21, 2014 that the development will be in the current Sun Valley Cluster which is Indian Trail Elementary School, Sun Valley Middle and High School. All three schools are presently below capacity and are expected to remain so for the next several years. They also stated the fact that UC BOE is currently considering possible reassignments. Staff has reviewed the information posted to date and this area is not proposed to be reassigned to another district.
- *Union County Fire Marshall (UCFM) & Union County Inspections Office (UCIO)*: UCFM and UCIO did not have any comments on the rezoning.
- *Union County Sheriff Office (UCSO)*: UCSO voiced concern about potential parking problems. The conceptual drawings provide for parking on on-side of the 50 ROW (which will be identified and extra spaces have been included at the park/open space area.

### **Community Meetings**

The applicant held two community meetings as required by UDO Section 330.020. The purpose of the meetings is to solicit comments and concerns from surrounding property owners. Notices for the community meetings consisted of advertising in the newspaper, sending first class mailed notices to the owners of surrounding properties within 500 feet (approx. 81-addresses), and posting one sign on the site. The first community meeting was held at the church located at 4224 Blanchard Circle (Previously-Hartis Grove Baptist Church) on February 19, 2014 from 3:00 p.m. to 5:00 p.m. The second community meeting was held on February 19, 2014 at the Indian Trail Civic Building from 6:30 p.m. to 8:30 p.m. The following will provide a brief summary of the Town required community meetings.

- *Daytime Meeting*: This meeting was attended by approximately 10-members of the public. Discussion at the meeting focused on the architectural design of the homes, infrastructure improvements (curb, gutter, sidewalk), traffic impacts, water and sewer availability and water pressure, school impacts, and potential impacts associated with stormwater runoff on the adjacent parcels in Satterfield. The project engineer, John Ross made arrangements to meet with the adjacent property owner within Satterfield to discuss his concerns regarding the stormwater drainage. The minutes can be found in Attachment 4 of this report.
- *Evening Meeting*: This meeting was attended by approximately 7-members of the public. Questions raised at this meeting were similar to questions raised at the day time meeting.

Additional questions were asked related to the overall esthetics of the neighborhood, the timing of development and the price point of the proposed homes. These minutes can also be found in Attachment 4 of this report.

### **Draft Conditions**

Conditions of approval have been developed in order to ensure the proposed rezoning is consistent with the Comprehensive Plan and the underlying intent of the Single Family Residential-5 District.

1. *Concept Plan and Architectural Guidelines:* The development shall be designed and constructed consistent with the concept site plan, conditions of approval, and architectural guidelines attached hereto. The concept plan and architectural guidelines shall be attached to the approval documents for CZ2013-010 and recorded at the Union County Records of Deeds office.
2. *Exterior Wall Siding Materials:* The exterior wall materials shall consist primarily of brick (brick wrapped dwellings). The use of brick, stone, and/or stucco is permissible as wall cladding materials. Accent material such as fiber cement siding or cedar style shake may not exceed 30% of wall area where it is used. The wall area shall be calculated excluding doors and windows. The use of vinyl as a wall siding material is prohibited.
3. *Dwelling Units:* Dwelling units shall be a minimum of 2100 square feet in area (conditioned area).
4. *Permitted Uses:* The permitted use of the subject property is for single-family residential detached homes and accessory uses as permitted by the UDO.
5. *Maximum Dwelling Units:* The maximum dwelling units for this 11.47 acre property shall be 29 units for a maximum density of 2.5 du/acre. All of the lots shall exceed the minimum 8,000 sq. ft. lot area (average lot size 9,488 sq.ft) and shall be a minimum of 66 feet in width.
6. *Building Setbacks:* Min. building setbacks for single-family homes shall consist of the following: 25-ft front, 8-ft interior side-yard/10-ft corner or street-side yard, and 30-ft rear. All homes and related improvements shall also be located outside all sight distance areas.
7. *Frontage Improvements:*
  - a. Waxhaw-Indian Trail Road will be improved with curb, gutter, 6-ft. wide sidewalk, decorative pedestrian street lights, and street trees. Blanchard Circle frontage will be improved with curb, gutter, 5-ft wide sidewalk, decorative pedestrian street lights, and street trees.
  - b. There is right-of-way (ROW) dedication required to NCDOT on both Waxhaw-Indian Trail Road (44' from C/L) and Blanchard Circle (30' from C/L).
  - c. A left turn-lane with associated storage (50') shall be built on Waxhaw-Indian Trail Road to the satisfaction of NCDOT and the Town of Indian Trail. Said turn lane shall be built prior to the first Certificate of Occupancy is issued for a dwelling unit or as required by the Town and NCDOT.
  - d. Construction equipment associated with this development shall have restricted access at Blanchard Circle and Waxhaw-Indian Trail Road. Any damage to the existing roadway as a result of said construction equipment shall be repaired prior to final occupancy of the last two dwellings of the subdivision. The roads shall remain clear of debris during construction.
8. *Onsite Road Improvements:* Access to residential lots within the community will be provided by a 50-ft wide right-of-way (ROW) that will be designed with curb/gutter, sidewalks, street lights, and street trees. A secondary right-of-way is proposed to be 40-foot in width designed with curb, gutter, sidewalk, street lights and street trees. There will be no on-street parking on the 40-foot ROW. The 50-ft right-of-way will be design to accommodate on-street parking on one side ONLY. The Town will work with the developer and builder on appropriate parking related signage where required. The developer is also providing a few additional on-street parking spaces adjacent to the park area.

9. *Perimeter Landscaping*: Perimeter landscaping is required along the site frontage on Waxhaw Indian Trail Road and Blanchard Circle. Said landscaping shall provide a healthy screen buffer to adjacent properties within the development. A 5-foot wide landscape easement is required on the rear property line of lots 19 to 22. The easement shall be planted with a mix of shrubs/trees prior to the certificate of occupancy for said lots.
10. *Open Space and Tree Retention*: The proposed community has been designed with approximately 2+ acres of open space that will include a meandering walking trail around an existing pond located within the wooded area at the northeast corner of the property. The applicant is preserving the wooded tree area (as much as feasible) within the open space area and is required to comply with the Tree Preservation Ordinance of the UDO. The open space area shall include pedestrian lights at access and benches. Tree 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. The required stormwater analysis shall include a study of downstream conditions/infrastructure through the Satterfield Development.
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 property owners of 07117802 and 07117771 unless such a review is declined by the adjacent property owners. The intent of the review is to keep the property owners apprised of the final grading and stormwater design and its relationship to adjacent, downstream properties.
13. *Overhead Utilities*: The overhead utilities located adjacent to the Blanchard Circle frontage shall be placed underground. Every effort shall be made to underground the overhead utilities located on the Waxhaw-Indian Trail Road frontage if possible.
14. The Town Council may act to revoke the conditional zoning district designation if the applicant fails to meet the terms of the district.

### **Comprehensive Plan Consistency**

The subject property is located within the Moore Farm Village. This village is identified as a Rural Mix Village within the adopted Comprehensive Plan. This village is planned to be focused primarily around low-density residential uses that reflect a rural setting. Medium density residential uses are permissible, however are less frequent and should be placed within Village or Neighborhood Centers whenever possible. The map below represents the Moore Farm Village as adopted in the 2013 Comprehensive Plan update.



Fig. 5.1.28 Moore Farm Village Future Land Use

*Rural Mix Village Land Use- Per the Comp Plan-* Low density residential should comprise 65% to 75% of a Rural Mix Village depending on the location and market factors. Medium density residential uses should not exceed 8-12% of the village's land, while retail uses should occupy not more than 1% of the Village. Public facilities and institutional uses such as parks, schools, and places of worship, should not exceed 3 -7% of the village. The table below identifies the dwelling units per acre for each corresponding land use category.

Base Residential Land Use Densities	
Land Use	Residential Density (du/acre)
Low Density Single Family Residential	less than 2
Med. Density Single Family Residential	2 - 4
High Density Single Family Residential	4 - 6
Village Center Multi-Family Residential	12 - 15

A look at uses within the existing village reveals the village is approximately 490 acres, approximately 17 acres is developed medium density (Satterfield), another 30 acres (approx) is identified as future medium density, approximately 2.5 acres is found in institutional uses, and the remaining acreage is undeveloped, low single-family, or used for light agriculture activity.

The applicant is requesting a density of 2.5 units per acre which would put the development within the medium density category based on the table above. A total of approximately 9.5% of the medium density has been identified (Satterfield and future). If the subject development is added to the medium density category it will bring the medium density percentage to 13 percent of the village – slightly higher than identified in the Comprehensive Plan. Staff recommends the Board consider including the subject property within the medium density category for the village due to the following:

- The Rural Mix Village Siting Criteria SC-5 states: Medium density residential uses should be located within the Village Center with generally no more than 50-units throughout the development and located in close proximity to boulevard or thoroughfare intersections.
  - *The subject property is located at the corner of Waxhaw- Indian Trail Road, which is a 2-lane boulevard and Blanchard Circle – residential local street; and*
  - *There are no Village Centers located within the two Rural Mix Villages identified in the Comprehensive Plan; and*
  - *The project consists of 29 single-family residential lots.*
- The medium density proposed at 2.5 units to the acre seems to be a reasonable density at this location based on the existing adjacent uses and the future residential density of the adjacent “Old Monroe Village” are as follows:

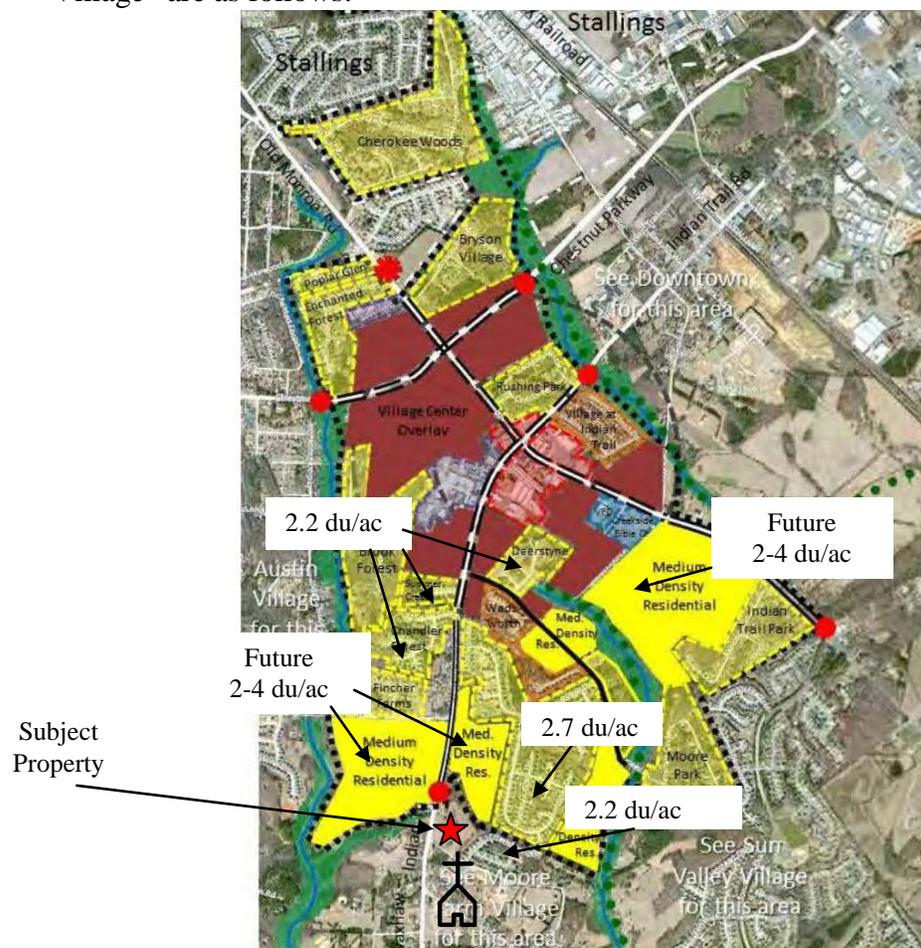


Fig. 5.1.41 Old Monroe Village Plan

Furthermore, staff is of the opinion that the required findings can be made to support this request as follows:

#### Land Use and Housing

- *The proposed conditional zoning promotes a mix of different type of land use within the Moore Farm Village and based on its design and its location, will avoid the potential land use conflicts between neighboring properties; and*
- *The project will promote a diverse range of housing options by offering a high-quality single-family residential living within a medium density subdivision providing living opportunities for a wide range of residents; and*
- *Furthemore, the project, as conditioned, emphasizes a high quality design and dwelling standards supporting existing Indian Trail neighborhoods to create a strong and vibrant community.*

#### Transportation and Infrastructure

- *The proposed project includes transportation improvements as well as right-of-way dedication to NCDOT to meet future transportation needs; and*
- *The project includes conditions to analyze the stormwater conditions and infrastructure downstream to insure adequate storm water infrastructure is provided.*

### **Action Required**

The Planning Board must adopt a statement of consistency and reasonableness prior to making a motion for recommendation. The finding must be made that the proposed amendment is both reasonable and consistent with the Comprehensive Plan. Staff is of the opinion the goals of the Comprehensive Plan are satisfied as follows:

*Goal – Land Use and Housing* - The proposed conditional district provides for quality medium density residential use at an appropriate location providing a transition at an intersection, and at a scale consistent with the Siting Criteria – SC-5 of the Comprehensive Plan. The project also supports the existing neighborhoods and community by providing a well designed, quality, subdivision at a Town gateway location.

*Goal- Mobility and Transportation* – The proposed conditional district includes the construction of curb, gutter, and sidewalk enhancing mobility in the area, construction of a roadway improvements (turn-lane and storage) and dedication of right-of-way on adjacent roadways to meet the future transportation needs of our community.

*Goal- Infrastructure*-The proposed conditional district will expand utilities in the area, underground overhead utilities where feasible, and will evaluate stormwater needs to avoid potential impacts with adjacent properties.

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 Moore Farm Village, provides expanded housing opportunities for Indian Trail citizens and business owners, includes transportation and utility infrastructure investment, and is in general conformity of the Comprehensive Plan.

## **Recommendation**

Staff is of the opinion that the findings can be made to support a conditional zoning district for the subject property. The proposed conditional rezone is consistent with the Town's Comprehensive Plan.

**Attachment 1** – Application

**Attachment 2** – Concept Plans

**Attachment 3** – Architectural Guidelines

**Attachment 4** – Minutes from Community Meeting

**Attachment 5** –Draft Ordinance

## **Staff Contact**

Shelley DeHart

704 821-5401

Srd@planning.indiantrail.org

**PB Attachment 1**  
Application

R-000495

**CONDITIONAL ZONING  
APPLICATION**

Invoice 19170



**PLANNING AND NEIGHBORHOOD SERVICES**

**PO Box 2430**

**Indian Trail, NC 28079**

**Telephone (704) 821-5401**

**Fax (704) 821-9045**

12-13-13 P02:38 IN

**ONLY COMPLETE APPLICATIONS ACCEPTED**

Processing Fee \$800.00

Notification Fee \$2.50 per adjoining property owner

Date Received 12/13/12

# CONDITIONAL ZONING APPLICATION



## Submittal Requirements

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

## General Information

Project Address 2419 Waxhaw-Indian Trail Road

City Indian Trail State NC Zip 28079

Tax Parcel ID 07 117 011A Zoning Designation SF-5

Total Acres 11.47 Impervious Area 3.2 ac. (estimated)

Project Description Single-Family, detached residential subdivision

## Contact Information – Applicant

Name Natures Calling, LLC

Address 231 Post Office Drive, Suite B8

City Indian Trail State NC Zip 28079

Phone (704) 882-1700 Fax (704) 882-2220

Email dmoser@themosergroupinc.com

## Contact Information – Property Owner

Name Hartis Grove Baptist Church of Union County North Carolina

Address 2419 Waxhaw-Indian Trail Road

City Indian Trail State NC Zip 28079

Phone 704-821-8191 Fax 704-821-8191

CONDITIONAL ZONING APPLICATION



Email

admin@NCBCIT.com

Applicant's Certification

Signature

[Handwritten Signature]

Date

12-13-13

Printed Name/Title

DENNIS W. MASER / PARTNER

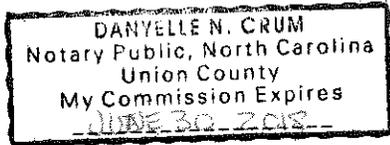
Signature of Notary Public

[Handwritten Signature]

Date

12-13-13

Notary Seal



Property Owner's Certification

Signature

[Handwritten Signature]

Date

12-13-13

Printed Name/Title

Eddie Morgan

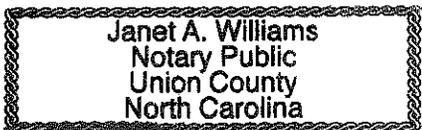
Signature of Notary Public

[Handwritten Signature] Janet A. Williams

Date

12-13-13

Notary Seal



TOWN OF INDIAN TRAIL OFFICE USE ONLY

CASE NUMBER: R-000495 / C72013-010

DATE RECEIVED: 12/13/13

AMOUNT OF FEE: \$800

RECEIVED BY: KPI

RECEIPT #:



December 12, 2013

Ms. Shelley DeHart  
Director of Planning  
Town of Indian Trail  
130 Blythe Drive  
Indian Trail, NC 28079

Re: Letter of Intent  
Tax Parcel 07117011A  
Conditional Zoning Petition  
Indian Trial, North Carolina

Dear Ms. DeHart:

On behalf of our client, Natures Calling, LLC, it is our intent and our formal request to annex and rezone the property as a Conditionally Zoned Residential Subdivision under the Town's Unified Development Ordinance. In support of our request for a Zoning Map Amendment, included herein are an executed Conditional Zoning Application and supporting documentation.

The proposed development is located within the northeast quadrant of the intersection of Waxhaw-Indian Trail Road and Blanchard Circle. The subject parcel totals 11.48 acres and is currently zoned as residential within Union County's zoning designation.

The proposed Single Family subdivision will be developed in accordance SF-5 zoning designation as defined by the Town of Indian Trail Unified Development Ordinance (UDO). The site development will include street trees, street lighting and a minimum of 25% open space with pedestrian access. Right of way along both public roadway frontages will be dedicated to NCDOT with curb, gutter and sidewalk constructed along the frontage.

The internal streets will be constructed in accordance with the Town of Indian Trail/NCDOT standards and dedicated to the Town/NCDOT for public use and maintenance. Consistent with the vision of the UDO, the project will be developed in a manner that is pedestrian friendly to the surrounding community.

We believe this request is consistent with the intent of the long term vision of the Town of Indian Trail and we thank you for your consideration of this application. Should you

Atlanta  
PO Box 551  
Alpharetta, GA 30004  
Ph 678 339 0640  
Fax 678 339 0534

[www.eagleonline.net](http://www.eagleonline.net)

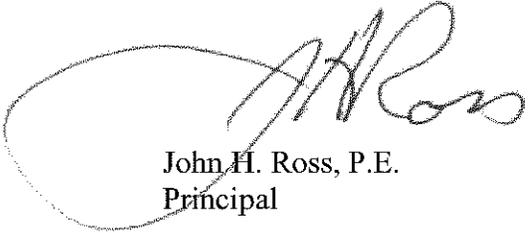
Charlotte  
2013-A Van Buren Avenue  
Indian Trail, NC 28079  
Ph 704 882 4222  
Fax 704 882 4232

Ms. Shelley DeHart  
12/13/2013  
Page 2

have any questions or require additional information, please feel free to call at your convenience.

Sincerely,

**EAGLE ENGINEERING, INC.**

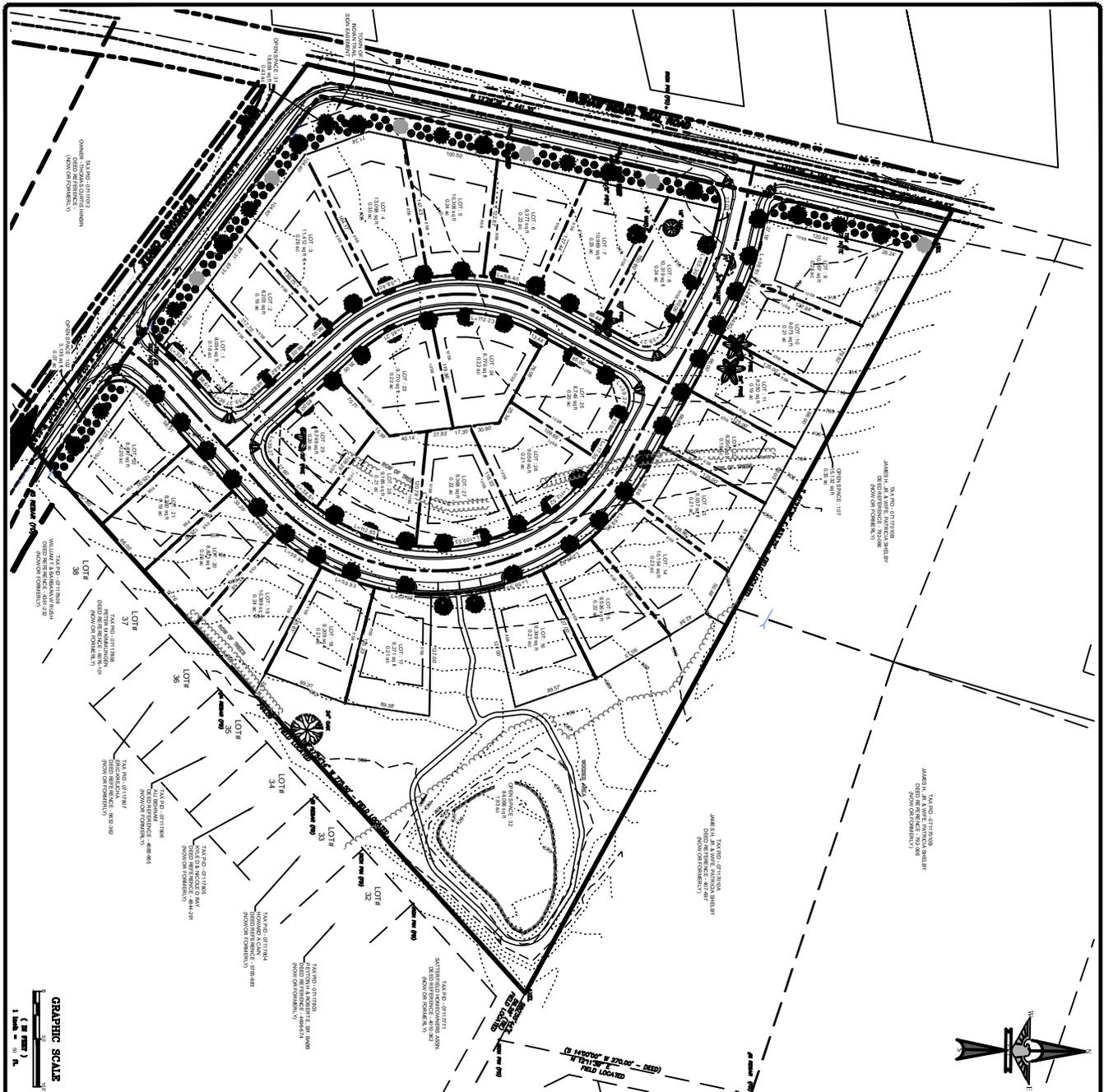
A handwritten signature in black ink, appearing to read "J. Ross", is written over a large, faint, circular watermark or stamp.

John H. Ross, P.E.  
Principal

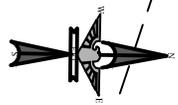
Attachments

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**PB Attachment 2**  
Concept Plan



**GRAPHIC SCALE**  
 1" = 50' (AS SHOWN)  
 1" = 100' (AS SHOWN)



<b>PROJECT ENGINEER:</b>	JEREMIAH S. MURPHY, P.E.
<b>STREET ADDRESS:</b>	203A VAN BUREN AVENUE
<b>CITY, STATE, ZIP:</b>	704.882.4222 ALPHARETTA, NC 28809
<b>PHONE:</b>	866.775.0329
<b>FAX:</b>	
<b>DEVELOPER:</b>	NATURES CALLING, LLC
<b>STREET ADDRESS:</b>	231 POST OFFICE DRIVE
<b>CITY, STATE, ZIP:</b>	INDIAN TRAIL, NC 28079
<b>PHONE:</b>	1.704.882.7700
<b>FAX:</b>	1.704.882.7700
<b>EMAIL:</b>	DMOSER@THEMOSERGROUP.COM
<b>CONTACT:</b>	DENNIS MOSER

**PROJECTED CONSTRUCTION SCHEDULE**

BEGIN CONSTRUCTION	JUNE 1, 2014
END CONSTRUCTION	DECEMBER 1, 2014

**PARCEL DATA**

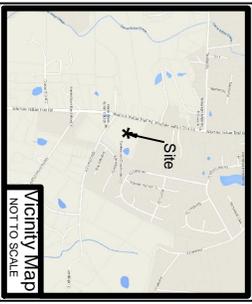
<b>TAX ID #</b>	071170114
<b>OWNER</b>	HARTIS GROVE BAPTIST CHURCH OF UNION COUNTY NORTH CAROLINA
<b>DEED BOOK AND PAGE</b>	DB 4789 PG 798
<b>TOTAL ACRES</b>	114.79 ACRES
<b>ACRES IN R/W</b>	0.720 ACRES
<b>NET ACREAGE</b>	10.759 ACRES

**ZONING INFORMATION**

<b>PROPOSED ZONING</b>	SF-5
<b>MIN. LOT AREA</b>	8,000 SQ. FT.
<b>MIN. LOT WIDTH</b>	60 FT.
<b>FRONT SETBACK</b>	25 FT.
<b>REAR SETBACK</b>	30 FT.
<b>SIDE SETBACK</b>	8 OR 10 FT.
<b>TOTAL LOTS</b>	30
<b>OPEN SPACE REQUIRED</b>	1,862 FT.
<b>OPEN SPACE (10% AC PER LOT)</b>	0.83 ACRES (1.99 ACRES)
<b>OPEN SPACE</b>	2.78 ACRES (1.99 ACRES)

**ESTIMATED CONSUMPTIONS**

<b>WATER</b>	
25 SINGLE FAMILY HOMES	11,600 GPD
2.7 ACRES OF IRRIGATION*	5,500 GPD
<b>SEWER</b>	
25 SINGLE FAMILY HOMES	6,265 GPD
<b>FIRE FLOW</b>	
	1000 GPM AT 20 PSI



**SKETCH**

**PRELIMINARY CONSTRUCTION**

**SKETCH PLAN**

DESIGNED BY	ARP	DRAWN BY	ARP	CHECKED BY	JSM
DATE	AS SHOWN	DATE	12/13/2013	FIGURE NO.	5050

**BLANCHARD CIRCLE**  
**2419 WAXHAW-INDIAN TRAIL RD.**  
**NATURES CALLING, LLC**  
**231 POST OFFICE DRIVE, SUITE B8**  
**INDIAN TRAIL, NC 28079**

NO.	DATE	BY	DESCRIPTION
01	12/13/2014	JSM	Revised streets and lot layout
02	02/11/2014	JSM	Revised lot widths and side setbacks
03	02/18/14	JSM	Revised per ICFPI Sketch Plan comments

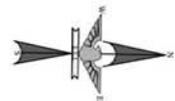
**ENGINEERING**

203-A Van Buren Avenue  
 Indian Trail, NC 28079  
 (704) 882-4222  
 www.engineerinc.net

P.O. BOX 551  
 Alpharetta, GA 30009  
 (678) 539-0640



GRAPHIC SCALE  
1" = 50' 0"



EXHIBIT

PRELIMINARY PLAN			
DESIGNED BY	DRAWN BY	CHECKED BY	
ASG	ASG	JSM	
DATE	DATE	DATE	
12/15/2013	12/15/2013	12/15/2013	

**BLANCHARD CIRCLE**  
**2419 WAXHAW-INDIAN TRAIL RD.**  
**NATURES CALLING, LLC**  
**231 POST OFFICE DRIVE, SUITE B8**  
**INDIAN TRAIL, NC 28079**

NO.	DATE	BY	REVISIONS
1	01/15/2014	ASG	Revised streets and lot layout

**EAGLE ENGINEERING**  
 2013-A Van Buren Avenue P.O. BOX 551  
 Indian Trail, NC 28079 Alpharetta, GA 30009  
 (704) 842-4222 (770) 339-0646  
 www.eagleeng.com

**PB Attachment 3**  
Design Guidelines

# COMMUNITY DESIGN GUIDELINES

*Town of Indian Trail  
Revised March 2014*

## Blanchard Circle



# Blanchard Circle

## COMMUNITY DESIGN OBJECTIVES

### PHILOSOPHY FOR BLANCHARD CIRCLE

The development team for the Blanchard Circle community recognizes that this project will be identified as a "gateway" into the Town of Indian Trail from the neighboring communities. In this regard, it is our desire to create a neighborhood that enhances the local quality of life, creates a neighborhood that is welcoming to residents and visitors, and creates a feeling of community through consistent design themes and construction materials.

#### *Site Planning*

Diligence in planning and design will create attractive community open spaces with emphasis on protecting existing natural features and vegetation. The site will be designed in a manner that blends with existing topographic conditions while creating a well landscaped screening feature adjoining existing roadways. The site will be developed in a manner that is pedestrian-friendly with tree-lined streets and sidewalks interconnecting with public access to open spaces. Frontage along public streets will be improved to include curb and gutter and public sidewalks to enhance the site aesthetics and pedestrian connectivity. Consistent design for entrance monuments, mailboxes and street lights will create a unique design for residents who call Blanchard Circle home.

#### *Attention to Detail*

Details within the site and building design will create a sense of character and appeal. The Blanchard Circle development team will partner with a builder who shares in this development philosophy and will create a personalized home for every residence. Building architecture will be diverse, yet unified in theme and construction materials.

# Blanchard Circle

## HOME DESIGN GUIDELINES

All homes located within the Blanchard Circle 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. Additional, 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 2100 s.f.
2. Architectural shingles shall be used on all houses; no three tab shingles will be accepted.
3. Copper and standing seam metal roofs shall be allowed.
4. All homes shall be built on a raised stem wall slab or a crawl space foundation. All raised foundation walls shall have a minimum exposed height on the front of 18" above finished grade.
5. All home articulation/detailing shall be arts and crafts details.
6. All homes shall be constructed primarily with brick material. The front facades may be a mix of brick, natural stone and stucco. The use of fiber cement siding (such as HardiPlank) or cedar style shake may be used as accent material not to exceed 30% of each façade not including doors and windows within the calculation. The use of vinyl as a siding material is prohibited.
7. Multiple openings such as doors, windows or architectural features shall be provided on all street facing building facades. Said windows shall have the appropriate window trim per style of architecture. Blank walls are prohibited.
8. 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.
9. All homes shall be constructed with a front porch or entryway feature.



# Blanchard Circle

## HOME DESIGN GUIDELINES

10. All main structure roof lines shall have a minimum 6/12 pitch.
11. There shall be distinctly different house front façade designs within the Blanchard Circle Community. Any given house front façade must be distinctly different than those of the two lots on either side, and the house most directly across the street. Distinctly different shall be defined to mean that a house front façade 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)
  - b. Use of different roof types (i.e. gable, hip, mansard, etc)
  - c. Use of different primary surface materials
  - d. Use of different design features such as size / types of columns, variations in window sizes/types, use of different façade colors, and use of different articulation



# Blanchard Circle

## HOME DESIGN GUIDELINES

### BUILDING FORM AND ARTICULATION

1. Elevations include variation in wall planes and roof details and heights to reduce perceived scale of structure.
2. Columns on porches will vary in shape and material to enhance front elevations.
3. Architectural details such as overhang details, projecting porches and dormers will be used to contribute to the home's character; however, all details will be of a consistent themed design to create a true sense of community specific to Blanchard Circle.
4. Common Area amenity improvements such as fencing, signage, benches, and other amenities shall feature a consistent theme and utilize design features and materials found in the residential homes.

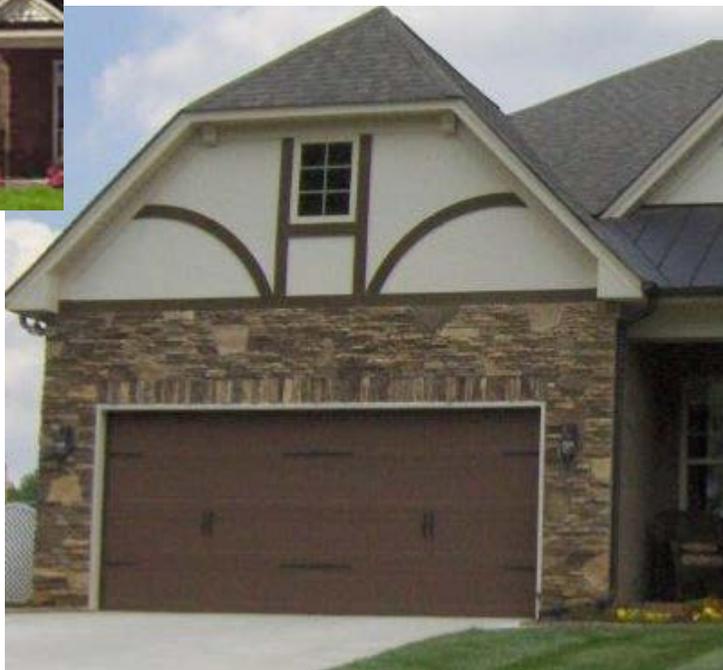


# Blanchard Circle

## GARAGE DESIGN GUIDELINES

### GARAGE DESIGN VARIED

1. Well integrated garages will ensure they will not dominate front elevations.
2. Door styles will vary.
3. Architectural details such as the use of dormers and/or other elements will be used to enhance garage appearance.
4. Street facing walls on side loaded garages shall include windows with decorative shutters sized consistently with the associated home.
5. 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.



### INFRASTRUCTURE

1. The subdivision shall include decorative acorn street lights within the neighborhood and on street frontage adjacent to Waxhaw - Indian Trail Road and Blanchard Circle.
2. The subdivision shall have a common uniformed theme for mailboxes, street signs, and amenity furniture such as park benches.
3. The construction of curb, gutter, and sidewalk is required along all street frontages exterior to the development.
  - a. Waxhaw-Indian Trail Road – a minimum of 44-feet from centerline shall be dedicated to NCDOT as public right-of-way. Curb, gutter and 6-ft wide sidewalk, pedestrian lights, and street trees shall be installed along said frontage.
  - b. Blanchard Road – a minimum of 30-ft from centerline shall be dedicated to NCDOT as public right-of-way. Curb, gutter, and 5-ft wide sidewalk, pedestrian light, and street trees shall be install along said frontage.
  - c. Improvements may include additional street pavement widening and/or overlay to the satisfaction of NCDOT and the Town of Indian Trail.
4. The construction of curb, gutter, 5-ft sidewalk (both sides), street trees and pedestrian lights is required on all proposed streets within the subdivision to the satisfaction of the Town Engineer.
  - a. A minimum of three (3) on-street parking spaces are required adjacent to the open space area. Landscape median bulbouts shall be located at both ends of parking area.
  - b. Traffic calming shall be incorporated throughout the neighborhood to the satisfaction of the Town Engineer.

- c. Signage shall be provided prohibiting on-street parking other than designated area as identified by the Town and Developer.

### LANDSCAPING

1. The developer shall comply with the Towns Tree Preservation Ordinance of the UDO.
2. Lots 19 – 22 shall retain a 5-ft landscape easement adjacent to the rear property line of said lots. The easement areas shall be planted with a mix of evergreen shrubs creating a landscape screening effect prior to certificate of zoning compliance for each lot.
3. Landscaping shall be provided at the perimeter of the subdivision adjacent to the public rights-of way.
4. Each lot yard shall include sod within the front yard and seed and straw within the rear yard at the time of certificate of zoning compliance inspection.

**PB Attachment 4**  
Community Meeting Minutes

# Community Meeting Minutes



To: Shelley DeHart (Town of Indian Trail)  
From: Eagle Engineering, Inc.  
CC: File  
Date & Time: February 19, 2104 from 3:00pm - 5:00pm  
Location: Hartis Grove Baptist Church (4224 Blanchard Circle, Indian Trail, NC)  
Re: Blanchard Circle Annexation and Rezoning (Community Meeting #1)

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## Summary:

1. Development team gave general description of site location and evolution of the planned development of the project:
  - a. The Blanchard Circle Residential Community will create a single-family residential development in alignment with the vision of the Town, with a focus on pedestrian connectivity and "walkability" throughout the site and open spaces. The development will utilize a set of design guidelines that will set architectural controls and create a review process for building designs.
2. What is the anticipated price range for the proposed homes?
  - a. Prices are anticipated to be in the high \$200,000 to mid \$300,000 range.
3. Neighbors complimented the site rendering and the typical building elevations provided by the homebuilder.
4. Residents of Satterfield subdivision have observed low water pressure during early morning irrigation. Normal daytime water pressure what will be done with storm drainage runoff from the proposed development. Residents had previously contacted Union County Public Works (UCPW). UCPW indicated that water demand may have been high at the time in question, leading to reduced system pressure.
5. One homeowner in Satterfield (Gregg Vossekuil), downstream from proposed project has existing storm drainage issues and is concerned about additional runoff from the proposed development.
  - a. Town of Indian Trail Stormwater Ordinance requires that runoff from new development be collected, treated for stormwater quality and temporarily detained. Water quality requires removal 85% of total suspended solids (TSS) for a 1-inch rainfall, and detention requires the collected runoff be released from the site at a rate less than or equal to the predevelopment rate of runoff for storm events up to the 100yr storm. Development team and Town agreed to meet Greg Vossekuil to observe his storm drainage issues and discuss possible mitigation measures.
6. Residents of Satterfield discussed storm drainage issues caused by clogged drainage inlets within the Colton Ridge subdivision.

7. Is this a "done deal", are the plans approved?
  - a. No, this meeting is the first step in the process to Annex the property into Town of Indian Trail jurisdiction, and to apply for zoning consistent with the proposed development. If annexation and rezoning are approved, the property will be purchased by the developer. Subsequently full design and construction documents will be created, reviewed by the Town (as well as NCDENR & UCPW) and permitted for construction.
8. Will the existing pond dam on subject property be improved, or is there a chance that it will be left as is?
  - a. A geotechnical investigation will be performed to assess the condition of the dam. Depending on the results of the investigation a plan will be developed for how to safely convert the existing pond and dam into the proposed stormwater Best Management Practice (BMP).
9. How will drainage be conveyed from the site? It appears that the existing drainage patterns direct runoff toward Blanchard Circle and subsequently into the Satterfield subdivision through existing stormwater conveyances (ditches and pipes).
  - a. Town of Indian Trail Stormwater Ordinance requires that new developments collect and treat all stormwater runoff from developed portions of their site and be directed to stormwater BMP's. A stormwater collection system will be installed in streets and conveyed to BMP
10. Will sidewalks be included between Blanchard Circle and Colton Ridge along Waxhaw-Indian Trail Road?
  - a. Sidewalks will be installed by developer along entire frontage of project on both Waxhaw-Indian Trail Road and Blanchard Circle. Future sidewalk connections may be installed by the Town.
11. If the annexation and rezoning are not approved, is there an alternate plan for the site?
  - a. No, if the annexation and rezoning are denied, Eagle Engineering is not aware of an alternate plan for the site.
12. Do you anticipate any issue with this annexation?
  - a. No, project is well thought out and consistent with Town of Indian Trail development standards.
13. Traffic is already terrible, there is not enough infrastructure to accommodate existing needs. During morning commute it can take as much as 30 minutes to reach US Highway 74.
  - a. Development team has met with NCDOT and reviewed traffic counts along Waxhaw-Indian Trail Road. NCDOT will require turn lanes and tapers be installed to assist normal traffic flow while allowing turns into the subdivision. The developer is also dedicating Right Of Way to NCDOT for future improvements (the Town has identified Waxhaw-Indian Trail Road as a future 2-Lane Boulevard). Town is currently constructing phases of the Chestnut Connector which should help alleviate traffic on Waxhaw-Indian Trail Road.

14. How do new homes affect existing schools?
  - a. The Union County School System has been contacted. The proposed development will be served by Indian Trail Elementary School, and the Sun Valley cluster. These schools are currently under capacity and are expected to remain under capacity for the next few years.
15. What finish is proposed on the new homes?
  - a. Homes will be masonry, with accent materials (no vinyl).
16. Will yards be sodded?
  - a. Yes, homebuilder typically installs sod in front yards and seeds rear yards.
17. What is the anticipated square footage of proposed homes?
  - a. The homes will range in size from 1-story ranch homes of ~2,400sf up to 2-story homes of ~3,500sf.
18. Yard waste has been observed behind the berm of Colton Ridge adjacent to Satterfield. Since first four (4) lots of proposed development are planned to extend to common lot line with Satterfield common area, residents are concerned that this could continue to happen.
  - a. Covenants, Conditions and Restrictions (CC&R's) will be developed for the proposed development and dumping of waste will not be allowed. Residents are encouraged to contact the proper authorities if unlawful dumping is observed.
19. Will CC&R's specify a fence style or material?
  - a. Specifications for fencing materials and style have not been determined, but will be covered in the CC&R's.
20. Is there a well on the subject property?
  - a. Survey of property did not detect a well, however if a well is encountered it will be closed in accordance with local and state regulations.

# Community Meeting Minutes



To: Shelley DeHart (Town of Indian Trail)  
From: Eagle Engineering, Inc.  
CC: File  
Date & Time: February 19, 2104 from 6:30pm - 8:30pm  
Location: Indian Trail Civic Building (100 Navajo Trail, Indian Trail, NC)  
Re: Blanchard Circle Annexation and Rezoning (Community Meeting #2)

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## Summary:

1. Development team gave general description of site location and evolution of the planned development of the project:
  - a. The Blanchard Circle Residential Community will create a single-family residential development in alignment with the vision of the Town, with a focus on pedestrian connectivity and "walkability" throughout the site and open spaces. The development will utilize a set of design guidelines that will set architectural controls and create a review process for building designs.
2. Will sidewalks be included between Blanchard Circle and Colton Ridge along Waxhaw-Indian Trail Road?
  - a. Sidewalks will be installed by developer along entire frontage of project on both Waxhaw-Indian Trail Road and Blanchard Circle. Future sidewalk connections may be installed by the Town.
3. What is the reddish line around the pond shown on color site plan?
  - a. Line indicates a walking trail to be routed from neighborhood sidewalk through open space.
4. Will curb and gutter be installed?
  - a. Yes, the Town Unified Development Ordinance (UDO) requires curb and gutter be installed throughout the development. Curb and gutter will also be installed along the project frontage on Waxhaw-Indian Trail Road and Blanchard Circle.
5. What finish is proposed on the new homes?
  - a. Homes will be masonry, with accent materials (no vinyl).
6. Will that be written as a condition of the rezoning?
  - a. Yes, development guidelines are being developed as part of the rezoning and material specifications will be included.
7. Will turn lanes be required on both roads?
  - a. No, only on Waxhaw-Indian Trail Road, traffic volume on Blanchard Circle does not warrant turn lanes. Development team has met with NCDOT and reviewed traffic counts along Waxhaw-Indian Trail Road. NCDOT will require turn lanes and tapers be installed to assist normal traffic flow while allowing turns into the subdivision. The developer is also dedicating Right Of Way to NCDOT for future improvements (the Town has identified Waxhaw-Indian Trail Road as a future

2-Lane Boulevard). Town is currently constructing phases of the Chestnut Connector which should help alleviate traffic on Waxhaw-Indian Trail Road.

8. Will homes be built on crawl spaces or slab on grade?
  - a. Either type of construction is acceptable, however slab on grade construction will require a minimum 16" exposed brick apron to give appearance of crawl space.
9. What size and species of tree and plant materials are proposed in neighborhood?
  - a. Trees will be installed per Town UDO requirements including tree height and caliper at planting. Species will be selected from the Towns approved plant list.
10. What are plans for buffers, screening and berms?
  - a. Site will include buffers and be landscaped in accordance with Indian Trail UDO requirements. A berm is not a requirement, but may be desirable if excess soil is created during grading of site.
11. Will CC&R's specify a fence style or material?
  - a. Specifications for fencing materials and style have not been determined, but will be covered in the CC&R's.
12. When do you anticipate breaking ground?
  - a. If all approvals are granted, the expected construction start would be in Fall of 2014.
13. What kind of buffer and screening will be provided at the rear of the four lots on entrance from Blanchard Circle that share a common lot line with Satterfield?
  - a. The Town UDO does not require a buffer between similar uses, however the homebuilder plans to install rear yard landscaping, trees and/or shrubs to soften and screen rear yards.
14. Does Church still own property?
  - a. Yes. If annexation and rezoning are approved, developer will purchase land and initiate design of construction documents for permitting of site and infrastructure improvements.
15. Will the Town website be updated as the project moves forward in the annexation and rezoning process?
  - a. Yes, the Town updates the website throughout the process.
16. Original concept plan showed a cul de sac in the middle of the site, why was it removed?
  - a. The Town has made a concentrated effort to reduce dead end streets. The goal is to provide better traffic flow and more interconnectivity of roads.
17. What will be done to address stormwater runoff?
  - a. Town of Indian Trail Stormwater Ordinance requires that runoff from new development be collected, treated for stormwater quality and temporarily detained. Water quality requires removal 85% of total suspended solids (TSS) for a 1-inch rainfall, and detention requires the collected runoff be released from the site at a rate less than or equal to the predevelopment rate of runoff for storm events up to the 100yr storm.

18. Are the building elevations provided representative of what will be built in the proposed project?
  - a. Yes.
19. What is the anticipated price range for the proposed homes?
  - a. Prices are anticipated to be in the high \$200,000 to mid \$300,000 range.
20. What is the anticipated square footage of proposed homes?
  - a. The homes will range in size from 1-story ranch homes of ~2,400sf up to 2-story homes of ~3,500sf.
21. Will the site require that home floor plans be staggered throughout site (i.e: will there be a requirement that each floor plan must not be build adjacent to or directly across the street from the same floor plan)?
  - a. Yes, it will be a requirement and the variation is desirable for aesthetic value.
22. Where is Church in relation to project on the site plan?
  - a. Church is located just off the page, to the southeast, across Blanchard Circle.
23. Will there be side load or courtyard style garages?
  - a. It is unlikely due to the lot widths being proposed.
24. What is the subdivision going to be named?
  - a. The name has not yet been determined.

**PB Attachment 5**  
Draft Ordinance

STATE OF NORTH CAROLINA )  
 )  
TOWN OF INDIAN TRAIL )

ORDINANCE # **DRAFT**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF INDIAN TRAIL REZONING PARCEL 07-117-011A. LOCATED AT 2419 WAXHAW INDIAN TRAIL ROAD FROM UNINCORPORATED UNION COUNTY R-40 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 Hartis Grove Church of Union County North Carolina. and the designated applicant – Natures Calling, LLC, petitioned to rezone tax parcel 07-117-011A from Unincorporated Union County R-40 (Residential-40 District) to CZ-SF-5 (Conditional Zoning Single Family Residential-5 District) with the intent of developing a 29-lot residential subdivision; and

WHEREAS, this Conditional Zoning Amendment (CZ2013-010) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, two community meetings were held on February 19<sup>th</sup> 2014; and

WHEREAS, a public meeting was held by the Planning Board on March 18, 2014 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 – Land Use and Housing* - The proposed conditional district provides for quality medium density residential use at an appropriate location providing a transition at an intersection, and at a scale consistent with the Siting Criteria – SC-5 of the Comprehensive Plan. The project also supports the existing neighborhoods and community by providing a well designed, quality, subdivision at a Town gateway location.

*Goal- Mobility and Transportation* – The proposed conditional district includes the construction of curb, gutter, and sidewalk enhancing mobility in the area, construction of a roadway improvements (turn-lane and storage) and dedication of right-of-way on adjacent roadways to meet the future transportation needs of our community.

*Goal- Infrastructure*-The proposed conditional district will expand utilities in the area, underground overhead utilities where feasible, and will evaluate stormwater needs to avoid potential impacts with adjacent properties.

WHEREAS, 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 Moore Farm Village, provides expanded housing opportunities for Indian Trail

citizens and business owners, includes transportation and utility infrastructure investment, and is in general conformity of the Comprehensive Plan.

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

WHEREAS, the Town Council held a public hearing on **April 22, 2014** to consider said request and recommendation of approval from the Planning Board; and

WHEREAS, the Town Council concurred with the Planning Board's consistency findings and hereby endorses said findings; and

**NOW, THEREFORE, IT SHALL BE ORDAINED** by the Town Council of the Town of Indian Trail, North Carolina hereby takes the following action:

**Section 1** – Approves CZ 2013-010 Conditional Zoning Petition thereby granting the Zoning Map amendment to establish a Conditional Single Family Residential-5 Zoning District on parcel number 07-117-011A subject to the following conditions:

1. *Concept Plan and Architectural Guidelines:* The development shall be designed and constructed consistent with the concept site plan, conditions of approval, and architectural guidelines attached hereto. The concept plan and architectural guidelines shall be attached to the approval documents for CZ2013-010 and recorded at the Union County Records of Deeds office.
2. *Exterior Wall Siding Materials:* The exterior wall materials shall consist primarily of brick (brick wrapped dwellings). The use of brick, stone, and/or stucco is permissible as wall cladding materials. Accent material such as fiber cement siding or cedar style shake may not exceed 30% of wall area where it is used. The wall area shall be calculated excluding doors and windows. The use of vinyl as a wall siding material is prohibited.
3. *Dwelling Units:* Dwelling units shall be a minimum of 2100 square feet in area (conditioned area).
4. *Permitted Uses:* The permitted use of the subject property is for single-family residential detached homes and accessory uses as permitted by the UDO.
5. *Maximum Dwelling Units:* The maximum dwelling units for this 11.47 acre property shall be 29 units for a maximum density of 2.5 du/acre. All of the lots shall exceed the minimum 8,000 sq. ft. lot area (average lot size 9,488 sq.ft) and shall be a minimum of 66 feet in width (on average).
6. *Building Setbacks:* Min. building setbacks for single-family homes shall consist of the following: 25-ft front, 8-ft interior side-yard/10-ft corner or street-side yard, and 30-ft rear. All homes and related improvements shall also be located outside all sight distance areas.
7. *Frontage Improvements:*
  - a. Waxhaw-Indian Trail Road will be improved with curb, gutter, 6-ft. wide sidewalk, decorative pedestrian street lights, and street trees. Blanchard Circle frontage will be improved with curb, gutter, 5-ft wide sidewalk, decorative pedestrian street lights, and street trees.
  - b. There is right-of-way (ROW) dedication required to NCDOT on both Waxhaw-Indian Trail Road (44' from C/L) and Blanchard Circle (30' from C/L).
  - c. A left turn-lane with associated storage (50') shall be built on Waxhaw-Indian Trail Road to the satisfaction of NCDOT and the Town of Indian Trail. Said turn lane shall be built prior to the first Certificate of Occupancy is issued for a dwelling unit or as required by the Town and NCDOT.

- d. Construction equipment associated with this development shall have restricted access at Blanchard Circle and Waxhaw-Indian Trail Road. Any damage to the existing roadway as a result of said construction equipment shall be repaired prior to final occupancy of the last two dwellings of the subdivision. The roads shall remain clear of debris during construction.
8. *Onsite Road Improvements:* Access to residential lots within the community will be provided by a 50-ft wide right-of-way (ROW) that will be designed with curb/gutter, sidewalks, street lights, and street trees. A secondary right-of-way is proposed to be 40-foot in width designed with curb, gutter, sidewalk, street lights and street trees. There will be no on-street parking on the 40-foot ROW. The 50-ft right-of-way will be design to accommodate on-street parking on one side ONLY. The Town will work with the developer and builder on appropriate parking related signage where required. The developer is also providing a few additional on-street parking spaces adjacent to the park area.
9. *Perimeter Landscaping:* Perimeter landscaping is required along the site frontage on Waxhaw Indian Trail Road and Blanchard Circle. Said landscaping shall provide a healthy screen buffer to adjacent properties within the development. A 5-foot wide landscape easement is required on the rear property line of lots 19 to 22. The easement shall be planted with a mix of shrubs/trees prior to the certificate of occupancy for said lots.
10. *Open Space and Tree Retention:* The proposed community has been designed with approximately 2+ acres of open space that will include a meandering walking trail around an existing pond located within the wooded area at the northeast corner of the property. The applicant is preserving the wooded tree area (as much as feasible) within the open space area and is required to comply with the Tree Preservation Ordinance of the UDO. The open space area shall include pedestrian lights at access and benches. Tree 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. The required stormwater analysis shall include a study of downstream conditions/infrastructure through the Satterfield Development.
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 property owners of 07117802 and 07117771 unless such a review is declined by the adjacent property owners. The intent of the review is to keep the property owners apprised of the final grading and stormwater design and its relationship to adjacent, downstream properties.
13. *Overhead Utilities:* The overhead utilities located adjacent to the Blanchard Circle frontage shall be placed underground. Every effort shall be made to underground the overhead utilities located on the Waxhaw-Indian Trail Road frontage if possible.
14. 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 22<sup>nd</sup> day of April, 2014.

**TOWN OF INDIAN TRAIL COUNCIL**

Attest:

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Peggy Piontek, Town Clerk

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Michael Alvarez, Mayor

APPROVED AS TO FORM:

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TOWN ATTORNEY

**STATE OF NORTH CAROLINA )**  
**TOWN OF INDIAN TRAIL )**

**ORDINANCE #**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF INDIAN TRAIL REZONING PARCEL 07-117-011A. LOCATED AT 2419 WAXHAW INDIAN TRAIL ROAD FROM UNINCORPORATED UNION COUNTY R-40 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 Hartis Grove Church of Union County North Carolina. and the designated applicant – Natures Calling, LLC, petitioned to rezone tax parcel 07-117-011A from Unincorporated Union County R-40 (Residential-40 District) to CZ-SF-5 (Conditional Zoning Single Family Residential-5 District) with the intent of developing a 29-lot residential subdivision; and

WHEREAS, this Conditional Zoning Amendment (CZ2013-010) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, two community meetings were held on February 19<sup>th</sup> 2014; and

WHEREAS, a public meeting was held by the Planning Board on March 18, 2014 to consider this conditional zoning request; and

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

*Land Use and Housing* - The proposed conditional district provides for quality medium density residential use at an appropriate location providing a transition at an intersection, and at a scale consistent with the Siting Criteria – SC-5 of the Comprehensive Plan. The project also supports the existing neighborhoods and community by providing a well designed, quality, subdivision at a Town gateway location.

*Mobility and Transportation* – The proposed conditional district includes the construction of curb, gutter, and sidewalk enhancing mobility in the area, construction of a roadway improvements (turn-lane and storage) and dedication of right-of-way on adjacent roadways to meet the future transportation needs of our community.

*Infrastructure*-The proposed conditional district will expand utilities in the area, underground overhead utilities where feasible, and will evaluate stormwater needs to avoid potential impacts with adjacent properties.

WHEREAS, 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 Moore Farm Village, provides expanded housing opportunities for Indian Trail citizens and business owners, includes transportation and utility infrastructure investment, and is in general conformity of the Comprehensive Plan.

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

WHEREAS, the Town Council held a public hearing on April 22, 2014 to consider said request and recommendation of approval from the Planning Board; and

WHEREAS, the Town Council concurred with the Planning Board's consistency findings and hereby endorses said findings; and

**NOW, THEREFORE, IT SHALL BE ORDAINED** by the Town Council of the Town of Indian Trail, North Carolina hereby takes the following action:

**Section 1** – Approves CZ 2013-010 Conditional Zoning Petition thereby granting the Zoning Map amendment to establish a Conditional Single Family Residential-5 Zoning District on parcel number 07-117-011A subject to the following conditions:

1. *Concept Plan and Architectural Guidelines:* The development shall be designed and constructed consistent with the concept site plan, conditions of approval, and architectural guidelines attached hereto. The concept plan and architectural guidelines shall be attached to the approval documents for CZ2013-010 and recorded at the Union County Records of Deeds office.
2. *Exterior Wall Siding Materials:* The exterior wall materials shall consist primarily of brick (brick wrapped dwellings). The use of brick, stone, and/or stucco is permissible as wall cladding materials. Accent material such as fiber cement siding or cedar style shake may not exceed 30% of wall area where it is used. The wall area shall be calculated excluding doors and windows. The use of vinyl as a wall siding material is prohibited.
3. *Dwelling Units:* Dwelling units shall be a minimum of 2100 square feet in area (conditioned area).
4. *Permitted Uses:* The permitted use of the subject property is for single-family residential detached homes and accessory uses as permitted by the UDO.
5. *Maximum Dwelling Units:* The maximum dwelling units for this 11.47 acre property shall be 29 units for a maximum density of 2.5 du/acre. All of the lots shall exceed the minimum 8,000 sq. ft. lot area (average lot size 9,488 sq.ft) and shall be a minimum of 66 feet in width (on average).
6. *Building Setbacks:* Min. building setbacks for single-family homes shall consist of the following: 25-ft front, 8-ft interior side-yard/10-ft corner or street-side yard, and 30-ft rear. All homes and related improvements shall also be located outside all sight distance areas.
7. *Frontage Improvements:*
  - a. Waxhaw-Indian Trail Road will be improved with curb, gutter, 6-ft. wide sidewalk, decorative pedestrian street lights, and street trees. Blanchard Circle frontage will be improved with curb, gutter, 5-ft wide sidewalk, decorative pedestrian street lights, and street trees.
  - b. There is right-of-way (ROW) dedication required to NCDOT on both Waxhaw-Indian Trail Road (44' from C/L) and Blanchard Circle (30' from C/L).
  - c. A left turn-lane with associated storage (50') shall be built on Waxhaw-Indian Trail Road to the satisfaction of NCDOT and the Town of Indian Trail. Said turn lane shall be built prior to the first Certificate of Occupancy is issued for a dwelling unit or as required by the Town and NCDOT.
  - d. Construction equipment associated with this development shall have restricted access at Blanchard Circle and Waxhaw-Indian Trail Road. Any damage to the existing roadway as a result of said construction equipment shall be repaired prior to final

occupancy of the last two dwellings of the subdivision. The roads shall remain clear of debris during construction.

8. *Onsite Road Improvements:* Access to residential lots within the community will be provided by a 50-ft wide right-of-way (ROW) that will be designed with curb/gutter, sidewalks, street lights, and street trees. A secondary right-of-way is proposed to be 40-foot in width designed with curb, gutter, sidewalk, street lights and street trees. There will be no on-street parking on the 40-foot ROW. The 50-ft right-of-way will be design to accommodate on-street parking on one side ONLY. The Town will work with the developer and builder on appropriate parking related signage where required. The developer is also providing a few additional on-street parking spaces adjacent to the park area.
9. *Perimeter Landscaping:* Perimeter landscaping is required along the site frontage on Waxhaw Indian Trail Road and Blanchard Circle. Said landscaping shall provide a healthy screen buffer to adjacent properties within the development. A 5-foot wide landscape easement is required on the rear property line of lots 19 to 22. The easement shall be planted with a mix of shrubs/trees prior to the certificate of occupancy for said lots.
10. *Open Space and Tree Retention:* The proposed community has been designed with approximately 2+ acres of open space that will include a meandering walking trail around an existing pond located within the wooded area at the northeast corner of the property. The applicant is preserving the wooded tree area (as much as feasible) within the open space area and is required to comply with the Tree Preservation Ordinance of the UDO. The open space area shall include pedestrian lights at access and benches. Tree 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. The required stormwater analysis shall include a study of downstream conditions/infrastructure through the Satterfield Development.
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 property owners of 07117802 and 07117771 unless such a review is declined by the adjacent property owners. The intent of the review is to keep the property owners apprised of the final grading and stormwater design and its relationship to adjacent, downstream properties.
13. *Overhead Utilities:* The overhead utilities located adjacent to the Blanchard Circle frontage shall be placed underground. Every effort shall be made to underground the overhead utilities located on the Waxhaw-Indian Trail Road frontage if possible.
14. 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 on April 23, 2014 at 12:01 a.m.

**AND IT IS SO ORDAINED** this 22<sup>nd</sup> day of April, 2014.

**TOWN OF INDIAN TRAIL COUNCIL**

Attest:

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Peggy Piontek, Town Clerk

---

Michael Alvarez, Mayor

APPROVED AS TO FORM:

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TOWN ATTORNEY



**TO:** Mayor and Town Council

**FROM:** Joseph A. Fivas, Town Manager  
Kelly Barnhardt, Community & Economic Development Director

**DATE:** April 22, 2014

**SUBJECT:** Formation of the Economic Development Advisory Committee

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In order to get further feedback from business leaders and residents on issues related to Economic Development, staff is requesting the Town Council consider forming an Economic Development Advisory Committee (EDAC). If the Town Council is interested in exploring this idea, staff would prepare bylaws with the roles and responsibilities for the Council's consideration at a future meeting.



**TO:** Mayor and Town Council  
**FROM:** Joseph A. Fivas, Town Manager  
**DATE:** April 22, 2014  
**SUBJECT:** Strategic Planning Session

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This is a report and follow-up from the Town Council's April 8<sup>th</sup> Strategic Planning Session. In this review we will discuss the following topics:

- a) 5-Year Transportation Plan
- b) Parks & Recreation Update
- c) Neighborhood Enhancement Program Update
- d) Municipal Complex Update