

**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**  
**June 10, 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**
4. **PRESENTATIONS**
5. **PUBLIC COMMENTS**
6. **LAW ENFORCEMENT UPDATE**
7. **CONSENT AGENDA** **action**
  - a. [Approval of May 27, 2014 draft minutes](#)
  - b. [Approval of Budget Amendments](#)
  - c. [Annexation #141](#)
    - Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31
    - Certificate of Sufficiency
    - Resolution Fixing the Date of the Public Hearing For Annexation 141 for July 8, 2014
8. **PUBLIC HEARINGS** **action**

*– Please adhere to the following guidelines:*

  - *Proceed to the podium, and state your name and address clearly;*
  - *Be concise; avoid repetition; limit comments to three (3) minutes or less;*
  - *Designate a spokesperson for large groups*

- a. **ZT2014-003 Sporting Goods Store Amendment and General Housekeeping:** a request to amend Chapter 520 of the Unified Development Ordinance (UDO) to permit Sporting Good Stores within the Central Business District and the Downtown and Village Center Overlay Districts. This amendment includes general housekeeping within the land use table. Applicant: Town of Indian Trail
- b. **CZ2013-009 Plyler Road Community:** a request to rezone a 27.15 acre property from Light Industrial to a Conditional Multi-family Residential Zoning Classification. The intent of the proposed zoning map amendment is to support the redevelopment of industrial site to accommodate a 348 unit multi-family residential community consisting of eight (8) six-plex units at the periphery of the community, and eleven (10) Garden Style Apartment Buildings within the interior of the lot. This is a continued public hearing item from the March 25, 2014 Special Meeting. Applicant: Plyler Road Partners; Location: 100 Plyler Road (corner of Plyler & Unionville-Indian Trail Rd

**9. BUSINESS ITEMS**

- a. [Approval of FY2014-15 Budget Ordinance](#)
- b. [Approval of Change Order for Crooked Creek Park](#)

**10. DISCUSSION ITEMS**

- a. [Discussion on Questions for Law Enforcement References](#)
- b. [Discussion on Municipal Complex](#)
- c. [Discussion on Committee/Board Appointment Policy](#)
- d. [Discussion on Neighborhood Enhancement Program](#)
- e. [Discussion on Donation Policies](#)

**11. MANAGERS REPORT**

**12. COUNCIL COMMENTS**

**13. CLOSED SESSION**

**action**

**14. 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*



**Town of Indian Trail**  
**Minutes of Town Council**  
**May 27, 2014**  
**Civic Building**  
**06:30 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, and Gary M. Savoie.

Absent Members: Christopher King,

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, Human Resources Director Carey Warner, 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, the Pledge of Allegiance was led by Eagle Scout Josh Boyer and members of the Purple Hearts. Mayor Alvarez asked for a moment of silence for those servicemen that did not return. Mayor Alvarez then reminded everyone of the upcoming movie in the park and Family Fun Day; he also announced that Mr. King was not present.

## **ADDITIONS AND DELETIONS**

Gordon B. Daniels made a motion to approve deleting item 10c  
After a discussion Mr. Daniels removed his motion.

Gordon B. Daniels made a motion to approve adding 10e discussion of policy procedures to give donations to organizations in the future.  
Council voted unanimously in favor of the motion.

## **MOTION TO APPROVE AGENDA**

David W. Drehs made a motion to approve the agenda as modified.  
Council voted unanimously in favor of the motion.

## **PRESENTATIONS**

### a. Proclamation for Purple Hearts

Mike Stubbs, Commander of Purple Hearts Unit 634, introduced the members of his unit that were present and when they served. He provided a brief overview of this organization and handed out documents and pins.

Mayor Alvarez read the proclamation and presented it to Mr. Stubbs

Mr. Stubbs presented a plaque to the Council

### b. Certificate of Recognition for Eagle Scout Josh Boyer

Mayor Alvarez read and presented the Certificate of Recognition to Josh Boyer.

## **PUBLIC COMMENTS**

Lars Knapp, 655 Powder Horn, Indian Trail, NC spoke on democracy that the common denominator is education and its importance to its citizens.

Debbie Votta, 101 Post Office Drive, Indian Trail, NC a representative of Generations United, Inc. explained the organization and requested Council consideration on funding.

Shirley Howe, 6205 Clearwater Dr., Indian Trail, explained she was once a member of the Stormwater Committee. She attended the last meeting and discussed the balance of the Stormwater account and why has this not been spent. She asked the Council to investigate this matter and encouraged them to know what is going on.

Scott Luther, 5219 Caufield, Indian Trail, encouraged Council to speak about what they are for, expressing there is good positive possibilities on the property across the street. He suggested they work together and make something happen.

Darlene Luther, 2013 Conver St., Indian Trail, spoke about the Downtown Project, stating that she hopes the Council will see the positives of this project. She said if we have the opportunity to get this project going it's a wonderful opportunity and to go with it.

Amanda Faulkenberry, 519 Picketts Circle, Indian Trail stated that her husband requested the costing of both Chestnut and Crooked Creek Parks and stated the costing effective May 8th. Ms. Faulkenberry inquired where the additional funds are coming from and wanted to know why we can come up with additional funds for parks but not additional law enforcement officers.

Mr. Fivas stated we planned to address those issues in the upcoming Park & Recreation presentation.

#### **LAW ENFORCEMENT UPDATE**

Lieutenant Coble provided a brief overview of the recent incidents the Sheriff's Department in Indian Trail has responded to.

#### **CONSENT AGENDA**

- a. Approval of May 13, 2014 Town Council Special Meeting draft minutes
- b. Approval of May 13, 2014 Town Council draft minutes
- c. Approval of May 19, 2014 Town Council Special Meeting draft minutes
- d. Approval of Resolution authorizing Sole Source Provider **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**.
- e. Approval of Crossing Path Park Rules **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**.
- f. Approval of Planning Board request for Endorsement of a letter of opposition of Senate Bill 139 from Council

David W. Drehs made a motion moving item f from the Consent Agenda to discussion item 10f. Council voted unanimously in favor of the motion.

David W. Drehs made a motion to approve the Consent Agenda as modified. Council voted unanimously in favor of the motion.

#### **PUBLIC HEARINGS**

- a. 2014-2015 Fiscal Year Budget

Mr. Fivas briefly provided the history of budget process, explaining this is the second public hearing scheduled for the residents to provide their input.

Mayor Alvarez opened the public comments portion of the hearing.

Shirley Howe, 6205 Clearwater Drive, Indian Trail commented on the donation of the land across the street, as she feels this will affect the budget. She stated that the first one in pays the most for infrastructure, etc. She addressed the fact that several traffic studies failed several years ago and feels the town will be obligated to invest over 2 million dollars for this free property, urging Council to do their due diligence and ask questions and determine how it will be paid for.

State & Local Government Commission recommends changing the audit company any town is using after a period of time and suggests Indian Trail does the same.

Mayor Alvarez closed the public comments portion of the hearing.

Mr. Fivas stated that staff is look for direction from Council if there are any changes or concerns. He advised that what they actually adopt is the ordinance not all 150 pages of the budget. Council discussed the budget, topics included: Chestnut Parkway, neighborhood enhancement and the transportation plan.

Mr. Savoie recommended that Council get all budget questions in to staff so we can get the budget approved. He requested that if a Council Member finds something wrong, please let the rest of us know.

## **BUSINESS ITEMS**

### **Approval of Tinsley & Terry Audit Contract & Rep. Letter**

Mr. Fivas explained this is the annual approval of the audit letter recommended by State for Council approval. Council had a lengthy discussion on length of time we have used this company, public requests for a forensic audit, how they are conducted and the possible repercussions of doing one. Ms. Sutton explained to Council that if they have issues or concerns on any matter, they can request the auditors do a thorough audit on the item of concern and provide them with the results.

David W. Drehs made a motion to approve the Tinsley & Terry Audit Contract & Rep. Letter Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES).**

## **DISCUSSION ITEMS**

### a. **Discussion of questions for next meetings with Law Enforcement analyses.**

Council had a lengthy discussion on this topic resulting in the decision for each of them to compose questions to be asked of the references each company provided. They determined that this is to be done by the first meeting in July.

### b. **Discussion of Citizens Academy**

Mr. Fivas stated we have two scheduled and wanted to get Council's thoughts on when to begin them. Our recommendation is starting sometime this summer. We wanted to have some seats available for new committee members, staff and Council as well. Looking for direction from Council to leave seats open for new, current committee, staff & Council. Mr. Fivas advised staff will create a draft agenda and present it to Council for comments. By consensus Council agreed.

c. Council consider of donating \$1,000 to Union County Drug Court

Mayor Alvarez explained his reasoning for putting this item on the agenda, it is non profit and is completed funded by citizens of county, and it saves 60% of what it costs for jail. Council had a lengthy discussion on this topic.

Gordon B. Daniels made a motion to approve a request letter to the ABC Board asking them to donate \$2,000 to the Union County Drug Court in the name of Indian Trail. Council voted unanimously in favor of the motion.

d. Discussion on Board and Committee appointments

Mr. Fivas explained the difference in policy between Boards & Committees and do they want to continue with it this way. Does Council want current sitting members to be interviewed? Council decided, by consensus, that they would waive interviews of current members. Council stated they would like to change the policy to enable Alternate Members first right of refusal for Regular Seat openings. They will determine the policy changes and interview dates at the next meeting.

e. Policy & Procedures for donating

Gordon B. Daniels made a motion to approve setting \$5,000 aside for charitable organizations to apply for funds within 3 months on a first come first serve divided equally amongst those that have applied.

*This motion was never recognized, therefore no vote was taken.*

Council had a lengthy discussion on this subject, resulting in requesting the Town Manager to research policies from surrounding municipalities. Mr. Fivas confirmed he would do that so Council could continue the discussion.

f. Approval of Planning Board request for Endorsement of a letter of opposition of Senate Bill 139 from Council

Mr. Fivas read the memo and the letter from the Planning Board. Council discussed this matter amongst themselves and staff.

David W. Drehs made a motion to approve Planning Board request for endorsement of the letter. Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES).**

**STRATEGIC PLANNING SESSION**

a. Update on Municipal Complex and Town Center

Mr. Fivas stated that staff met with Ty-Par Commercial Real Estate and the owner indicated we would received approximately 4 acres of property, we are waiting on proposed boundary limits, the owner would like the building to be consistent with town center design standards, a deadline for construction to begin and have the town to construct the entrance road and town facility parking. Mr. Fivas recommended we wait for the completed meets and boundary limits to be submitted to the Council before further action. Council had a lengthy discussion on this topic pertaining to cost, building standards and getting an idea of cost estimates from other jurisdictions that have recently built a facility.

**Update on Parks & Recreation**

Ms. Barnhardt provided an overview of the history of the Town's parks explaining the benefits and economic impact on the town and residents.

Staff created a video of the parks and played it for the Council and audience.

Mr. Tryon advised where we are now and what we've done with a slide show of the progress of the parks. He explained about grants we have applied for, received, and anticipates applying for. Mr. Tryon explained the trails, relationship with Carolina Courts, park signs, events, interested users, tournaments, Pow Wow, and youth programming.

Mr. Fivas provided a brief update of information on funding for the parks.

**MANAGERS REPORT**

Mr. Fivas stated that he enjoyed this meeting; we had great dialogue on some issues. If anyone has questions on stormwater the Town Engineer will be happy to assist with them. What's the program for and who benefits, we will bring a 101 program shortly, as we feel it's important. Mr. Fivas reminded everyone there's another movie night and Family Fun Day is coming up. We have a lot of projects, we take pride in doing these 4/5 large projects, have the lowest tax rate and honestly we have a lot to be proud of.

**COUNCIL COMMENTS**

Mr. Daniels thanked everyone for coming out and staying, earlier one resident commented about my concern with other towns that surround us. He referred to his HOA days pertaining to amenities. Sometimes we say things, there's a purpose for everything, if we don't have the amenities here people will go elsewhere or not come to this town. Our purpose is to keep everyone safe and want to make sure we have amenities. I do care about other communities

Mr. Savoie thanked everyone for being here and staff for presentation on parks, finance for preparation of budget.

Mr. Cohn had no comments.

Mayor Alvarez informed Mr. Fivas that the flags in front of the Cultural Arts Center need replacing. Mr. Fivas advised they have been ordered. Mayor Alvarez congratulated Mr. Knap on his acceptance to UNC Chapel Hill.

Mr. Drehs referred to a story on Senator Webb, finalizing that he recommends you give a veteran a job.

**CLOSED SESSION**

*None*

**ADJOURN**

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

**APPROVED:**

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

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



**TO:** Mayor and Town Council  
**FROM:** Joe Fivas  
**CC:** Marsha Sutton  
**DATE:** June 10, 2014  
**SUBJECT:** Budget Amendments for June 10<sup>th</sup> Meeting

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Please find attached budget amendments processed through May 31, 2014. Please feel free to call, email, come in or ask any questions you may have regarding these matters.



















Planning & Neighborhood Services  
PO Box 2430  
Indian Trail, NC 28079  
Telephone (704) 825401  
Fax (704) 8249045

# PETITION TO REQUEST A CONTIGUOUS ANNEXATION

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

1. We, the undersigned owners of real property, respectfully request that the area described in paragraph 2 below be annexed to the Town of Indian Trail, North Carolina.

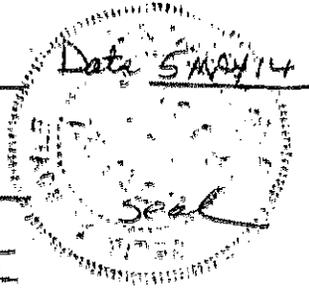
2. The area to be annexed is contiguous to the primary limits of the Town of Indian Trail North Carolina and the boundaries of such territory are as follows:

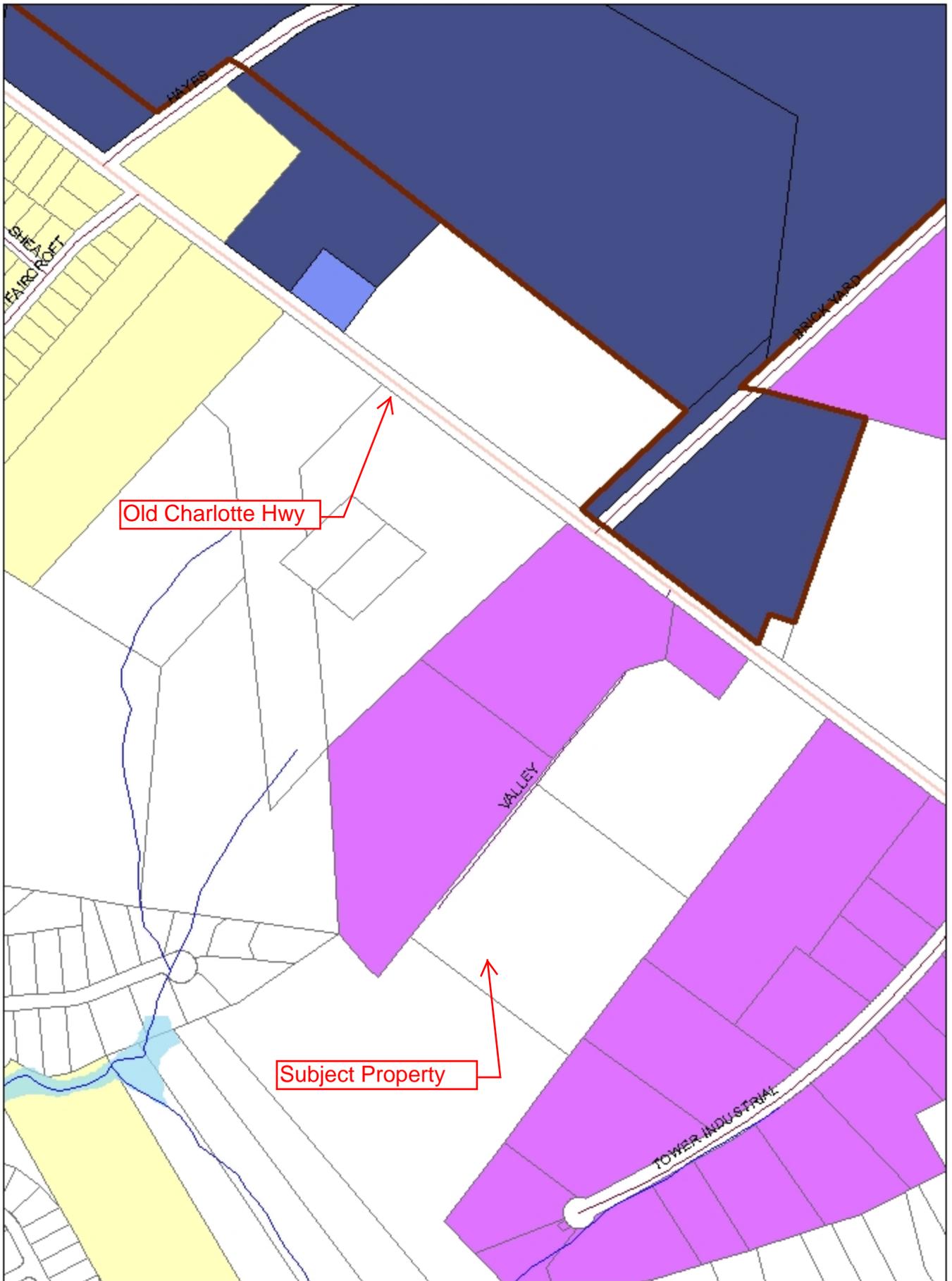
SEE ATTACHED DESCRIPTION OF BOUNDARIES  
(Copy of deed or other source containing legal description of properties requesting annexation)

NAME	ADDRESS	SIGNATURE
<u>Arnold B. Norwood</u>	<u>Valley Parkway, Union County, NC (Parcel ID: 09366022)</u>	<u>Arnold B Norwood</u>
<u>Myra Norwood</u>		<u>Myra Norwood</u>

Signature Arnold B Norwood Myra Norwood Date 5/5/14

Notary Celia A Boyle Date 5/5/14  
Celia A. Boyle Notary expires 4/16/2015





Old Charlotte Hwy

Subject Property

FAIR ROFT

HAYES

VALLEY

TOWER INDUSTRIAL

**CERTIFICATE OF SUFFICIENCY**  
**ANNEXATION PETITION #141 FOR PARCEL 09366022**

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Indian Trail, North Carolina, this the 10<sup>th</sup> day of June, 2014.

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Peggy S. Piontek, Town Clerk



Planning & Neighborhood Services  
PO Box 2430  
Indian Trail, NC 28079  
Telephone (704) 825401  
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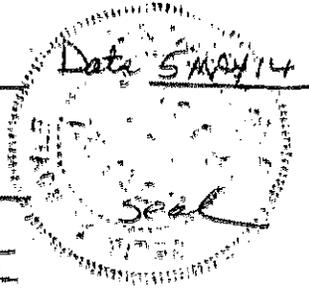
2. The area to be annexed is contiguous to the primary limits of the Town of Indian Trail North Carolina and the boundaries of such territory are as follows:

SEE ATTACHED DESCRIPTION OF BOUNDARIES  
(Copy of deed or other source containing legal description of properties requesting annexation)

NAME	ADDRESS	SIGNATURE
<u>Arnold B. Norwood</u>	<u>Valley Parkway, Union County, NC</u> <u>(Parcel ID: 09366022)</u>	<u>Arnold B Norwood</u>
<u>Myra Norwood</u>		<u>Myra Norwood</u>

Signature Arnold B Norwood Myra Norwood Date 5 MAY 14

Notary Celia A Boyle Date 5/5/14  
Celia A. Boyle Notary expires 4/16/2015





Thence, with the center of the private right of way for Valley Parkway, N 38-30-53 E 616.64 feet to a point located at the southwest corner of the Bakers Volunteer Fire and Rescue (Bk. 4101, Pg. 058).

Thence, S 53-12-37 E crossing a 1/2" existing iron rebar at a distance of 30.08 feet for a total distance of 599.27 feet to the Point and Place of Beginning. The parcel as described contains 8.612 acres more or less, all as shown on an annexation survey plat prepared by Eagle Engineering, Inc. (Russell L. Whitehurst, PLS) and dated February 27, 2014.

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

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Michael L. Alvarez, Mayor

ATTEST:

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Peggy Piontek, Town Clerk



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 June 10, 2014 Town Council Public Hearing**

<b>Case: ZT2014-003</b>			
<b>Reference Name</b>	<b>Sporting Goods Store Amendment</b>		
<b>Planning Board Meeting Date</b>	May 20, 2014		
<b>Members Present</b>	Chair Cowan <input checked="" type="checkbox"/>	Jan Brown <input checked="" 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 checked="" type="checkbox"/>	Cheryl Mimy <input checked="" type="checkbox"/> Alternate 1 Present not voting	Steve Long <input checked="" type="checkbox"/> Alternate 2 Present not voting
	Sidney Sandy <input type="checkbox"/> Alternate 3		
<b>Case Found Complete</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
<b>Motion</b>	Recommend approval		
<b>Member Making the Motion</b>	Chair Patricia Cowan		
<b>Second the Motion</b>	Board Member Alan Rosenberg		
<b>Vote</b>	7-0		

**Purpose of the Amendment:** a request to amend Chapter 520 of the Unified Development Ordinance (UDO) to permit Sporting Good Stores within the Central Business District (CBD) and the Downtown and Village Center Overlay Districts by right. These uses are currently only permitted within these districts by Special Use Permit approved by the Board of Adjustment. The amendment also includes minor housekeeping modifications to ensure consistency within the adopted land use table between districts.

**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.*

## **Background**

The impetus for this request is to streamline the process for sporting good stores to establish within the Central Business District (which is located primarily within the historic downtown area), the Downtown Overlay District, and the Village Center Overlay District. This type of use is currently allowed within these districts however requires the business owner to obtain approval of a Special Use Permit by the Indian Trail Board of Adjustment. This process typically takes approximately 90-days. Staff surveyed other jurisdictions and found this type of use is typically allowed in most commercial zoning districts by right.

The proposed amendment includes: 1) further defining sporting good stores to include firearm sales and gunsmithing which typically is a service associated with this use; and 2) allowing sporting good stores by right within all commercial zoning districts except the Neighborhood Business District which is proposed to maintain a Special Use permit requirement. The Neighborhood Business District is intended to allow for small scale retail and business services uses in close proximity to residential neighborhoods. General housekeeping changes were included in this amendment primarily focused on correcting some inconsistencies between districts, removing some outdated language such as Video/CD store, and correcting a cross reference (520.040) which was intended to reference a maximum size limitation for some uses within various districts.

## **Planning Board**

The Planning Board heard this item at its May 20, 2014 public meeting. The discussion focused on a proposed housekeeping amendment introduced that night associated with Section 780.090 – Major Home Occupations. Based on deliberations, the Board requested additional information and motioned not to include any amendment of Section 780.090- Major Home Occupation which is not included within this request tonight. The Board made the following consistency findings and approved the motion to recommend approval to the Town Council.

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
  - ***Downtown Revitalization:*** Because it will enable sporting goods retail stores to locate within Downtown Indian Trail by right and contribute to the success of the Downtown economy; and
  - ***Economic Development:*** Because it will allow sporting good retail stores by right, saving time and red tape for business owners supporting a more balanced tax base within our community.
2. This UDO ordinance amendment is in the best interest of the public because it enables a commercial use to locate within appropriate non-residential zoning districts supporting economic development within our community.

**Proposed Town Council Action:** Receive Planning Board Recommendation, public comment, and make the following motions:

- *The Council hereby makes the required consistency findings as read into the record;*  
*and*
- *The Council hereby approves ZT2014-003 as presented*

**TC ATTACHMENT 1- PLANNING BOARD REPORT**



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

PLANNING AND NEIGHBORHOOD SERVICES

**Zoning Staff Report**

<b>Case: ZT 2014-003 Sporting Goods Store Amendment and General Housekeeping</b>		
<b>Reference Name</b>	Amendment of Chapter 520; Section 520.020 (G)	
<b>Applicant</b>	Town of Indian Trail	
<b>Submittal Date</b>	April 24, 2014	
<b>Location</b>	Town-wide	
<b>Tax Map Number</b>	N/A	
<b>Plan Consistency</b>	Town of Indian Trail Comprehensive Plan	Consistent With Goals of the Adopted Comprehensive Plan
<b>Recommendations &amp; Comments</b>	Planning Staff	Recommends Approval of Proposed Text Amendment.

**Project Summary**

This is a request to amend Chapter 520 of the Unified Development Ordinance (UDO) to permit Sporting Good Stores within the Central Business District (CBD) and the Downtown and Village Center Overlay Districts by right. These uses are currently only permitted within these districts by Special Use Permit approved by the Board of Adjustment. The amendment also includes minor housekeeping modifications to ensure consistency within the adopted land use table between districts.

**Staff Recommendation-** Staff recommends based on the guidance of the adopted plans that the text amendment be supported by recommending its approval to the Town Council

**Analysis/Overview**

This request is initiated by staff based on a new business inquiry for a new sporting good retail store within the CBD/Downtown Overlay District. Specifically, the business inquiry was a proposed retail firearm store which is looking to relocate from downtown Matthews to downtown Indian Trail. However this amendment if approved, would apply to any sporting goods store. Chapter 520.020 (G) of the UDO requires all retail sporting good stores within the CDB and overlay districts to obtain approval of a special use permit by the Board of Adjustment. Sporting goods stores are currently allowed by right within General Business District and the Regional Business District.

### ***Research of Use within Other Jurisdictions***

Staff conducted a review of neighboring jurisdictions land use regulations to:

1. Establish how jurisdictions classify a firearm retail store (sporting good, general retail, or other);
2. Identify the zoning districts in which this use is permitted; and
3. Identify, if any, performance standards that may be applied to this type of use.

The table below provides a summary of our findings:

<b>Jurisdiction</b>	<b>Use Definition</b>	<b>Zoning Districts</b>	<b>Performance Standards</b>
<b>Matthews</b>	General Retail	HUC (Downtown Area) B-1 Neighborhood Business B-3 High Rise Business BH- Highway Business L-1 Light Industrial	No – allowed by right
<b>Waxhaw</b>	Gun and Ammunition Sales Shop General Retail in Downtown Core	All commercial districts except for neighborhood business district	No- allowed by right
<b>Monroe</b>	General Retail; or Sporting Goods Store	All general commercial districts including office transitional district	Permitted by right in commercial districts By SUP in Office Transitional District
<b>Stallings</b>	Gun and Ammunition Sales Shop	General Retail Zone Only	
<b>Pineville</b>	Gun and Ammunition Sales	DC- Downtown Core; B-2-Central Business B-3- General Business; B-4 Highway Business; B-P-Planned Business	6.5.04- based on size may have to obtain a conditional use permit for B-3 B-4, B-P
<b>Mint Hill</b>	General Retail	Permissible in all commercial districts that allow general retail	No- only if there is a gunsmith component
<b>Rock Hill</b>	General Retail	All general commercial districts except Neighborhood Commercial	Permitted by right in commercial district except NC requires Conditional Use
<b>Indian Trail</b>	Sporting Goods Sales	CBD; NBD; GBD;RBD; O-VCD; O-DD	Required special use within the CBD, NBD, and Overlay Districts Size limitation within the Village Center and Downtown Overlay District

The table above reveals:

1. That firearm stores are classified in various ways however largely as general retail;
2. Are generally allowed in all commercial zoning classifications by right except for the transitional zoning districts such as neighborhood business; and
3. With no additional performance standards other than SUP or Conditional Zonings in transitional use districts.

Based on staff’s findings, we offer the following modifications for the Board’s consideration:

## UDO CHAPTER 520 BUSINESS AND COMMERCIAL ZONING DISTRICTS USE TABLE

USE GROUP	Business and Commercial Districts						Use Standard
Use Category	CBD	NBD	GBD	RBD	O-VCD	O-DD	
Sporting Good Stores (including firearm retail and gunsmithing)	S P	S	P	P	S P	S P	*See Size Limits Sec. <del>520.030B</del> 520.040
Stationary Stores	P	P	P	P	P	P	

The table above reflects the proposed changes of: 1) further defining sporting good stores to include firearm sales and gunsmithing which typically is a service associated with this use; and 2) allowing sporting good stores by right within all commercial zoning districts except the Neighborhood Business District which is proposed to maintain a Special Use permit requirement. The Neighborhood Business District is intended to allow for small scale retail and business services uses in close proximity to residential neighborhoods.

### GENERAL HOUSEKEEPING

Attachment “A” of this report is Section 520.020 which is the complete commercial use table. Staff evaluated the entire table while working on this amendment taking the opportunity to correct some inconsistencies between districts, remove some outdated language such as Video/CD store, and correcting a cross reference (520.040) which was intended to reference a maximum size limitation for some uses within various districts.

### Required Consistency Findings

The Planning Board is required to make two consistency findings, one for consistency with Town adopted plans and another regarding the benefit of the public. Staff is of the opinion the following findings can be made:

3. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
  - **Downtown Revitalization:** Because it will enable sporting goods retail stores to locate within Downtown Indian Trail by right and contribute to the success of the Downtown economy; and
  - **Economic Development:** Because it will allow sporting good retail stores by right, saving time and red tape for business owners supporting a more balanced tax base within our community.
  
4. This UDO ordinance amendment is in the best interest of the public because it enables a commercial use to locate within appropriate non-residential zoning districts supporting economic development within our community.

Staff recommends that the Planning Board make the required consistency findings and recommend adoption of this UDO Text Amendment ZT2014-003 as presented.

### Staff Contact

Shelley DeHart, AICP  
 Director of Planning  
[srd@planning.indiantrail.org](mailto:srd@planning.indiantrail.org)

Attachment 1: Exhibit A- UDO Land Use Table

Attachment 2: Draft Ordinance- See TC Draft Ordinance

# **ATTACHMENT ONE**

**TC ATTACHMENT 2- DRAFT ORDINANCE**



NOW THEREFORE, BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL,  
NORTH CAROLINA HEREBY TAKES THE FOLLOWING ACTION:

**Section 1 – UDO CHAPTER 520 is hereby approved as shown in Exhibit A of this Ordinance;**

**Section 2-** This ordinance shall be effective immediately upon adoption.

SO ORDAINED THIS 10<sup>TH</sup> DAY OF JUNE, 2014.

THE TOWN COUNCIL OF INDIAN TRAIL

By \_\_\_\_\_  
Honorable Michael L. Alvarez, Mayor

Attest:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
TOWN ATTORNEY

# Town of Indian Trail

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## Memo

**TO:** Mayor and Town Council

**FROM:** Shelley DeHart, AICP  
Director of Planning

**DATE:** May 29, 2014

**SUBJECT:** CZ2013-009 Plyler Road Community



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Attached please find the Planning Board Transmittal for the March 25, 2014 Town Council Public Hearing for Conditional Zoning Request CZ2013-009. This item was scheduled for a public hearing on that date however due to a lack of quorum the public hearing was continued to April 8, 2014. The applicant submitted a request to continue the public hearing to the June 10, 2014 Town Council meeting.

Notices were sent out to property owners (within notification area) and interested parties for the public hearing continuance and the project was advertised again within the Union County Section of the Charlotte Observer on May 28<sup>th</sup> and June 4<sup>th</sup>.



**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 March 25, 2014 Town Council Public Hearing**

<b>Case: CZ 2013-009</b>			
<b>Reference Name</b>	<b>Plyler Road Community</b>		
<b>Planning Board Meeting Date</b>	March 18, 2014 & March 20, 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 Town Council with modification		
<b>Member Making the Motion</b>	Boardmember Sidney Sandy		
<b>Second the Motion</b>	Vice Chair Larry Miller		
<b>Vote</b>	4-3 for transmit a recommendation to approve with modified site plan and conditions of approval.		

**Purpose of the Amendment:** to rezone an existing 27.15 acre property from Light Industrial (LI) to a Conditional Multi-Family Residential Zoning District. The intent is to redevelop the abandoned industrial site to a multi-family residential community (348-units\*) consisting of eight (8) six-plex units proposed at the periphery of the community, and ten (10\*) garden style apartment buildings within the interior of the property. The community includes two-story garage storage buildings, an amenity facility surrounded by a central lawn and tree bosque area, small pocket parks/open space areas, and security fencing placed at adjacent properties and the railroad right-of-way. *\*Project modified at Planning Board Meeting*

- 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 a 27-acre property for the purpose of developing a multi-family residential community on the existing abandoned light industrial site located at the corner of Unionville-Indian Trail Road and Plyler Road. The subject property is known locally as the “Genwove” site which was a leading veneer manufacturing company in the south at its peak of operation. The facility closed down in 2008; was purchased in 2009 with some site demolition occurring between 2009 -2010.



The applicant had originally proposed 378- residential units, within two styles of multi-family residential structures - a mix of six-plex units (8-big house design units) and three-story garden style apartment buildings (11) resulting in a total proposed density of 14 units per acre. The complete analysis of the original proposal can be found in attachment two (2) - of this report. The applicant presented a modified proposal of 348-residential units to the Planning Board at the March 20<sup>th</sup> meeting. Discussion of the modified plan and conditions are found below.

### **Planning Board Meeting**

This request was heard by the Indian Trail Planning Board on March 18, 2014. Due to the late hour, the Board recessed to reconvene on March 20, 2014 to complete the public comment portion of the meeting, deliberate and reach a recommendation. Comments presented to the Planning Board regarding this request were:

- *Traffic – within the area and on Plyler Road. Some questioned the adequacy of the Traffic Study.*
  - Response: The applicant’s traffic engineer answered questions at the March 18, 2014 meeting. They will be available for additional questions at the Town Council Meeting.
  - Response: NCDOT has provided their comments regarding the traffic study.
  - The Town is reaching out to NCDOT to request they look at traffic calming on Plyler Road as well as safety features at the curves.
  - The Town will also speak to UCSO regarding options to address speeding vehicles on Plyler Road.

- *School Impacts-*
  - Response: The applicant's provided a handout titled "Higher-Density Development- Myth and Fact" published by the Urban Land Institute referencing page 9(Attachment 3). Boardmember D'Onofrio requested more recent data. The applicant referenced a more recent document titled "New Data Confirms Low Number of School-Aged Children in Multi-family". This document can be found at this weblink: <http://newsmanager.commpartners.com/nahbout/issues/2009-01-29/email.html>.
- *Safety Concerns related to Train Derailment*
  - Response: The applicant contacted CSX and obtained a publication. He stated this document would be provided to each tenant for information prior to entering into a lease agreement as disclosure to the community's proximity to the railroad right-of-way.
- *Quality of Life impacts living next to the rail and potential impacts to existing neighbors during construction*
  - Response: The apartment management will be required to disclose its location adjacent to the railroad right-of-way (as stated above). The project is conditioned to have a construction access phasing plan and deliveries are to utilize US-74 and Unionville-Indian Trail Road for construction deliveries.
- *Lack of on-site Parking – see below*
- *Density*
  - Response: The applicant has modified their proposal and site plan to address the issue of parking and density.



TOWNE CENTRE Apartment Homes

Master Plan - Concept

Site Proposal  
Indian Trail, NC



This site plan reflects a reduction in the number of units by the removal of one-three story garden style apartment structure. The removal of the structure reduced

the proposed units to 348 apartments resulting in an overall density of 12.8 units to the acre (previously 14 du/acre). The reduction in the number of residential units reduces the number of required parking spaces to 860 spaces (from the previous 933 required spaces). The applicant is providing a total of 829-parking spaces which results in a 3.6% deficit in the required parking for the site.

	Number of units	Parking Requirements
<b>330- garden apartment units</b>		
1-bedrooms	66	99 spaces
2-bedrooms	185	370 spaces
3-bedrooms	49	123 spaces
<b>48- Six-plex units</b>		
2-bedrooms	48	96 spaces
<b>TOTALS</b>	<b>348 units</b>	<b>688 parking spaces</b>
Guest parking (1 sp/per 4 spaces)		172 parking spaces*
<b>*Applicant Reduced the number of 3-bedroom units</b>		
Total Parking Required	860 spaces	
Total Provided On-street and within garages	<b>829 spaces</b>	3.6% parking deficient

- *Lack of sidewalk linking neighborhoods on Plyler Road – very unsafe for pedestrians.*
  - Response: The applicant has committed to a partnership with the Town in the construction of a sidewalk on the westside of Plyler Road to Ridgefield Circle. The applicant to provide funding for the sidewalk to the Town.
- *Impact on adjacent Property Values*
  - Response: The applicant provided an appraisal impact study for the proposed project – see Attachment -4 – which states the proposed use will be in harmony with the neighborhood and as long as the units are priced correctly it will not adversely affect the value of the surrounding properties.
  - Response: An economic impact study has been provided within Attachment 2- (Planning Board Report with the application)- stating the estimated value at build-out is \$48.5 million, it will create 356 construction jobs over the course of build-out, and provide an estimated \$426,000 in total annual local funds, including property taxes and stormwater fees.
- *Why not other uses- commercial, single-family, government offices, museum, citizens center.*
- *Lack of planning for law enforcement*

There were speakers that stated it was a “nice design” and they were tired of looking at the abandoned industrial site-it’s an eyesore; however they are concerned with the traffic.

The applicant has also committed to additional conditions of approval associated to enhanced amenities such as children’s play area, smart board in clubhouse, dog wash facility, etc. This has been incorporated in the conditions of approval.

The Planning Board after much deliberation and discussion, motioned to recommend approval to the Town Council (4 to 3), based on the modified site plan and conditions, and making the following findings as read into the record:

*Goal – Land Use and Housing* - The proposed conditional district provides for quality multi-family residential use at an appropriate location providing a more appropriate transition between land uses than the existing abandoned light industrial use.

*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), construction of a enhanced pedestrian crossing, a cash contribution for intersection improvements, 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.

WHEREAS, request for this conditional zoning district is a reasonable request and is in the public interest because it eliminates an abandoned light industrial site, establishes a more appropriate transitional use between the single-family community, creates a mix of housing sizes within the US 74-West corridor 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.

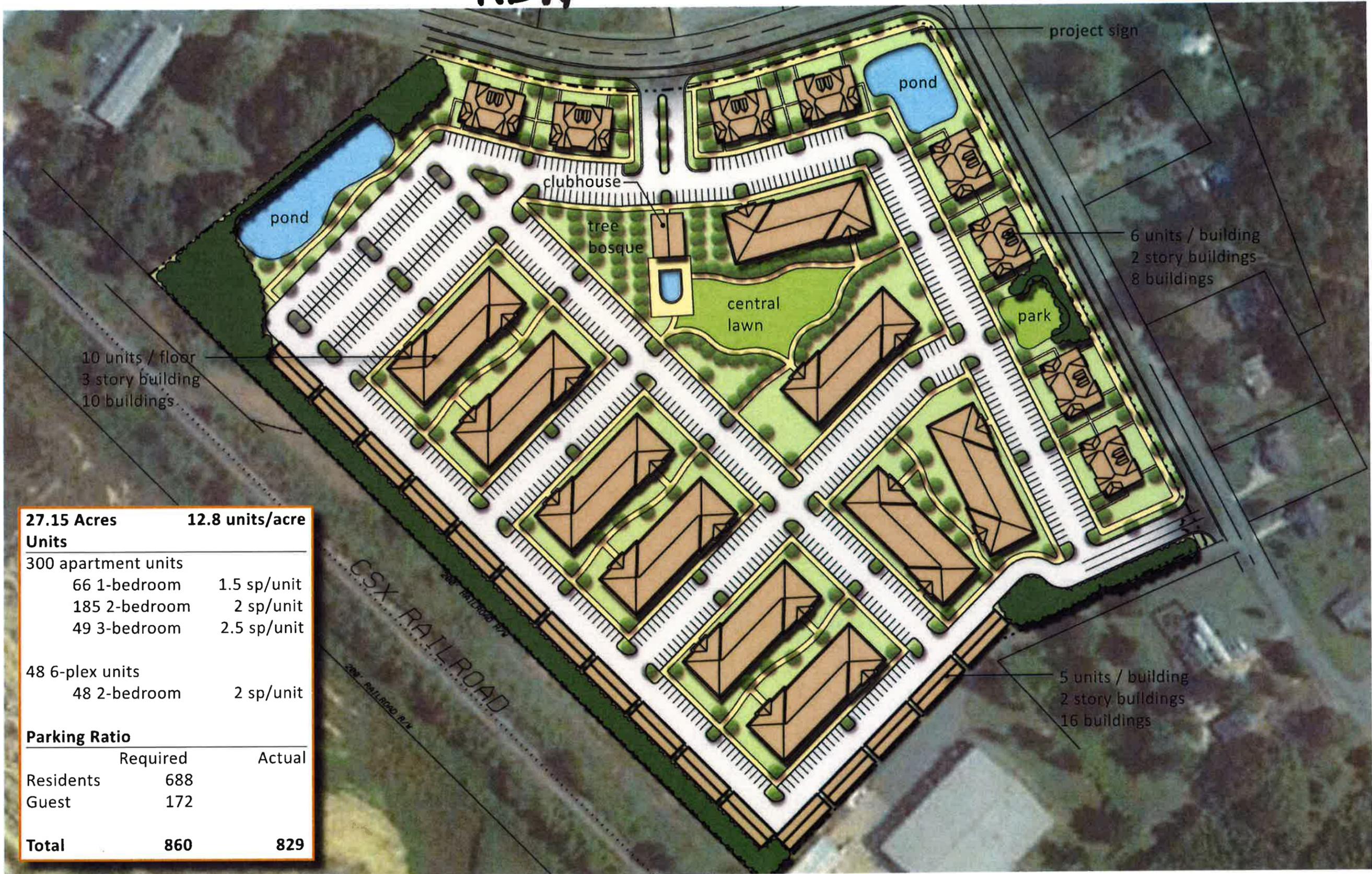
**Town Council Action** - Based on the transmittal, public testimony, and deliberations, the Council may take one of the following actions:

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- Revised Site Plan  
Attachment- 2 – Planning Board Report  
Attachment 3 – Letter from NCDOT regarding Traffic Study  
Attachment 4 – Higher-Density Development Myth and Fact  
Attachment 5- Town Center Apartment Impact Study  
Attachment -6- Draft Ordinance

**NEW**



<b>27.15 Acres</b>	<b>12.8 units/acre</b>	
<b>Units</b>		
300 apartment units		
66 1-bedroom	1.5 sp/unit	
185 2-bedroom	2 sp/unit	
49 3-bedroom	2.5 sp/unit	
48 6-plex units		
48 2-bedroom	2 sp/unit	
<b>Parking Ratio</b>		
	Required	Actual
Residents	688	
Guest	172	
<b>Total</b>	<b>860</b>	<b>829</b>

SCALE = 1:130

03.20.14

Master Plan - Concept

Site Proposal  
Indian Trail, NC





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

PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

## Conditional Zoning Staff Report

<b>Case: CZ 2013-009</b>			
<b>Reference Name</b>	Plyler Road Community		
<b>Request</b>	Proposed Zoning	Conditional Zoning-Multi-Family Residential District (MFR-CZ)	
	Proposed Uses	378-unit Multi-Family Residential Community	
<b>Existing Site Characteristics</b>	Existing Zoning	Light Industrial - LI	
	Existing Use	Abandon Laminate Manufacturing	
	Site Acreage	27.15 acres (approximately)	
<b>Applicant</b>	Plyler Road Partners		
<b>Submittal Date</b>	November 18, 2013		
<b>Location</b>	100 Plyler Road – corner of Plyler and Unionville-Indian Trail Road		
<b>Tax Map Number(s)</b>	07-084-336		
<b>Plan Consistency</b>	Comprehensive Plan	Designation	US 74 Corridor West
		Consistent with Request	Yes
<b>Recommendations &amp; Comments</b>	Planning Staff	Recommend Conditional Approval	

### Project Summary

This is a request to rezone an existing 27.15 acre property from Light Industrial (LI) to a Conditional Multi-Family Residential Zoning District. The intent is to redevelop the abandoned industrial site to a multi-family residential community (378-units) consisting of eight (8) six-plex units proposed at the periphery of the community, and eleven (11) garden style apartment buildings within the interior of the property. The community includes two-story garage storage buildings, an amenity facility surrounded by a central lawn and tree bosque area, small pocket parks/open space areas, and security fencing placed at adjacent properties and the railroad right-of-way. Access is provided at driveway locations on Unionville-Indian Trail Road and Plyler Road with associated roadway improvements.

### Recommendation

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

## Analysis

### ***Background- Location Characteristics and Surrounding Zoning***

The subject property is an abandoned light industrial site, previously home to Genwove U.S. Ltd., located at the southwest corner of Unionville-Indian Trail Road and Plyler Road. The prior industrial use manufactured hardwood veneer and lumber products and had approximately 170 employees at its peak of operation. It is believed the facility closed down in 2008, sold and dismantled in 2009. The property has been for sale since 2009 by its current owners – Coldwater Veneer, Indian Trail, LLC. The image below was taken in 1993 which shows the lack of single family residential use found today within the area.



The image below provides a current 2013 aerial view of the site. Much of the original warehouse structures were removed in 2009.



The subject property still maintains a fair amount of warehouse space (approx. 145,000 sq. ft) which appears to be in a state of disrepair. There are two areas on the property that house small stands of trees. The first area is adjacent to an existing pond located at the southwest corner of the property and the second area is located adjacent to the existing driveway located on Unionville-Indian Trail Road. Based on information provided by a veteran employee of Genwove (employed 39-years at the facility), the water from the pond was used to keep the logs wet for the veneer manufacturing process.

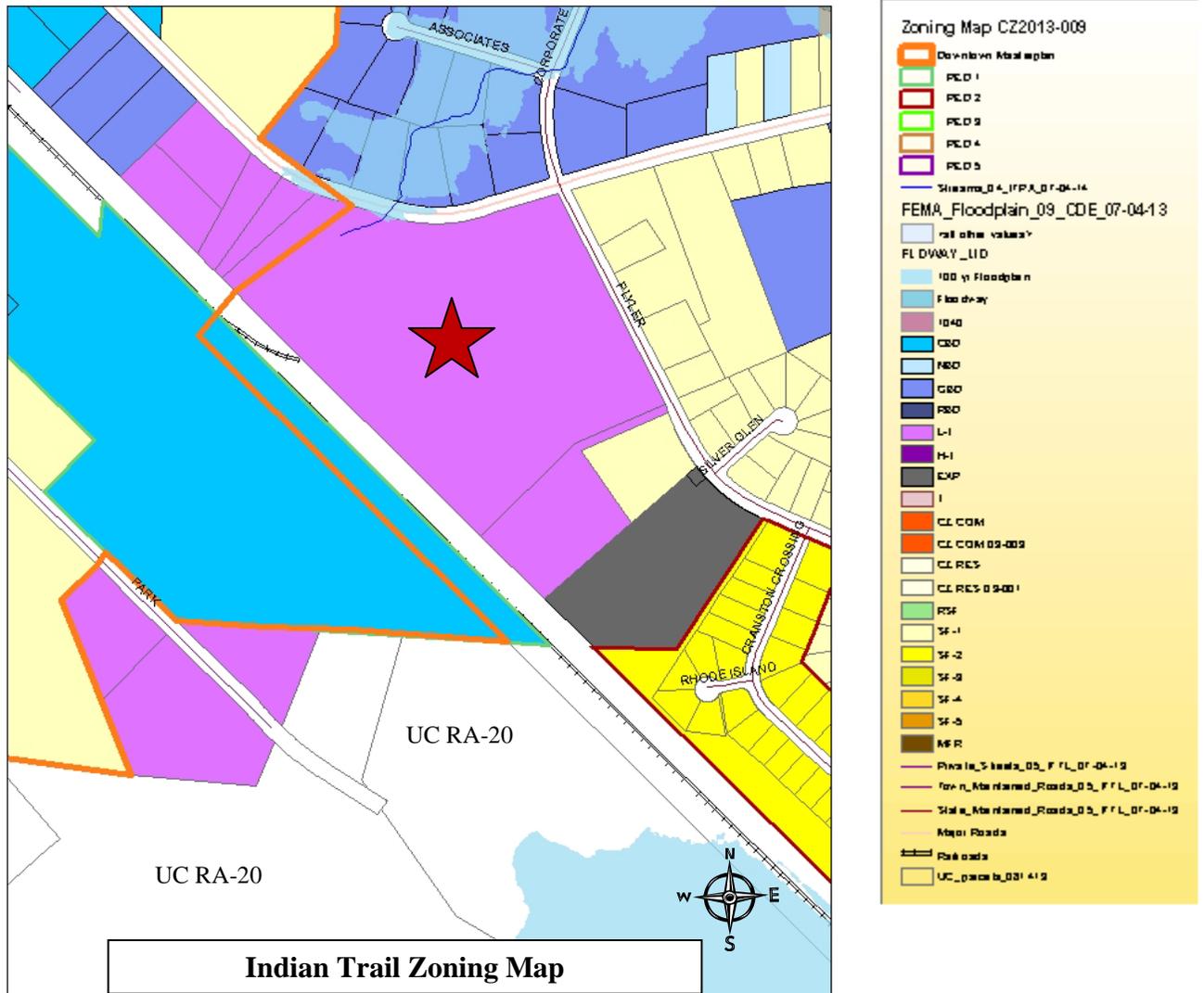


Land uses in the area vary from single-family residential to office warehouse use. The uses are as follows:

Direction	Current Use
North	Commercial/Office Warehouse/Animal Hospital- on Unionville-IT Road –
West	Residential & Commercial, light agriculture, Library
South	Railroad ROW/Future Town Center Project/ Agricultural Use/ Single- Family Residential to the southeast.
East	Coating Technologies; Single-family Residential along Plyler Rd,

The residential uses in the area are a mix of individual dwelling on larger tracts and two residential subdivisions on Plyler Road (Cranston Crossing (2001) & Ridgefield Phase I & II (1993-1997)). The Ridgefield subdivision phases are located on both sides of Plyler Road. The commercial businesses in the area vary as well from office to light manufacturing. This area is considered one of the gateways into the historic downtown area from Hwy 74.

## Area Zoning



Zoning in the area varies from single-family residential, commercial, to light industrial.

Direction	Zone Classification	Use
North	General Business District-GBD	Commercial- Office Warehouse
West	Light Industrial General Business Downtown Overlay District	Residential, Commercial Office
South	Conditional District- Town Center -PUD Union County RA-20 Light Industrial (SE Corner) Downtown Overlay District	Vacant/ Light Agriculture/ Residential/ Light Industrial
East	SF-1 –Single Family Residential	Residential Use

## Proposed Project/ Concept Plan

The applicant is proposing to redevelop this 27 + acre site to establish a multi-family residential community. The residential units are a mix of six-plex units (big house design units) and three-story garden style apartment buildings resulting in a total of 378 units for a total density of 14 units per acre. The residential community includes two-story garage/storage units located adjacent to the south and east property line adjacent to the railroad right-of-way. The community also includes a clubhouse and pool adjacent to a central lawn and tree bosque area, a small pocket park and courtyard greens between structures. Infrastructure improvements include curb, gutter, sidewalk, street lights and street trees adjacent to the street frontages, sidewalk connections throughout the community, and traffic calming bulb-outs throughout the site.



The Concept Plan provided above is a required element of the conditional rezoning application submittal. The following will provide a brief overview of key elements of the Concept Plan (Attachment 2).

1. *Site Layout:* Site access is provided on Unionville-Indian Trail Road and on Plyler Road. The six-plex units, (8-big-house design units), have been placed at the periphery of the community to mimic the existing single-family dwelling units located across the street on Plyler Road. The front facades of these units appear to be single-story while the backside of the units facing the interior reach two stories in height. There are three-story, garden-style apartment buildings (11 buildings) proposed and placed within the interior of the community. The closest garden-style building to the street frontage is approximately 200-feet. There are two-story garage/storage buildings (16 units) proposed at the south and east property line providing a buffer and sound attenuation. The applicant has restructured the bedroom mix to reduce the potential family units. The units will be divided as follows:

	Number of units	Parking Requirements	Percent
<b>330- garden apartment units</b>			
1-bedrooms	66	99 spaces	17%
2-bedrooms	215*	430 spaces*	57%
3-bedrooms	49*	122 spaces*	13%
<b>48- Six-plex units</b>			
2-bedrooms	48	96 spaces	13%
<b>TOTALS</b>	<b>378 units</b>	<b>747 parking spaces*</b>	
Guest parking (1 sp/per 4 spaces)		186 parking spaces*	
<b>*Applicant Reduced the number of 3-bedroom units</b>			
Total Parking Required	933 spaces		
Total Provided On-street and within garages	<b>762 spaces</b>		

As stated above, the information provided in the table above has been modified (\*) from its original submittal based on feedback from Town staff regarding the mix of unit types and family use. Based on the information provided above, seventy (70) percent of the overall units will be two-bedroom units, seventeen (17) percent will be one-bedroom units, and thirteen (13) percent will be three-bedroom units.

2. *Frontage Improvements:* Unionville-Indian Trail Road will be improved with curb, gutter, 6-ft. wide sidewalk, decorative pedestrian street lights, and street trees. Plyler Road frontage will be improved with curb, gutter, 6-ft wide sidewalk, decorative pedestrian street lights, and street trees. There is required right-of-way (ROW) dedication on both Unionville-Indian Trail Road and Plyler Road to meet a 2-lane boulevard design identified within the Comprehensive Plan. There are required turn-lanes into the access driveway which will be addressed within the Traffic Study Summary below.

The applicant has also committed to construct an enhanced pedestrian crossing at the intersection of Plyler/Corporate and Unionville-Indian Trail Road. This will provide pedestrian access to sidewalk located on the north side of Unionville-Indian Trail Road which continues into the historic downtown area. The crossing shall be in compliance with NCDOT and Town regulations.

3. *Interior Circulation and Parking Improvements:* Circulation within the development is provided by access drives, accompanied with parking, forming a semi-grid pattern around the buildings. Bulb-outs have been provided at intersecting drives to aid in traffic calming. The access drives will be built to emergency services circulation requirements. The project, as proposed, provides the required amount of parking spaces for the residential units (747 parking spaces required), however does not meet the additional “guest parking” required within Chapter 1020 of the Unified Development Ordinance which is one additional space per four required spaces (See table above). Therefore, the applicant is requesting the Board consider a reduction in the guest parking requirement. Town staff recently brought the Town’s parking ratio regulations to the Planning Board attention, citing recent ordinance research, drawn from experienced jurisdictions with these types of developments. Attachment 3 of this report provides a summary of our research that indicates that the Town’s parking ratio per bedroom is on the high end for the region and we are the only jurisdiction within the region that requires guest parking. Based on staff’s research, we would support the applicants request for a reduction because:

- *Our ratio per bedroom exceeds the standard for the area and the three bedroom units are limited to 13% of total units; and*
- *Our guest parking ratio represents a 25% increase to required parking which is not required by experienced jurisdictions; and*
- *The proposed garage units are designed with storage units above to meet residents' storage needs reducing the potential of residents using garages as storage.*

If the board is uncomfortable with the parking provided, parking can be gained by reducing the number of storage/garage units located at the rear and side property line. The reduction of each garage/storage unit gains 4 additional spaces. Therefore, reducing garage units could gain additional guest parking to the 15 provided, However, the community would lose the screen/sound attenuation from the railroad right-of-way and light industrial use (southeast corner) provided by the units.

4. *Open Space/Tree Retention:* The community is designed with various open space areas throughout the site. A one acre central amenity area with a central green and tree bosque area is proposed within the center of the community. There is a small pocket park ( $\approx 1/3$  acre) proposed adjacent to Plyler Road; a fountain water feature proposed at the corner of Plyler and Unionville-Indian Trail Road (slightly larger than  $1/3$  acre); a larger pond/detention feature located at the southwest corner of the community ( $\approx 1.5$  acres); another acre buffer area adjacent to the south property line adjacent to the railroad ROW; courtyard greens between the six-plex units, and smaller landscaped open areas for a total of 5-acres of open space (approximate). The development is conditioned to comply with Chapter 830- Tree Preservation Ordinance of the UDO which identifies a 15% Tree Canopy coverage requirement on the property. A tree survey and tree canopy plan is required within the site plan review process.
5. *Architectural Design (Attachment 2):* The applicant is proposing a big-house design- six plex style units in an arts & craft style with feature elements such as low pitch-gabled roofs, porch covered entryways with tapered columns, multi-paned windows, and dormers. The façade material will be a mix brick at the base, fiber cement siding (such as Hardie Board), and accent material such as vinyl cedar shake within gable areas and dormers. The three-story-garden style apartment buildings are proposed to mimic the arts in craft style with gables, tapered columns, and multi-paned windows. The exterior building material is proposed to be primarily fiber cement siding (such as Hardie Board) and brick material at the base and projection areas. These brick areas are reflected as a maroon color within the renderings. The garage/storage units are proposed to be constructed of fiber cement siding.
6. *Traffic Impact Study:* A Traffic Impact study was prepared by Davenport Engineering. This study is still under review pending final comments from NCDOT and the Town. In summary, the study identifies roadway improvements (based on projected traffic volumes), as follows:
  - a. Right-turn lane with 100-ft storage at the Access -1 location on Plyler Road;
  - b. A left-turn lane at Access-2 on Unionville-Indian Trail Road with 100-ft storage.

The study also identified the need for “background improvements” at the intersection of Matthews-Indian Trail and Indian Trail Road citing queuing issues which are due to lack of capacity for left and right turn moments. Auxiliary turn lanes are recommend at this intersection due to background traffic, and not as a result of the proposed development (Attachment 4). The Traffic Engineer will be at the meetings to explain and answer questions regarding the analysis.

The Town has had further discussions with the applicant and has requested participation in the future improvements (auxiliary turn lanes) at the intersection of Matthews-Indian Trail

and Indian Trail Road. The applicant has committed a payment of \$38,000 to be placed in an intersection improvement fund. The payment is proposed to be paid to the Town in installments over a maximum of a three year term or in full by the close of the project whichever comes first. This proposed commitment is included in the conditions of approval for the Board's consideration in addition to: the applicant is required to construct improvements identified within the Traffic Impact Analysis prepared by Davenport as approved by NCDOT and the Town of Indian Trail.

### **Comments from Outside Agencies**

- *North Carolina Department of Transportation (NCDOT):* NCDOT has provided preliminary comments in agreement with the traffic study, however, they have stated the document is still under review and has not been approved. Staff hopes to have a letter from NCDOT for the Board meeting.
- *Union County Public Works (UCPW):* The UCPW comment letter dated January 29th, 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 has provided two comment letters, one prior to the redistricting and the second after the redistricting. The latter dated 3/10/2014 stated the following: This large multi-family development will be in the current Sardis Elementary School, Porter Ridge Middle School, and Porter Ridge High School districts. Sardis ES is below the watch level and is expected to remain so for the foreseeable future. However, both Porter Ridge MS and Porter Ridge HS are close to the watch levels. Our forecast indicates they will remain so for some time. This Fall's forecast may change for Porter Ridge, as we do not yet know how many students will take advantage of the grandfathering offered by the Board of Education. Because these two schools are near the watch level, a large development runs the risk of pushing them near or above the cap levels. This could create over-capacity problems, such as mobile classrooms, inadequate capacity for food service and restroom facilities, rationing of access to the library, insufficient parking and queuing space for parents to safely deliver or pick up their children, and inadequate planning/meeting space for additional staff.
- *Union County Fire Marshal (UCFM) & Union County Inspections Office (UCIO):* UCFM attended the community meeting with Stalling Fire Chief Charlie Porter and Hemby Bridge Fire Chief Johnny Blythe. The comments received were regarding the garage/storage unit indicating they may need to be equipped with sprinklers/and or firewall construction, the stairwells into the three story building- are recommended to be metal, they recommended hardy board wall cladding (no wood/vinyl), and the fire department connection locations and hydrant locations. *The project is condition to comply with fire construction regulations to the satisfaction of the Union County Fire Marshal's Office. They will also be required to comply with North Carolina Fire and Building Codes.*
- *Union County Sherriff Office (UCSO):* UCSO voiced concern regarding an adequate barrier between the community and the railroad right of way, adequate parking, and roadway improvements. *The applicant has proposed and the project is conditioned to provide a fence barrier around the property, the project proposes 762 parking spaces, and the project is conditioned to comply an approved Traffic Study to the satisfaction of the Town and NCDOT.*

### **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. 52-addresses), and posting signs on both street frontages. The first community meeting was held on-site (Genwove warehouse) on March 5, 2014 from 2:00 p.m. to 4:00 p.m. The second community meeting was held on February 19,

2014 at the Indian Trail Civic Building from 6 p.m. to 8 p.m. The following will provide a brief summary of the Town required community meetings.

- *Daytime Meeting:* This meeting was attended by approximately 15-members of the public. Discussion at the meeting focused on traffic improvements which were addressed by the Davenport Traffic Engineer, infrastructure improvements (curb, gutter, sidewalk) – residents expressed a need for sidewalks on Plyler Road, school impacts, impacts to property values, construction access on Plyler Road, impacts to properties based on the location of access driveway on Plyler and environmental questions such as possible gold mine. The minutes can be found in Attachment 5 of this report.
- *Evening Meeting:* This meeting was attended by approximately 10-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 phasing of the projects, amenities, emergency plan for evacuation in case of a train derailment, security and fencing, the overall esthetics of the community, and the type of tenants this project is trying to attract. These minutes can also be found in Attachment 5 of this report.

#### **Applicant response to public comments:**

- The applicant has agreed to a construction access plan based on phasing for the Plyler Road Access location. The project will be conditioned to prohibit construction (excluding emergencies) access on Plyler Road until phase II of the project.
- The applicant is meeting with property owners located across from the Plyler Road access driveway to discuss options to limit impacts (vehicle lights, etc) associated with the driveway location. The terms have not been determined at the time of the writing of this report. The applicant will provide an update.
- The applicant is consulting with various agencies regarding evacuation process in the event of a train derailment.
- The details of the building materials have been included in the conditions of approval to include brick, fiber cement siding on all buildings.
- The applicant is seeking a determination letter from an appraisal company regarding potential negative impacts to adjacent property values as a result from a multi-family development.

#### **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 Multi-Family Residential District.

1. *Concept Plan and Architectural Requirements:* The development shall be designed and constructed consistent with the concept site plan and conditions of approval found herein. The concept plan shall be attached to the approval documents for CZ2013-009 and recorded at the Union County Records of Deeds office.
  - a. The structures shall be built in compliance with applicable fire and building codes as reviewed and approved by the Union County Fire Marshal and Building Inspectors.
  - b. The multi-family units shall be constructed with sound-attenuating wall materials to achieve a “average rating” of NC25-30 (37dB(A)) as defined within HUD Guidelines. – This guideline is used for the sole purpose of a measurable performance standard and is not associated with any funding or status of this development.
  - c. The entire property shall be fenced. The fence style may be altered adjacent to the railroad right-of-way and in screened areas to ensure an appropriate barrier is achieved. Highly visible fencing shall be decorative. Fencing adjacent to the ROW shall be an appropriate height in the arts and craft style community.

- d. The community shall be developed as a market-rate multi-family community.
  - e. The storage units located within the garage structures may not be use as habitable or office space use. Use of storage areas is restricted to tenants of the community.
2. *Exterior Wall Siding Materials:* The exterior wall materials shall consist of fiber cement siding, brick, vinyl shake as accent. The use of vinyl as a wall siding is prohibited.
  3. *Multi-family units:* The maximum dwelling units is capped at 378 units and shall be limited to the following mix:

<b><i>Garden apartment units-330 units</i></b>	
1-bedrooms	66
2-bedrooms	215
3-bedrooms	49
<b><i>48- Six-plex units</i></b>	
2-bedrooms	48

The three bedroom units may be reduced however no additional units beyond the 378 units may result from such a reduction. The maximum density is 14 du/acre on the subject property.

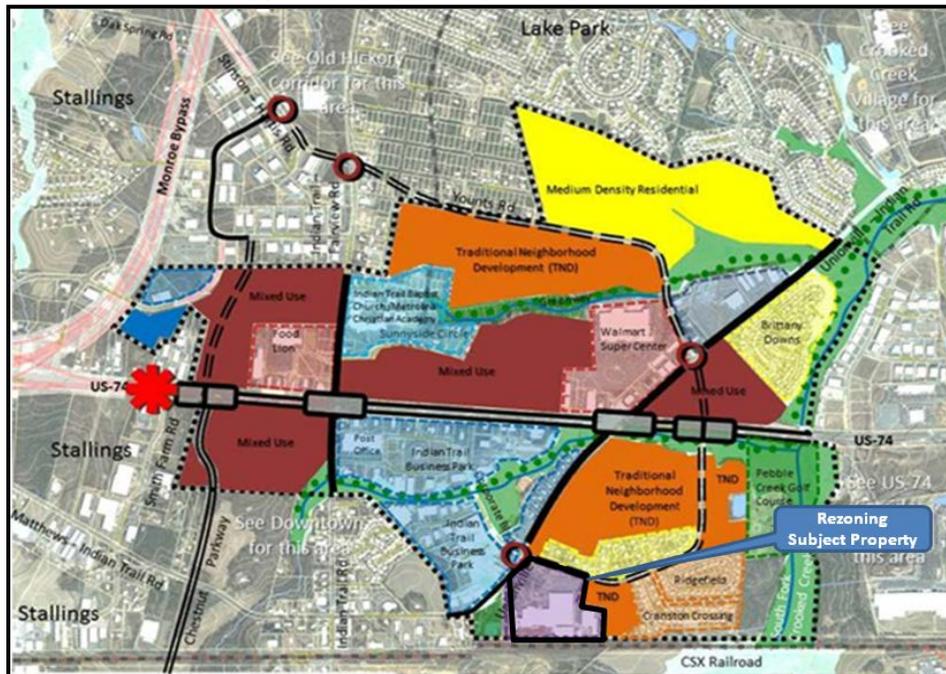
4. *Building Setbacks:* Building setbacks shall comply with the requirements of Chapter 510.040 B for the Multi-family Residential District. The proposed accessory garage/storage units shall maintain the minimum 5-ft from property line on the east property consistent with regulations for accessory structures. However, a potential of a 3-foot setback may be authorized within this area only based on request from adjacent light industrial use property owner and building and fire codes.
5. *Frontage Improvements:*
  - a. Unionville-Indian Trail Road will be improved with curb, gutter, 6-ft. wide sidewalk, decorative pedestrian street lights, and street trees. Plyler Road frontage will be improved with curb, gutter, 6-ft wide sidewalk, decorative pedestrian street lights, and street trees.
  - b. Right-of-way (ROW) dedication is required on both Unionville-Indian Trail Road and Plyler Road to meet a 2-lane boulevard design identified within the Comprehensive Plan.
  - c. The applicant shall construct an enhanced pedestrian crossing at the intersection of Plyler/Corporate and Unionville-Indian Trail Road. This will provide pedestrian access to sidewalk on the north side of Unionville-Indian Trail Road which continues into the historic downtown area. The crossing shall be in compliance with NCDOT and Town regulations.
  - d. Construction equipment associated with this development shall have restricted access on Plyler Road. The construction access for phase I of the development shall be located on Unionville-Indian Trail Road- the access on Plyer Road may only be used in the event of an emergency. Construction access for phase II may be at the Plyler Road access point. Any damage to the existing roadway as a result of said construction equipment shall be repaired prior to final occupancy of the last two buildings of the community. The roads shall remain clear of debris during construction.
6. *Traffic Study Improvements:* The applicant is required to construct required improvements as identified in the Traffic Study prepared by Davenport (10/7/2013) and by the Town and NCDOT based on their final approval of required TIA. The applicant has also committed a cash payment of \$38,000 to be placed in an intersection improvement fund for the construction of auxiliary lanes at the intersection of Indian Trail Road and Matthews-Indian Trail Road. The payment is proposed to be paid to the Town in installments over a maximum of a three year term or in full by the close of the project whichever comes first. The first installment shall be paid upon release of site plan approval.

7. *Interior Improvements:* The development shall include decorative pedestrian lighting, passive park furniture, sidewalks throughout the community, mail-box center, and enhanced trash enclosures. An amenity center with pool shall be constructed consistent with concept plan.
8. *Perimeter Landscaping:* Perimeter landscaping is required along the site frontage on Unionville-Indian Trail Road and Plyler Road. The applicant shall work with property owner located directly across from the Plyler Road access driveway to provide a healthy screen buffer to mitigate potential impacts.
9. *Open Space and Tree Retention:* The proposed community has been designed with approximately five acres of open space. The open space area shall include pedestrian lights, benches, and poop bag stations (if pets are allowed) throughout the community. Chapter 830-Tree Preservation Ordinance of the UDO identifies a 15% Tree Canopy coverage requirement on the property. A tree survey and tree canopy plan is required within the site plan review process.
10. *Stormwater Detention Pond:* The applicant shall comply with Town regulations for stormwater detention and water quality. The applicant shall consider the use of fencing around the large pond located at the southwest corner if not used as an amenity such as a fishing pond. This will be determined at the site plan review process.
11. *Overhead Utilities:* All utilities shall be placed underground within the community. Every effort shall be made to place utilities located adjacent to Plyler Road and Unionville-Indian Trail Road.
12. *Compliance with various agencies:* The project shall comply with local, state, and federal permitting regulations.
13. 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 Comprehensive Plan identifies the rezoning subject property as being within the US-74 West Corridor that generally extends between Smith Farm Road and Crooked Creek (see map below). This corridor underwent a master planning process as part of the US-74 Corridor Revitalization Study, which was a multijurisdictional study involving the North Carolina Dept. of Transportation, Union County, the Towns of Indian Trail and Stallings, and the City of Monroe. The overall goal for the study was to create a unified plan/vision for this vital corridor that would make long term improvements in the areas of transportation, land use, economic development, aesthetics, and civic identity. The study's recommendations were incorporated into the future land use map of the recently updated Indian Trail Comprehensive Plan.

## US-74 WEST CORRIDOR FUTURE LAND USE



As referenced in the above map, the CZ2013-009 subject property is identified as being within an existing Industrial land use classification (halo purple color). This classification recognizes an existing or previous industrial use and envisions its future continuation in light of consistency with existing zoning, scale of existing infrastructure, and similar considerations. At the time this land use classification was designated, continuing industrial type development on the subject property seemed probable in light of the investment made in 2009 to environmentally remediate the site, the scale of the existing manufacturing and warehousing buildings, and other site infrastructure. Previous redevelopment inquiries at the time were also exclusively of an industrial nature.

In examining the US-74 West Corridor for an appropriate non-industrial future land use classification for the subject property, the most appropriate classification would be Traditional Neighborhood Development (TND). This land use classification envisions higher density residential uses intermingled with limited amounts of office, retail, and institutional type uses to help create a lively, walkable environment that is primarily of a residential character. The higher density residential uses within this classification are intended to locate close to a Town Center or Downtown environment and act as a buffer for single-family uses. The TND land use classification abuts the rezoning subject property to the east and generally characterizes this area within the US-74 West Corridor. The subject property's location and proposed use as an apartment community lends itself to serving as a prominent gateway into the Indian Trail Downtown, while also serving as a buffer to the Ridgefield and Cranson Crossing neighborhoods.

Residential density within the TND classification generally ranges between 7 to 18 units per-acre with the highest end of this density being appropriate for properties more closely oriented towards US-74. The proposed density of approximately 14-units per-acre contemplated by CZ2013-009 would be appropriate given the project's location at intersecting arterial and collector roads and due to its proximity to existing non-residential development and an active railroad corridor.

Both the Indian Trail Comprehensive Plan and the US-74 Revitalization Study recognize the overall US-74 Corridor as being primarily intended for future retail, service, and other employment-generating type uses. Residential uses (of all types) should generally be limited to 15% of the total land use with multifamily residential comprising approximately 5% of this amount. The table below will provide an approximation of the corridor acreage relative to existing and proposed multifamily residential land uses. This information demonstrates the rezoning proposal’s consistency with the residential use parameters of the US-74 Corridor.

<b>US 74 CORRIDOR MULTIFAMILY LAND USE SUMMARY</b>	
Total Approx. US 74 Corridor Acreage	2,200 Acres (Indian Trail only)
Existing Multifamily Land Use in Corridor	15.59 Acres (Meridian/Hawthorne Apts.)
Proposed Multifamily Land Use in Corridor	27.15 Acres (CZ2013-009)
<b>Total Multifamily Acreage</b>	<b>42.74 Acres or 1.9% of Total Corridor</b>

### **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 multi-family residential use at an appropriate location providing a more appropriate transition between land uses than the existing abandoned light industrial use.

*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), construction of a enhanced pedestrian crossing, a cash contribution for intersection improvements, 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.

The request for this conditional zoning district is a reasonable request and is in the public interest because it eliminates an abandoned light industrial site, establishes an more appropriate transitional use between the single-family community, creates a mix of housing sizes within the US 74-West corridor 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 & Economic Impact
- Attachment 2** – Concept Plans
- Attachment 3** – Staff Research on Multi-Family Parking Regulations
- Attachment 4** – Traffic Study Summary
- Attachment 5** – Minutes from Community Meeting
- Attachment 6** –Draft Ordinance

**Staff Contact**  
 Shelley DeHart  
 704 821-5401  
 Srd@planning.indiantrail.org

**PB Attachment 1**  
Application and Associate Documents

# 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 100 Plyler Rd  
City INDIAN TRAIL State NC Zip 28079  
Tax Parcel ID 07084336 Zoning Designation LIGHT MANUFACTURING  
Total Acres 27.15 Impervious Area ~~1300,000~~ 24%  
Project Description 330 APARTMENTS + 35 DETACHED APT. HOMES

## Contact Information – Applicant

Name Plyler Rd. PARTNERS  
Address 5615 POTTER Rd  
City MATTHEWS State NC Zip 28104  
Phone 704-821-8020 Fax 704-821-6045  
Email rdeanharrell@aol.com

## Contact Information – Property Owner

Name COLDWATER VENEER INDIAN TRAIL, LLC  
Address 548 RACE STREET  
City COLDWATER State MI Zip 49036  
Phone 517-278-5676 Fax 517-279-7104  
Email djbookman@coldwaterveneer.com

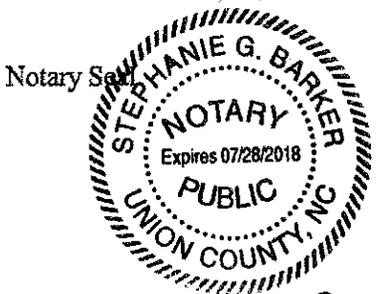
CONDITIONAL ZONING APPLICATION

Applicant's Certification

Signature R. Dean Harrell Date Nov Oct 14/13

Printed Name/Title R. Dean Harrell

Signature of Notary Public Stephanie G. Barker Date 11/14/13



Property Owner's Certification

Signature David B. Johnston Date 11-14-13

Printed Name/Title David B. Johnston, CFO

Signature of Notary Public Darla J. Pohl Date Nov. 14, 2013

Notary Seal Darla J. Pohl  
Notary Public, State of Michigan, County of Branch  
My commission expires: 9/02/2019  
Acting in the County of Branch MI

TOWN OF INDIAN TRAIL OFFICE USE ONLY  
CASE NUMBER: C-2013-009 / R-000490 + notification  
DATE RECEIVED: 11-18-2013 AMOUNT OF FEE: \$ 800  
RECEIVED BY: [Signature] RECEIPT #:

SCHEDULE

# Plyler Road Partners

5615 Potter Road

Mathews, NC 28104

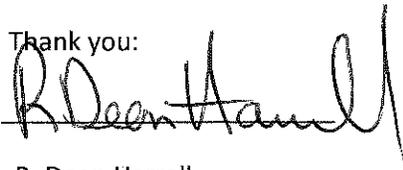
Ms. Shelley DeHart

Town Of Indian Trail, NC

Ms. DeHart,

This letter is accompanying our Conditional Zoning Application for the property at 100 Plyler Rd. (former Genwove site) in Indian Trail. Our intent is to create a mixed used community consisting of approx. ~~330~~ one, two and 3 bedroom apartments and approximately 35 detached Bungalow homes on the property. We have completed all the required background work to submit the application. We would anticipate a start date of June, 2014 with a build out completion date of December, 2016. We look forward to working closely with the Town of Indian Trail to make this a signature community.

Thank you:



R. Dean Harrell

# CONDITIONAL ZONING APPLICATION



**PLANNING AND NEIGHBORHOOD SERVICES**  
**PO Box 2430**  
**Indian Trail, NC 28079**  
**Telephone (704) 821-5401**  
**Fax (704) 821-9045**

11-18-13 A09:54 IN

**ONLY COMPLETE APPLICATIONS ACCEPTED**

Processing Fee \$800.00

Notification Fee \$2.50 per adjoining property owner

Date Received 11-18-2013



## Bleakly Advisory Group

**To:** Tommy Price  
Plyler Road Partners

**From:** Ken Bleakly & Geoff Koski  
Bleakly Advisory Group

**Date:** February 20, 2014

**Re:** Economic Impacts of Towne Centre Apartments, Indian Trail, NC,

Plyler Road Partners proposes to build a total of 378 rental residential units near the intersection of Unionville-Indian Trail Road and Plyler Road in Indian Trail, NC and asked Bleakly Advisory Group (BAG) to analyze the potential economic impacts of the project, known as Towne Centre Apartments. This memo summarizes the results of that analysis and is based on the current build-out assumptions for the property supplied to BAG by Plyler Road Partners.

The Town of Indian Trail is located approximately 15 miles southeast of Charlotte in Union County, NC, which was the fastest growing county in North Carolina during the last decade. Indian Trail grew by 185% from 2000-2010 to 33,518 people. According to demographic data provider Nielsen, the city

Figure 1: Towne Centre Apartments Conceptual Master Plan



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

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

is expected to add nearly 700 residents per year over the next five years.

The Towne Centre Apartments development proposes to offer current and future Indian Trail residents rental housing options in both garden apartment and unique “6-plex” configurations. The current Towne Centre Apartments land use assumptions, as provided by Plyler Road Partners, are as follows:

<b>Garden-style Apartments - 1 Bedroom</b>	66 units
<b>Garden-style Apartments - 2 Bedroom</b>	165 units
<b>Garden-style Apartments - 3 Bedroom</b>	99 units
<b><u>6-plex 2-bedrooms</u></b>	<u>48 units</u>
<b>TOTAL</b>	<b>378 units</b>

### **Economic Impact Conclusions**

---

**Towne Centre Apartments are expected to be valued at over \$48.5 million, generate 356 construction jobs over the course of the build-out, and provide an estimated \$426,000 in total annual local funds, including property taxes and stormwater fees.**

- Towne Centre Apartments will be valued at an estimated \$48,555,000, based on today’s real estate development prices and recent local market comparable sales, in today’s dollars.
- The local property tax rate in Union County is .66 per \$100 of assessed property tax value and in Indian Trail it is .185 per \$100. Given these rates, upon completion Towne Centre Apartments will generate \$320,000 to Union County and \$90,000 to Indian Trail in annual property tax revenues for a total of \$410,000.
  - The property taxes collected at Towne Centre Apartments would equate to a 2% increase to Indian Trail’s total annual property tax collections, which are \$3.63 million based on the 2013-2014 adopted municipal budget.
- The 378 residential units at Town Centre each will each incur \$3.54 per month/\$42.48 per year in stormwater fees to be paid to the Town of Indian Trail. Therefore the town will increase stormwater fee collections by over \$16,000 annually.
- With wages totaling over \$13 million, the Towne Centre Apartments construction project will bring over 350 construction jobs over the course of the build-out period.
- The construction process will introduce approximately \$29 million into the local economy.
- Assuming an estimated \$1,500 per unit annually for upkeep, maintenance and other operating costs, upon completion the Towne Centre units will generate an additional \$550,000 annually in local economic activity.
- Over the course of 10 years, the on-going operation of the apartments will benefit the Town of Indian Trial by contributing over \$1 million in property taxes and stormwater fees, and will benefit Union County by contributing \$3.2 million in property taxes.

Figure 2: Impact Summary

ECONOMIC IMPACTS OF PROPOSED TOWNE CENTRE APARTMENTS: INDIAN TRAIL, NORTH CAROLINA							
Residential	Units/SF Rooms	Avg. Value Per Unit	Market Value	Construction Cost	Labor Costs	Construction Employment	
Garden-style Apartments - 1 Bedroom	66	\$ 100,000	\$ 6,600,000	\$ 5,063,492	\$ 2,278,571	62	
Garden-style Apartments - 2 Bedroom	165	\$ 125,000	\$ 20,625,000	\$ 12,658,730	\$ 5,696,429	156	
Garden-style Apartments - 3 Bedroom	99	\$ 150,000	\$ 14,850,000	\$ 7,595,238	\$ 3,417,857	93	
6-plex 2-bedrooms	48	\$ 135,000	\$ 6,480,000	\$ 3,682,540	\$ 1,657,143	45	
<b>Total Development/ Employment</b>	<b>378</b>	<b>\$ 128,500</b>	<b>\$ 48,555,000</b>	<b>\$ 29,000,000</b>	<b>\$ 13,050,000</b>	<b>356</b>	
Union County Property Tax @ .66/\$100	\$ 320,463						
Indian Trail Property Tax @ .185/\$100	\$ 89,827						
Indian Trail Stormwater Fees							
Tier 1: less than 2,000 sf/unit @ \$42.48	\$ 16,057						
<b>TOTAL ANNUAL TAXES/FEEES TO INDIAN TRAIL</b>	<b>\$ 105,884</b>						
<b>TOTAL ANNUAL TAXES/FEEES TO TOWN &amp; COUNTY</b>	<b>\$ 426,347</b>						

\* Construction employment figures reflect jobs created over the course of the project build-out.  
 \* Unit values estimated based on current market for similar for-sale units and recent sale of nearby apartment complex, assuming depreciation.

Thursday, February 20, 2014

Mr. Tommy Price  
Plyler Road Partners  
5615 Potter Road  
Matthews, NC 28104

**Re: Need for Apartments- Indian Trail, NC**

Tommy,

The purpose of this document is to examine the need for apartments in Indian Trail, NC. The methodology will be to utilize both quantitative analysis and also qualitative analysis to reach a conclusion.

**Quantitative Analysis of Need:**

The Office of State Budget and Management for the State of North Carolina is projecting that the population of Union County will increase by 12,643 over the next five years (2014-2019), resulting in an average annual population increase of 2,528.6. In today's environment, approximately 30% of new household formations are renter households. Therefore, an average of 758.58 persons per year are anticipated to need to rent housing in Union County annually.

Demand for renter households is anticipated to be greater in certain areas and less in others:

1. Locations that are closer to the Charlotte metropolitan area will have greater demand for renter households than locations that are further away from the Charlotte metropolitan area.
2. Locations that are more urbanized, providing favorable access to employment, retail, restaurants, and recreation will experience greater renter demand than areas that are less urbanized.
3. The political barriers to entry that certain municipalities within Union County, such as Weddington, Marvin, and Waxhaw, have erected against multifamily rental housing will create more demand for renter households in other areas that have similar proximity to Charlotte and urbanized characteristics, such as Indian Trail.

Therefore, from a quantitative analysis standpoint, there is definitely a need for more apartments in Indian Trail, NC.

February 26, 2014

**Qualitative Analysis of Need:**

1. 56% of the apartment communities in Union County are 16 to 30 years of age.
2. Only 24% are 6 to 15 years of age.
3. There has not been a new apartment community developed in all of Union County in over a decade (Hawthorne at the Trail, formerly known as Meridian Apartments, was completed in 2003, 11 years ago).

Therefore, from a qualitative analysis standpoint, there is definitely a need for newer, higher quality rental housing in Indian Trail, especially in urbanized areas with favorable access to employment, retail, restaurants, and recreation.

**Conclusion:**

In conclusion, both from a quantitative analysis standpoint and also from a qualitative standpoint, there is definitely a need for both more apartments in Indian Trail, NC and especially a need for newer, higher quality rental housing in Indian Trail, NC, particularly in urbanized areas with favorable access to employment, retail, restaurants, and recreation.



Terrence Llewellyn

**PB Attachment 2**  
Concept Plan & Renderings

SEE SEPARATE DIGITAL FILE

**PB Attachment 3**  
Multi-Family Parking Regulation Research

<b>Town of Indian Trail</b>	<b>1-bedroom-1.5 space 2-bedroom-2 spaces 3-bedroom-2.5 Guest 1/per 4 spaces</b>
Raleigh	<b>1-bedroom-1.5 space 2-bedroom-2 spaces 3-bedroom-2.5 Guest – 0</b>
Huntersville	<b>1-bedroom-1 space More than 1-bedroom – 1.5 space Guest -0</b>
Mooresville	<b>1 to 2 bedroom- 1.5 space 3+ bedroom- 2 space Guest -0</b>
Rockhill	<b>1 to 2 bedroom- 1.5 space 3+ bedroom- 2 space Guest-0</b>
Matthews	<b>*Based on square footage of units Starts at .75 up to a maximum of 2 spaces per unit Guest -0</b>
Greensboro	<b>1-bedroom- 1.25 space 2-bedroom- 1.5 space 3-bedroom +- 2 space Guest-0</b>
Concord	<b>1.5 space per unit Maximum 2.5 per unit Guest-0</b>
Charlotte	<b>1.5 space per unit Guest-0</b>

**PB Attachment 4**  
Traffic Study Summary



## 6.0 Summary and Conclusion

The proposed Plyler Road Site is located on the southeast corner of the intersection of Plyler Road and Unionville-Indian Trail Road in Indian Trail, North Carolina. As currently planned, the development will consist of 387 multifamily units. The site plan shows one (1) driveway on Unionville Indian Trail Road and one (1) driveway on Plyler Road. Figure 1 shows the site plan.

DAVENPORT was retained to determine the potential traffic impacts of this development and the transportation improvements that may be required to accommodate these impacts. Based on trip generation equations published in Trip Generation (Institute of Transportation Engineers, 8<sup>th</sup> Edition, 2008), the proposed development has a trip generation potential of 194 AM peak trips and 231 PM peak trips.

Based on projected traffic volumes, a right turn lane is warranted at the proposed Site Access 1 on Plyler Road. We also recommend a left turn lane at Site Access 2 on Unionville Indian Trail Road. Additionally, we have identified the need for background improvements at the signalized intersection of Indian Trail Road and Matthews Indian Trail Road. There are queuing issues at this intersection, which are mainly due to lack of capacity for left and right turn movements, since the intersection has single lane approaches on all four legs. Hence we have recommended auxiliary turn lanes at this intersection due to background traffic, and not as a result of the proposed development. The recommended improvements are illustrated in Figure 9.

In conclusion, this study has reviewed the impacts of both background traffic and this development traffic, and has determined that with the recommended improvements in place, there will be adequate capacity to accommodate future traffic. We recommend that the site driveways should be constructed to comply with NCDOT design standards where applicable.



**MEMORANDUM**

To: Tommy Price  
From: John Townsend, PE  
Date: January 22, 2014  
Re: Trip Generation Comparison – Plyler Road Site, Indian Trail, NC  
(DAVENPORT Project Number 13-633)

The purpose of this memorandum is to summarize the trip generation potential of the Plyler Road Site under existing and proposed zoning conditions.

The Plyler Road Site is currently zoned L-I: Light Industrial and could support up to 350,000 square feet of general office development. Based upon the Institute of Transportation Engineers' Trip Generation Manual 9<sup>th</sup> Edition, 350,000 square feet of general office development could generate 3,402 trips per day, 521 trips during the AM peak hour, and 470 trips during the PM peak hour. The detailed trip generation calculations are attached for reference.

The proposed development is expected to consist of up to 387 apartments. An apartment development with 387 dwelling units could generate 2,469 trips per day, 193 trips during the AM peak hour, and 231 trips during the PM peak hour. The detailed trip generation calculations are attached for reference.

Trip Generation Comparison							
Scenario	Daily	AM			PM		
		In	Out	Total	In	Out	Total
Existing Zoning (350,000 SF General Office)	3,402	458	63	521	80	390	470
Proposed Zoning (387 DU Apartments)	2,469	39	154	193	150	81	231

Under the proposed zoning, the Plyler Road Site is expected to generate 27% fewer trips per day, 63% fewer trips during the AM peak hour, and 51% fewer trips during the PM peak hour than under the existing zoning.

Trip Generation Summary - Alternative 1  
Average Weekday Driveway Volumes

Project: Plyler Rd. Site  
Alternative: Alternative 1

Open Date: 1/21/2014  
Analysis 1/21/2014

ITE	Land Use	Average Daily Trips			AM Peak Hour			PM Peak Hour		
		Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
710	OFFICEGENERAL 1 350 Gross Floor Area 1000 SF	1701	1701	3402	458	63	521	80	390	470
Unadjusted Driveway Volume		1701	3402	5103	458	63	521	80	390	470
Unadjusted Pass-By Trips		0	0	0	0	0	0	0	0	0
Internal Capture Trips		0	0	0	0	0	0	0	0	0
Adjusted Driveway Volume		1701	3402	5103	458	63	521	80	390	470
Adjusted Pass-By Trips		0	0	0	0	0	0	0	0	0
Adjusted Volume Added to Adjacent Streets		1701	3402	5103	458	63	521	80	390	470

Total AM Peak Hour Internal Capture = 0 Percent

Total PM Peak Hour Internal Capture = 0 Percent

Trip Generation Summary - Alternative 2  
Average Weekday Driveway Volumes

Project: Plyler Rd. Site  
Alternative: Alternative 2

Open Date: 1/21/2014  
Analysis 1/21/2014

ITE	Land Use	Average Daily Trips			AM Peak Hour Adjacent Street Traffic			PM Peak Hour Adjacent Street Traffic		
		Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
220	APT 1	1235	1234	2469	39	154	193	150	81	231
	387 Dwelling Units									
Unadjusted Driveway Volume		1235	2469	3704	39	154	193	150	81	231
Unadjusted Pass-By Trips		0	0	0	0	0	0	0	0	0
Internal Capture Trips		0	0	0	0	0	0	0	0	0
Adjusted Driveway Volume		1235	2469	3704	39	154	193	150	81	231
Adjusted Pass-By Trips		0	0	0	0	0	0	0	0	0
Adjusted Volume Added to Adjacent Streets		1235	2469	3704	39	154	193	150	81	231

Total AM Peak Hour Internal Capture = 0 Percent

Total PM Peak Hour Internal Capture = 0 Percent

**PB Attachment 5**  
Community Meeting Minutes

March 5, 2014

## Conditional use public meetings

Existing “Genwove” industrial site

100 Plyler Road

Indian Trail, NC

### Agenda

1. Introductions
2. Project overview
3. Questions and Answer session

Thank you for attending the public meeting today. We hope that we have answered your questions about this project and look forward to any creative comments or suggestions that you may have.

---

Plyler Road Partners

Community Meeting

3/5/2014 @ 2 pm

CZ 2012-009 Plyler Road Community

Please sign your name, mailing address, and email for future correspondence on this case

NAME	ADDRESS	EMAIL
------	---------	-------

1. Shelley Deltart, Town of Indian Trail
2. Jon Williams, Union County Deputy Fire Marshal
3. John Killman Silver Glen Ln J-Killman@johnc.com
4. R. Dean Harrell 5615 Potter Rd. Matthews
5. Tommy Price 5615 Potter Rd Matthews
6. John Townsend jtownsend@davenportworld.com
7. Charlie Summs 309 Plyler Rd
8. Charles E. Pottery 309 " "
9. Joye Hunt 103 Silver Glen Ln.
10. Jan McArthur 214 Plyler Road
11. Joye Cindy Summs 102 Silver Glen Lane

12. Alme Jhusta Colewater, Mi

13. PAISLEY GORDON

14. Charlie Porter Fire Chief Stallings FD

15. Jeff Hill 304 Plyler Rd. Indian Trail, NC 28079

16. Hunter Tabony, Indian Trail Animal Hospital, 160 Corporate Blvd Indian Trail  
NC 28079

17. Kelly Barnhardt, Town of IT

18. Tommy Lee & Kenneth Long 1012 Cross Keys Xing, P  
FT NC 28079

19. \_\_\_\_\_

20. \_\_\_\_\_

21. \_\_\_\_\_

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25. \_\_\_\_\_

26. \_\_\_\_\_

Community Meeting

3/5/2014 @ 6:00 PM

CZ 2012-009 Plyler Road Community

Please sign your name, mailing address, and email for future correspondence on this case

NAME	ADDRESS	EMAIL
------	---------	-------

1. GREG FRANKLIN PLYLER RD INDIAN TRAIL

\* 2. SHILEY HOWE CLEARWATER DR " "

3. K. Howe Clearwater Dr Indian Trail

\* 4. Jeff & Lisa Bratton <sup>1125</sup> Cape Rd. IT (Bratton4@gmail.com)

\* 5. Jerry & Sheryl Morse Rd. 271 Unionville - Indian Trail

6. \_\_\_\_\_

7. \_\_\_\_\_

8. \_\_\_\_\_

9. \_\_\_\_\_

10. \_\_\_\_\_

11. \_\_\_\_\_

other people were in attendance however did not sign in.

## **Question & Answer session**

### **On site meeting 3/5/2014 2-4pm**

Q- Are we going to have input?

A- If there is something external you don't like; we'll consider input.

Q- Plyler road has traffic, can we consider a sidewalk?

A- Often when projects come on we can fill in the gaps between projects. Where are sidewalks being requested? - Sidewalks requested along Plyler rd., right now there are none.

Q-(continuing about traffic issues, multiple questions regarding traffic and possible traffic issues getting worse due to apartments)

A- Traffic studies were done (specialist brought up), no improvements were needed to be done. A right turn lane and a left turn lane at the entry way of the apartments are recommended.

Q-All of the issues that we are having with our children and schools, will the new apartments cause further issues with the crowding of schools?

A- We only have 49 3 Bedroom units going in and wouldn't make a drastic impact on the schools.

Q- Will this bring down the property value of my home?

A- This is an "a" type apartment & should not take the value of your homes down.

Q- Will there be background checks done on tenants?

A- Yes, background & financial. It will also be nationally managed.

Q- Are they going to consider more police officers?

A- It is a possibility, however it will be up to the town as it grows to accommodate for the needs.

Q- The current ratio is 1/21. I feel that we will be at higher risk for more crime with this many more people in such a small place.

Q- Can anything be done for noise / dust while the project is being done, possible privacy fence?

A- Water can keep the dust down, probably no privacy fence could be built, but 2 story garages will serve as a buffer once they are up.

Q- Is it possible for left only turn onto Plyler Rd? feel it's unsafe.

A- That would mess up traffic distribution.

Q- During construction, how will the roads since they are made of rock / asphalt not be torn up (Plyler Rd)?

A- Those roads are built to handle certain weight limits and we will look into those weight limits.

Q-When is construction supposed to start?

A- Late fall hopefully, but by early next year.

Q- Will this meet all codes and turn radius for emergency vehicles?

A- Yes.

Q- Will this go up in phases?

A- Yes, it will go up in two phases (showed on map the two phases)

Q-When the second phase starts, will the first phase be available for rental?

A- Yes, as they come along we will make them available to rent.

Q-Are the apartment's one level?

A- Yes

Q- Will this be a gated community?

A- No, only a fence around the property.

Q- What is the sq. ft. of the garage?

A- 286

Q- What is the parking ratio?

A- Based on the number of units, bedrooms and additional parking for guests

Q- A product vs. B & C, what is the standard?

A- Investment, rental incomes, amenities, architecture, etc.

Q-Why can we not see the fence on the renderings?

A- Hard to show, but will be there.

Q-What's the target people we are trying to attract?

A- Professionals, older & empty nest

Q-When this is computed, how many people will live there?

A- 773 residents figured

Q- Since this land was owned by a veneering company, has the land been tested?

A- Yes, and had a clear report

Q- Is there a lake on the property?

A- Yes, a pond, will be torn out and rebuilt.

Q- My concern is when you build these apartments, the traffic will be worse?

A- If another industrial site went in, it would generate more traffic than the apartments. (according to traffic study)

Q- When will the final summary of report be on the website?

A- Goal is a couple of weeks

Q- Does the traffic study have to do with 2 entrances?

A- Yes and it shows two exits are adequate for this project.

Q-(continuing about traffic issues, multiple questions regarding traffic and possible traffic issues getting worse due to apartments)

A- Traffic studies were done (specialist brought up), no improvements were needed to be done. A right turn lane and a left turn lane at the entry way of the apartments are recommended.

Q- Does the RR have any effect on the study of traffic?

A- No operational impacts from the RR

Q- It has been rumored that this could be section 8 housing?

A- No. absolutely not. This is a type A project and will not at all be section 8.

Q- Will this meet all codes and turn radius for emergency vehicles?

A- Yes.

Q-What's the next legal step?

A- Planning board on 3/18/14 and then the town council on 3/25/14.

## **Question & Answer session** **Civic Center Meeting 3/5/2014 6-8pm**

Q- How many children will come out of the apartments and how will it affect the density in the schools and overcrowding?

A- Average children per 3 bedroom apartment is 1.4 children. We only have 49 3 bedroom apartments going up.

(discussion of schools and children and redistricting)

Q- What is the ration between garage parking and regular parking?

A- There is 80 garage spaces. I don't have the exact ratio of garage spaces to regular parking places.

Q- What is the sq. ft. of the garage?

A- 286

Q- What is the parking ratio?

A- Based on the number of units, bedrooms and additional parking for guests

Q- If there was a Home Depot, would it generate less traffic?

A- No

Q- What keeps this an A type product 20 years from now?

A- The initial investment, you can't afford to let the rents dip. Even in the downturn of the economy; apartments get busier.

Q-(continuing about traffic issues, multiple questions regarding traffic and possible traffic issues getting worse due to apartments)

A- Traffic studies were done (specialist brought up), no improvements were needed to be done. A right turn lane and a left turn lane at the entry way of the apartments are recommended.

Q- Would a brick veneer make this sustain its value longer?

A- To build an all brick product in this area would be impossible, we have multiple textures including brick to make it architecturally interesting.

Q- What amenities do the apartments offer?

A- Walking sidewalks, high impact landscaping, if allowed; an aerial crossing, state of the art clubhouse, smart boards, computer area, Wi-Fi, stainless steel dog wash stations, a pool, some equipment for children, a park, retention pond, walking area, dog park

Statement from Plyler Road partners: One of the reasons this site was chosen was when the Down Towner Center is built; I believe those people living here will walk over to eat, shop... this would further decrease traffic.

Q- Will there be a separate entrance while the construction is going on?

A- We would limit to one entrance during the first phase of construction to limit the construction traffic that you see from Plyler Rd.

Q- Do you have an emergency evacuation plan in case of train derailment?

A- We will certainly work with local emergency depts. And find out if we should have a plan.

Q- When would the project be finished?

A- The project would take about 3 years to finish. Goal was December 2016, but things would have to go perfect to complete by then, so we are giving ourselves 3 years to complete it.

Developer stated that there could be an opportunity for an easement to the town for access to the Towne Center, but it may require variance to set backs to establish.

**PB Attachment 6**  
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 07-084-336. LOCATED AT 100 PLYLER ROAD FROM LIGHT INDUSTRIAL TO CZ-MFR (CONDITIONAL ZONING MULTI-FAMILY RESIDENTIAL) IN THE TOWN OF INDIAN TRAIL, UNION COUNTY, NORTH CAROLINA**

WHEREAS, the property owners Coldwater Veneer Indian Trail, LLC. and the designated applicant Plyler Road Partners, petitioned to rezone tax parcel 07-084-336 from Light Industrial to CZ-MFR (Conditional Zoning Multi-Family Residential District) with the intent of developing a 378-unit multi-family community; and

WHEREAS, this Conditional Zoning Amendment (CZ2013-009) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, two community meetings were held on March 5, 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, as conditioned, **is consistent** with the following goal of the Comprehensive Plan:

*Goal – Land Use and Housing* - The proposed conditional district provides for quality multi-family residential use at an appropriate location providing a more appropriate transition between land uses than the existing abandoned light industrial use.

*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), construction of a enhanced pedestrian crossing, a cash contribution for intersection improvements, 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.

WHEREAS, request for this conditional zoning district is a reasonable request and is in the public interest because it eliminates an abandoned light industrial site, establishes a more appropriate transitional use between the single-family community, creates a mix of housing sizes within the US 74-West corridor 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 the motion to transmit a recommendation to as conditioned to the Town Council; and

WHEREAS, the Town Council held a public hearing on **March 25, 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 2013-009 Conditional Zoning Petition thereby granting the Zoning Map amendment to establish a Conditional Multi-Family Residential District on parcel number 07-084-336 subject to the following conditions:

1. *Concept Plan and Architectural Requirements:* The development shall be designed and constructed consistent with the concept site plan and conditions of approval found herein. The concept plan shall be attached to the approval documents for CZ2013-009 and recorded at the Union County Records of Deeds office.
  - a. The structures shall be built in compliance with applicable fire and building codes as reviewed and approved by the Union County Fire Marshal and Building Inspectors.
  - b. The multi-family units shall be constructed with sound-attenuating wall materials to achieve a “average rating” of NC25-30 (37dB(A)) as defined within HUD Guidelines. – This guideline is used for the sole purpose of a measurable performance standard and is not associated with any funding or status of this development.
  - c. The entire property shall be fenced. The fence style may be altered adjacent to the railroad right-of-way and in screened areas to ensure an appropriate barrier is achieved. Highly visible fencing shall be decorative. Fencing adjacent to the ROW shall be an appropriate height in the arts and craft style community.
  - d. The community shall be developed as a market-rate multi-family community.
  - e. The storage units located within the garage structures may not be use as habitable or office space use. Use of storage areas is restricted to tenants of the community.
2. *Exterior Wall Siding Materials:* The exterior wall materials shall consist of fiber cement siding, brick, vinyl shake as accent. The use of vinyl as a wall siding is prohibited.
3. *Multi-family units:* The maximum dwelling units is capped at 378 units and shall be limited to the following mix:

<b><i>Garden apartment units-330 units</i></b>	
1-bedrooms	66
2-bedrooms	215
3-bedrooms	49
<b><i>48- Six-plex units</i></b>	
2-bedrooms	48

The three bedroom units may be reduced however no additional units beyond the 378 units may result from such a reduction. The maximum density is 14 du/acre on the subject property.

4. *Building Setbacks:* Building setbacks shall comply with the requirements of Chapter 510.040 B for the Multi-family Residential District. The proposed accessory garage/storage units shall maintain the minimum 5-ft from property line on the east property consistent with regulations for accessory structures. However, a potential of a 3-foot setback may be authorized within this area only based on request from adjacent light industrial use property owner and building and fire codes.
5. *Frontage Improvements:*

- a. Unionville-Indian Trail Road will be improved with curb, gutter, 6-ft. wide sidewalk, decorative pedestrian street lights, and street trees. Plyler Road frontage will be improved with curb, gutter, 6-ft wide sidewalk, decorative pedestrian street lights, and street trees.
  - b. Right-of-way (ROW) dedication is required on both Unionville-Indian Trail Road and Plyler Road to meet a 2-lane boulevard design identified within the Comprehensive Plan.
  - c. The applicant shall construct an enhanced pedestrian crossing at the intersection of Plyler/Corporate and Unionville-Indian Trail Road. This will provide pedestrian access to sidewalk on the north side of Unionville-Indian Trail Road which continues into the historic downtown area. The crossing shall be in compliance with NCDOT and Town regulations.
  - d. Construction equipment associated with this development shall have restricted access on Plyler Road. The construction access for phase I of the development shall be located on Unionville-Indian Trail Road- the access on Plyer Road may only be used in the event of an emergency. Construction access for phase II may be at the Plyler Road access point. Any damage to the existing roadway as a result of said construction equipment shall be repaired prior to final occupancy of the last two buildings of the community. The roads shall remain clear of debris during construction.
6. *Traffic Study Improvements:* The applicant is required to construct required improvements as identified in the Traffic Study prepared by Davenport (10/7/2013) and by the Town and NCDOT based on their final approval of required TIA. The applicant has also committed a cash payment of \$38,000 to be placed in an intersection improvement fund for the construction of auxiliary lanes at the intersection of Indian Trail Road and Matthews-Indian Trail Road. The payment is proposed to be paid to the Town in installments over a maximum of a three year term or in full by the close of the project whichever comes first. The first installment shall be paid upon release of site plan approval.
  7. *Interior Improvements:* The development shall include decorative pedestrian lighting, passive park furniture, sidewalks throughout the community, mail-box center, and enhanced trash enclosures. An amenity center with pool shall be constructed consistent with concept plan.
  8. *Perimeter Landscaping:* Perimeter landscaping is required along the site frontage on Unionville-Indian Trail Road and Plyler Road. The applicant shall work with property owner located directly across from the Plyler Road access driveway to provide a healthy screen buffer to mitigate potential impacts.
  9. *Open Space and Tree Retention:* The proposed community has been designed with approximately five acres of open space. The open space area shall include pedestrian lights, benches, and poop bag stations (if pets are allowed) throughout the community. Chapter 830- Tree Preservation Ordinance of the UDO identifies a 15% Tree Canopy coverage requirement on the property. A tree survey and tree canopy plan is required within the site plan review process.
  10. *Stormwater Detention Pond:* The applicant shall comply with Town regulations for stormwater detention and water quality. The applicant shall consider the use of fencing around the large pond located at the southwest corner if not used as an amenity such as a fishing pond. This will be determined at the site plan review process.

11. *Overhead Utilities*: All utilities shall be placed underground within the community. Every effort shall be made to place utilities located adjacent to Plyler Road and Unionville-Indian Trail Road.
12. *Compliance with various agencies*: The project shall comply with local, state, and federal permitting regulations.
13. 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 25<sup>nd</sup> day of March, 2014.

**TOWN OF INDIAN TRAIL COUNCIL**

Attest:

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

\_\_\_\_\_  
Michael Alvarez, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
TOWN ATTORNEY



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

PATRICK L. MCCRORY  
GOVERNOR

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

ANTHONY J. TATA  
SECRETARY

March 17, 2014

Frank Amenity, P.E.  
Davenport – Operations Manager  
305 West Fourth Street - Suite 2A  
Winston-Salem, NC 27101

Subject: Traffic Impact Study Review for the Plyler Road Site, Indian Trail, NC

Dear Mr. Amenity,

We have completed our review of the TIA for the proposed development located in the Southwest quadrant of the intersection of Unionville Indian Trail Road and Plyler Road in Indian Trail, North Carolina. We offer the following comments regarding the study:

**US 74 @ Corporate Blvd/Allen Way**

- Currently the right turn lane from US 74 WB onto Corporate Blvd is around 10' wide. Due to the amount of traffic the development will add to this movement, the turn lane should be widened to 12'.
- Monolithic "pork chop" style islands will be required at key locations to create pocket right turns. Construct islands at United Way Drive and Corporate Blvd.

**US 74 @ Unionville Indian Trail Rd**

- Agree with TIA recommendations

**US 74 @ Plyer Rd**

- Agree with TIA recommendations

**Plyer Rd @ Access 1**

- Agree with TIA recommendations



### **Unionville Indian Trail @ Plyer Rd/Corporate Blvd**

- Agree with TIA recommendations
- Per the Town's request, a roundabout was analyzed for this location. The Department would support construction of a single lane roundabout at this intersection.

### **Unionville Indian Trail Rd @ Access 2**

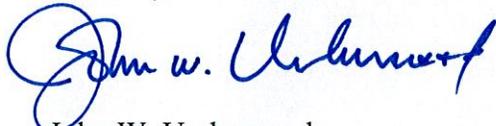
- Page 17 recommends a right turn lane improvement and no left. Figure 9 shows a left turn lane recommended improvement. A left turn lane with 100' of storage and appropriate tapers should be constructed on Unionville Indian Trail Rd.

### **Indian Trail Rd @ Matthews Indian Trail Rd**

- Agree with TIA recommendations
- The Department would be in support of a monetary contribution by the Developer to the Town at this location for future intersection improvements.

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

Sincerely,



John W. Underwood  
District Engineer

Cc: Sean M. Epperson, P.E.  
Shelley Dehart, Indian Trail  
Scott Kaufhold, Indian Trail  
file

STATE OF NORTH CAROLINA )  
 )  
TOWN OF INDIAN TRAIL )

**ORDINANCE # O140610-200**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF INDIAN TRAIL REZONING PARCEL 07-084-336. LOCATED AT 100 PLYLER ROAD FROM LIGHT INDUSTRIAL TO CZ-MFR (CONDITIONAL ZONING MULTI-FAMILY RESIDENTIAL) IN THE TOWN OF INDIAN TRAIL, UNION COUNTY, NORTH CAROLINA**

WHEREAS, the property owners Coldwater Veneer Indian Trail, LLC. and the designated applicant Plyler Road Partners, petitioned to rezone tax parcel 07-084-336 from Light Industrial to CZ-MFR (Conditional Zoning Multi-Family Residential District) with the intent of developing a 378-unit multi-family community; and

WHEREAS, this Conditional Zoning Amendment (CZ2013-009) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, two community meetings were held on March 5, 2014; and

WHEREAS, a public meeting was held by the Planning Board on March 18, 2014 and continued to March 20th to consider this conditional zoning request; and

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

*Goal – Land Use and Housing* - The proposed conditional district provides for quality multi-family residential use at an appropriate location providing a more appropriate transition between land uses than the existing abandoned light industrial use.

*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), construction of a enhanced pedestrian crossing, a cash contribution for intersection improvements, 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.

WHEREAS, request for this conditional zoning district is a reasonable request and is in the public interest because it eliminates an abandoned light industrial site, establishes a more appropriate transitional use between the single-family community, creates a mix of housing sizes within the US 74-West corridor 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 a motion to transmit a recommendation to approve as conditioned to the Town Council; and

WHEREAS, the Town Council held a public hearing on June 10, 2014 to consider said request and recommendation of approval from the Planning Board; and

WHEREAS, the Town Council 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 or disapproves) CZ 2013-009 Conditional Zoning Petition thereby granting the Zoning Map amendment to establish a Conditional Multi-Family Residential District on parcel number 07-084-336 subject to the following conditions:

1. *Concept Plan and Architectural Requirements:* The development shall be designed and constructed consistent with the concept site plan and conditions of approval found herein. The concept plan shall be attached to the approval documents for CZ2013-009 and recorded at the Union County Records of Deeds office.
  - a. The structures shall be built in compliance with applicable fire and building codes as reviewed and approved by the Union County Fire Marshal and Building Inspectors.
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  - c. The entire property shall be fenced. The fence style may be altered adjacent to the railroad right-of-way and in screened areas to ensure an appropriate barrier is achieved. Highly visible fencing shall be decorative. Fencing adjacent to the ROW shall be an appropriate height in the arts and craft style community.
  - d. The community shall be developed as a market-rate multi-family community.
  - e. The storage units located within the garage structures may not be use as habitable or office space use. Use of storage areas is restricted to tenants of the community.
2. *Exterior Wall Siding Materials:* The exterior wall materials shall consist of fiber cement siding, brick, vinyl shake as accent. The use of vinyl as a wall siding is prohibited.
3. *Multi-family units:* The maximum dwelling units is capped at 378 units and shall be limited to the following mix:

<i>Garden apartment units</i>	
1-bedrooms	66
2-bedrooms	185
3-bedrooms	49
<i>48- Six-plex units</i>	
2-bedrooms	48

The three bedroom units may be reduced however no additional units beyond the 348 units may result from such a reduction. The maximum density is 14 du/acre on the subject property.

4. *Building Setbacks:* Building setbacks shall comply with the requirements of Chapter 510.040 B for the Multi-family Residential District. The proposed accessory garage/storage units shall maintain the minimum 5-ft from property line on the east property consistent with regulations for accessory structures. However, a potential of a 3-foot setback may be authorized within this area only based on request from adjacent light industrial use property owner and building and fire codes.
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9. *Open Space and Tree Retention:* The proposed community has been designed with approximately five acres of open space. The open space area shall include pedestrian lights, benches, and poop bag stations (if pets are allowed) throughout the community. Chapter 830- Tree Preservation Ordinance of the UDO identifies a 15% Tree Canopy coverage requirement on the property. A tree survey and tree canopy plan is required within the site plan review process.
10. *Stormwater Detention Pond:* The applicant shall comply with Town regulations for stormwater detention and water quality. The applicant shall consider the use of fencing around the large pond located at the southwest corner if not used as an amenity such as a fishing pond. This will be determined at the site plan review process.

11. *Overhead Utilities*: All utilities shall be placed underground within the community. Every effort shall be made to place utilities located adjacent to Plyler Road and Unionville-Indian Trail Road.
12. *Compliance with various agencies*: The project shall comply with local, state, and federal permitting regulations.
13. 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 10<sup>nd</sup> day of June, 2014.

**TOWN OF INDIAN TRAIL COUNCIL**

Attest:

---

Peggy Piontek, Town Clerk

---

Michael Alvarez, Mayor

APPROVED AS TO FORM:

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TOWN ATTORNEY



**TO:** Mayor & Town Council

**FROM:** Joseph A. Fivas, Town Manager

**DATE:** June 10th, 2014

**SUBJECT:** FY 2014/15 Budget Ordinance

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The Mayor, Town Council, and community were presented the Fiscal Year 2014-2015 budget in the first week of May. The Town has held two public hearings on the proposed budget. State law dictates that the budget must be approved by June 30<sup>th</sup>.

If the Council feels comfortable with the proposed budget, the Council has the ability to approve the budget by adopting the attached the Budget Ordinance.

jaf



**TOWN OF INDIAN TRAIL  
BUDGET ORDINANCE  
FISCAL YEAR 2014-2015**

**ORDINANCE #O140610-202**

BE IT ORDAINED by the Town Council of Indian Trail, North Carolina in accordance with the North Carolina Budget and Fiscal Control Act:

Section 1: The following amounts are hereby appropriated in the General Fund for the operation of the Town government and its activities for the fiscal year beginning July 1, 2014 and ending June 30, 2015.

EXPENSES:

DEPARTMENTS:

Governing Body	\$ 57,166
Administration	\$ 388,446
Finance	\$ 480,527
Planning	\$ 542,904
Code Enforcement	\$ 163,672
Building Inspection	\$ 100
Comm. & Economic Development	\$ 278,615
Arts & Historical Center	\$ 39,685
Engineering	\$ 85,043
Parks & Recreation	\$ 315,794
Human Resources	\$ 195,312
Tax	\$ 128,510
Public Works	\$ 187,993
Fleet Maintenance Division	\$ 12,000
Legal Cost Center	\$ 76,000
Environmental Services Division	\$ 1,717,769
Law Enforcement	\$ 1,783,774
Debt Service	\$ 1,130,291
Transportation Improvement Fund	\$ 812,395
Grants	\$ 209,426
Operating Capital Request	\$ 408,515
<b>Subtotal</b>	<b><u>\$ 9,013,937</u></b>

Total Transfers to Debt Services and Capital Reserve Fund	
Ad Valorem (Real Property)	\$ 1,224,791
Motor Vehicles (Personal Property)	\$ 108,288
<b>Subtotal</b>	<b><u>\$ 1,333,079</u></b>
<b>Total</b>	<b><u>\$10,347,016</u></b>

Section 2: It is estimated the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2014 and ending June 30, 2015.

REVENUES:

Taxes – Ad Valorem	\$ 5,664,656
Taxes – Motor Vehicle	\$ 500,833
Taxes – Local Option Sales	\$ 1,200,000
Taxes – Privilege License	\$ 90,000
Video Programming Distribution	\$ 310,000
Beer & Wine Tax	\$ 125,000
ABC Distribution	\$ 75,000
Utility Franchise Tax	\$ 1,100,000
Investment Earnings	\$ 17,000
Donations	\$ 5,000
Planning Revenues	\$ 70,000
Alarm Revenue	\$ 18,000
Gas Tax Refund	\$ 750
Gross Vehicle Rental Receipts	\$ 17,000
Heavy Equipment Rental Tax	\$ 14,000
Solid Waste Disposal Distribution	\$ 18,000
Engineering Renewal & Release	\$ 1,000
Fund Balance Appropriation	<u>\$ 403,650</u>
<b>Subtotal</b>	<b><u>\$ 9,629,889</u></b>
Transfer from Capital Reserve Fund	<u>\$ 717,127</u>
<b>Total</b>	<b><u>\$ 10,347,016</u></b>

Section 3:

POWELL BILL

Total Expected Expenses	\$ 811,000
Total Expected Revenues	\$ 811,000

Section 4:

STORMWATER UTILITY

Total Expected Expenses	\$ 1,310,115
Total Expected Revenues	\$ 1,310,115

Section 5:

CAPITAL RESERVE FUND

Total Transfers from General Fund	\$ 1,333,079
Total Transfers to General Fund Debt Service	\$ 717,127
Current Year Funds Available	\$ 615,952

Section 6: There is hereby levied a tax at the rate of eighteen and one-half cents per one hundred dollars (\$100) valuation of taxable property as listed for taxes as of January 1, for the purpose of raising the revenue listed as “Taxes Ad Valorem” in the General Fund in Section 2 of this ordinance.

This rate is based on a total valuation of property for the purpose of taxation of \$3,223,132,959 and an estimated rate of collection of 95% for a net property valuation of \$3,061,976,311. One penny on the tax rate will yield \$306,198.

Section 7: The Budget Officer is hereby authorized to transfer appropriations as contained herein under the following conditions:

- a. He/She may transfer amounts between line item expenditures within a department. These changes should not result in an increase in recurring obligations such as salaries.
- b. He/She may transfer amounts up to \$5,000 between departments, including contingency appropriations, within the same fund.
- c. He/She must make an official report on such transfers at the next regular meeting of the Governing Board.

Section 8: SPECIAL AUTHORIZATIONS – Debt Services and Capital Reserve Fund

There is hereby appropriated to the Debt Services and Capital Reserve Fund as a transfer from the General Fund an amount equal to four cents per one hundred dollars (\$100) valuation of taxable property as listed for taxes as of January 1. Funds appropriated can only be utilized for

debt services and capital expenditures as specified in the Capital Reserve Fund Ordinance and any subsequent amendments thereto in the current or future fiscal years.

Section 9: SPECIAL AUTHORIZATIONS – Transportation Improvement Fund

A public hearing must be held if there is an anticipated need that would require a withdrawal of more than \$25,000.00 from the Transportation Improvement Fund.

Section 10: Encumbrances. Appropriations herein authorized and made shall have the amount of outstanding encumbrances as of June 30, 2014 added to each appropriation, as it appears in order to account for the expenditures in the fiscal year they are paid.

Section 11: The Town Council shall adopt a schedule of fees and rates for various services, as may be amended from time to time as determined appropriate, to provide funding to cover costs for the provision of designated services.

REFERENCE PLANNING, ENGINEERING, PRIVILEGE LICENSE, & PARKS AND RECREATION SCHEDULES IN  
ADOPTED BUDGET

Section 12: Copies of this Budget Ordinance shall be furnished to the Clerk, the Governing Board, the Budget Officer and the Finance Director and to be kept on file by them for their direction in the disbursement of funds.

Adopted this \_\_\_\_ day of June, 2014

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

\_\_\_\_\_  
Peggy S. Piontek, Town Clerk



## 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: June 10, 2014

SUBJECT: Crooked Creek Park Change Order Request and Amended Capital Project Ordinance.

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#### **General Information:**

During the design phase of Crooked Creek Park, the Town's project consultant Woolpert Inc., conducted a physical site survey in conjunction with a geotechnical exploration. A few of the soil samples taken indicated the presence of partially weathered rock. While the contract includes an amount for unsuitable soils and rock removal, the contractor encountered substantial solid rock and some unsuitable soils. Staff requests a change order in the amount of \$40,000 to account for this unforeseen site condition.

Pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the adoption of an ordinance is required in order to authorize capital project expenditures.

#### **Required Actions:**

Council Approval of Change Order, Amended Capital Ordinance, and Budget Amendment

#### **Attachment:**

Amended Capitol Project Ordinance  
Amendment to Budget

**AN ORDINANCE AMENDING THE CAPITAL PROJECT ORDINANCE  
FOR CROOKED CREEK PARK AT INDIAN TRAIL**

**BE IT ORDAINED** by Town Council of the Town of Indian Trail, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

**SECTION 1.** The project authorized is a community park.

**SECTION 2.** The officers of the Town are hereby directed to proceed with the capital project within the term of the bond resolution and budget contained herein.

**SECTION 3.** Amounts appropriated for this project are hereby amended as follows:

	<b>Current Budget</b>	<b>Amended Budget</b>
Design	\$451,174.00	\$451,174.00
Construction	\$5,506,100.00	\$5,546,100.00
Total	<u>\$5,957,274.00</u>	<u>\$5,997,274.00</u>

**SECTION 4.** Revenues anticipated to complete this project are hereby amended as follows:

	<b>Current Budget</b>	<b>Amended Budget</b>
Proceeds from Park Bonds	\$4,500,000.00	\$4,500,000.00
Powell Bill Fund	\$220,000.00	\$220,000.00
Transportation Improvement Fund	\$220,000.00	\$220,000.00
Stormwater Utility Fund	\$228,591.00	\$228,591.00
Street Bonds	\$220,000.00	\$220,000.00
Capital Reserve Fund	\$568,683.00	\$568,683.00
General Fund	\$40,000.00	\$40,000.00
Total	<u>\$5,957,274.00</u>	<u>\$5,997,274.00</u>

**SECTION 5.** The Finance Director is hereby directed to maintain within the capital project fund sufficient detailed accounting records to satisfy the requirements of an annual independent audit. The terms of the bond resolution also shall be met.

**SECTION 6.** Funds may be advanced from the General Fund for the purpose of making payments as due.

**SECTION 7.** The Finance Director is directed to report, on a quarterly basis, on the financial status of the project element in Section 3 and on the total revenues received or claimed.

**SECTION 8.** The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on the capital project in every budget submission made to this Council.

**SECTION 9.** Any unexpended funds appropriated shall be reserved by the Town Council for use as provided by applicable law or regulation.

**SECTION 10.** The Finance Director is authorized from time to time to transfer as a loan from the General Fund in an amount necessary to met obligations until such time as funding is received. When Funds are received, repayments to the General Fund may be made.

**SECTION 11.** Copies of this capital project ordinance shall be made available to the Clerk and the Finance Director for direction in carrying out this project.

**AMENDED BY THE TOWN COUNCIL OF INDIAN TRAIL  
this the 10th day of June, 2014.**

\_\_\_\_\_  
Michael Alvarez, Mayor

Attest:

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







**TO:** Mayor and Town Council

**FROM:** Joseph A. Fivas, Town Manager

**DATE:** June 10th, 2014

**SUBJECT:** Law Enforcement Analysis

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The Town Council has interviewed two consultants to perform a Law Enforcement Analysis. The Town Council will discuss the next steps in their selection process.

jaf



**TO:** Mayor and Town Council

**FROM:** Joseph A. Fivas, Town Manager

**DATE:** June 10, 2014

**SUBJECT:** Municipal Complex

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Staff will give an update on Municipal Complex questions from the Town Council.



**TO:** Mayor & Town Council

**FROM:** Joseph A. Fivas, Town Manager

**DATE:** June 10th, 2014

**SUBJECT:** Board & Committee Appointment Policy

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Staff was asked to research some Board and Committee Appointment Policy changes. Staff focused specifically on the policy of elevating Alternate Members to Full Members with Town Board's and Committee' Staff will present options on how to address the stated goal from the Town Council.

jaf



**TO:** Mayor and Town Council

**FROM:** Joseph A. Fivas, Town Manager

**DATE:** June 10th, 2014

**SUBJECT:** Neighborhood Enhancement Program

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Staff has been working on the program development of the Neighborhood Enhancement Program. Staff would like to discuss with the Mayor and Council some key elements of the future proposed program. This direction will assist staff in producing the final program implementation.

jaf



**TO:** Mayor and Town Council

**FROM:** Joseph A. Fivas, Town Manager

**DATE:** June 10th, 2014

**SUBJECT:** Donation Policy

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Staff will give some examples of how some other communities implement Donation Program. This will follow with policy direction from the Mayor and Council on how to proceed on this issue.

jaf