

**MAYOR**  
Michael L. Alvarez

**MAYOR PRO TEM**  
David L. Cohn



**TOWN COUNCIL**  
Robert W. Allen  
Christopher M. King  
Darlene T. Luther  
David K. Waddell

Indian Trail Town Council Meeting  
February 14, 2012  
Civic Building  
6:30 p.m.

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

**2. PRESENTATIONS**

- a. Porter Ridge Football Team Recognition
- b. Chief Johnny Blythe Fire Services Presentation

**3. ADDITIONS AND DELETIONS**

**4. MOTION TO APPROVE AGENDA**

**action**

**5. PUBLIC COMMENTS**

**6. CONSENT AGENDA**

- a. Approval of both sets of January 18th, January 24th, and 28<sup>th</sup> 2012 minutes
- b. Tax Report for month end January 2012
- c. Order of advertisement of unpaid taxes that are liens on real property
- d. Review LGC-203
- e. Budget Amendments

**7. PUBLIC HEARINGS**

*– 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. **ZM2011-003 Sun Valley Commons Phase III:** A request to rezone one parcel from Single Family Residential (SF-1) to the General Business District (GBD). Location: Old Monroe Road. Applicant: Sun Valley Commons, LLC. Tax Parcel: 07-09-0078
  - b. **ZT2011-011 Text Amendment Chapters 530 and 1620:** A request to amend Unified Development Ordinance Chapter 530 to enable ancillary service type uses to be located

within business parks in the Light Industrial District and 1620, General Definitions, to comply with associated terminology. Location: Town-Wide-Light Industrial Zoning District. Applicant: Town of Indian Trail

**8. BUSINESS ITEMS**

- a. Council consideration of the approval of Public Safety Committee Bylaws
- b. Council consideration of the level of service for Law Enforcement – *this is a request made at the Strategic Planning meeting.*

**9. DISCUSSION ITEMS**

- a. Council discussion of time frame for improvements of Old Monroe Road – *this is a request made by Council Member Luther*
- b. Council discussion of Public-Private Partnership development options for Town owned 51-acre parcel - *this is a request made by Council Member Luther*
- c. Council discussion on a possible leash law ordinance - *this is a request made by Council Member Luther*

**10. MANAGERS REPORT**

**11. COUNCIL COMMENTS**

**12. CLOSED SESSION**

**13. ADJOURN**

**action**

**To speak concerning an item on the Agenda, please print your name and address on the sign up sheet on the table prior to the meeting. Each speaker will be limited to 3 minutes.  
AS A COURTESY, PLEASE TURN CELL PHONES OFF WHILE MEETING IS IN PROGRESS**



## **CERTIFICATE OF RECOGNITION**

**WHEREAS**, the Porter Ridge High School Football Team “Pirates” were the 2011 Southern Carolina Conference Champions, the 2011 Western Regional Champions and 2011 4A State Runner-Ups; and

**WHEREAS**, students, players, coaches, parents and supporters have all come together in making a truly championship team; and

**WHEREAS**, the dedication, hard work, long hours of practice, mutual support and commitment of the team and coaches exemplify the pride and heart of the Porter Ridge High School football program; and

**WHEREAS**, the recognition and celebration of our Championship Team serves to bring our community together in honoring our students and their coaches for a phenomenal football season resulting in an outstanding 14 and 1 record; and

**NOW, THEREFORE**, I, Michael L. Alvarez, Mayor, along with the Town Council of the Town of Indian Trail hereby declare that the Porter Ridge High School Football Team “The Pirates” be honored for their accomplishments in 2011 and call on all of our community to join in the celebration of their success.

This 14<sup>th</sup> day of February, 2012.

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Michael L. Alvarez, Mayor



**Town of Indian Trail**  
**Minutes of Town Council**  
**January 18, 2012**  
**Civic Building**  
**6:30 P.M.**

The following members of the governing body were present:

Mayor: Michael L. Alvarez,

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

Staff Members: Town Manager Joe Fivas and Town Clerk Peggy Piontek, Planning Director Shelley DeHart, Town Engineer Scott Kaufhold, Senior Planner Rox Burhans, Economic Development Coordinator Kelly Barnhardt.

**CALL MEETING TO ORDER**

Mayor Alvarez called the meeting to order.

**PRESENTATIONS**

a. North Carolina Turnpike Authority Update on Monroe Bypass

Representatives Shannon Sweitzer, Jennifer Harris, Reid Simons and Jane Nelson provided an update on the status of the Monroe Bypass.

Mr. Sweitzer advised that the contract has been awarded and will happen. He explained the many contractors that are included in the design team which will be known as the Monroe Bypass Constructors LLC. He explained that the design will be 65% completed by May which will enable them to begin purchasing the right of way (row). The acquisition bulk consists of 75 parcels and the process will go through 2013. Construction is anticipated to being in

the summer of 2012 and will start at the east end as the land acquisition has been completed. It is anticipated that it will be open to traffic by December 2016, estimated staff is 350-400 people and the project should be completed by July 2016. Mr. Switzer advised the project is 20 miles long, is being designed as 4 lanes with a divider; there will be an elevated section approximately 20 feet above the service roads to provide access to businesses along Highway 74. He provided drawings of the aesthetics giving a description of the details put in it to ensure the municipalities will have some pride in them. He reviewed the noise walls and noise study updates; there will be overhead signs that provide traffic information, tolling will be electronic and provided several different ways in which that will be made available. He suggested that people go to the website [www.monroconnector-bypass.com](http://www.monroconnector-bypass.com) to see a video and get more information. There was a question and answer period in which the audience and Council participated.

**ADJOURN**

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

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

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





**Town of Indian Trail**  
**Minutes of Town Council**  
**January 18, 2012**  
**Civic Building**  
**8:30 P.M.**

The following members of the governing body were present:

Mayor: Michael L. Alvarez,

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

Staff Members: Town Manager Joe Fivas and Town Clerk Peggy Piontek, Planning Director Shelley DeHart, Town Engineer Scott Kaufhold, Senior Planner Rox Burhans, Economic Development Coordinator Kelly Barnhardt.

**CALL MEETING TO ORDER**

Mayor Alvarez called the meeting to order.

**PRESENTATIONS**

- a. Brief Overview of the Sage Croft Project

Shelley DeHart, Planning Director provided a brief history and overview of the project.

Mr. Merritt explained the purpose of this meeting is to discuss accepting the dedication of the property. There are some issues that are unique that need to be discussed in Closed Session.

Christopher King made a motion to enter closed session NCGS143-318.11(a)(3) To protect the attorney-client privilege; To consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action; To consider and give instructions concerning a judicial action titled Keystone vs. Town of Indian Trail.

Council voted unanimously in favor of the motion.

Christopher King made a motion to approve coming out of closed session.  
Council voted unanimously in favor of the motion.

Robert Allen made a motion to table item regarding dedication of property  
Council voted unanimously in favor of the motion.

**ADJOURN**

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



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

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





**Town of Indian Trail**  
**Minutes of Town Council**  
**January 24, 2012**  
**Civic Building**  
**6:30 P.M.**

The following members of the governing body were present:

Mayor: Michael L. Alvarez

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

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney Keith Merritt, Planning Director Shelley DeHart, Finance Director Marsha Sutton, Town Engineer Scott Kaufhold, Tax Collector Janice Cook, and Human Resources Miriam Lowery.

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

Mayor Pro Tem Cohn announced that the Mayor will be late and lead the Pledge of Allegiance. He informed those present that the Council will hold a workshop to discuss strategic planning on Saturday, January 28, 2012 beginning at 8:30 am in the Civic Building.

**ADDITIONS AND DELETIONS**

None

**MOTION TO APPROVE AGENDA**

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

## **PUBLIC COMMENTS**

Cathi Higgins, 3004 Clover Hill Road, spoke in connection with the Public Comment Policy addressing previous speakers not adhering to the policy and requested that Council require the speaker to sit if they do not follow the rules. Ms. Higgins requested that the policy be enforced during the meetings.

Mayor Alvarez entered the meeting.

Art Spur, 4100 Wood Creek Court, commented that he has still not received an apology. He addressed economic development and although new businesses are good but not at the cost of existing businesses. He commented that the new Firestone prevents visibility to the businesses behind it. He feels it's happening throughout the town and feels it's due to poor planning. Look at the things that are important to the growth of the city.

David Drehs, 3216 Bow Club Trail, addressed the solid waste issue. He feels keeping the ownership of the cans is the cleanest thing to do. Another concern is the green (yard debris) containers. He would hope there would be public comments before any changes are made to the garbage service.

Nathan Workman, 1000 Van Buren Ave, He is here as a representative of Indian Trail Business Association, there are truly excellent businesses here and Indian Trail has potential. He became involved in ITBA to convert the buying power of residents into actual businesses. He feels the residents and businesses should be connected. He encouraged the Council to support the ITBA for a stronger, more vibrant Indian Trail.

John Quinn, 3315 Creek Trail Road, agrees with Mrs. Higgins that the Public Comment Policy should be completely overhauled. He has handed Council documents from our attorney regarding Closed Session and he feels all closed session documents should be available after three years. He requested to view minutes from 2006-2007 and was advised by Mr. Merritt that the Council had a right to deny the request. He also commented on a policy regarding paying any legal expenses for any former or current council members. He also addressed a public records request he had made to which no documentation was found.

## **PRESENTATIONS**

### **a. VFW Post 2423 Presentation of Vietnam Memorial Wall**

Brian Boze, Senior Vice Commander of Post 2423 informed Council of the Post's goal and their functions. He provided a list of the Post's accomplishments. Mr. Boze advised that the Post will be hosting the Vietnam Moving Wall June 14-18, 2012 and provided the facts of the wall. Mr. Boze reviewed the information about the Vietnam War. In 2007 the Post hosted the wall, it was open for 5 days, 24 hours a day, it's free to the public, 35,000 attended, and they raised \$40,000 in donations which is how they paid for it. The wall will open at 2 pm on June 14th; they will escort it from Charlotte Motor Speedway to Indian Trail. There will be 3 ceremonies: Thursday, June 15 will be Gold Star Families (those who's loved ones that have not returned), Saturday,

June 16th will be a dedication ceremony and Sunday, June 17th will be a Remembrance Ceremony.

Coordination consists of communicating with Town of Indian Trail, Union County Sheriff's Office, Union County Emergency Medical Service, FAA, CSX Railroad, State Highway Patrol, Local Businesses & VA/Mental Health. Expenditures - the wall costs \$4500, revamp the Veterans Memorial Park, The Moving Wall Pamphlets, spreading the word, support services such as sheriff's office and EMS, and also landscaping.

Currently they have raised \$728, they have fund raisers planned. The ladies auxiliary is supportive and they are seeking donations from businesses and individuals. Anyone who donated will be listed on the pamphlet.

The Town of Indian Trail has always supported the VFW. The VFW is requesting support from the Town for such things such as Website, Media Assistance (Council & Mayor assistance) parking, permits (currently going thru the process for the town). He requested that the Town waive all permit fees. He requested that the Town donate the same amount as last time \$5,000.

After a discussion, the following motion was made.

Christopher King made a motion to donate \$7,500 to the VFW Fund for the Vietnam Moving Wall.

Council voted unanimously in favor of the motion.

David Waddell made a motion waiving all permit fees for VFW Post 2423 Presentation of Vietnam Memorial Wall

Council voted unanimously in favor of the motion.

### **CONSENT AGENDA**

- a. Approval of January 10, 2012 minutes

Robert Allen made a motion approve the Consent Agenda.

Council voted unanimously in favor of the motion.

### **PUBLIC HEARINGS**

None

### **BUSINESS ITEMS**

- a. **Drainage Repairs in Advance of Spring Resurfacing Contract**

Mr. Fivas explained the purpose for this project. He advised there are many intersections that need repaving and drainage repairs in Beacon Hills. What is before them is a contract that will allow our Department of Public Works go out and do the repairs. He advised that by using our own public works, we will have substantial costs savings. It allows us to expedite the projects. The proposed cost of the materials for this project is \$220,000.

Robert Allen made a motion approve purchasing materials up to \$220,000 and move on with this project.

Council voted unanimously in favor of the motion.

## **DISCUSSION ITEMS**

### **a. Report for the Strategic Economic Development Plan**

Robert Allen made a motion suspending the rules

Council voted unanimously in favor of the motion.

David Waddell made a motion add to the agenda to allow Indian Trail Athletic Association to use the sign locations for banner 2/9-2/25 as item 9d

Council voted unanimously in favor of the motion.

Mr. Fivas introduced Mike Geouge CEcD and Crystal Morphis CEcD, Managing Partners from Sanford Holhouser.

Mr. Geouge presented the findings of their study. The Planning Steps started by reviewing previous studies that have been done for the Town and doing economic and demographic analysis. They have had some community engagement and external interviews and have researched economic growth opportunities and best practices. Another important planning step is strategy development.

Ms. Morphis explained the SWOT Analysis, which comes from the focus group meetings and online surveys. The strengths are our proximity to Charlotte, access to 485 bypass, airports, good schools, well educated workforce, proactive government, industrial/business land, demographics and quality of life, such as family friendly, heritage, low crime rate, housing diversity and town strategy of development at intersections. Some of the hurdles are infrastructure, perception of permitting process, low taxes, limited resources of town/staff, creating a positive image, no downtown central hub, aesthetics, shortage of industrial/office sites and lack of parks and recreation facilities.

There are many opportunities within the community such as the planned by-ass to create sites, sports development, branding and marketing, business recruitment, entertainment, industrial/office complex/ retail diversity, convention center, create a multi-community recreation center and collaboration with other towns and county. The threats include the Town's lack of control over utilities, weak housing market, image, charlotte financial base, safety/services (ratio to growth) developer perception and air quality.

Survey information received provided the following: community colleges and the public school system were rated as excellent, several items received good ranking such as work force, retail development, parks and recreations facilities and utilities. Those that received poor ranking were Downtown development, arts and cultural programs, transportation system and small business & entrepreneur support. The survey also asked if recommendations were made to the Town to make a key investment for the Town what would that be. The answers were job recruitment,

industrial park development, corporate office complex, creating an identity, amenities to support, road/street improvement, tax incentives, enforcement of codes and ordinances, business hub with town hall, appearance and beautification. This also falls in line with what they considered important; local job opportunities, sustainable, tax base, higher wage jobs and retail amenities. It's good economic strategy to bring in jobs for several reasons.

Both citizens and Town have the same goals with developing local jobs, sustainable development and economic diversity. Ms. Morphis briefly went over the demographics for the area that were used in crunching numbers. In calculating the target sectors for development, the level of educated work force factored highly into the equation. The target sectors for recruitment are aviation and aerospace, financial operations, energy, distribution and possibly plastics if a rail site is developed.

In economic development one of the first cuts is real estate. The Town is lacking prepared shovel ready sites. Ms. Morphis explained that product development will include private development, public-private partnership and public development and she explained each briefly. Product development steps will include priority sites program, office park development with amenities, secure sites for future developments, explore a multi-jurisdictional business park, explore rail site potential and maintain site inventory. Her recommendations for recruitment and external marketing are networking with allies, website enhancements, marketing materials, incorporate social media, review the brand throughout the community and stream-lining the permit procedure. She suggested for infrastructure development the prioritization of sewer and transportation needs with focus on economic development strategies.

Business retention and expansion is an important factor. Suggested building a business retention and expansion team, visitation, recognition of existing business, brochure, early warning system and networking. Internal marketing should not be overlooked and includes such activities as community education, joint board meetings with County and developer/manager meetings so that all have an idea of what economic strategies are being implemented by the Town. Retail recruitment strategies such as having market place data, site and building inventory, retail leakage analysis available as well as marketing the Town to retail developers. There is a gap in our community for small business and entrepreneurship; there is not a lot of support for these, suggested working with allies and develop a resource guide and provide networking opportunities. Incentives are an important part of economic development process. Ms. Morphis recommends adopting a general incentive policy which includes downtown village centers and develop or redevelop district incentives. Amenities are important to members of this community, so sports development is warranted. They are recommending developing a parks and recreation department, park facilities, sports complex with other communities and public/private partnerships. Supporting strategies are needed, such as workforce development, gateways and beautification and leadership development.

There is a lot of work to do and it's important for Council to plan and pick out items to implement each year. Ms. Morphis recommended focusing on the following items for 2012: priority sites development program, investigate a multi-jurisdictional park, networking with allies for recruitment, enhancing the business retention and expansion program, internal marketing and branding and investigate product development opportunities.

**b. Discussion Regarding Law Enforcement Services**

Mr. Waddell advised that while campaigning, he received very positive feedback to add officers and get the Public Safety Committee back together. He would like for Council to consider adding law enforcement into the budget as it is his understanding that there is funding for this in our current budget. It is also his understanding if they were to vote to add three officers it would take six months before they get on the street.

David Waddell made a motion consideration of three officers

Mr. Fivas explained that that was a recommendation from Lt. Coble in the Spring of 2011 for a detective and two deputies to do traffic control only. Lt. Coble clarified that it's approximately two month turnaround time to add some staff and the recommendation was for one detective and two traffic control officers. There was a brief discussion regarding when Lt. Coble's would make his presentation.

Mr. Waddell withdrew his motion.

Lieutenant Coble provided a quick summary of general information, service involvement and incidents in Indian Trail. He included information on new technology, statistics of crimes and incidents for the year 2011 in his report. Lieutenant advised Council of the intensive training his staff must go through. Lieutenant Coble expressed concern over the Bypass and its complication with his department.

**c. Establishment of a Public Safety Committee**

Mr. Fivas advised this item was requested by Mr. Waddell for this meeting. We have provided Council a copy of the bylaws and how they previously operated. He requested that Council provide input on what they want staff to implement. If Council makes changes, we will modify the document and present it to you at the next meeting for approval. If there are no changes, we will take this document and implement it.

Mr. Allen advised that we as a municipality have little to no influence over fire, rescue or the Sheriff's department. We need to define what their mission is, the scope of work they are responsible for along with goals and initiatives that need to be initiated.

Mayor Alvarez asked Lt. Coble his thoughts. Lt. Coble advised that from his standpoint, he would like to see the committee implemented as it provided them with the opportunity to speak and learn with the citizens.

Council held a brief discussion of what the guidelines/limitations/goals would be for the committee.

Mr. Fivas advised that staff will review the policy along with Lt. Coble and a couple of council members to get the rules for the committee ironed out and have it at the next meeting.

**d. ITAA Off Site Banner Request.**

Mayor Alvarez stated that the ITAA is requesting to use the Town's banners sites from February 9-25, 2012 to advertise for their spring ball signups. Mr. Cohn inquired if we have done this before. Ms. DeHart explained where the sites are. Mr. Cohn expressed concern about having other association signs in a different territory. Council held a brief discussion regarding the placement of banners and allowing other organizations to have the same opportunity to place banners at those locations.

Robert Allen made a motion approve allowing Indian Trail Athletic Association using all off site banner locations.

Council voted unanimously in favor of the motion.

Mr. Cohn believes we should give Porter Ridge the same opportunities if they so request. Mr. Allen believes everyone is afforded the same opportunity but first come first serve.

Mr. Fivas will call the representatives from ITAA and express the concern and perhaps they will withdraw the sign.

**MANAGERS REPORT**

Mr. Fivas was contacted by Stallings who will put in a request for federal transportation funds to assist in construction on Old Monroe Road. How that helps us is that maybe the State would shift some of the funds to help us. He explained the process for the Strategic Planning Session on Saturday, it'll start at 8:30 am, hopefully we will be done earlier than 3:00 pm. We will have an agenda which will be out to you tomorrow and Thursday you will be given a packet of what will be presented.

Former Council Member Stanton had Council approval for staff to create a tri-fold of Council roles and duties, along with committees.

**COUNCIL COMMENTS**

Mr. Cohn thanked everyone who stayed thru this tonight; you are part of team Indian Trail. He also thanked our staff for doing a wonderful job, we are a team, he looks for direction from us, and you are experts in your areas and do it well. He's asking staff to help him to help them. He also expressed his appreciation to the Town Manager. We are a team, let's keep the team going, let's go positive and look forward not backward. We are going to make the next four years the best possible.

Mr. King would like to bring the subcommittee for the Monroe Bypass up on the agenda. Mr. Fivas advised that we can do that or create it administratively; the Planning Board can establish their own committee.

Mr. Alvarez seconded what Mr. Cohn said and directed his first comment to the Council; it was a long meeting but very productive, civil and positive that will reflect on the town. He's honored to be with them tonight. The VFW put on a very good presentation, please take that home with you so spread the word and get them the funds they need.

Mr. Allen commented it is a team sport but a full contact sport. He likes the fact we can disagree but stay agreeable, it's the way it should be to move the ball forward. He has learned something every time; you must meet people on a common ground.

Mr. Waddell clarified the reason he wanted to add law enforcement tonight. It was his understanding that if it wasn't one of the first things out of the gate it might end up getting lost in the shuffle.

Ms. Luther commented on the VFW and the Moving Wall; they need a lot of money to reach their goal. Whatever any of us can do as far as spreading the word to our contacts; she appreciates this opportunity for Indian Trail and the VFW making the effort to do that.

**CLOSED SESSION**

None

**ADJOURN**

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

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

APPROVED:

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Michael L. Alvarez

Attest:

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Peggy Piontek, Town Clerk



**Town of Indian Trail**  
**Minutes of Town Council Workshop**  
**January 28, 2012**  
**Civic Building**  
**8:30 A.M.**

The following members of the governing body were present:

Mayor: Michael L. Alvarez,

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

Staff Members: Town Manager Joe Fivas and Town Clerk Peggy Piontek, Planning Director Shelley DeHart, Town Engineer Scott Kaufhold, Finance Officer Marsha Sutton, GIS Specialist Luke Fawcett, Senior Accountant Jennifer Smith, Senior Planner Rox Burhans, Economic Development Coordinator Kelly Barnhardt and Human Resource Miriam Lowery.

**CALL MEETING TO ORDER**

Mayor Alvarez called the meeting to order.

**OVERVIEW OF MEETING**

Mr. Fivas provided an overview of the meeting. He explained that the information gathered today will assist staff in creating a long range strategic plan for Council and enable us to use some of the information in preparing the upcoming budget.

**DISCUSSION OF LONG RANGE STRATEGIC PLANNING PROCESS**

Mr. Fivas's topics included the benefits of an updated comprehensive plan, a three year Strategic Council Implementation Plan, and an estimated cost both in funding and staff time. He informed Council that the

Implementation Plan would cover from July 1, 2013 to June 30, 2016 which will consist of planning, acting and evaluating the objectives. Mr. Fivas went in detail about the steps that would occur and what they would consist of: Establish goals for our community, develop objectives, tasks, performance indicators and target dates. The time line is as follows: March – May would be for education, June for the Council to develop goals and mission/vision statements, July Council will develop objective statements, August Council will develop tasks and performance indicators and September the tasks and performance indicators are completed and the final report is developed for public hearings and final approval. By consensus Council was supportive of the Comprehensive Plan and Implementation Plan and requested staff to proceed.

### **INFRASTRUCTURE DEVELOPMENT WORK PLAN**

Mr. Kaufhold provided Council with a review of recently completed infrastructure projects on sidewalks, resurfacing, stormwater and traffic data base. He then reviewed pending projects, providing estimated costs and how this benefits the citizens: **Sidewalks** for Unionville Indian Trail Road (CMAQ Grant), Rogers Road (CMAQ Grant), Poplin Road, and Chestnut Lane (no Federal funding); **Resurfacing**: Certain Beacon Hills subdivision streets with a tentative start date of April 1<sup>st</sup>; **Stormwater**: A new Stormwater Maintenance Contract is required and bids will go out and the Department of Public Works will need to make drainage improvements in Beacon Hills prior to resurfacing contract. This was approved at the last Council meeting; **Traffic Database**: Mr. Kaufhold recommended that we continue traffic counts through MUMPO grants, Update pavement condition rating, partner with NCDOT on Wesley Chapel Stouts Road and Old Monroe Road intersection and implement school safety improvements. Council would like staff to try to get more funds from NCDOT and some from the County, provide the best offers to Council and if short provide Council options for the additional funds required for the aforementioned upgrades. Mr. Fivas reviewed his understanding of Council conversations on the pending matters; Poplin Road sidewalks were first and Chestnut Road second. He asked if Council had any concern for staff to bring costs to them for approval, they did not. By consensus, Council requested the Pavement study be completed.

Council took and returned from a brief break.

### **ECONOMIC DEVELOPMENT WORK PLAN**

Ms. Barnhardt explained the “new age” of Economic Development recruitment (providing examples of “service” businesses: Sports, retail, class A offices, more entrepreneurialship mindset) and provided a goals summary. She advised that the recently received Economic Development Strategic Plan from our consultants is the basis for the goals and objectives. **Goals Summary**: Investigate product development opportunities (this could require the hiring of a consultant to evaluate the economic impact), internal marketing and branding, enhancing the business retention and expansion program (BR&E), networking with allies for recruitment, priority development sites (PDS) program and investigate a multi-jurisdictional park. Ms. Barnhardt informed Council how each of these goals could be accomplished.

Council had a general discussion about this, touching on many different scenarios and issues. Mr. Fivas advised that staff would go out and research areas and bring the information back to Council on a few that might prove to be interesting and then begin the second phase of analyzing (cost, benefits, risks, impacts on environmental such as infrastructure, wetlands and neighborhoods) should Council direct us to go in that direction. The next phase

would be for us to put together a business plan that lays out everything we would like to accomplish, moving forward in a strategic way all driven from Council. By consensus, Council would like to see the site analysis report in order to make an educated decision.

Council broke for lunch.

### **LAW ENFORCEMENT**

Lieutenant Coble provided Council with an overview of the increase in call volume, self initiated activities and patrols and future factors that will influence service levels. He reviewed the results of the 2011 citizen survey and provided ways to provide what is desired by the citizens, suggesting patrol deputies to focus on traffic enforcement with increased neighborhood visibility. Lieutenant Coble spoke to providing a better quality of service by enhancing case investigation and follow-ups resulting in a decrease of current caseload per detective e, increasing citizen contact with detectives with the ultimate goal being to clear more cases quicker. The expectation of where they are going is to continue the service levels for patrol functions while the area continues to grow, increase the efforts made toward traffic safety, explore additional K-9 opportunities and increase case management, and investigations. Lieutenant Coble suggested districting the town's response area by sectioning the town into quadrants, assign deputies to one area because it builds knowledge of area for law enforcement; it builds community relations with law enforcement, reduces travel times to service call and to work correctly requires 4 additional patrol deputies. Lieutenant Coble presented a slide indicating his current staff level and one for a 3 year future staff level proposal showing an addition of 1 detective, 4 deputies, 2 traffic enforcement officers and 1 K-9 dog and deputy. He concluded with expanding responsibly by planning ahead, applying for grants, addressing traffic safety issues with Engineering and NCDOT and to use tools to enhance law enforcement across town such as a radar trailer and cameras. Council had a lengthy discussion on the subject; topics included cars, equipment, contract extension, County contributions. Mr. Fivas requested Council clarify what their expectation is and the number of officers to be put in the budget. He advised that he is not expecting an answer today, but inquired how we arrive at the solution. Mr. Waddell recommended adding 2 deputies now and next year perhaps 2 more and 2 more in the third year, as for the detective that can be discussed at a later date. Mr. King inquired of Lieutenant Coble, if 2 deputies are added, how he would best be served, traffic, detective; what are his needs. Lieutenant Coble replied, all he needs is the bodies; he will determine where they are best placed for the benefit of the town. Mr. Cohn agreed with Mr. King and Mr. Waddell with adding 2 more deputies, but not necessarily with adding 2 more next year and 2 the year after. Let's see what happens with the addition of the first 2 and make our determination from there. Council directed staff to place the discussion for the addition of 2 additional deputies on the next agenda as a business item. Mr. Fivas clarified that should Council vote at the next meeting to add 2 additional deputies now totaling 20, the Fiscal Year 2012/2013 budget recommendation will fund a total of 20 deputies. Council discussed the many facets involved with applying for a grant to fund additional officers.

### **DISCUSSIONS OF PARKS, GREENWAYS AND BIKEWAYS**

Ms. DeHart advised there are many documents that pertain to Parks and Greenways along with the Park, Tree and Greenway Committee. The documents are only as good as the implementation, when considering this staff always applies cost efficiencies like cost sharing, grants, agency partnerships and leveraging town assets. The Town has been more aggressive in implementation by example Ms. DeHart referred to Crossing Paths Park, the purchase of 51 acres for a larger park, with many opportunities for development. Ms. DeHart informed Council that staff is

always looking for good opportunities and advised that one has come to the surface. This is a greenway project which will be part of a segment of the Carolina Thread Trail (\$20,000 for planning and \$150,000 for land acquisition and construction) and within our Pedestrian Plan and Park Plan, there are grant opportunities for development and it will tie into the town sidewalk project which is federally funded, it will be the town's first public greenway and will create approximately a 3 mile loop. It's located in Sardis Village, resulting in approximately a ¾ mile segment and connects to over 2 miles of new sidewalk. There are 7 subdivisions within a ¼ mile radius for a greenway opportunity but also has the potential for a dog park. Ms. Dehart provided Council background information on the Carolina Thread Trail. Staff is looking for direction from Council to thoroughly investigate the potential by consulting outside agencies and explore grants and cost with consulting the Park, Tree and Greenway Committee. By consensus Council agreed for staff to go forward.

### **ENVIRONMENTAL SERVICES**

Ms. DeHart advised that the current contract expires at the end of July 2012 and requested direction on whether staff should advertise a RFP or negotiate with current provider. Services to include green initiatives town wide, with a strong education component and partnership with provider for school programs, events and civic group organizations. Staff has discussed expanding our residential recycling efforts to achieve our overall goal to reduce solid waste per household by increasing receptacle size, providing yard waste and tree recycling. Participation would be achieved through education; our goal would be to achieve a 50% reduction in the Town's solid waste collection over a 5 year period. Ms. DeHart explained the benefits of these services. Another consideration is bulk item and e-waste (electronics) pick up. The options for services are town wide pick up where everyone pays regardless of use of service or towns negotiates a discounted set fee which the resident pays provider per pick up or keep the current policy which makes it entirely the resident's responsibility. Staff would like direction on the roll out carts, we currently own them (approximately 11,500) and our options are to continue to own them or have the provider own the carts. Staff recommends that the provider owns the carts to ensure that they are handled appropriately. By consensus Council directed staff to RFP the services, including having the provider own the carts, bulk pick up, e-waste, having a 96 gallon recycle carts. Mr. Fivas advised that once we receive the bids we will get a recommendation from Council. Staff feels it's important to have something signed with a provider by the first week of June. The provider will need about 60 days to prepare, along with our budgetary issues of putting the costs in properly. There was a discussion amongst Council of how to dispose of the carts we own. Mr. Fivas replied that will be negotiated into the contract. It was recommended that the new carts to have Indian Trail branding on them and provided an example. Mr. Fivas added for clarity that we would have recycling every other week and yard waste every other week for everyone, if Council has concerns he would like to hear them now so we can prepare the RFP accordingly.

### **GENERAL BUDGET PROCESS OVERVIEW**

*Due to time constraints this matter was not discussed, Mr. Fivas requested Council review the information in the packet and contact him with any questions or it can be discussed at a later meeting.*

Mr. Fivas reviewed the proposed budget schedule with Council.

**ADJOURN**

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

**APPROVED:**

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

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

DRAFT



## Town of Indian Trail Tax Department

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### Memo

TO: Mayor and Town Council

FROM: Janice Cook, Tax Collector

DATE: February 7, 2012

COUNCIL DATE: February 14, 2012

SUBJECT: Month End Tax Report for January 2012

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**Required Actions:** Approval of monthly report according to GS 105-350 (7).



**Tax Master Balance Listing**

Customer Status: Active And Inactive

Year: All

(I) = Inactive

Customer Balance

**Total Entries:** 5666  
**Total Balance:** \$1,436,759.66

<b>Principal Total:</b>	\$1,089,704.46	RES STORMWATER 1	\$45,048.69
<b>Interest Total:</b>	\$33,972.11	RES STORMWATER 2	\$24,020.64
<b>Advertising Total:</b>	\$3,935.64	COMMERCIAL STORMWATER	\$234,237.23
<b>Late Listing Total:</b>	\$5,840.89	Overage:	\$0.00

**Tax Totals By Year:**

**Tax Year**                      **Amount Owed**  
**2000**                              **\$302.37**

<b>Principal Balance:</b>	\$154.05	RES STORMWATER 1	\$0.00
<b>Interest Balance:</b>	\$146.92	RES STORMWATER 2	\$0.00
<b>Advertising Balance:</b>	\$1.40	COMMERCIAL STORMWATER	\$0.00
<b>Late Listing Balance:</b>	\$0.00		

**2001**                              **\$1,833.25**

<b>Principal Balance:</b>	\$960.68	RES STORMWATER 1	\$0.00
<b>Interest Balance:</b>	\$859.62	RES STORMWATER 2	\$0.00
<b>Advertising Balance:</b>	\$12.95	COMMERCIAL STORMWATER	\$0.00
<b>Late Listing Balance:</b>	\$0.00		

**2002**                              **\$3,386.47**

<b>Principal Balance:</b>	\$1,853.22	RES STORMWATER 1	\$0.00
<b>Interest Balance:</b>	\$1,533.25	RES STORMWATER 2	\$0.00
<b>Advertising Balance:</b>	\$0.00	COMMERCIAL STORMWATER	\$0.00
<b>Late Listing Balance:</b>	\$0.00		

**2003**                              **\$3,833.43**

<b>Principal Balance:</b>	\$2,202.37	RES STORMWATER 1	\$0.00
<b>Interest Balance:</b>	\$1,624.85	RES STORMWATER 2	\$0.00
<b>Advertising Balance:</b>	\$6.21	COMMERCIAL STORMWATER	\$0.00
<b>Late Listing Balance:</b>	\$0.00		

**2004**                              **\$3,668.02**

<b>Principal Balance:</b>	\$2,228.05	RES STORMWATER 1	\$0.00
<b>Interest Balance:</b>	\$1,418.04	RES STORMWATER 2	\$0.00
<b>Advertising Balance:</b>	\$21.93	COMMERCIAL STORMWATER	\$0.00
<b>Late Listing Balance:</b>	\$0.00		

**Tax Master Balance  
 Listing**

Customer Status: Active And Inactive

Year: All

(I) = Inactive

Customer Balance

Year	Total Balance		
<b>2005</b>	<b>\$3,424.56</b>		
Principal Balance:	\$2,219.74	RES STORMWATER 1	\$0.00
Interest Balance:	\$1,184.26	RES STORMWATER 2	\$0.00
Advertising Balance:	\$20.00	COMMERCIAL STORMWATER	\$0.00
Late Listing Balance:	\$0.56		
<b>2006</b>	<b>\$15,762.45</b>		
Principal Balance:	\$10,215.90	RES STORMWATER 1	\$0.00
Interest Balance:	\$4,889.33	RES STORMWATER 2	\$0.00
Advertising Balance:	\$43.80	COMMERCIAL STORMWATER	\$0.00
Late Listing Balance:	\$613.42		
<b>2007</b>	<b>\$13,867.76</b>		
Principal Balance:	\$7,820.08	RES STORMWATER 1	\$0.00
Interest Balance:	\$3,012.94	RES STORMWATER 2	\$2,096.10
Advertising Balance:	\$82.50	COMMERCIAL STORMWATER	\$400.00
Late Listing Balance:	\$456.14		
<b>2008</b>	<b>\$24,639.85</b>		
Principal Balance:	\$16,461.44	RES STORMWATER 1	\$875.40
Interest Balance:	\$4,426.07	RES STORMWATER 2	\$601.68
Advertising Balance:	\$125.58	COMMERCIAL STORMWATER	\$1,568.60
Late Listing Balance:	\$581.08		
<b>2009</b>	<b>\$63,170.02</b>		
Principal Balance:	\$47,437.58	RES STORMWATER 1	\$1,539.73
Interest Balance:	\$8,852.02	RES STORMWATER 2	\$1,109.84
Advertising Balance:	\$404.09	COMMERCIAL STORMWATER	\$2,916.00
Late Listing Balance:	\$910.76		
<b>2010</b>	<b>\$83,570.45</b>		
Principal Balance:	\$62,836.19	RES STORMWATER 1	\$3,296.72
Interest Balance:	\$6,024.81	RES STORMWATER 2	\$1,960.98
Advertising Balance:	\$1,536.78	COMMERCIAL STORMWATER	\$7,034.68
Late Listing Balance:	\$880.29		
<b>2011</b>	<b>\$1,219,301.03</b>		
Principal Balance:	\$935,315.16	RES STORMWATER 1	\$39,336.84
Interest Balance:	\$0.00	RES STORMWATER 2	\$18,252.04
Advertising Balance:	\$1,680.40	COMMERCIAL STORMWATER	\$222,317.95
Late Listing Balance:	\$2,398.64		

**Tax Master Balance  
 Listing**

Customer Status: Active And Inactive

Year: All

(I) = Inactive

Customer Balance

Total Entries: 3892  
 Total Balance: \$597,502.50

Principal Total:	\$429,436.67	RES STORMWATER 1	\$24,756.80
Interest Total:	\$40,389.20	RES STORMWATER 2	\$13,418.64
Advertising Total:	\$3,662.62	COMMERCIAL STORMWATER	\$80,372.25
Late Listing Total:	\$5,466.32	Overage:	\$0.00

**Tax Totals By Year:**

Tax Year	Amount Owed		
<b>2000</b>	<b>\$291.52</b>		
Principal Balance:	\$147.56	RES STORMWATER 1	\$0.00
Interest Balance:	\$142.56	RES STORMWATER 2	\$0.00
Advertising Balance:	\$1.40	COMMERCIAL STORMWATER	\$0.00
Late Listing Balance:	\$0.00		
<b>2001</b>	<b>\$1,840.49</b>		
Principal Balance:	\$960.68	RES STORMWATER 1	\$0.00
Interest Balance:	\$866.86	RES STORMWATER 2	\$0.00
Advertising Balance:	\$12.95	COMMERCIAL STORMWATER	\$0.00
Late Listing Balance:	\$0.00		
<b>2002</b>	<b>\$3,400.49</b>		
Principal Balance:	\$1,853.22	RES STORMWATER 1	\$0.00
Interest Balance:	\$1,547.27	RES STORMWATER 2	\$0.00
Advertising Balance:	\$0.00	COMMERCIAL STORMWATER	\$0.00
Late Listing Balance:	\$0.00		
<b>2003</b>	<b>\$3,840.56</b>		
Principal Balance:	\$2,196.82	RES STORMWATER 1	\$0.00
Interest Balance:	\$1,637.53	RES STORMWATER 2	\$0.00
Advertising Balance:	\$6.21	COMMERCIAL STORMWATER	\$0.00
Late Listing Balance:	\$0.00		
<b>2004</b>	<b>\$3,667.21</b>		
Principal Balance:	\$2,217.46	RES STORMWATER 1	\$0.00
Interest Balance:	\$1,427.82	RES STORMWATER 2	\$0.00
Advertising Balance:	\$21.93	COMMERCIAL STORMWATER	\$0.00
Late Listing Balance:	\$0.00		

## Tax Collection Rate Report

<b>Tax Year</b>	<b>Charges For Year</b>	<b>Collections For Year</b>	<b>Collection Percentage</b>
2011	\$5,635,282.36	\$5,254,283.85	93.24%
2010	\$5,597,783.96	\$5,515,316.80	98.53%
2009	\$5,576,576.75	\$5,513,538.18	98.87%
2008	\$5,416,881.92	\$5,392,118.64	99.54%
2007	\$4,077,880.26	\$4,063,953.81	99.66%
2006	\$2,060,937.88	\$2,045,098.70	99.23%
2005	\$1,429,065.45	\$1,425,636.37	99.76%
2004	\$1,263,385.33	\$1,259,718.12	99.71%
2003	\$1,027,915.56	\$1,024,075.00	99.63%
2002	\$905,044.99	\$901,644.50	99.62%
2001	\$776,890.78	\$775,050.29	99.76%
2000	\$635,898.50	\$635,606.98	99.95%
<b>Totals</b>	<b>\$34,403,543.74</b>	<b>\$33,806,041.24</b>	<b>98.26%</b>

**Tax Master Balance  
 Listing**

Customer Status: Active And Inactive

Year: All

(I) = Inactive

Customer Balance

2005		\$3,429.08	
Principal Balance:	\$2,213.58	RES STORMWATER 1	\$0.00
Interest Balance:	\$1,194.94	RES STORMWATER 2	\$0.00
Advertising Balance:	\$20.00	COMMERCIAL STORMWATER	\$0.00
Late Listing Balance:	\$0.56		
2006		\$15,839.18	
Principal Balance:	\$10,215.90	RES STORMWATER 1	\$0.00
Interest Balance:	\$4,966.06	RES STORMWATER 2	\$0.00
Advertising Balance:	\$43.80	COMMERCIAL STORMWATER	\$0.00
Late Listing Balance:	\$613.42		
2007		\$13,926.45	
Principal Balance:	\$7,820.08	RES STORMWATER 1	\$0.00
Interest Balance:	\$3,071.63	RES STORMWATER 2	\$2,096.10
Advertising Balance:	\$82.50	COMMERCIAL STORMWATER	\$400.00
Late Listing Balance:	\$456.14		
2008		\$24,763.28	
Principal Balance:	\$16,461.44	RES STORMWATER 1	\$875.40
Interest Balance:	\$4,549.50	RES STORMWATER 2	\$601.68
Advertising Balance:	\$125.58	COMMERCIAL STORMWATER	\$1,568.60
Late Listing Balance:	\$581.08		
2009		\$63,038.57	
Principal Balance:	\$47,032.72	RES STORMWATER 1	\$1,539.73
Interest Balance:	\$9,166.97	RES STORMWATER 2	\$1,089.74
Advertising Balance:	\$382.65	COMMERCIAL STORMWATER	\$2,916.00
Late Listing Balance:	\$910.76		
2010		\$82,467.16	
Principal Balance:	\$61,719.81	RES STORMWATER 1	\$3,223.76
Interest Balance:	\$6,380.51	RES STORMWATER 2	\$1,808.34
Advertising Balance:	\$1,422.24	COMMERCIAL STORMWATER	\$7,034.68
Late Listing Balance:	\$877.82		
2011		\$380,998.51	
Principal Balance:	\$276,597.40	RES STORMWATER 1	\$19,117.91
Interest Balance:	\$5,437.55	RES STORMWATER 2	\$7,822.78
Advertising Balance:	\$1,543.36	COMMERCIAL STORMWATER	\$68,452.97
Late Listing Balance:	\$2,026.54		

# Tax Transaction Journal Summary

**Totals By Year And Transaction Type**

Note: Adjustment transaction entries are reflected in revenues and adjustment transaction totals exclusively.

Year	Transaction Type	Trans Cnt	Amount
<b>2011</b>			
	Billing	2	\$1,758.59
	Payment	1,830	\$843,927.69
	Release	180	\$702.59
	Interest	1,666	\$6,966.77
	Adjust Bill Down	3	\$2,397.60
<b>2010</b>			
	Payment	17	\$1,541.97
	Release	2	\$30.28
	Interest	537	\$468.96
<b>2009</b>			
	Payment	4	\$486.62
	Interest	393	\$355.17
<b>2008</b>			
	Interest	240	\$123.43
<b>2007</b>			
	Interest	178	\$58.69
<b>2006</b>			
	Interest	167	\$76.73
<b>2005</b>			
	Payment	1	\$12.13
	Interest	94	\$16.65
<b>2004</b>			
	Payment	2	\$17.52
	Interest	159	\$16.71
<b>2003</b>			
	Payment	2	\$9.50
	Interest	127	\$16.63

Tax Transaction Journal Summary

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Transaction Type	Trans Cnt	Amount
<b>2002</b>		
Interest	127	\$14.02

Transaction Type	Trans Cnt	Amount
<b>2001</b>		
Interest	66	\$7.24

Transaction Type	Trans Cnt	Amount
<b>2000</b>		
Payment	2	\$10.85

Grand Totals

Transaction Type	Trans Cnt	Amount
Billing	2	\$1,758.59
Payment	1,858	\$846,006.28
Release	182	\$732.87
Interest	3,754	\$8,121.00
Adjust Bill Down	3	\$2,397.60
<b>Grand Totals:</b>	<b>5,799</b>	<b>\$859,016.34</b>



## Town of Indian Trail Tax Department

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### Memo

TO: Mayor and Town Council

FROM: Janice Cook, Tax Collector

DATE: February 7, 2012

COUNCIL DATE: February 14, 2012

SUBJECT: Advertisement of Tax Liens for Tax Year 2011

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### **Required Actions:**

Action needed upon receipt of the report, the governing body must order the Tax Collector to advertise the tax liens.

**MAYOR**  
Michael L. Alvarez

**MAYOR PRO TEM**  
David L. Cohn

**TOWN MANAGER**  
Joseph A. Fivas



**Town of**  
**INDIAN TRAIL**  
north carolina

**TOWN COUNCIL**  
Robert W. Allen  
Christopher M. King  
Darlene T. Luther  
David K. Waddell

**TOWN CLERK**  
Peggy S. Piontek

**TO:** Mayor and Town Council

**FROM:** Joe Fivas, Town Manager

**Cc:** Marsha Sutton, Finance Director

**DATE:** February 14, 2012

**SUBJECT:** LGC-203 Report of Deposits and Investments

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As required by the Town's Cash Management Policy, attached is a copy of the LGC-203 report submitted to the LGC (Local Government Commission) during the month of January for the period ending December 31, 2012.

This report is a semi-annual report of all cash and investments held by the Town. Items reflected on this report are:

- Amount of funds in the custody of the Town
- Types of funds and how collateralized, whether dedicated or pooling method
- List of all investment securities

The LGC reviews these reports to determine:

- All funds are in authorized depositories and properly collateralized/secured
- All investments are permitted by General Statute
- The average maturity of investments are appropriate for the Town

This report is submitted to you for informational purposes and no action is required

State of North Carolina  
 LOCAL GOVERNMENT COMMISSION  
 325 North Salisbury Street, Raleigh, North Carolina 27603-1385  
 REPORT OF DEPOSITS AND INVESTMENTS  
 (As required by G.S. 159-33 and G.S. 115C-446)

Report Period Year

As of: DECEMBER 31 2011  
 (June 30 or December 31, and Year)

Name of Unit: INDIAN TRAIL

LGC Use Only		
Unit Code	Unit Type	Rec'd Date
191	A	

Legal Name of Unit: Town of Indian Trail

Does the unit have a written cash management policy? (Yes or No) Yes Has this policy been approved by the Board? Yes (Yes or No)  
 Are custodial arrangements in compliance with G.S. 159-30(e)(12) and G.S. 159-30(d) or G.S. 115C-443(d)? Yes (Yes or No)  
 Does the unit have a cash concentration account and/or a central depository system in place? Yes (Yes or No)

**I. Cash on hand** (see Instruction 2).

	Amount
Petty cash funds and change funds .....	\$ 850
Undeposited receipts .....	_____
Total cash on hand .....	_____

Total Cash on Hand

Manual Preparer's: \$ 850

ENTER THIS NUMBER ON PAGE 2 SECTION VII LINE 1

**II. Dedicated Method Financial Institution** (see Instruction 3 & 5): Note: All Housing Authorities must use the Dedicated Method rules.

(fill out Section VIII for each Dedicated Bank)

	A Demand Deposits (Non-interest bearing)		B Time Deposits Regular Savings	C Interest Bearing Checking Accounts C.D.s
	\$	\$	\$	\$
(1) _____	\$ _____	\$ _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____	\$ _____	\$ _____
Supplemental Pages (Dedicated Method)	_____	_____	_____	_____
<b>Totals for All Dedicated Banks</b>	<b>\$ _____</b>	<b>\$ _____</b>	<b>\$ _____</b>	<b>\$ _____</b>

Grand Total - Dedicated

\$ \_\_\_\_\_

Manual Preparer's: ENTER THIS NUMBER ON PAGE 2 SECTION VII LINE 2

**III. Pooling Method Financial Institutions** (see Instruction 3 & 6):

LIST ONLY BANKS INCLUDED ON POOLING BANK MEMO

(1) Branch Banking & Trust	\$ _____	\$ _____	\$ 274,983	\$ 3,572,226
(2) Yadkin Valley Bank	_____	_____	343,203	_____
(3) First Citizens Bank & Trust Company	241,307	_____	_____	_____
(4) Citizens South Bank	_____	_____	1,459,154	_____
Supplemental Pages (Pooling Method)	_____	_____	_____	_____
<b>Totals for All Pooling Banks</b>	<b>\$ 241,307</b>	<b>\$ _____</b>	<b>\$ 2,077,340</b>	<b>\$ 3,572,226</b>

Grand Total - Pooling

\$ 5,890,873

Manual Preparer's: ENTER THIS NUMBER ON PAGE 2 SECTION VII LINE 3

**IV. Investments** (see Instruction 7): Supplemental schedules may be attached with details but totals of market value are required for each type.\*

	Amount
North Carolina Capital Management Trust Cash Portfolio	\$ 9,386,695
North Carolina Capital Management Trust Term Portfolio	_____
Short Term Investment Fund (STIF)	_____
OPEB Irrevocable Trust - Funds with State Treasurer	_____
OPEB Irrevocable Trust - Other (Please provide a copy of portfolio listing)	_____
Hospital Funds Invested with State Treasurer	_____

Government Securities	Name of Custodian or Safekeeper	Type of Security	Purchase Amount	Market Value	Purchase Date	Maturity Date	Yield <sup>a</sup>
_____	_____	_____	\$ _____	\$ _____	_____	_____	_____
_____	_____	_____	\$ _____	\$ _____	_____	_____	_____
Total from LGC-203 Front- Supplementals				\$ _____	_____	_____	_____
				Total by Type*	<span style="border: 1px solid black; padding: 2px;">\$ _____</span>		

Government Agencies	Name of Custodian or Safekeeper	Type of Security	Purchase Amount	Market Value	Purchase Date	Maturity Date	Yield <sup>a</sup>
_____	_____	_____	\$ _____	\$ _____	_____	_____	_____
_____	_____	_____	\$ _____	\$ _____	_____	_____	_____
Total from LGC-203 Front- Supplementals				\$ _____	_____	_____	_____
				Total by Type*	<span style="border: 1px solid black; padding: 2px;">\$ _____</span>		

Commercial Paper	Name of Custodian or Safekeeper	Issuer	Purchase Amount	Maturity Value	Purchase Date	Maturity Date	Yield <sup>a</sup>
_____	_____	_____	\$ _____	\$ _____	_____	_____	_____
_____	_____	_____	\$ _____	\$ _____	_____	_____	_____
Total from LGC-203 Front- Supplementals				\$ _____	_____	_____	_____
				Total by Type*	<span style="border: 1px solid black; padding: 2px;">\$ _____</span>		

Bankers' Acceptance	Name of Custodian or Safekeeper	Bank	Purchase Amount	Maturity Value	Purchase Date	Maturity Date	Yield <sup>a</sup>
_____	_____	_____	\$ _____	\$ _____	_____	_____	_____
_____	_____	_____	\$ _____	\$ _____	_____	_____	_____
Total from LGC-203 Front- Supplementals				\$ _____	_____	_____	_____
				Total by Type*	<span style="border: 1px solid black; padding: 2px;">\$ _____</span>		

Other Investments	Name of Custodian or Safekeeper	Type of Investment	Purchase Amount	Market Value	Purchase Date	Maturity Date	Yield <sup>a</sup>
_____	_____	_____	\$ _____	\$ _____	_____	_____	_____
_____	_____	_____	\$ _____	\$ _____	_____	_____	_____
Total from LGC-203 Front- Supplementals				\$ _____	_____	_____	_____
				Total by Type*	<span style="border: 1px solid black; padding: 2px;">\$ _____</span>		

<sup>a</sup> All yields should be quoted on a bond-equivalent basis.

**V. Repurchase Agreements** (see Instruction 8):

Institution	Purchase Date	Maturity Date	Type of Security Purchased	Purchase Amount	Market Value	Name of Custodian or Safekeeper	Is Master Repo Agreement Used?	Yield
_____	_____	_____	_____	\$ _____	\$ _____	_____	_____	_____
Total from LGC-203 Front- Supplementals				\$ _____	\$ _____	_____	_____	_____
				Total by Type*	<span style="border: 1px solid black; padding: 2px;">\$ _____</span>			

**Grand Total of Sect. IV & V Investments (See Instruction 9)**

\$ 9,386,695

Manual Preparer's: ENTER THIS NUMBER ON PAGE 2 SECTION VII LINE 5

REPORT OF DEPOSITS AND INVESTMENTS

VI. Analysis of Interest Bearing Checking

Financial Institution	Amount	Yield
<b>TOTAL</b>	<b>\$ -</b>	

VII. Summary (see Instruction 11): Please recheck totals.

(1) Cash on hand (ENTER TOTAL FROM PAGE 1 SECTION I)	\$	850
(2) Total cash on deposit for Dedicated Method (SECTION II)		-
(3) Total cash on deposit for Pooling Method (SECTION III)		5,890,873
(4) Total cash		5,891,723
(5) Investments (totals Section IV & V)		9,386,695
(6) Total cash and investments (lines 4 plus 5)		15,278,418
(7) Less: Unexpended bond and/or note proceeds		
(8) Net cash and investments (line 6 minus 7)		15,278,418

VIII. Deposits in Dedicated Method Financial Institutions: (See Instruction 12)

REQUIRED FOR BANKS LISTED ON PAGE 1 IN SECTION II

Name of financial institution (1)	0			Securities Pledged as Collateral with Third Party Escrow Agent	Market Value at June 30 or December 31
	(a) Deposit Amount	(b) FDIC Insured Amount	(a)-(b) Uninsured Amount		
Non-interest bearing deposits (Col. A, Sec. II)	\$ -	\$ 250,000	-	U.S. Treas. & agencies	
Time deposits (Col. B, Sec. II)	\$ -			State of N.C. /county/municipal	
NOW, SUPERNOW, and Money Market deposit accounts (Col. C, Sec. II)	\$ -			Other	
<b>Total Interest Bearing Accounts:</b>	<b>\$ -</b>	<b>\$ 250,000</b>	<b>-</b>	<b>Total Pledged:*</b>	<b>\$ -</b>

Name of Escrow Agent (or Federal Reserve Bank location, if applicable).

Is there a signed escrow agreement in place (nonapplicable for Federal Reserve Bank)?

Does the unit receive timely confirmations of pledged collateral from the escrow agent?

\* Attach confirmation from depository.

No Yes

No Yes

Name of financial institution (2)	0			Securities Pledged as Collateral with Third Party Escrow Agent	Market Value at June 30 or December 31
	(a) Deposit Amount	(b) FDIC Insured Amount	(a)-(b) Uninsured Amount		
Non-interest bearing deposits (Col. A, Sec. II)	\$ -	\$ 250,000	-	U.S. Treas. & agencies	
Time deposits (Col. B, Sec. II)	\$ -			State of N.C. /county/municipal	
NOW, SUPERNOW, and Money Market deposit accounts (Col. C, Sec. II)	-			Other (attach list)	
<b>Total Interest Bearing Accounts:</b>	<b>\$ -</b>	<b>\$ 250,000</b>	<b>-</b>	<b>Total Pledged:*</b>	<b>-</b>

Name of Escrow Agent (or Federal Reserve Bank location, if applicable).

Is there a signed escrow agreement in place (nonapplicable for Federal Reserve Bank)?

Does the unit receive timely confirmations of pledged collateral from the escrow agent?

\* Attach confirmation from depository.

No Yes

No Yes

<b>CERTIFICATION</b> This is to certify that the data contained in this report is accurate to the best of my knowledge and belief.	Signature of Official	Date	Telephone Number, including area code
	Name of Official (Type or print your name)		Number
	Tide (i.e. Finance Officer, Treasurer, etc)		Extension
	Mailing Address - Street		Fax Number, including area code
	Mailing Address - City, State and Zip Code		Number
			Email Address

Marsha G Sutton  
 Finance Director  
 P. O. Box 2430  
 Indian Trail, NC 28079  
 704-821-5401  
 704-821-9045  
 financedirector@admin.indiantrail.org

List of Budget Amendments submitted to Council February 14, 2012

1. Reallocate funds within Public Works department.
2. Transfer funds between Administration and IT departments for internet service expenses.
3. Reallocate funds within Community and Economic Development for Christmas Event.
4. Recognize revenue received from Stone Theatres for Christmas Tree.
5. Recognize revenue received from Hanson Brick per Clarification Agreement.
6. Reallocate funds within Engineering department.
7. Transfer funds between GIS/IT and Finance for software conversion.
8. Reallocate funds within the Administration department.
9. Reallocate funds within Human Resource department.
10. Reallocate funds within Powell Bill Fund.
11. Reallocate funds within Public Works Department.
12. Reallocate funds within Community and Economic Development Department for Arbor Day/Earth Day, Easter Event and Community Pride Week.

If Council has any questions, or would like to see any of the budget amendments, please contact the Finance Director at 704-821-5401.



PLANNING AND DEVELOPMENT DEPARTMENT

**Planning Board Transmittal for the February 14<sup>th</sup>, 2012 Town Council Meeting**

<b>Case: ZM 2011-003</b>			
<b>Reference Name</b>	<b>Sun Valley Phase III Rezone</b>		
<b>Meeting Date</b>	January 17 <sup>th</sup> , 2012		
<b>Members Present</b>	Russell Whitehurst Chair	Jan Brown (Alternate)	
	Patricia Cowan Vice Chair	Kathy Broom	Sidney Sandy
		Larry Miller	Cathi Higgins (Alternate)
<b>Absent</b>	Gary Vaughn	Robert Rollins	
<b>Case Found Complete</b>	Yes    x                      No		
<b>Motion</b>	Recommend approval		
<b>Member making the motion</b>	Patricia Cowan		
<b>Second the motion</b>	Larry Miller		
<b>Vote</b>	6-1 in favor, with an opposed vote from Kathy Broom		

**Summary**

The request is to rezone one, 0.488 acre parcel from Single Family Residential-1 (SF-1) to the General Business District (GBD). The subject property is located in a Village Center-Overlay that will remain unchanged if the rezoning is approved. The parcel is also located adjacent to the Sun Valley Commons Commercial Center on Old Monroe and Wesley Chapel Stouts Road. The Planning Board heard this request on January 17, 2012 and transmits a recommendation to approve.

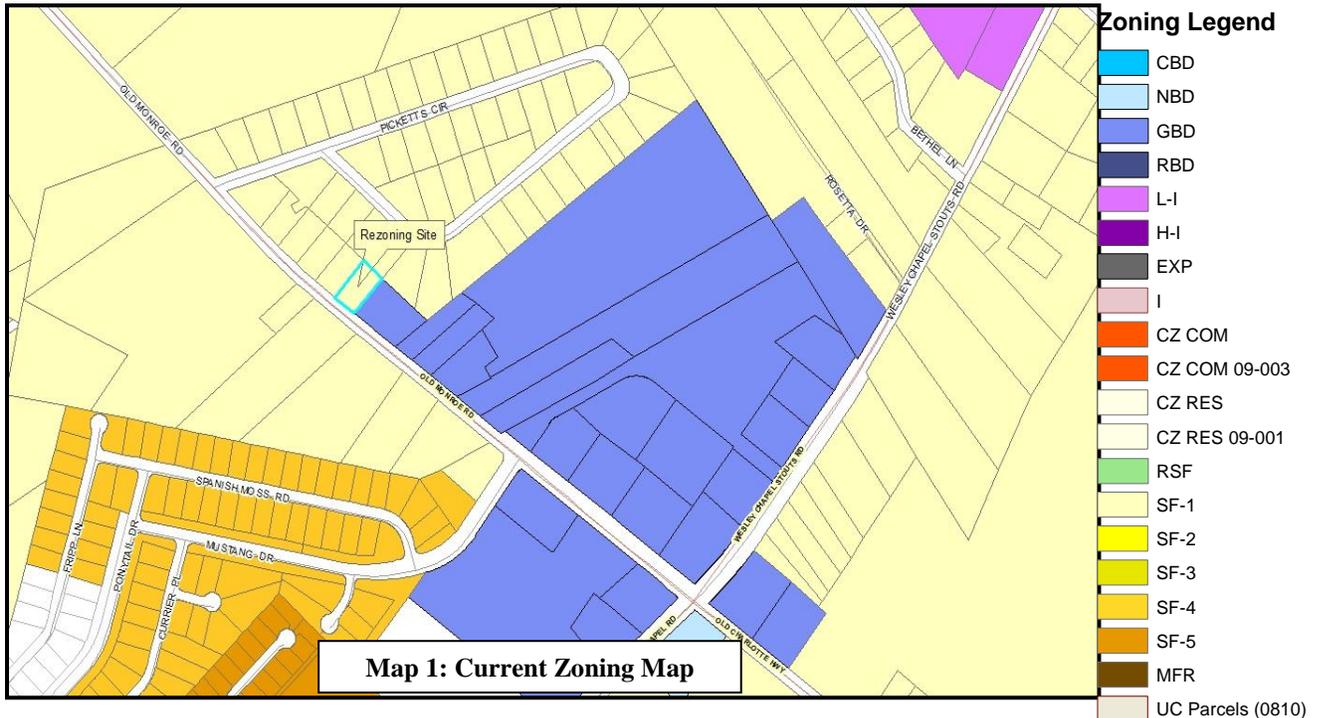
**Town Council Action:** *Receive transmittal report and public testimony and:*

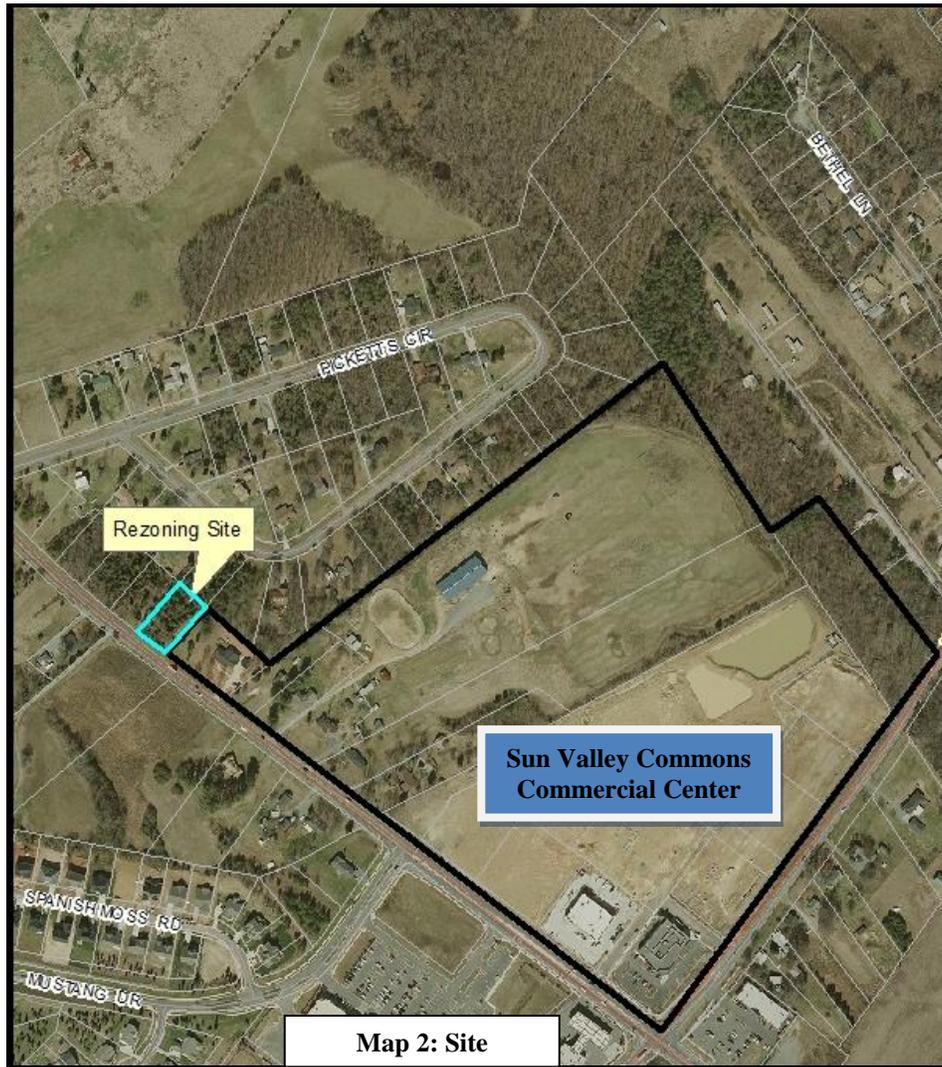
1. *Concur with the findings and transmittal of the Planning Board to approve; or*
2. *Concur with the findings and approve as modified by Council; or*
3. *Do not make the findings and disapprove.*

## Request and Overview

The subject property is currently in a wooded condition and features approx. 110 linear feet of frontage along Old Monroe Road. The subject property was acquired by the applicant at the same time as the adjacent movie theatre site and was intended to be rezoned to GBD with the previous Sun Valley Commons rezoning (Case No. ZM2010-002). In preparing the 2010 rezoning application, the applicant mistakenly did not include the 0.488 acre subject property in the rezoning application. The proposed rezoning to GBD will correct the previous oversight and ensure the ability to combine the subject property with the adjacent commercial site.

Permissible uses in the General Business District include a variety of commercial, financial, business service, and office uses (see Attachment 2 for a complete list). Adjacent uses and zoning classifications in the subject area are single family residential (SF-1) and commercial (GBD). Map 1 is the official zoning map for the area. Map 2 is a site reference map.





### Planning Board

The Board heard this item at its January 17, 2012 public meeting. Public comments were provided by Amanda and Michael Faulkenbury of the Valley Estates neighborhood. They expressed concerns regarding potential impacts associated with having a commercial business located on the subject property. They also expressed concerns regarding the required buffering associated with the future site development (if rezoned). Board members discussed these concerns and the merits of the proposed rezoning, as contemplated by the Comprehensive Plan. The following is a link to the audio recording of the public meeting: [January 17, 2012 PB Public Meeting](#) (approx. 4:09 minutes into recording).

The Planning Board voted 6-1 to transmit a recommendation to approve. In recommending the zoning map amendment for approval to the Town Council, the Planning Board also made the required consistency findings as follows:

1. The following findings were made consistent with the Comprehensive Plan:
  - *Goal 1.3.1 Quality of Life:* The proposed rezoning to GBD within the Village Center will help to promote a diversity of land uses and a better quality of life for our residents by providing opportunity to build out the Village Centers establishing unique identity and providing goods and services as planned.

- *Goal 1.3.2 Land Use:* The proposed rezone petition is consistent with the vision of community form, providing a mix of uses within the intended area (Village Center) including an analysis to support its request to service our residents as well as residents in neighboring communities. It further promotes the opportunity to establish a more balanced tax base by promoting commercial development.
2. The request for this zoning reclassification is a reasonable request and is in the public interest because it promotes the goals of the adopted Indian Trail Comprehensive Plan in the areas of Quality of Life and Land Use and is consistent with the adopted plans within the Town of Indian Trail.

### **Council Action**

Section 320.050 of the Unified Development Ordinance outlines the ultimate considerations before Council on map amendments. They are:

1. Range of uses that may occur under the proposed zoning classification versus the range of uses under the existing zoning classification; and
2. The impact of the proposed change on the public at large versus any advantages or disadvantages to the individual requesting the change; and
3. The existing land uses within the general vicinity of the property and the zoning classifications; and
4. The suitability of the subject property for the uses permitted under the existing zoning classification; and versus advantage
5. The extent that the amendment may adversely affect the operation of public facilities or services including roads, storm water management facilities, etc.; and
6. Consistency with the Indian Trail Comprehensive Plan and small area plan if applicable.

### **Staff Contact**

Rox Hunter Burhans, AICP

Senior Planner

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

**Attachment 1** – Planning Board Staff Report

**Attachment 2** – Permissible Use Table

**Attachment 3** – Draft Ordinance

**TC ATTACHMENT 1**



Town of  
**INDIAN TRAIL**  
north carolina

P.O. Box 2430  
Indian Trail, North Carolina 28079  
Telephone (704) 821-5401  
Fax (704) 821-9045  
PLANNING AND DEVELOPMENT DEPARTMENT

## Zoning Map Amendment Staff Report

<b>Case: ZM 2011-003 Sun Valley Phase III Rezone Petition</b>		
<b>Reference Name</b>	Sun Valley Commons Rezoning	
<b>Request</b>	Proposed Zoning	GBD (General Business District)
	Proposed Use	Future Commercial
<b>Existing Site Characteristics</b>	Existing Zoning	SF-1 (single-family residential)/VC-O
	Existing Use	Vacant/Undeveloped
	Site Acreage	0.488 acres
<b>Applicant</b>	Sun Valley Commons, LLC	
<b>Submittal Date</b>	12/2011	
<b>Location</b>	Old Monroe Road and Wesley Chapel Road adjacent to Sun Valley Commons Commercial Center	
<b>Tax Map Number</b>	07090078	
<b>Plan Consistency</b>	Town of Indian Trail Comp. Plan	Designation- Sun Valley Village Center
		Consistent with Request
<b>Recommendations &amp; Comments</b>	Planning Staff	Recommends Approval for General Business (GBD) Classification

### Project Summary

Request: To rezone one parcel (approx. 0.488 acres) from Single-Family Residential (SF-1) to General Business District (GBD). Subject parcel is located adjacent to the Sun Valley Commons Commercial Center on Old Monroe and Wesley Chapel Stouts Road (see Figure 1).

**Staff Recommendation-** Staff recommends the Planning Board receive the report and recommend approval to the Town Council as presented.

### General Information

The property in question is currently of a single-family residential (SF-1) zoning classification and is further described in the table below.

Parcel Number	Address	Acreage	Current Use
07090078	Old Monroe Road	0.488	Vacant/Undeveloped

The subject property is located on Old Monroe Road adjacent to the Sun Valley Commons Movie Theatre site that is currently under construction (see Figure 1). The subject property features approx. 110-linear feet of frontage on Old Monroe Road.

The subject property was acquired by the applicant at the same time as the adjacent movie theatre site and was intended to be rezoned to GBD with the previous Sun Valley Commons rezoning (Case No. ZM2010-002). In preparing the 2010 rezoning application, the applicant mistakenly did not include the 0.488 acre subject property in the rezoning application. The proposed rezoning to GBD will correct the previous oversight and ensure the ability to combine the subject property with the adjacent commercial site.

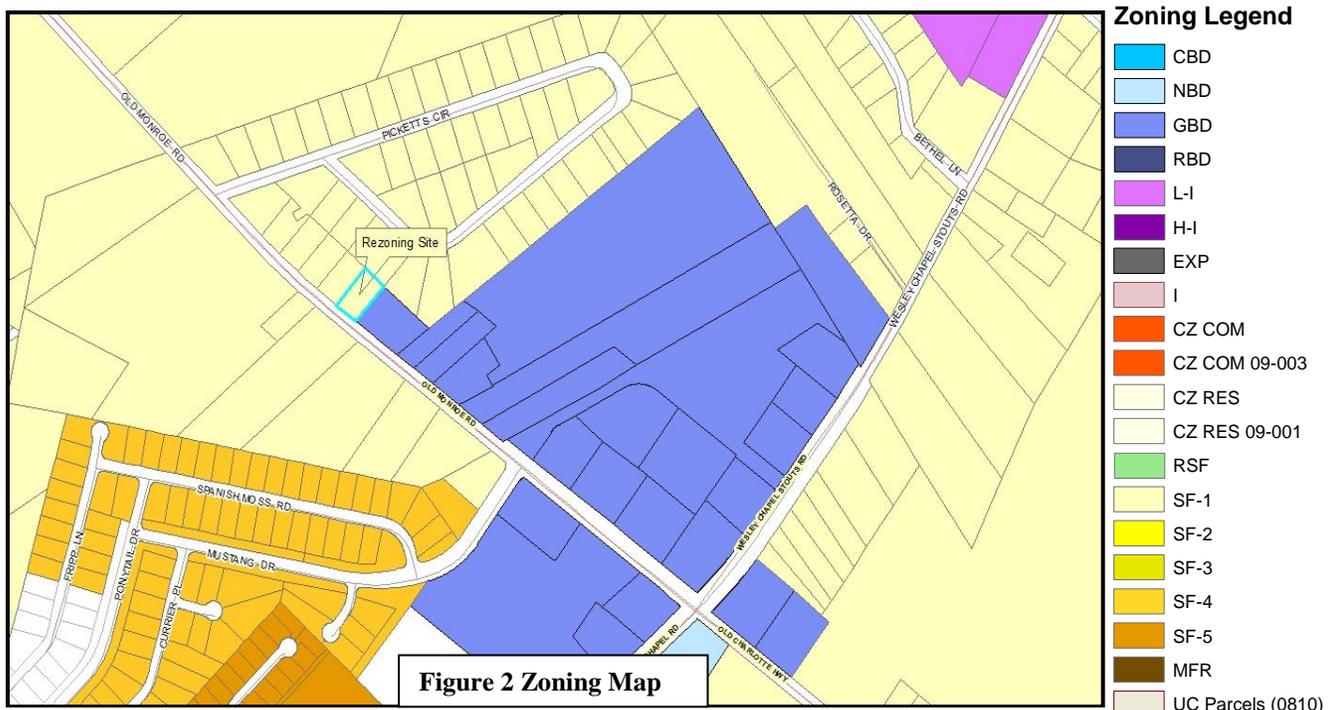


## Zoning Information

The subject property is zoned Single-Family Residential (SF-1) and is located within a Village Center Overlay Zone. The Village Center Overlay District designates areas within the Town where mixed-use centers may be established. Village Center Overlay Districts may be established with different mixes of land uses and different densities consistent with the broad guidelines established by the Comprehensive Plan.

The applicant is requesting to rezone the subject property's base zone from SF-1 to the General Business District classification. The Village Center Overlay Zone will remain. The GBD, General Business District, is intended to provide for businesses that provide goods and services to the entire Town. These districts provide for a wide variety of commercial, financial, business service, and office uses. The service area of businesses in the GBD will be primarily from residents of the Town. The standards that apply in the district are intended to create and maintain an appealing shopping environment for the community which is in harmony with the Village Center Overlay District.

Adjacent uses and zoning classifications in the subject area are single family residential (SF-1) and Commercial (GBD). Figure 2 is the official zoning map for the area.



## Site Characteristics

The subject property is approximately 0.488 acres in size and is in a generally wooded condition (see Figure 1 aerial).

## Plan Consistency

### *Comprehensive Plan*

The property is located within the Village Center of the Sun Valley Suburban Mix Village land use area of the Indian Trail Comprehensive Plan. This Village Center abuts a second Village Center located to west on Old Monroe (see Figure 3). The Village Centers combined, provides a unique opportunity to create a sense of place within the Sun Valley area through architecture and streetscape improvements.

A Village Center is intended to concentrate higher-intensity commercial uses and higher-density residential around the intersections of boulevards and thoroughfares. A Village Center benefits both residential and commercial uses. The co-location of more intense uses creates opportunities for a sense of place not possible in a more sprawling pattern of commercial uses along an arterial. The commercial core of a Village Center would include retail, office, entertainment, and public facilities.

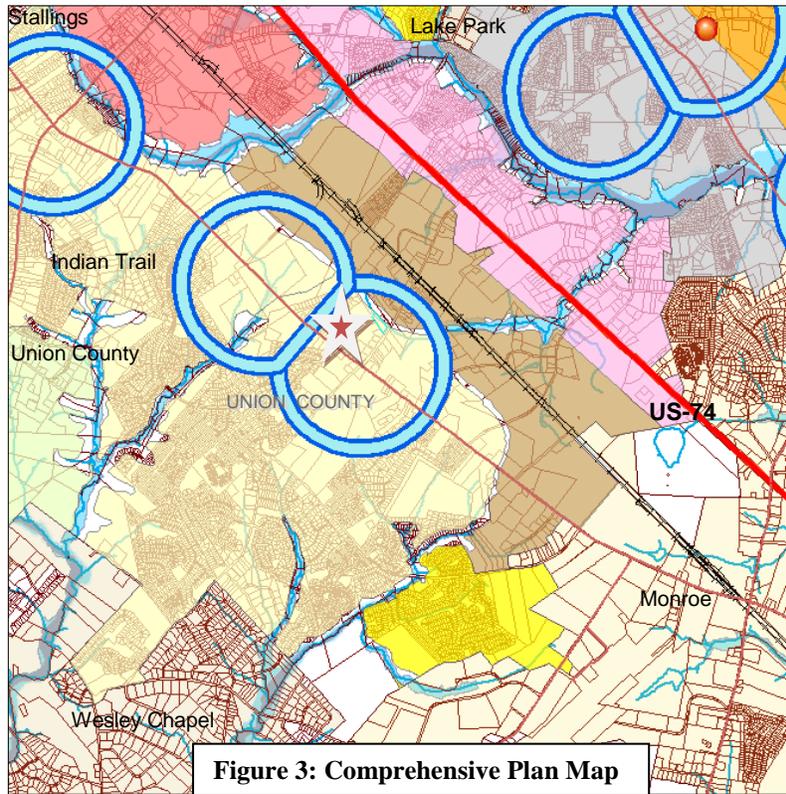


Figure 3: Comprehensive Plan Map

All Villages within the Comprehensive Plan identify a future land use make-up. The table below provides the current make-up and future build out.

### Mix Village - Existing Land Sun Valley/Suburban Use Calculations

Land Use	Current Base	Percent Base	Flexibility Factor
Low Density Residential	2.25%	7%	+2

Medium Density Residential	51.35%	60%	-5
High Density Residential	2.91%	8%	+/-2
Multi-Family Residential	0.42%	3%	+/-1
Parks/Open Space/ Agriculture/ Forest	3.94%	6%	-
Institutional	6.38%	7%	+2
Retail	4.40%	2%	-
Office	1.00%	2%	-
Boulevards/Thoroughfares	5.09%	5%	-
Industrial	2.43%	-	-

The proposed petition, if approved, will transfer 0.488 acres of the current base from the medium density residential land use category and distribute it to the Retail land use category (including service and entertainment).

The rezone request is consistent with the Comprehensive Plan in the areas of medium density residential. The addition of the 0.488 acres to the Retail category exceeds the allowed base. The Comprehensive Plan addresses this situation by requiring the petitioner to demonstrate market support for their proposed size and mix of uses. The applicant has provided an update to their previous 2010 market analysis to support the rezoning request and will present the findings at the public meeting (see Attachment 4).

### **Action Required**

The Planning Board must make findings prior to motioning for recommendation. The finding must be made that the proposed amendment is both reasonable and consistent with the Comprehensive Plan. Staff is of the opinion the goals of the Comprehensive Plan are satisfied as follows:

***Goal 1.3.1 Quality of Life: A more sustainable quality of life to the residents of Indian Trail by establishing a greater sense of community and promoting a unique identity within the Town of Indian Trail for all residents.***

The proposed rezoning to GBD within the Village Center will help to promote a diversity of land uses and a better quality of life for our residents by providing opportunity to build out the Village Centers establishing unique identity and providing goods and services as planned.

***Goal 1.3.2 Land Use: A more balanced tax base by promoting the development of office parks, businesses, retail centers, and industrial parks:***

The proposed rezone petition is consistent with the vision of community form, providing a mix of uses within the intended area (Village Center) including an analysis to support its request to service our residents as well as residents in neighboring communities. It further promotes the

opportunity to establish a more balanced tax base by promoting commercial development.

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

### **Recommendation**

The Planning Staff believes that the findings can be made to support the petition requesting a rezone to a General Business zoning classification for the subject property.

### **Staff Contact**

Rox Hunter Burhans, AICP

Senior Planner

(704) 821-5401 ext. 226

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

Attachment 1 - Application

Attachment 2 - Letter of Intent

Attachment 3 - Site Exhibit Map

Attachment 4 - Market Analysis

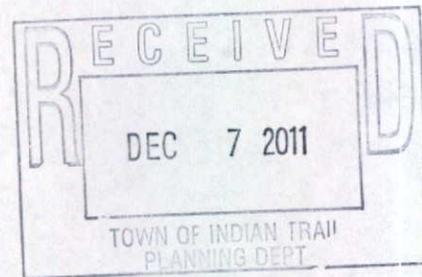
Attachment 5 - Ordinance

# **ATTACHMENT ONE**

ZONING MAP AMENDMENT APPLICATION



R-000336  
ZM2011-003



Submittal Requirements

- Completed Application
- Notarized signatures of applicant and property owner
- Letter of Intent
- Fees associated with review

General Information

Project Address 6523 OLD MONROE ROAD

City INDIAN TRAIL State NC Zip 28079

Tax Parcel ID 07 09 0078 Zoning Designation SF-1

Total Acres 0.488 Impervious Area 0

Project Description REZONING SF-1 TO GBD FOR COMMERCIAL DEVELOPMENT AS SUN VALLEY COMMONS PH. III

Contact Information – Applicant

Name SUN VALLEY COMMONS, LLC

Address 231 POST OFFICE DRIVE, STE. B8

City INDIAN TRAIL State NC Zip 28079

Phone 704 882 1700 Fax 704 882 2220

Email dmoser@themosergroupinc.com

Contact Information – Property Owner

Name SUN VALLEY COMMONS, LLC

Address 231 POST OFFICE DRIVE, STE B8

City INDIAN TRAIL State NC Zip 28079

Phone 704 882 1700 Fax 704 882 2220

Email dmoser@themosergroupinc.com

ZONING MAP AMENDMENT APPLICATION



**Applicant's Certification**

Signature

*[Handwritten Signature]*

Date

11-23-11

Printed Name/Title

Dennis W. Moser / Member Manager

Signature of Notary Public

*[Handwritten Signature]*

Date

11-23-11



**Property Owner's Certification**

Signature

*[Handwritten Signature]*

Date

11-23-11

Printed Name/Title

Dennis W. Moser / Member Manager

Signature of Notary Public

*[Handwritten Signature]*

Date

11-23-11



**TOWN OF INDIAN TRAIL OFFICE USE ONLY**

Case Number:

ZM2011-003

Date Received:

12/7/11

Amount of Fee:

NA - Business Friendly Act

Received By:

CAI

Receipt #:

NA

# **ATTACHMENT TWO**



November 29, 2011

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

Re: Letter of Intent for Zoning Map Amendment Application  
Tax Parcel ID: 07 09 0078  
Sun Valley Commons, Phase III  
Indian Trail, North Carolina

Dear Ms. DeHart:

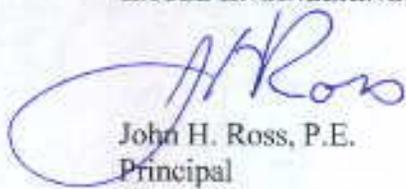
On behalf of our client, Sun Valley Commons, LLC, please accept this Zoning Map Amendment Application for the referenced 0.488 acre parcel of land. As a matter of clarification, the parcel was purchased by Sun Valley Commons along with the eight parcels previously zoned GBD for the Phase III of the Sun Valley Commons Development. The parcel was inadvertently omitted from the previous zoning application.

The subject parcel fronts Old Monroe Road and is contiguous with Lot 14 of the existing commercial center. The parcel is currently zoned as single family residential (SF-1). Our proposed zoning, consistent with the existing commercial center, is General Business District (GBD). It is intended that the parcel will be incorporated into Lot 14 of Sun Valley Commons.

Thank you for your consideration of this map amendment request. If you have any questions or require additional information, please feel free to call at your convenience.

Sincerely,

**EAGLE ENGINEERING, INC.**



John H. Ross, P.E.  
Principal

CC: Sun Valley Commons/File 4257.4

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

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

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

# **ATTACHMENT THREE**



TAX PID - 07090078  
 OWNER - SUN VALLEY COMMONS, LLC  
 DEED REFERENCE - 5591-186  
 0.488 ACRES

TAX PID - 07090005C  
 LOT 14  
 SUN VALLEY COMMONS  
 PHASE 3

CURRENT ZONING: SF-1, SINGLE FAMILY, LOW DENSITY  
 PROPOSED ZONING: GBD, GENERAL BUSINESS DISTRICT

DRAWN BY: KEL SCALE: 1" = 40' DATE: 12-06-11 PROJECT NO.: 4478C

X:\Land Projects R2\4257 Sun Valley Phase 3\dwg\rezoning exhibit.dwg, REZONING, 12/6/2011 2:38:55 PM

REZONING  
 EXHIBIT



2013 Van Buren Avenue P.O. BOX 551  
 Indian Trail, NC 28079 Alpharetta, GA 30009  
 (704) 882-4222 (678) 339-0640  
 www.eagleonline.net

# **ATTACHMENT FOUR**



# THE MOSER GROUP, INC.

COMMERCIAL REAL ESTATE

January 5, 2012

Town of Indian Trail  
PO Box 2430  
Indian Trail, NC 28079

Dear Board Members,

Thank you for your consideration of the rezoning request regarding Sun Valley Commons, LLC.

We feel that the additional commercial rezoning, as requested by Sun Valley Commons, LLC is warranted.

We personally met with officers with ESRI and CCIM Site to Business at the International Council of Shopping Centers Convention held in Las Vegas, and reviewed demographics for this rezoning.

The CCIM Site to Do Business Training Department actually assisted us with research where we drew polygons of the study area. These polygons well exceeded the Indian Trail City Limits.

A few quick facts are:

- Population in a five mile radius is projected to grow from 75,898 in 2010 to 95,627 in 2015
- Total Retail Food and Drink Demand, in a five mile radius, exceeds current supply by \$151,826,822.

We believe that future growth, along with significant underserved demand, strongly supports the rezoning request for Sun Valley Commons Phase III.

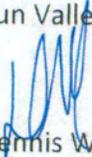
Additionally, we feel that Sun Valley Commons will become a "destination" and will be a draw to Indian Trail. For that reason, coupled with the projected growth and underserved demand, the proposed size and mix (of uses) will not preclude development of other Village Centers, particularly for Village Centers whose anticipated market support area extends beyond the Indian Trail Planning Area.

Our center abuts a future Village Center planned to form around the Faith Road Church extension. The future road is unfunded, leaving anticipated build-out of the future Village Center unknown, indicating Sun Valley Commons will not impact that Village in the Near Future.

The Village Center of Sun Valley will provide goods and services that we feel will change where the region shops and entertains, and will draw from outside the Indian Trail Planning Area. Sun Valley Commons is the last planned Village Center along Old Monroe Road.

For all of the reasons above, we feel that the Sun Valley Commons Phase III rezoning request is fully justified based on current demand, future growth, and the draw that will be created by destination visits.

Sun Valley Commons, LLC



Dennis W Moser, MAI



Van Southard, MBA, CCIM



# 2010 Retail MarketPlace Profile

Prepared by Vance SouthardMBA, CCIM

SVC, 1,3,5 mile  
 Wesley Chapel Stouts Rd & Old Charlotte Hwy, Indian Trail, NC, 28110  
 Ring: 1 mile radius

Latitude: 35.047467  
 Longitude: -80.645538

## Summary Demographics

2010 Population	3,927
2010 Households	1,220
2010 Median Disposable Income	\$52,593
2010 Per Capita Income	\$26,073

## Industry Summary

	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Leakage/Surplus Factor	Number of Businesses
Total Retail Trade and Food & Drink (NAICS 44-45, 722)	\$34,966,945	\$22,158,955	\$12,807,990	22.4	14
Total Retail Trade (NAICS 44-45)	\$30,668,409	\$19,563,972	\$11,104,437	22.1	9
Total Food & Drink (NAICS 722)	\$4,298,536	\$2,594,983	\$1,703,553	24.7	5

Industry Group	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Leakage/Surplus Factor	Number of Businesses
Motor Vehicle & Parts Dealers (NAICS 441)	\$7,754,564	\$1,820,311	\$5,934,253	62.0	2
Automobile Dealers (NAICS 4411)	\$6,753,055	\$1,203,515	\$5,549,540	69.7	1
Other Motor Vehicle Dealers (NAICS 4412)	\$664,630	\$75,278	\$589,352	79.7	1
Auto Parts, Accessories, and Tire Stores (NAICS 4413)	\$336,879	\$541,518	\$-204,639	-23.3	1
Furniture & Home Furnishings Stores (NAICS 442)	\$959,954	\$369,278	\$590,676	44.4	1
Furniture Stores (NAICS 4421)	\$409,161	\$0	\$409,161	100.0	0
Home Furnishings Stores (NAICS 4422)	\$550,793	\$369,278	\$181,515	19.7	1
Electronics & Appliance Stores (NAICS 443/NAICS 4431)	\$1,015,447	\$109,391	\$906,056	80.5	1
Bldg Materials, Garden Equip. & Supply Stores (NAICS 444)	\$1,492,766	\$1,567,627	\$-74,861	-2.4	1
Building Material and Supplies Dealers (NAICS 4441)	\$1,339,516	\$1,471,592	\$-132,076	-4.7	1
Lawn and Garden Equipment and Supplies Stores (NAICS 4442)	\$153,250	\$96,035	\$57,215	23.0	1
Food & Beverage Stores (NAICS 445)	\$5,431,935	\$7,839,477	\$-2,407,542	-18.1	1
Grocery Stores (NAICS 4451)	\$5,326,162	\$7,839,477	\$-2,513,315	-19.1	1
Specialty Food Stores (NAICS 4452)	\$53,473	\$0	\$53,473	100.0	0
Beer, Wine, and Liquor Stores (NAICS 4453)	\$52,300	\$0	\$52,300	100.0	0
Health & Personal Care Stores (NAICS 446/NAICS 4461)	\$1,208,776	\$1,275,596	\$-66,820	-2.7	1
Gasoline Stations (NAICS 447/4471)	\$5,000,511	\$2,129,217	\$2,871,294	40.3	1
Clothing and Clothing Accessories Stores (NAICS 448)	\$1,076,305	\$339,663	\$736,642	52.0	1
Clothing Stores (NAICS 4481)	\$756,365	\$339,663	\$416,702	38.0	1
Shoe Stores (NAICS 4482)	\$135,670	\$0	\$135,670	100.0	0
Jewelry, Luggage, and Leather Goods Stores (NAICS 4483)	\$184,270	\$0	\$184,270	100.0	0
Sporting Goods, Hobby, Book, and Music Stores (NAICS 451)	\$173,371	\$94,901	\$78,470	29.3	1
Sporting Goods/Hobby/Musical Instrument Stores (NAICS 4511)	\$66,760	\$94,901	\$-28,141	-17.4	1
Book, Periodical, and Music Stores (NAICS 4512)	\$106,611	\$0	\$106,611	100.0	0

**Data Note:** Supply (retail sales) estimates sales to consumers by establishments. Sales to businesses are excluded. Demand (retail potential) estimates the expected amount spent by consumers at retail establishments. Supply and demand estimates are in current dollars. The Leakage/Surplus Factor presents a snapshot of retail opportunity. This is a measure of the relationship between supply and demand that ranges from +100 (total leakage) to -100 (total surplus). A positive value represents 'leakage' of retail opportunity outside the trade area. A negative value represents a surplus of retail sales, a market where customers are drawn in from outside the trade area. The Retail Gap represents the difference between Retail Potential and Retail Sales. Esri uses the North American Industry Classification System (NAICS) to classify businesses by their primary type of economic activity. Retail establishments are classified into 27 industry groups in the Retail Trade sector, as well as four industry groups within the Food Services & Drinking Establishments subsector.

Sources: Esri and Infogroup



# 2010 Retail MarketPlace Profile

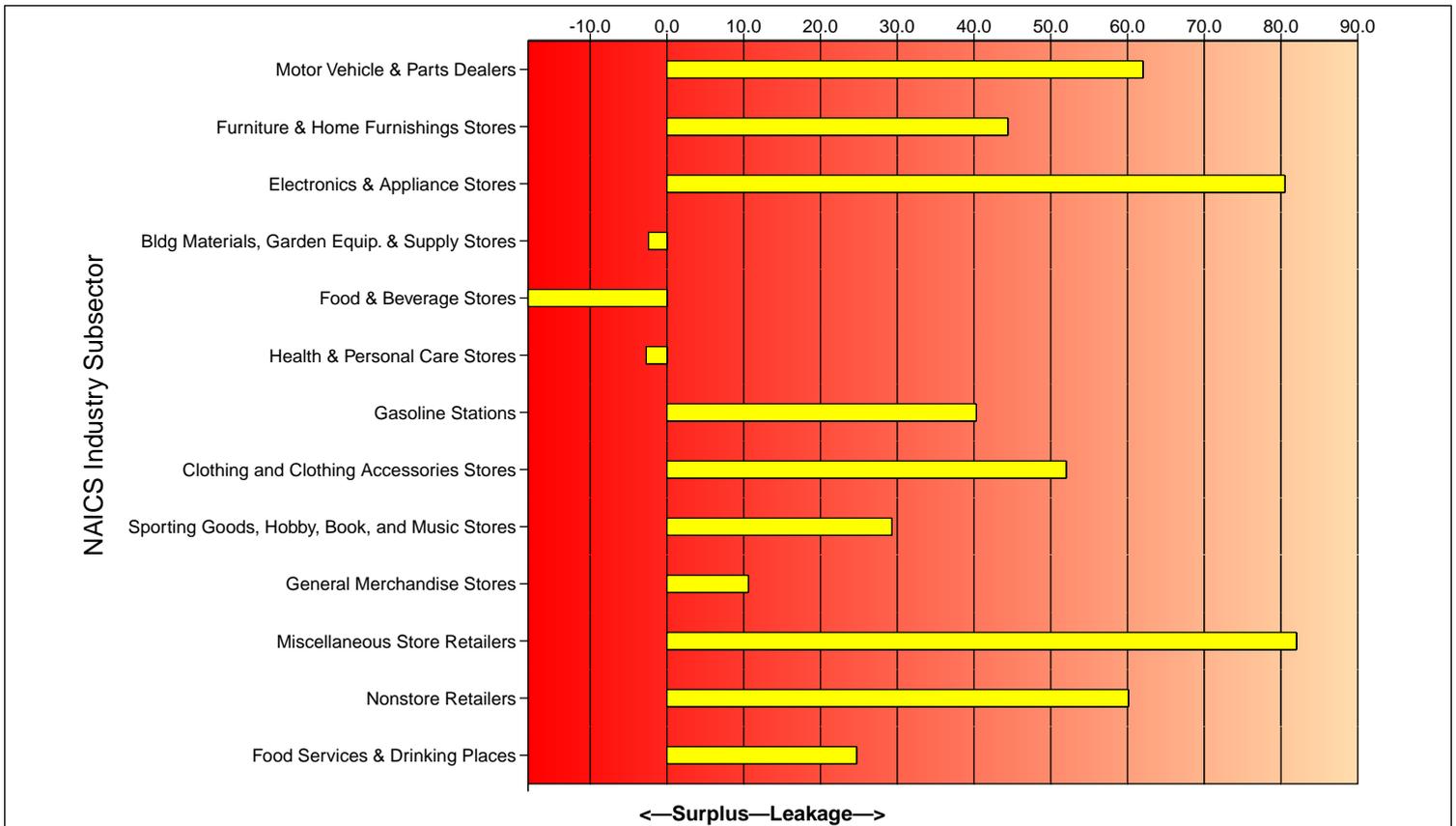
Prepared by Vance SouthardMBA, CCIM

SVC, 1,3,5 mile  
 Wesley Chapel Stouts Rd & Old Charlotte Hwy, Indian Trail, NC, 28110  
 Ring: 1 mile radius

Latitude: 35.047467  
 Longitude: -80.645538

Industry Group	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Leakage/Surplus Factor	Number of Businesses
General Merchandise Stores (NAICS 452)	\$4,366,565	\$3,532,890	\$833,675	10.6	1
Department Stores Excluding Leased Depts.(NAICS 4521)	\$1,966,876	\$33,986	\$1,932,890	96.6	1
Other General Merchandise Stores (NAICS 4529)	\$2,399,689	\$3,498,904	\$-1,099,215	-18.6	1
Miscellaneous Store Retailers (NAICS 453)	\$401,300	\$39,702	\$361,598	82.0	1
Florists (NAICS 4531)	\$33,966	\$0	\$33,966	100.0	0
Office Supplies, Stationery, and Gift Stores (NAICS 4532)	\$126,706	\$0	\$126,706	100.0	0
Used Merchandise Stores (NAICS 4533)	\$74,751	\$21,390	\$53,361	55.5	1
Other Miscellaneous Store Retailers (NAICS 4539)	\$165,877	\$18,312	\$147,565	80.1	1
Nonstore Retailers (NAICS 454)	\$1,786,915	\$445,919	\$1,340,996	60.1	1
Electronic Shopping and Mail-Order Houses (NAICS 4541)	\$730,505	\$411,675	\$318,830	27.9	1
Vending Machine Operators (NAICS 4542)	\$745,946	\$0	\$745,946	100.0	0
Direct Selling Establishments (NAICS 4543)	\$310,464	\$34,244	\$276,220	80.1	1
Food Services & Drinking Places (NAICS 722)	\$4,298,536	\$2,594,983	\$1,703,553	24.7	5
Full-Service Restaurants (NAICS 7221)	\$666,187	\$1,051,592	\$-385,405	-22.4	3
Limited-Service Eating Places (NAICS 7222)	\$3,002,025	\$1,368,650	\$1,633,375	37.4	2
Special Food Services (NAICS 7223)	\$306,364	\$116,201	\$190,163	45.0	1
Drinking Places - Alcoholic Beverages (NAICS 7224)	\$323,960	\$58,540	\$265,420	69.4	1

Leakage/Surplus Factor by Industry Subsector



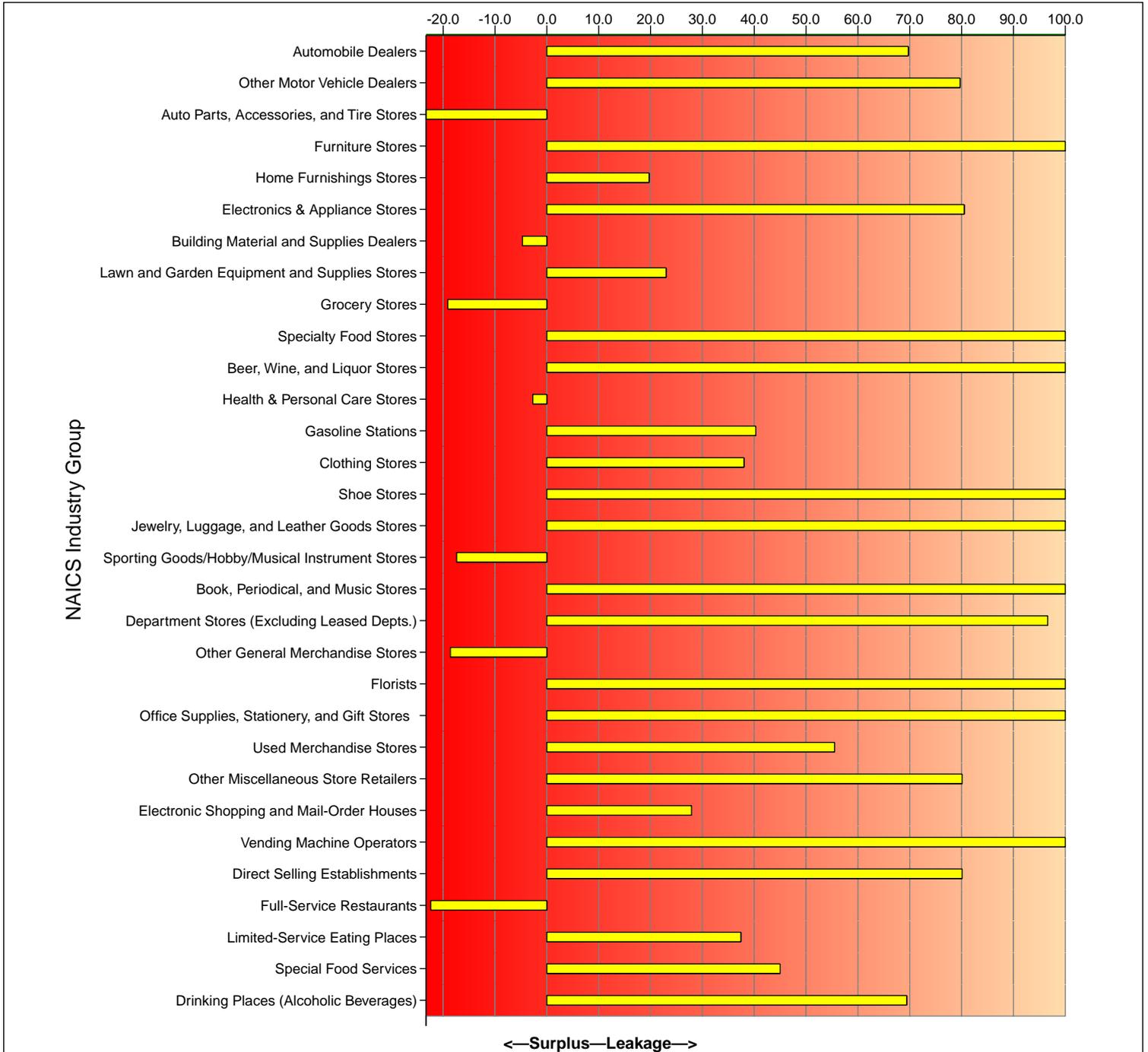
Sources: Esri and Infogroup



SVC, 1,3,5 mile  
 Wesley Chapel Stouts Rd & Old Charlotte Hwy, Indian Trail, NC, 28110  
 Ring: 1 mile radius

Latitude: 35.047467  
 Longitude: -80.645538

Leakage/Surplus Factor by Industry Group



Sources: Esri and Infogroup



# 2010 Retail MarketPlace Profile

Prepared by Vance SouthardMBA, CCIM

SVC, 1,3,5 mile  
 Wesley Chapel Stouts Rd & Old Charlotte Hwy, Indian Trail, NC, 28110  
 Ring: 3 miles radius

Latitude: 35.047467  
 Longitude: -80.645538

## Summary Demographics

2010 Population	32,397
2010 Households	11,595
2010 Median Disposable Income	\$52,120
2010 Per Capita Income	\$26,780

## Industry Summary

	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Leakage/Surplus Factor	Number of Businesses
Total Retail Trade and Food & Drink (NAICS 44-45, 722)	\$335,530,263	\$262,059,606	\$73,470,657	12.3	222
Total Retail Trade (NAICS 44-45)	\$294,297,953	\$238,075,211	\$56,222,742	10.6	174
Total Food & Drink (NAICS 722)	\$41,232,310	\$23,984,395	\$17,247,915	26.4	48

Industry Group	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Leakage/Surplus Factor	Number of Businesses
Motor Vehicle & Parts Dealers (NAICS 441)	\$74,011,084	\$43,380,452	\$30,630,632	26.1	37
Automobile Dealers (NAICS 4411)	\$64,392,065	\$34,352,242	\$30,039,823	30.4	19
Other Motor Vehicle Dealers (NAICS 4412)	\$6,386,166	\$4,778,431	\$1,607,735	14.4	6
Auto Parts, Accessories, and Tire Stores (NAICS 4413)	\$3,232,853	\$4,249,779	\$-1,016,926	-13.6	12
Furniture & Home Furnishings Stores (NAICS 442)	\$9,142,530	\$14,536,513	\$-5,393,983	-22.8	16
Furniture Stores (NAICS 4421)	\$3,883,761	\$553,639	\$3,330,122	75.0	3
Home Furnishings Stores (NAICS 4422)	\$5,258,769	\$13,982,874	\$-8,724,105	-45.3	13
Electronics & Appliance Stores (NAICS 443/NAICS 4431)	\$9,695,124	\$3,901,016	\$5,794,108	42.6	9
Bldg Materials, Garden Equip. & Supply Stores (NAICS 444)	\$14,274,288	\$21,499,968	\$-7,225,680	-20.2	28
Building Material and Supplies Dealers (NAICS 4441)	\$12,781,132	\$19,718,409	\$-6,937,277	-21.3	22
Lawn and Garden Equipment and Supplies Stores (NAICS 4442)	\$1,493,156	\$1,781,559	\$-288,403	-8.8	6
Food & Beverage Stores (NAICS 445)	\$52,314,628	\$52,391,197	\$-76,569	-0.1	11
Grocery Stores (NAICS 4451)	\$51,298,789	\$52,069,086	\$-770,297	-0.7	8
Specialty Food Stores (NAICS 4452)	\$514,987	\$300,765	\$214,222	26.3	3
Beer, Wine, and Liquor Stores (NAICS 4453)	\$500,852	\$21,346	\$479,506	91.8	1
Health & Personal Care Stores (NAICS 446/NAICS 4461)	\$11,695,575	\$15,154,419	\$-3,458,844	-12.9	8
Gasoline Stations (NAICS 447/4471)	\$48,156,319	\$31,746,462	\$16,409,857	20.5	7
Clothing and Clothing Accessories Stores (NAICS 448)	\$10,314,049	\$3,494,528	\$6,819,521	49.4	8
Clothing Stores (NAICS 4481)	\$7,253,306	\$2,705,149	\$4,548,157	45.7	5
Shoe Stores (NAICS 4482)	\$1,299,953	\$591,004	\$708,949	37.5	2
Jewelry, Luggage, and Leather Goods Stores (NAICS 4483)	\$1,760,790	\$198,375	\$1,562,415	79.7	1
Sporting Goods, Hobby, Book, and Music Stores (NAICS 451)	\$1,658,326	\$1,064,220	\$594,106	21.8	12
Sporting Goods/Hobby/Musical Instrument Stores (NAICS 4511)	\$638,180	\$789,597	\$-151,417	-10.6	11
Book, Periodical, and Music Stores (NAICS 4512)	\$1,020,146	\$274,623	\$745,523	57.6	1

**Data Note:** Supply (retail sales) estimates sales to consumers by establishments. Sales to businesses are excluded. Demand (retail potential) estimates the expected amount spent by consumers at retail establishments. Supply and demand estimates are in current dollars. The Leakage/Surplus Factor presents a snapshot of retail opportunity. This is a measure of the relationship between supply and demand that ranges from +100 (total leakage) to -100 (total surplus). A positive value represents 'leakage' of retail opportunity outside the trade area. A negative value represents a surplus of retail sales, a market where customers are drawn in from outside the trade area. The Retail Gap represents the difference between Retail Potential and Retail Sales. Esri uses the North American Industry Classification System (NAICS) to classify businesses by their primary type of economic activity. Retail establishments are classified into 27 industry groups in the Retail Trade sector, as well as four industry groups within the Food Services & Drinking Establishments subsector.

Sources: Esri and Infogroup



# 2010 Retail MarketPlace Profile

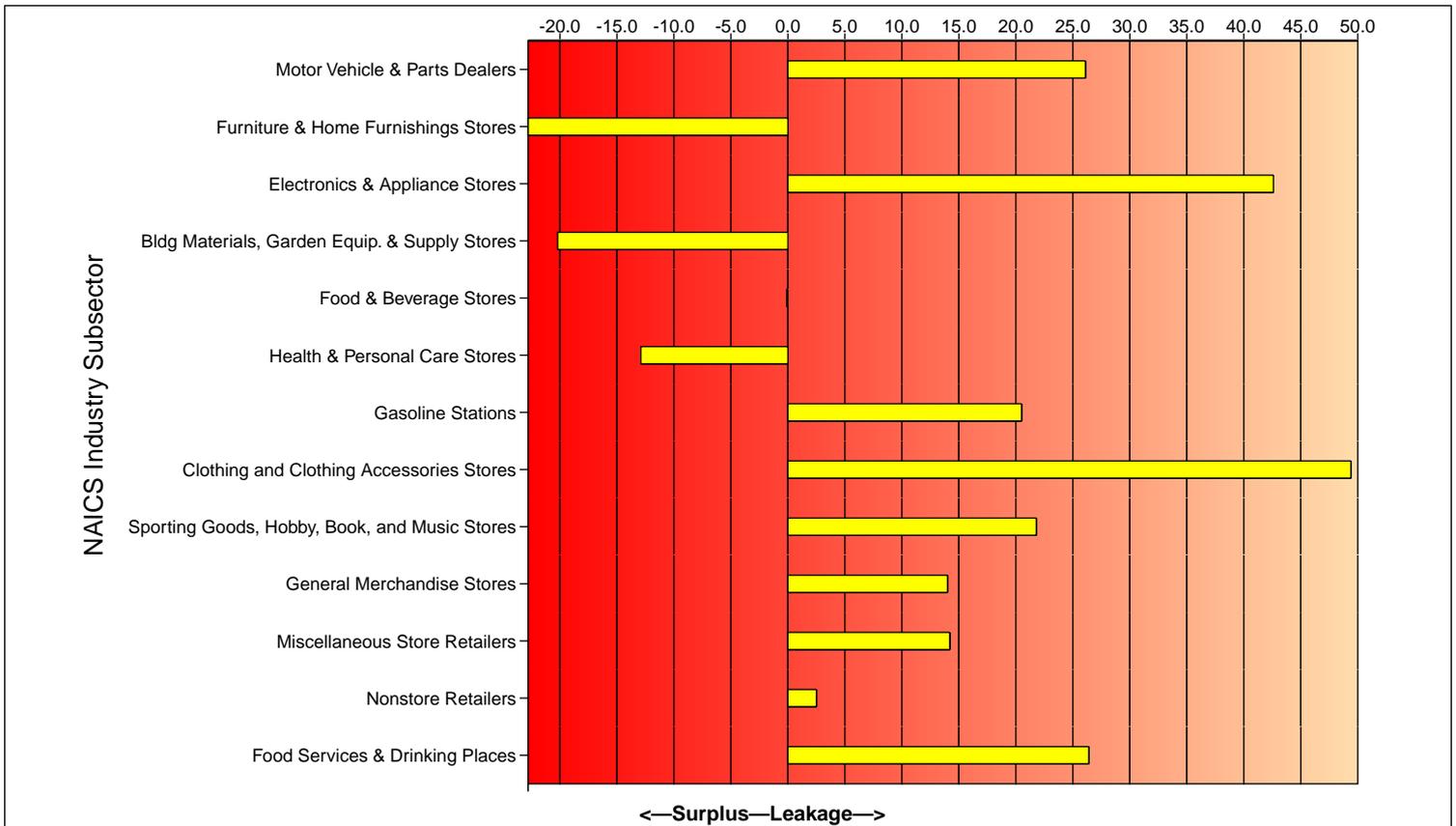
Prepared by Vance SouthardMBA, CCIM

SVC, 1,3,5 mile  
 Wesley Chapel Stouts Rd & Old Charlotte Hwy, Indian Trail, NC, 28110  
 Ring: 3 miles radius

Latitude: 35.047467  
 Longitude: -80.645538

Industry Group	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Leakage/Surplus Factor	Number of Businesses
General Merchandise Stores (NAICS 452)	\$41,943,990	\$31,612,916	\$10,331,074	14.0	6
Department Stores Excluding Leased Depts.(NAICS 4521)	\$18,851,383	\$10,009,094	\$8,842,289	30.6	3
Other General Merchandise Stores (NAICS 4529)	\$23,092,607	\$21,603,822	\$1,488,785	3.3	3
Miscellaneous Store Retailers (NAICS 453)	\$3,858,912	\$2,898,127	\$960,785	14.2	27
Florists (NAICS 4531)	\$331,579	\$189,374	\$142,205	27.3	3
Office Supplies, Stationery, and Gift Stores (NAICS 4532)	\$1,214,590	\$600,544	\$614,046	33.8	4
Used Merchandise Stores (NAICS 4533)	\$714,524	\$275,927	\$438,597	44.3	8
Other Miscellaneous Store Retailers (NAICS 4539)	\$1,598,219	\$1,832,282	-\$234,063	-6.8	12
Nonstore Retailers (NAICS 454)	\$17,233,128	\$16,395,393	\$837,735	2.5	5
Electronic Shopping and Mail-Order Houses (NAICS 4541)	\$6,987,132	\$2,812,479	\$4,174,653	42.6	1
Vending Machine Operators (NAICS 4542)	\$7,170,882	\$12,495,126	-\$5,324,244	-27.1	2
Direct Selling Establishments (NAICS 4543)	\$3,075,114	\$1,087,788	\$1,987,326	47.7	2
Food Services & Drinking Places (NAICS 722)	\$41,232,310	\$23,984,395	\$17,247,915	26.4	48
Full-Service Restaurants (NAICS 7221)	\$6,392,649	\$7,177,642	-\$784,993	-5.8	24
Limited-Service Eating Places (NAICS 7222)	\$28,793,633	\$15,204,642	\$13,588,991	30.9	20
Special Food Services (NAICS 7223)	\$2,938,435	\$1,313,169	\$1,625,266	38.2	3
Drinking Places - Alcoholic Beverages (NAICS 7224)	\$3,107,593	\$288,942	\$2,818,651	83.0	1

Leakage/Surplus Factor by Industry Subsector



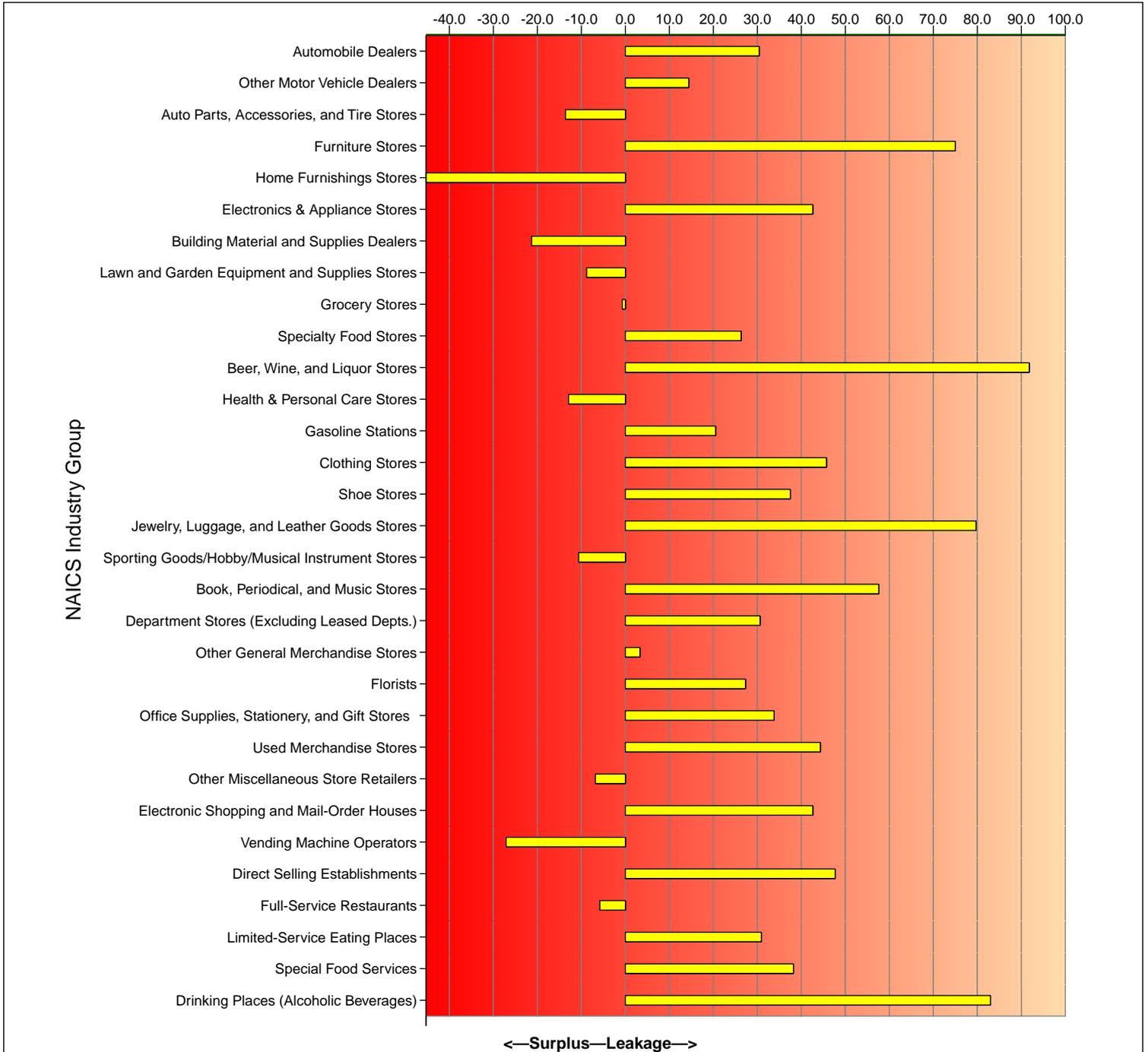
Sources: Esri and Infogroup



SVC, 1,3,5 mile  
 Wesley Chapel Stouts Rd & Old Charlotte Hwy, Indian Trail, NC, 28110  
 Ring: 3 miles radius

Latitude: 35.047467  
 Longitude: -80.645538

Leakage/Surplus Factor by Industry Group



Sources: Esri and Infogroup



# 2010 Retail MarketPlace Profile

Prepared by Vance SouthardMBA, CCIM

SVC, 1,3,5 mile  
 Wesley Chapel Stouts Rd & Old Charlotte Hwy, Indian Trail, NC, 28110  
 Ring: 5 miles radius

Latitude: 35.047467  
 Longitude: -80.645538

## Summary Demographics

2010 Population	75,898
2010 Households	27,353
2010 Median Disposable Income	\$53,249
2010 Per Capita Income	\$28,633

## Industry Summary

Industry Summary	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Leakage/Surplus Factor	Number of Businesses
Total Retail Trade and Food & Drink (NAICS 44-45, 722)	\$819,724,077	\$667,897,255	\$151,826,822	10.2	465
Total Retail Trade (NAICS 44-45)	\$717,423,876	\$606,020,187	\$111,403,689	8.4	351
Total Food & Drink (NAICS 722)	\$102,300,201	\$61,877,068	\$40,423,133	24.6	114

Industry Group	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Leakage/Surplus Factor	Number of Businesses
Motor Vehicle & Parts Dealers (NAICS 441)	\$179,176,406	\$169,543,813	\$9,632,593	2.8	70
Automobile Dealers (NAICS 4411)	\$155,658,242	\$151,308,387	\$4,349,855	1.4	34
Other Motor Vehicle Dealers (NAICS 4412)	\$15,491,302	\$10,637,535	\$4,853,767	18.6	15
Auto Parts, Accessories, and Tire Stores (NAICS 4413)	\$8,026,862	\$7,597,891	\$428,971	2.7	21
Furniture & Home Furnishings Stores (NAICS 442)	\$22,885,095	\$26,942,894	-\$4,057,799	-8.1	33
Furniture Stores (NAICS 4421)	\$10,068,477	\$2,558,686	\$7,509,791	59.5	8
Home Furnishings Stores (NAICS 4422)	\$12,816,618	\$24,384,208	-\$11,567,590	-31.1	25
Electronics & Appliance Stores (NAICS 443/NAICS 4431)	\$23,767,749	\$12,518,199	\$11,249,550	31.0	19
Bldg Materials, Garden Equip. & Supply Stores (NAICS 444)	\$34,750,666	\$38,401,812	-\$3,651,146	-5.0	47
Building Material and Supplies Dealers (NAICS 4441)	\$31,150,269	\$34,394,918	-\$3,244,649	-5.0	37
Lawn and Garden Equipment and Supplies Stores (NAICS 4442)	\$3,600,397	\$4,006,894	-\$406,497	-5.3	10
Food & Beverage Stores (NAICS 445)	\$128,541,224	\$105,204,323	\$23,336,901	10.0	27
Grocery Stores (NAICS 4451)	\$125,921,713	\$103,543,050	\$22,378,663	9.8	19
Specialty Food Stores (NAICS 4452)	\$1,294,210	\$863,081	\$431,129	20.0	7
Beer, Wine, and Liquor Stores (NAICS 4453)	\$1,325,301	\$798,192	\$527,109	24.8	1
Health & Personal Care Stores (NAICS 446/NAICS 4461)	\$29,085,005	\$32,457,027	-\$3,372,022	-5.5	20
Gasoline Stations (NAICS 447/4471)	\$117,381,768	\$81,566,947	\$35,814,821	18.0	18
Clothing and Clothing Accessories Stores (NAICS 448)	\$26,224,177	\$8,406,069	\$17,818,108	51.5	23
Clothing Stores (NAICS 4481)	\$18,617,629	\$5,814,991	\$12,802,638	52.4	15
Shoe Stores (NAICS 4482)	\$3,208,308	\$1,853,026	\$1,355,282	26.8	4
Jewelry, Luggage, and Leather Goods Stores (NAICS 4483)	\$4,398,240	\$738,052	\$3,660,188	71.3	4
Sporting Goods, Hobby, Book, and Music Stores (NAICS 451)	\$4,565,094	\$1,857,856	\$2,707,238	42.1	20
Sporting Goods/Hobby/Musical Instrument Stores (NAICS 4511)	\$1,811,256	\$1,429,190	\$382,066	11.8	18
Book, Periodical, and Music Stores (NAICS 4512)	\$2,753,838	\$428,666	\$2,325,172	73.1	2

**Data Note:** Supply (retail sales) estimates sales to consumers by establishments. Sales to businesses are excluded. Demand (retail potential) estimates the expected amount spent by consumers at retail establishments. Supply and demand estimates are in current dollars. The Leakage/Surplus Factor presents a snapshot of retail opportunity. This is a measure of the relationship between supply and demand that ranges from +100 (total leakage) to -100 (total surplus). A positive value represents 'leakage' of retail opportunity outside the trade area. A negative value represents a surplus of retail sales, a market where customers are drawn in from outside the trade area. The Retail Gap represents the difference between Retail Potential and Retail Sales. Esri uses the North American Industry Classification System (NAICS) to classify businesses by their primary type of economic activity. Retail establishments are classified into 27 industry groups in the Retail Trade sector, as well as four industry groups within the Food Services & Drinking Establishments subsector.

Sources: Esri and Infogroup



# 2010 Retail MarketPlace Profile

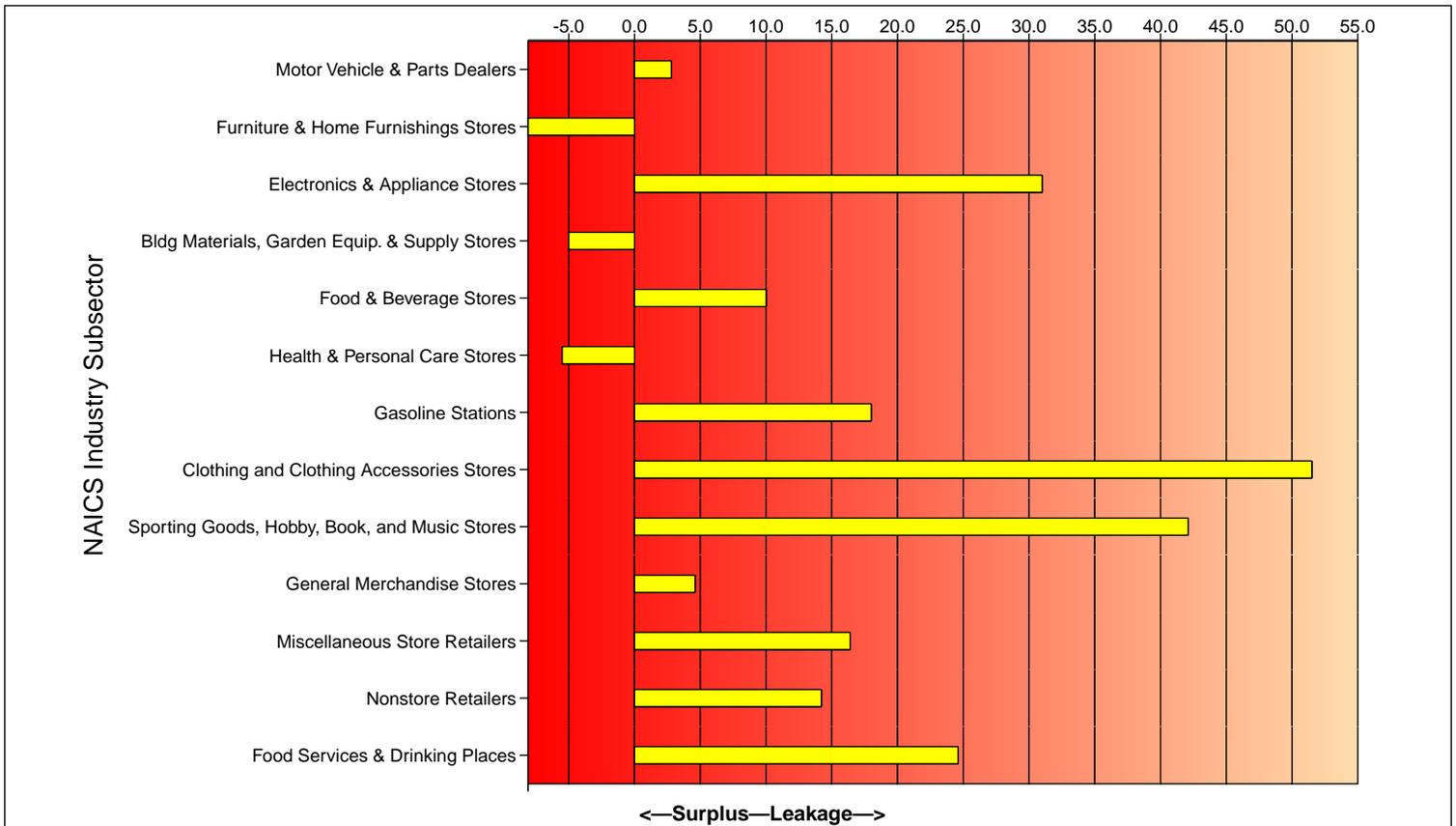
Prepared by Vance SouthardMBA, CCIM

SVC, 1,3,5 mile  
 Wesley Chapel Stouts Rd & Old Charlotte Hwy, Indian Trail, NC, 28110  
 Ring: 5 miles radius

Latitude: 35.047467  
 Longitude: -80.645538

Industry Group	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Leakage/Surplus Factor	Number of Businesses
General Merchandise Stores (NAICS 452)	\$99,837,157	\$90,984,773	\$8,852,384	4.6	18
Department Stores Excluding Leased Depts.(NAICS 4521)	\$45,552,736	\$51,798,518	<b>-\$6,245,782</b>	<b>-6.4</b>	10
Other General Merchandise Stores (NAICS 4529)	\$54,284,421	\$39,186,255	\$15,098,166	16.2	8
Miscellaneous Store Retailers (NAICS 453)	\$9,757,200	\$7,001,426	\$2,755,774	16.4	48
Florists (NAICS 4531)	\$871,157	\$422,435	\$448,722	34.7	5
Office Supplies, Stationery, and Gift Stores (NAICS 4532)	\$3,146,512	\$2,317,592	\$828,920	15.2	9
Used Merchandise Stores (NAICS 4533)	\$1,740,417	\$425,669	\$1,314,748	60.7	11
Other Miscellaneous Store Retailers (NAICS 4539)	\$3,999,114	\$3,835,730	\$163,384	2.1	23
Nonstore Retailers (NAICS 454)	\$41,452,335	\$31,135,048	\$10,317,287	14.2	8
Electronic Shopping and Mail-Order Houses (NAICS 4541)	\$16,642,996	\$9,297,492	\$7,345,504	28.3	2
Vending Machine Operators (NAICS 4542)	\$16,971,426	\$19,503,928	<b>-\$2,532,502</b>	<b>-6.9</b>	3
Direct Selling Establishments (NAICS 4543)	\$7,837,913	\$2,333,628	\$5,504,285	54.1	3
Food Services & Drinking Places (NAICS 722)	\$102,300,201	\$61,877,068	\$40,423,133	24.6	114
Full-Service Restaurants (NAICS 7221)	\$16,664,894	\$22,658,146	<b>-\$5,993,252</b>	<b>-15.2</b>	60
Limited-Service Eating Places (NAICS 7222)	\$70,313,369	\$36,638,702	\$33,674,667	31.5	45
Special Food Services (NAICS 7223)	\$7,501,624	\$1,984,454	\$5,517,170	58.2	6
Drinking Places - Alcoholic Beverages (NAICS 7224)	\$7,820,314	\$595,766	\$7,224,548	85.8	3

Leakage/Surplus Factor by Industry Subsector



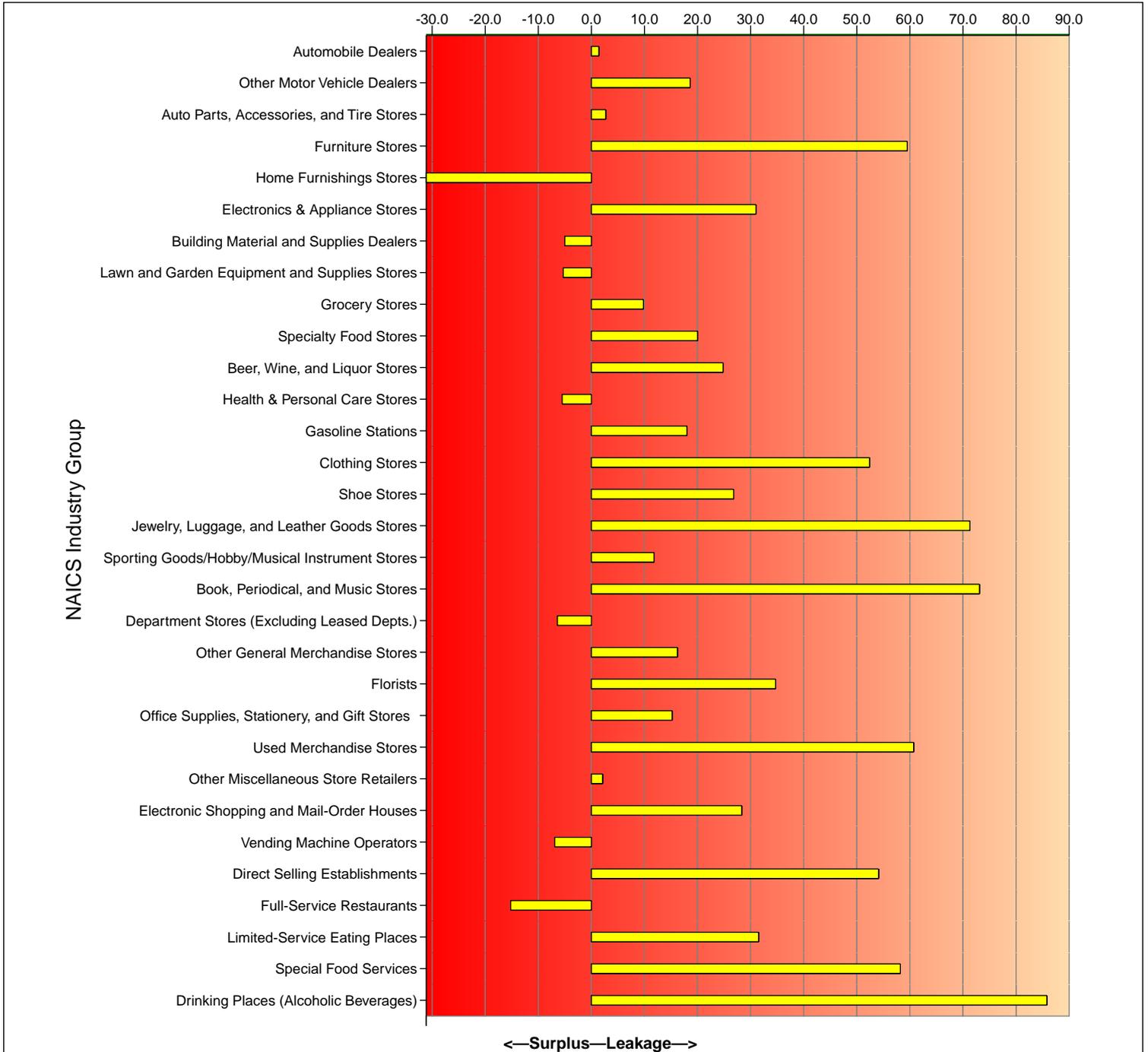
Sources: Esri and Infogroup



SVC, 1,3,5 mile  
 Wesley Chapel Stouts Rd & Old Charlotte Hwy, Indian Trail, NC, 28110  
 Ring: 5 miles radius

Latitude: 35.047467  
 Longitude: -80.645538

Leakage/Surplus Factor by Industry Group



Sources: Esri and Infogroup



# 2010 Retail MarketPlace Profile

Prepared by Vance SouthardMBA, CCIM

**Sun Valley Commons**  
**Old Charlotte Hwy & Wesley Chapel Stouts Rd, Indian Trail, NC, 28110**  
**Ring: 3 miles radius**

**Latitude: 35.047467**  
**Longitude: -80.645538**

## Summary Demographics

2010 Population	32,397
2010 Households	11,595
2010 Median Disposable Income	\$52,120
2010 Per Capita Income	\$26,780

## Industry Summary

	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Leakage/Surplus Factor	Number of Businesses
Total Retail Trade and Food & Drink (NAICS 44-45, 722)	\$335,530,263	\$262,059,606	\$73,470,657	12.3	222
Total Retail Trade (NAICS 44-45)	\$294,297,953	\$238,075,211	\$56,222,742	10.6	174
Total Food & Drink (NAICS 722)	\$41,232,310	\$23,984,395	\$17,247,915	26.4	48

Industry Group	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Leakage/Surplus Factor	Number of Businesses
Motor Vehicle & Parts Dealers (NAICS 441)	\$74,011,084	\$43,380,452	\$30,630,632	26.1	37
Automobile Dealers (NAICS 4411)	\$64,392,065	\$34,352,242	\$30,039,823	30.4	19
Other Motor Vehicle Dealers (NAICS 4412)	\$6,386,166	\$4,778,431	\$1,607,735	14.4	6
Auto Parts, Accessories, and Tire Stores (NAICS 4413)	\$3,232,853	\$4,249,779	\$-1,016,926	-13.6	12
Furniture & Home Furnishings Stores (NAICS 442)	\$9,142,530	\$14,536,513	\$-5,393,983	-22.8	16
Furniture Stores (NAICS 4421)	\$3,883,761	\$553,639	\$3,330,122	75.0	3
Home Furnishings Stores (NAICS 4422)	\$5,258,769	\$13,982,874	\$-8,724,105	-45.3	13
Electronics & Appliance Stores (NAICS 443/NAICS 4431)	\$9,695,124	\$3,901,016	\$5,794,108	42.6	9
Bldg Materials, Garden Equip. & Supply Stores (NAICS 444)	\$14,274,288	\$21,499,968	\$-7,225,680	-20.2	28
Building Material and Supplies Dealers (NAICS 4441)	\$12,781,132	\$19,718,409	\$-6,937,277	-21.3	22
Lawn and Garden Equipment and Supplies Stores (NAICS 4442)	\$1,493,156	\$1,781,559	\$-288,403	-8.8	6
Food & Beverage Stores (NAICS 445)	\$52,314,628	\$52,391,197	\$-76,569	-0.1	11
Grocery Stores (NAICS 4451)	\$51,298,789	\$52,069,086	\$-770,297	-0.7	8
Specialty Food Stores (NAICS 4452)	\$514,987	\$300,765	\$214,222	26.3	3
Beer, Wine, and Liquor Stores (NAICS 4453)	\$500,852	\$21,346	\$479,506	91.8	1
Health & Personal Care Stores (NAICS 446/NAICS 4461)	\$11,695,575	\$15,154,419	\$-3,458,844	-12.9	8
Gasoline Stations (NAICS 447/4471)	\$48,156,319	\$31,746,462	\$16,409,857	20.5	7
Clothing and Clothing Accessories Stores (NAICS 448)	\$10,314,049	\$3,494,528	\$6,819,521	49.4	8
Clothing Stores (NAICS 4481)	\$7,253,306	\$2,705,149	\$4,548,157	45.7	5
Shoe Stores (NAICS 4482)	\$1,299,953	\$591,004	\$708,949	37.5	2
Jewelry, Luggage, and Leather Goods Stores (NAICS 4483)	\$1,760,790	\$198,375	\$1,562,415	79.7	1
Sporting Goods, Hobby, Book, and Music Stores (NAICS 451)	\$1,658,326	\$1,064,220	\$594,106	21.8	12
Sporting Goods/Hobby/Musical Instrument Stores (NAICS 4511)	\$638,180	\$789,597	\$-151,417	-10.6	11
Book, Periodical, and Music Stores (NAICS 4512)	\$1,020,146	\$274,623	\$745,523	57.6	1

**Data Note:** Supply (retail sales) estimates sales to consumers by establishments. Sales to businesses are excluded. Demand (retail potential) estimates the expected amount spent by consumers at retail establishments. Supply and demand estimates are in current dollars. The Leakage/Surplus Factor presents a snapshot of retail opportunity. This is a measure of the relationship between supply and demand that ranges from +100 (total leakage) to -100 (total surplus). A positive value represents 'leakage' of retail opportunity outside the trade area. A negative value represents a surplus of retail sales, a market where customers are drawn in from outside the trade area. The Retail Gap represents the difference between Retail Potential and Retail Sales. Esri uses the North American Industry Classification System (NAICS) to classify businesses by their primary type of economic activity. Retail establishments are classified into 27 industry groups in the Retail Trade sector, as well as four industry groups within the Food Services & Drinking Establishments subsector.

**Sources:** Esri and Infogroup



# 2010 Retail MarketPlace Profile

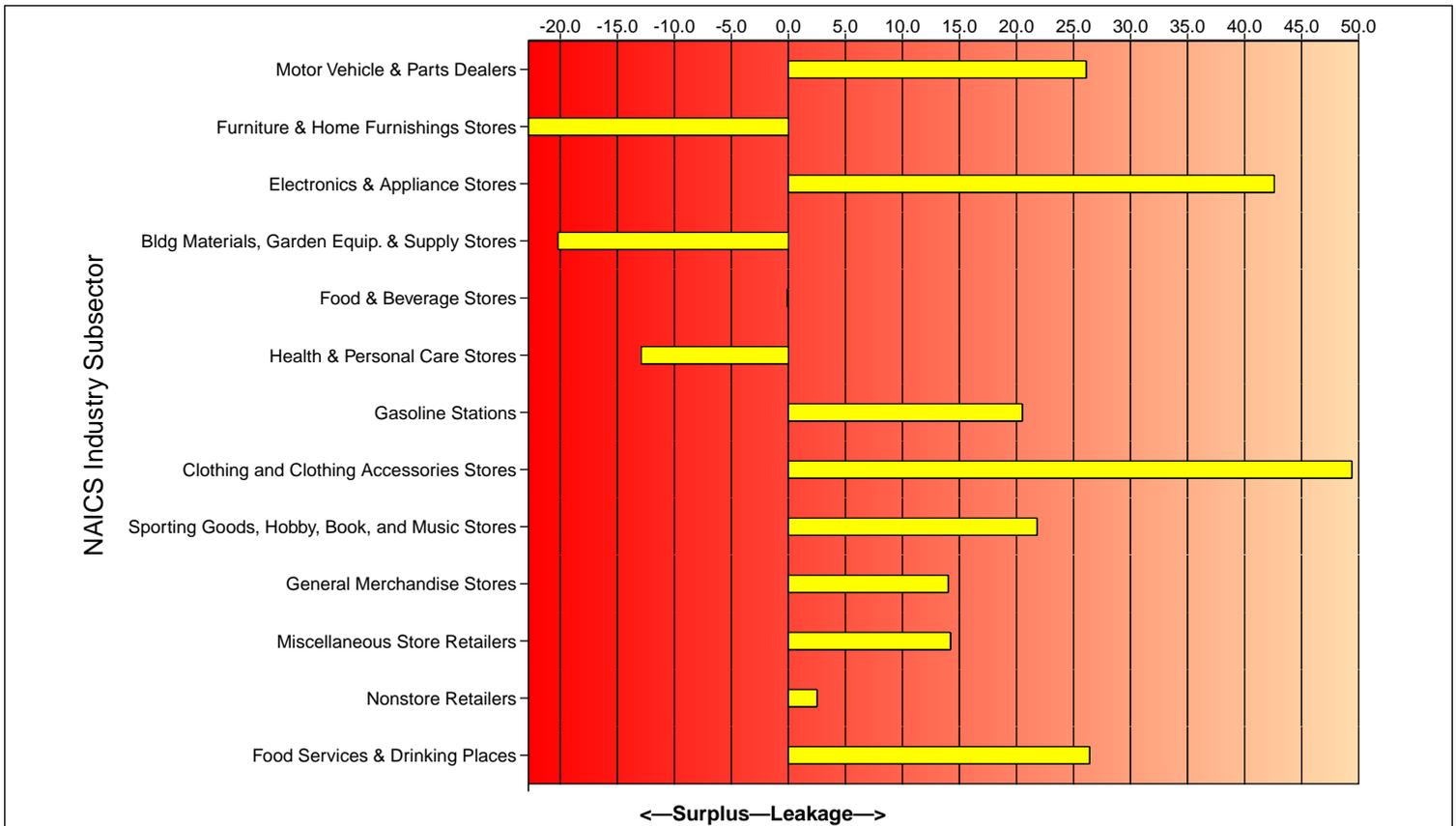
Prepared by Vance SouthardMBA, CCIM

Sun Valley Commons  
 Old Charlotte Hwy & Wesley Chapel Stouts Rd, Indian Trail, NC, 28110  
 Ring: 3 miles radius

Latitude: 35.047467  
 Longitude: -80.645538

Industry Group	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Leakage/Surplus Factor	Number of Businesses
General Merchandise Stores (NAICS 452)	\$41,943,990	\$31,612,916	\$10,331,074	14.0	6
Department Stores Excluding Leased Depts.(NAICS 4521)	\$18,851,383	\$10,009,094	\$8,842,289	30.6	3
Other General Merchandise Stores (NAICS 4529)	\$23,092,607	\$21,603,822	\$1,488,785	3.3	3
Miscellaneous Store Retailers (NAICS 453)	\$3,858,912	\$2,898,127	\$960,785	14.2	27
Florists (NAICS 4531)	\$331,579	\$189,374	\$142,205	27.3	3
Office Supplies, Stationery, and Gift Stores (NAICS 4532)	\$1,214,590	\$600,544	\$614,046	33.8	4
Used Merchandise Stores (NAICS 4533)	\$714,524	\$275,927	\$438,597	44.3	8
Other Miscellaneous Store Retailers (NAICS 4539)	\$1,598,219	\$1,832,282	-\$234,063	-6.8	12
Nonstore Retailers (NAICS 454)	\$17,233,128	\$16,395,393	\$837,735	2.5	5
Electronic Shopping and Mail-Order Houses (NAICS 4541)	\$6,987,132	\$2,812,479	\$4,174,653	42.6	1
Vending Machine Operators (NAICS 4542)	\$7,170,882	\$12,495,126	-\$5,324,244	-27.1	2
Direct Selling Establishments (NAICS 4543)	\$3,075,114	\$1,087,788	\$1,987,326	47.7	2
Food Services & Drinking Places (NAICS 722)	\$41,232,310	\$23,984,395	\$17,247,915	26.4	48
Full-Service Restaurants (NAICS 7221)	\$6,392,649	\$7,177,642	-\$784,993	-5.8	24
Limited-Service Eating Places (NAICS 7222)	\$28,793,633	\$15,204,642	\$13,588,991	30.9	20
Special Food Services (NAICS 7223)	\$2,938,435	\$1,313,169	\$1,625,266	38.2	3
Drinking Places - Alcoholic Beverages (NAICS 7224)	\$3,107,593	\$288,942	\$2,818,651	83.0	1

Leakage/Surplus Factor by Industry Subsector



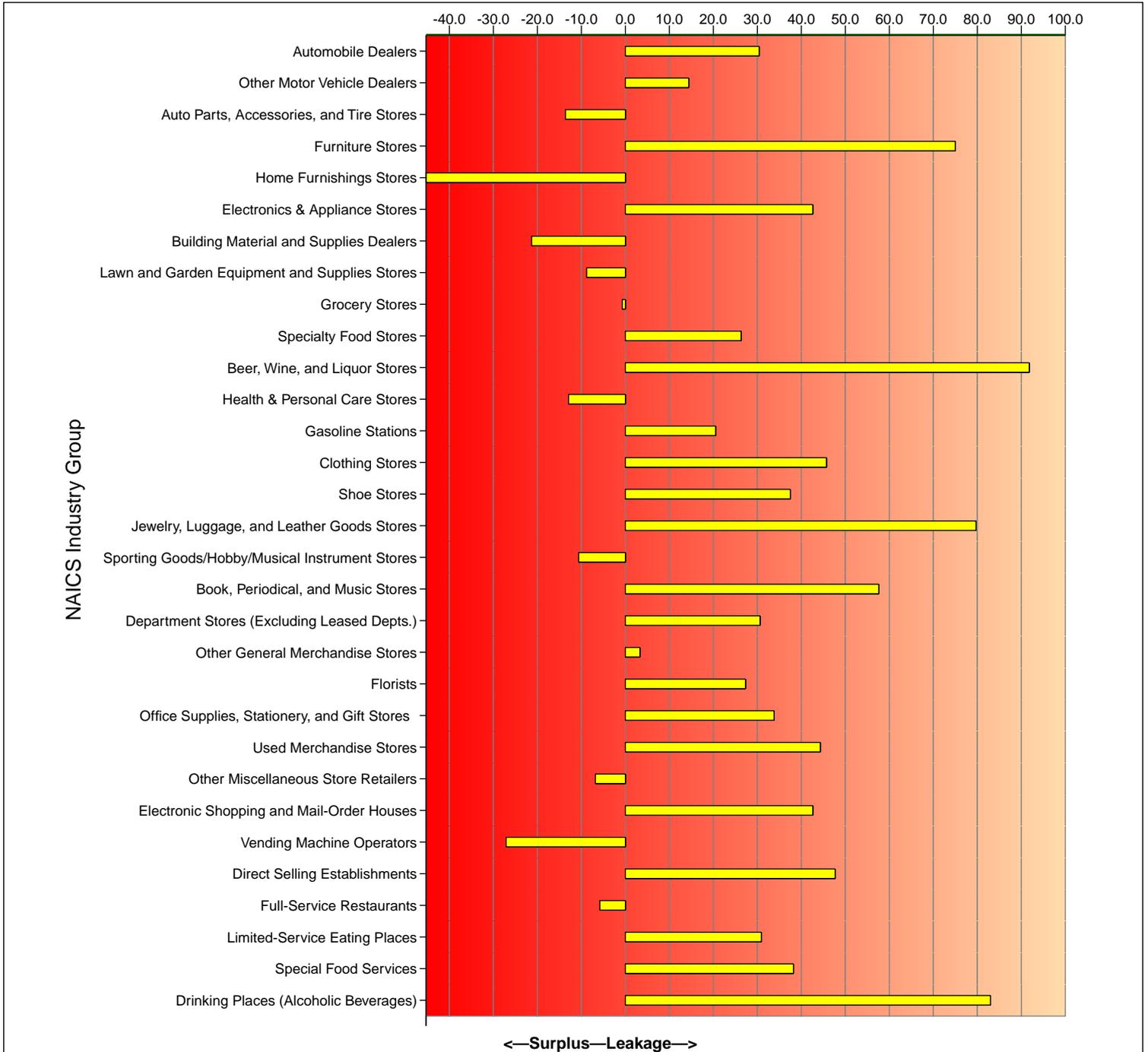
Sources: Esri and Infogroup



Sun Valley Commons  
 Old Charlotte Hwy & Wesley Chapel Stouts Rd, Indian Trail, NC, 28110  
 Ring: 3 miles radius

Latitude: 35.047467  
 Longitude: -80.645538

Leakage/Surplus Factor by Industry Group



Sources: Esri and Infogroup



# 2010 Retail MarketPlace Profile

Prepared by Vance SouthardMBA, CCIM

**Sun Valley Commons**  
**Old Charlotte Hwy & Wesley Chapel Stouts Rd, Indian Trail, NC, 28110**  
**Ring: 5 miles radius**

**Latitude: 35.047467**  
**Longitude: -80.645538**

## Summary Demographics

2010 Population	75,898
2010 Households	27,353
2010 Median Disposable Income	\$53,249
2010 Per Capita Income	\$28,633

## Industry Summary

Industry Summary	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Leakage/Surplus Factor	Number of Businesses
Total Retail Trade and Food & Drink (NAICS 44-45, 722)	\$819,724,077	\$667,897,255	\$151,826,822	10.2	465
Total Retail Trade (NAICS 44-45)	\$717,423,876	\$606,020,187	\$111,403,689	8.4	351
Total Food & Drink (NAICS 722)	\$102,300,201	\$61,877,068	\$40,423,133	24.6	114

Industry Group	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Leakage/Surplus Factor	Number of Businesses
Motor Vehicle & Parts Dealers (NAICS 441)	\$179,176,406	\$169,543,813	\$9,632,593	2.8	70
Automobile Dealers (NAICS 4411)	\$155,658,242	\$151,308,387	\$4,349,855	1.4	34
Other Motor Vehicle Dealers (NAICS 4412)	\$15,491,302	\$10,637,535	\$4,853,767	18.6	15
Auto Parts, Accessories, and Tire Stores (NAICS 4413)	\$8,026,862	\$7,597,891	\$428,971	2.7	21
Furniture & Home Furnishings Stores (NAICS 442)	\$22,885,095	\$26,942,894	-\$4,057,799	-8.1	33
Furniture Stores (NAICS 4421)	\$10,068,477	\$2,558,686	\$7,509,791	59.5	8
Home Furnishings Stores (NAICS 4422)	\$12,816,618	\$24,384,208	-\$11,567,590	-31.1	25
Electronics & Appliance Stores (NAICS 443/NAICS 4431)	\$23,767,749	\$12,518,199	\$11,249,550	31.0	19
Bldg Materials, Garden Equip. & Supply Stores (NAICS 444)	\$34,750,666	\$38,401,812	-\$3,651,146	-5.0	47
Building Material and Supplies Dealers (NAICS 4441)	\$31,150,269	\$34,394,918	-\$3,244,649	-5.0	37
Lawn and Garden Equipment and Supplies Stores (NAICS 4442)	\$3,600,397	\$4,006,894	-\$406,497	-5.3	10
Food & Beverage Stores (NAICS 445)	\$128,541,224	\$105,204,323	\$23,336,901	10.0	27
Grocery Stores (NAICS 4451)	\$125,921,713	\$103,543,050	\$22,378,663	9.8	19
Specialty Food Stores (NAICS 4452)	\$1,294,210	\$863,081	\$431,129	20.0	7
Beer, Wine, and Liquor Stores (NAICS 4453)	\$1,325,301	\$798,192	\$527,109	24.8	1
Health & Personal Care Stores (NAICS 446/NAICS 4461)	\$29,085,005	\$32,457,027	-\$3,372,022	-5.5	20
Gasoline Stations (NAICS 447/4471)	\$117,381,768	\$81,566,947	\$35,814,821	18.0	18
Clothing and Clothing Accessories Stores (NAICS 448)	\$26,224,177	\$8,406,069	\$17,818,108	51.5	23
Clothing Stores (NAICS 4481)	\$18,617,629	\$5,814,991	\$12,802,638	52.4	15
Shoe Stores (NAICS 4482)	\$3,208,308	\$1,853,026	\$1,355,282	26.8	4
Jewelry, Luggage, and Leather Goods Stores (NAICS 4483)	\$4,398,240	\$738,052	\$3,660,188	71.3	4
Sporting Goods, Hobby, Book, and Music Stores (NAICS 451)	\$4,565,094	\$1,857,856	\$2,707,238	42.1	20
Sporting Goods/Hobby/Musical Instrument Stores (NAICS 4511)	\$1,811,256	\$1,429,190	\$382,066	11.8	18
Book, Periodical, and Music Stores (NAICS 4512)	\$2,753,838	\$428,666	\$2,325,172	73.1	2

**Data Note:** Supply (retail sales) estimates sales to consumers by establishments. Sales to businesses are excluded. Demand (retail potential) estimates the expected amount spent by consumers at retail establishments. Supply and demand estimates are in current dollars. The Leakage/Surplus Factor presents a snapshot of retail opportunity. This is a measure of the relationship between supply and demand that ranges from +100 (total leakage) to -100 (total surplus). A positive value represents 'leakage' of retail opportunity outside the trade area. A negative value represents a surplus of retail sales, a market where customers are drawn in from outside the trade area. The Retail Gap represents the difference between Retail Potential and Retail Sales. Esri uses the North American Industry Classification System (NAICS) to classify businesses by their primary type of economic activity. Retail establishments are classified into 27 industry groups in the Retail Trade sector, as well as four industry groups within the Food Services & Drinking Establishments subsector.

**Sources:** Esri and Infogroup



# 2010 Retail MarketPlace Profile

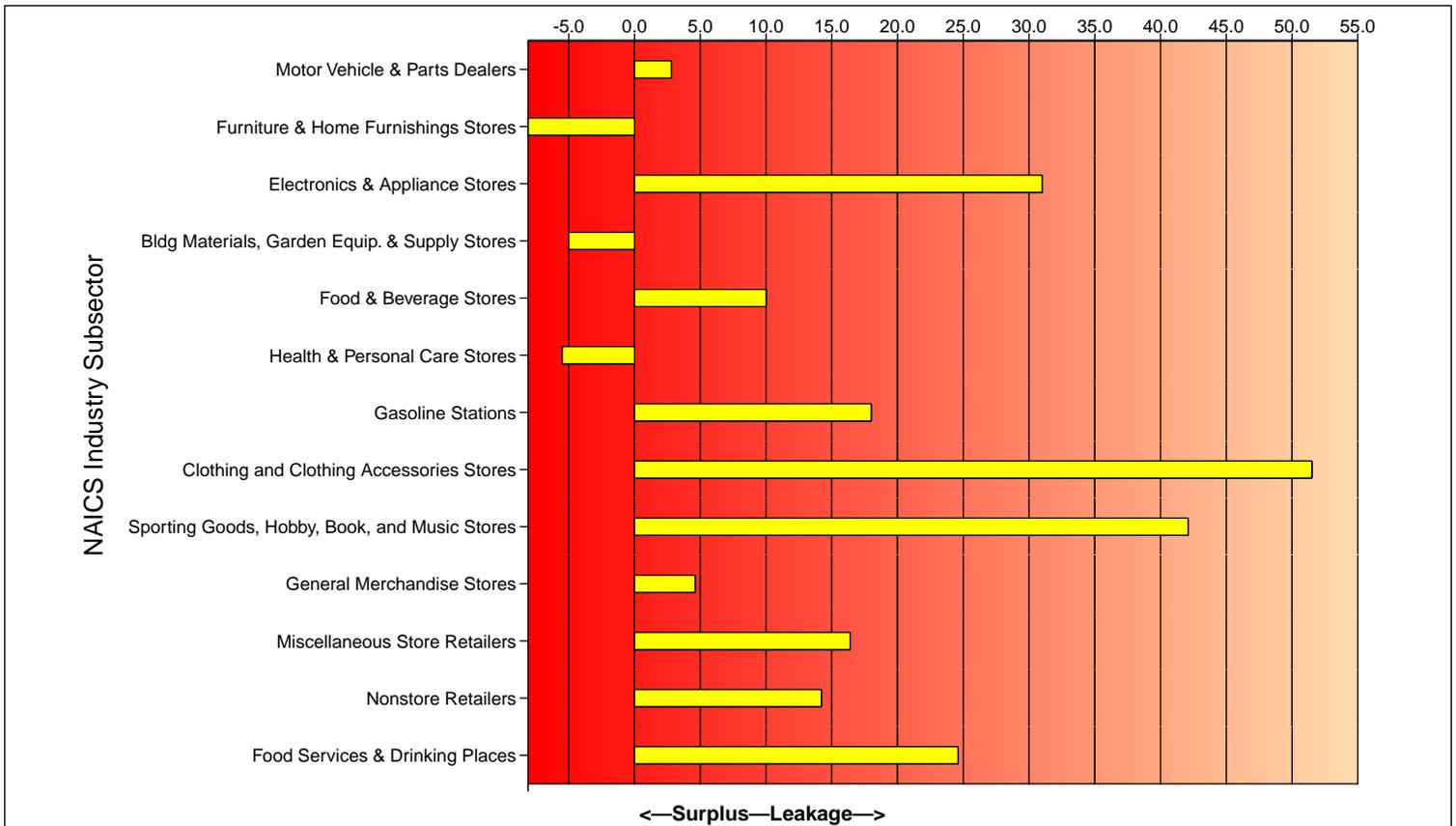
Prepared by Vance SouthardMBA, CCIM

Sun Valley Commons  
 Old Charlotte Hwy & Wesley Chapel Stouts Rd, Indian Trail, NC, 28110  
 Ring: 5 miles radius

Latitude: 35.047467  
 Longitude: -80.645538

Industry Group	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Leakage/Surplus Factor	Number of Businesses
General Merchandise Stores (NAICS 452)	\$99,837,157	\$90,984,773	\$8,852,384	4.6	18
Department Stores Excluding Leased Depts.(NAICS 4521)	\$45,552,736	\$51,798,518	-\$6,245,782	-6.4	10
Other General Merchandise Stores (NAICS 4529)	\$54,284,421	\$39,186,255	\$15,098,166	16.2	8
Miscellaneous Store Retailers (NAICS 453)	\$9,757,200	\$7,001,426	\$2,755,774	16.4	48
Florists (NAICS 4531)	\$871,157	\$422,435	\$448,722	34.7	5
Office Supplies, Stationery, and Gift Stores (NAICS 4532)	\$3,146,512	\$2,317,592	\$828,920	15.2	9
Used Merchandise Stores (NAICS 4533)	\$1,740,417	\$425,669	\$1,314,748	60.7	11
Other Miscellaneous Store Retailers (NAICS 4539)	\$3,999,114	\$3,835,730	\$163,384	2.1	23
Nonstore Retailers (NAICS 454)	\$41,452,335	\$31,135,048	\$10,317,287	14.2	8
Electronic Shopping and Mail-Order Houses (NAICS 4541)	\$16,642,996	\$9,297,492	\$7,345,504	28.3	2
Vending Machine Operators (NAICS 4542)	\$16,971,426	\$19,503,928	-\$2,532,502	-6.9	3
Direct Selling Establishments (NAICS 4543)	\$7,837,913	\$2,333,628	\$5,504,285	54.1	3
Food Services & Drinking Places (NAICS 722)	\$102,300,201	\$61,877,068	\$40,423,133	24.6	114
Full-Service Restaurants (NAICS 7221)	\$16,664,894	\$22,658,146	-\$5,993,252	-15.2	60
Limited-Service Eating Places (NAICS 7222)	\$70,313,369	\$36,638,702	\$33,674,667	31.5	45
Special Food Services (NAICS 7223)	\$7,501,624	\$1,984,454	\$5,517,170	58.2	6
Drinking Places - Alcoholic Beverages (NAICS 7224)	\$7,820,314	\$595,766	\$7,224,548	85.8	3

Leakage/Surplus Factor by Industry Subsector



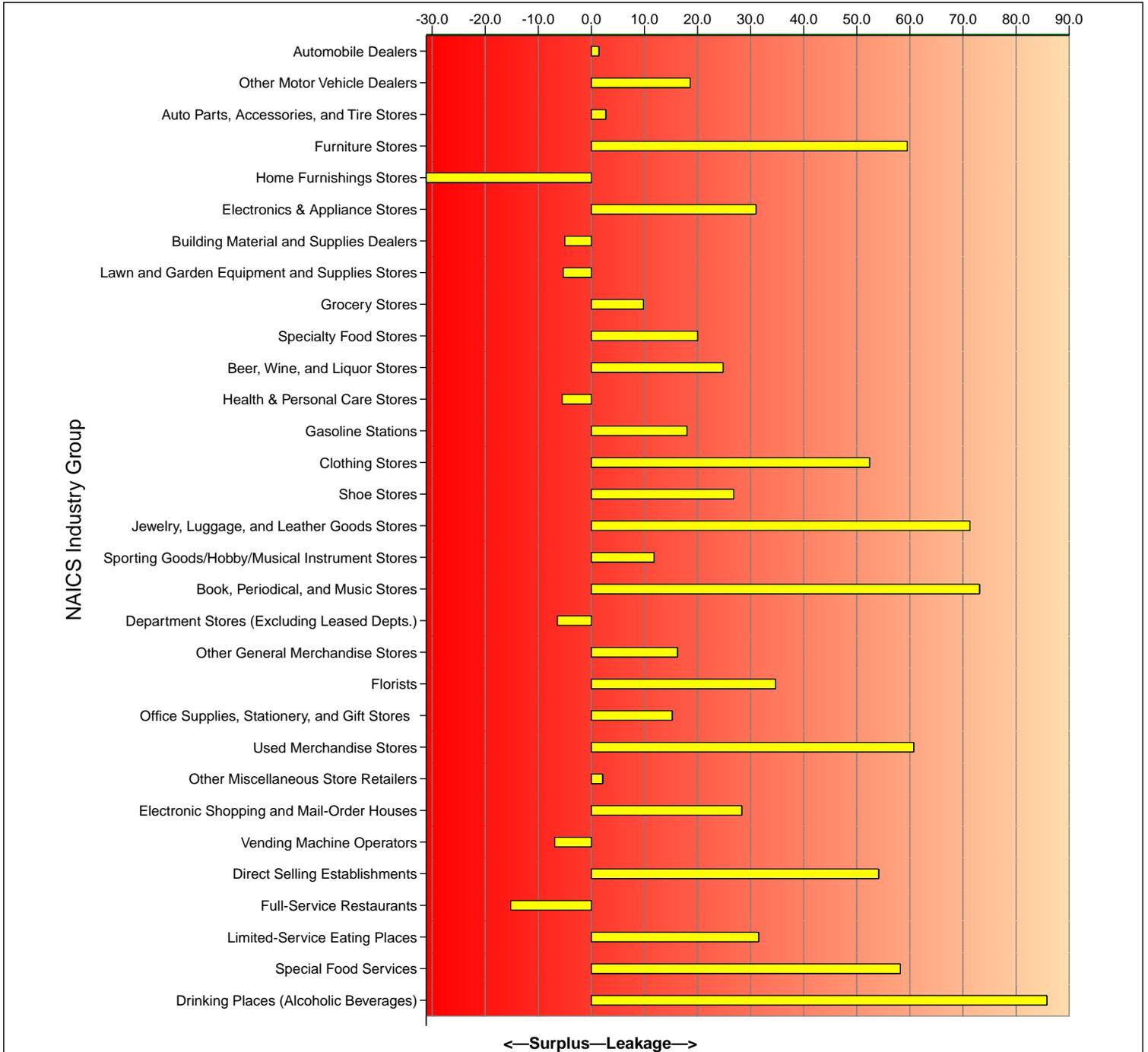
Sources: Esri and Infogroup



Sun Valley Commons  
 Old Charlotte Hwy & Wesley Chapel Stouts Rd, Indian Trail, NC, 28110  
 Ring: 5 miles radius

Latitude: 35.047467  
 Longitude: -80.645538

Leakage/Surplus Factor by Industry Group



Sources: Esri and Infogroup



# 2010 Retail MarketPlace Profile

Prepared by Vance SouthardMBA, CCIM

**Sun Valley Commons**  
**Old Charlotte Hwy & Wesley Chapel Stouts Rd, Indian Trail, NC, 28110**  
**Ring: 10 miles radius**

**Latitude: 35.047467**  
**Longitude: -80.645538**

## Summary Demographics

2010 Population	297,293
2010 Households	109,065
2010 Median Disposable Income	\$56,893
2010 Per Capita Income	\$34,289

## Industry Summary

	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Leakage/Surplus Factor	Number of Businesses
Total Retail Trade and Food & Drink (NAICS 44-45, 722)	\$3,863,071,894	\$3,130,217,073	\$732,854,821	10.5	2,098
Total Retail Trade (NAICS 44-45)	\$3,335,688,035	\$2,721,726,550	\$613,961,485	10.1	1,548
Total Food & Drink (NAICS 722)	\$527,383,859	\$408,490,523	\$118,893,336	12.7	550

Industry Group	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Leakage/Surplus Factor	Number of Businesses
Motor Vehicle & Parts Dealers (NAICS 441)	\$831,639,335	\$736,892,687	\$94,746,648	6.0	194
Automobile Dealers (NAICS 4411)	\$721,863,928	\$670,394,729	\$51,469,199	3.7	89
Other Motor Vehicle Dealers (NAICS 4412)	\$68,147,679	\$36,992,800	\$31,154,879	29.6	37
Auto Parts, Accessories, and Tire Stores (NAICS 4413)	\$41,627,728	\$29,505,158	\$12,122,570	17.0	68
Furniture & Home Furnishings Stores (NAICS 442)	\$126,601,654	\$86,494,984	\$40,106,670	18.8	132
Furniture Stores (NAICS 4421)	\$67,122,597	\$28,789,515	\$38,333,082	40.0	40
Home Furnishings Stores (NAICS 4422)	\$59,479,057	\$57,705,469	\$1,773,588	1.5	92
Electronics & Appliance Stores (NAICS 443/NAICS 4431)	\$118,787,460	\$75,403,519	\$43,383,941	22.3	121
Bldg Materials, Garden Equip. & Supply Stores (NAICS 444)	\$160,728,394	\$145,691,996	\$15,036,398	4.9	167
Building Material and Supplies Dealers (NAICS 4441)	\$147,436,309	\$135,300,127	\$12,136,182	4.3	124
Lawn and Garden Equipment and Supplies Stores (NAICS 4442)	\$13,292,085	\$10,391,869	\$2,900,216	12.2	43
Food & Beverage Stores (NAICS 445)	\$616,607,831	\$524,764,823	\$91,843,008	8.0	135
Grocery Stores (NAICS 4451)	\$600,137,061	\$514,276,326	\$85,860,735	7.7	103
Specialty Food Stores (NAICS 4452)	\$7,098,675	\$3,700,408	\$3,398,267	31.5	25
Beer, Wine, and Liquor Stores (NAICS 4453)	\$9,372,095	\$6,788,089	\$2,584,006	16.0	7
Health & Personal Care Stores (NAICS 446/NAICS 4461)	\$146,292,308	\$167,753,603	\$-21,461,295	-6.8	119
Gasoline Stations (NAICS 447/4471)	\$540,930,586	\$393,408,500	\$147,522,086	15.8	73
Clothing and Clothing Accessories Stores (NAICS 448)	\$151,330,682	\$97,225,949	\$54,104,733	21.8	193
Clothing Stores (NAICS 4481)	\$112,580,348	\$72,435,911	\$40,144,437	21.7	131
Shoe Stores (NAICS 4482)	\$16,024,750	\$14,646,234	\$1,378,516	4.5	29
Jewelry, Luggage, and Leather Goods Stores (NAICS 4483)	\$22,725,584	\$10,143,804	\$12,581,780	38.3	33
Sporting Goods, Hobby, Book, and Music Stores (NAICS 451)	\$36,853,522	\$21,261,161	\$15,592,361	26.8	97
Sporting Goods/Hobby/Musical Instrument Stores (NAICS 4511)	\$16,073,607	\$11,658,667	\$4,414,940	15.9	83
Book, Periodical, and Music Stores (NAICS 4512)	\$20,779,915	\$9,602,494	\$11,177,421	36.8	14

**Data Note:** Supply (retail sales) estimates sales to consumers by establishments. Sales to businesses are excluded. Demand (retail potential) estimates the expected amount spent by consumers at retail establishments. Supply and demand estimates are in current dollars. The Leakage/Surplus Factor presents a snapshot of retail opportunity. This is a measure of the relationship between supply and demand that ranges from +100 (total leakage) to -100 (total surplus). A positive value represents 'leakage' of retail opportunity outside the trade area. A negative value represents a surplus of retail sales, a market where customers are drawn in from outside the trade area. The Retail Gap represents the difference between Retail Potential and Retail Sales. Esri uses the North American Industry Classification System (NAICS) to classify businesses by their primary type of economic activity. Retail establishments are classified into 27 industry groups in the Retail Trade sector, as well as four industry groups within the Food Services & Drinking Establishments subsector.

**Sources:** Esri and Infogroup



# 2010 Retail MarketPlace Profile

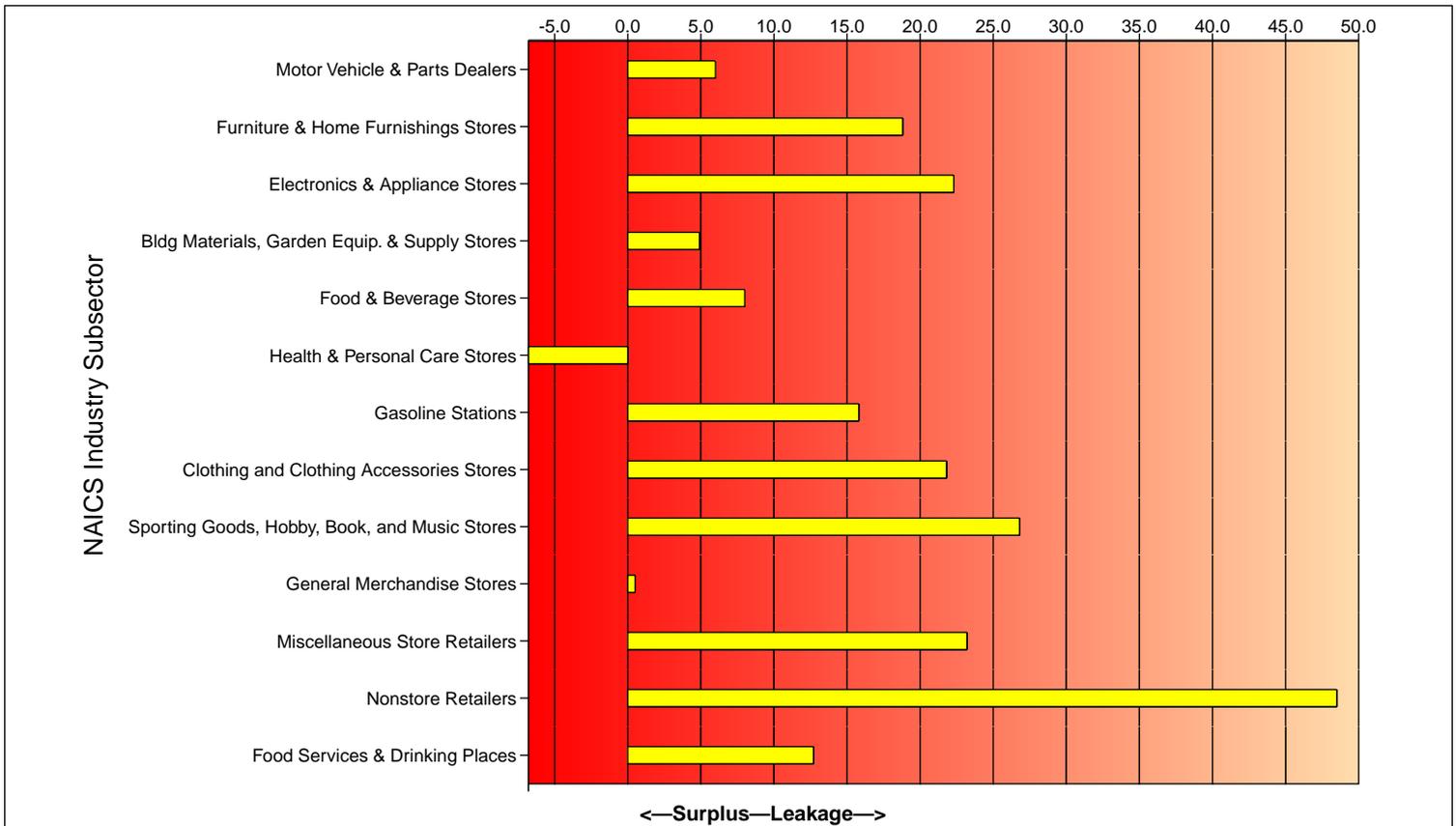
Prepared by Vance SouthardMBA, CCIM

Sun Valley Commons  
 Old Charlotte Hwy & Wesley Chapel Stouts Rd, Indian Trail, NC, 28110  
 Ring: 10 miles radius

Latitude: 35.047467  
 Longitude: -80.645538

Industry Group	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Leakage/Surplus Factor	Number of Businesses
General Merchandise Stores (NAICS 452)	\$385,348,374	\$381,152,582	\$4,195,792	0.5	72
Department Stores Excluding Leased Depts.(NAICS 4521)	\$198,881,988	\$232,545,346	-\$33,663,358	-7.8	33
Other General Merchandise Stores (NAICS 4529)	\$186,466,386	\$148,607,236	\$37,859,150	11.3	39
Miscellaneous Store Retailers (NAICS 453)	\$54,790,510	\$34,126,431	\$20,664,079	23.2	220
Florists (NAICS 4531)	\$5,332,929	\$2,716,208	\$2,616,721	32.5	27
Office Supplies, Stationery, and Gift Stores (NAICS 4532)	\$20,118,661	\$13,811,962	\$6,306,699	18.6	62
Used Merchandise Stores (NAICS 4533)	\$8,059,284	\$2,858,556	\$5,200,728	47.6	42
Other Miscellaneous Store Retailers (NAICS 4539)	\$21,279,636	\$14,739,705	\$6,539,931	18.2	89
Nonstore Retailers (NAICS 454)	\$165,777,379	\$57,550,315	\$108,227,064	48.5	25
Electronic Shopping and Mail-Order Houses (NAICS 4541)	\$66,932,385	\$24,280,504	\$42,651,881	46.8	6
Vending Machine Operators (NAICS 4542)	\$62,452,575	\$27,372,747	\$35,079,828	39.1	7
Direct Selling Establishments (NAICS 4543)	\$36,392,419	\$5,897,064	\$30,495,355	72.1	12
Food Services & Drinking Places (NAICS 722)	\$527,383,859	\$408,490,523	\$118,893,336	12.7	550
Full-Service Restaurants (NAICS 7221)	\$110,336,957	\$182,223,296	-\$71,886,339	-24.6	322
Limited-Service Eating Places (NAICS 7222)	\$330,354,040	\$209,495,146	\$120,858,894	22.4	189
Special Food Services (NAICS 7223)	\$45,172,136	\$11,718,613	\$33,453,523	58.8	22
Drinking Places - Alcoholic Beverages (NAICS 7224)	\$41,520,726	\$5,053,468	\$36,467,258	78.3	17

Leakage/Surplus Factor by Industry Subsector



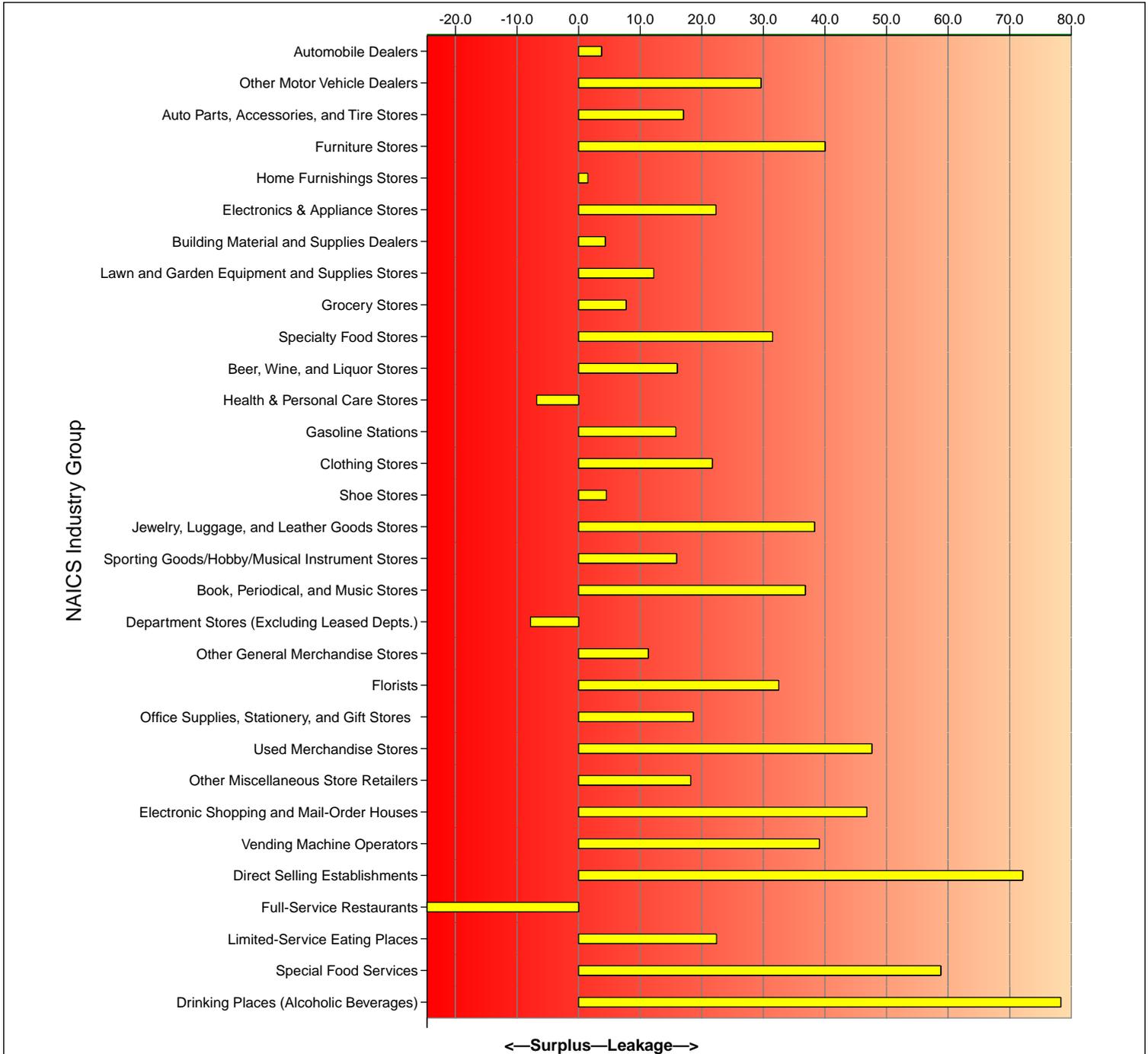
Sources: Esri and Infogroup



Sun Valley Commons  
 Old Charlotte Hwy & Wesley Chapel Stouts Rd, Indian Trail, NC, 28110  
 Ring: 10 miles radius

Latitude: 35.047467  
 Longitude: -80.645538

Leakage/Surplus Factor by Industry Group



Sources: Esri and Infogroup

**TC ATTACHMENT 2**

## HOW TO READ THIS TABLE

- The subject property is located within a Village Center Overlay District (O-VCD). Therefore, uses must be identified in both the base General Business District (GBD) and the O-VCD to be permitted on the subject property, if the proposed zoning map amendment is approved.
- Uses in the table below that have a “P” in the GBD AND a “P” in the O-VCD are permitted by right on the subject property, if the zoning map amendment is approved.
- Uses in the table below that have an “S” in the GBD District and/or an “S” in the O-VCD are only permitted with a Special Use Permit (SUP), which requires a public hearing before the Board of Adjustment.
- Uses in the table below that have a “-” in the GBD District and/or the O-VCD are not permitted on the subject property.
- Zoning districts that are not associated with the proposed zoning map amendment are blacked out for ease of reference.

### A. Use Table and Standards

USE GROUP	Business and Commercial Districts						Use Standard
Use Category	CBD	NBD	GBD	RBD	O-VCD	O-DD	
Specific Use Type							
Adult Use			-		-		See Chapter 720
<b>Animal Services</b>							
Shelter/Boarding Kennel			S		-		
Sales and Grooming			P		P		
Veterinary			S		-		
<b>Artist Work/Sales Space</b>							
Art galleries			P		P		
Artist Studio			P		P		
<b>Body Art Services</b>							
Body Piercing			-		-		
Tattooing			-		-		At least 500 feet from any school
<b>Building Maintenance Services</b>							
Janitorial			P		-		

USE GROUP	Business and Commercial Districts						Use Standard
Use Category	CBD	NBD	GBD	RBD	O-VCD	O-DD	
Specific Use Type							
Landscaping Maintenance			S		-		
Window Cleaning Service			P		-		
Exterminator Services			-		S		
<b>Business Equipment Sales and Service</b>							
Office Equipment and Supply			P		P		See Size Limitations of Section 520.030B
Small Business Machine Repair			P		P		
Hotel Equipment and Supply			P		-		
<b>Business Support Services</b>							
Blueprint Services			P		P		
Business or Trade Schools			S		S		
Day Labor Employment			-		-		
Employment Agency			P		P		
Secretarial Services			P		P		
Telephone Answering Service			P*		P*		See Size Limits Sec 520.030B
<b>Communication Service Establishment</b>							
Recording Studios			P		P		
Television and Radio Studios			P		-		
Telecom Sales/Service Centers			P		P		
<b>Construction Sales and Service</b>							
Building Material Sales			P		P*		*See Size Limits Sec. 520.030B
Contractor/Construction Storage Yard			-		-		
Tool Equipment Sales or Rental			-		-		

USE GROUP	Business and Commercial Districts						Use Standard
Use Category	CBD	NBD	GBD	RBD	O-VCD	O-DD	
Specific Use Type							
Building Contracting/ Construction Office			P/S		P		SUP is for any outdoor operations
<b>Drive-Through Facility (restaurants, banks, drug stores)</b>			P		P		
<b>Eating and Drinking Establishments</b>							
Restaurants			P		P		
Private Club/Tavern			S		-		
<b>Entertainment Sports (indoor basketball, hockey, soccer, batting)</b>							
Small			P		P		
Medium			S		P		
Large			-		S		
<b>Financial Services</b>							
Banks			P		P		
Consumer Investment Services			P		P		
Consumer Loan Offices			P		P		
Payday Loan Stores			S		-		
Pawn Shop			S		-		
Savings and Loan Association			P		P		
<b>Flea Market</b>			-		-		
<b>Food and Beverage Retail Sales</b>							
Bakery			P		P		
Delicatessen			P		P		
Ice Cream Store			P		P		
Grocery store			P		P		
Liquor Sales (accessory to hotel, motel, country club)							
<b>Fortune Telling Service</b>			-		-		
<b>Funeral and Internment Service</b>							

USE GROUP	Business and Commercial Districts						Use Standard
Use Category	CBD	NBD	GBD	RBD	O-VCD	O-DD	
Specific Use Type							
Cemetery, mausoleum, columbarium			P		P		
Cremating			S		-		
Undertaking			P		S		
<b>Gas Stations</b>			P		S		
<b>Lodging</b>							
Bed and Breakfast			P		P		
Hotel/Motel			-		-		
<b>Medical Services</b>							
Government-operated health center			-		-		
Health maintenance organizations			-		-		
Medical/Dental Labs			P		P		*If 0-1,500 sq. ft., then permitted by-right; if greater than 1,500 sq. ft., SUP is required.
Medical/Dental Offices			P		P		
<b>Offices</b>							
Administrative			P		P		
Professional			P		P		
High-technology Offices/Labs			P				
Legal			P		P		
<b>Parking, Non-Accessory</b>			-		S		
<b>Personal Service</b>							
Dance Studios			P		P		
Day Care Center			P		P		
Driving Schools			P		P		
Hair or Nail Salon/Barbershop			P		P		
Martial Arts Studio			P		P		

USE GROUP	Business and Commercial Districts						Use Standard
Use Category	CBD	NBD	GBD	RBD	O-VCD	O-DD	
Specific Use Type							
Other High-Volume Traffic Generating Uses			P		P		
Other Low-Volume Traffic Generating Uses			P		P		
Religious Assembly			P		P		Storefront location only-located within a multi-tenant structure
Yoga Studio			P		P		
<b>Repair Service, Consumer</b>							
Appliance Repair Shops			P		-		
Locksmiths			P		P		
Musical Instrument Repair			P		P		
Other High-Volume Traffic Generating Uses			P		P		
Other Low-Volume Traffic Generating Uses			P		P		
Shoe and Apparel Repair			P		P		
<b>Retail Sales , General</b>							
ABC Stores			P		P		Subject to UDO Chapter 7190
Antique Shops			P		P		
Appliance Stores			P		P		
Bait Shop, Live			-		-		
Beauty Supply Stores			P		P		
Bicycle Sales, Rental and Repair			P		P		
Book Stores			P		P*		*See Size Limits 520.030B
Camera Stores			P		P		

USE GROUP	Business and Commercial Districts						Use Standard
Use Category	CBD	NBD	GBD	RBD	O-VCD	O-DD	
Specific Use Type							
Candy Stores			P		P		
China and Glassware Stores			P		P		
Clothing Rental Shops			P		P		
Coin and Philatelic Shop, Computer Sales and Services			P		P		
Computer Sales and Service			P		P*		*See Size Limits Sec. 520.030B
Costume Rental Shops			P		P		
Department Stores			P		P		
Dress Shops			P		P		
Drug Stores			P		P		
Florist Shops			P		P		
Furniture Stores			P		P		
Furrier Shops			P		P		
Garden Supply Store			P*		S		*See Size Limits Sec. 520.030B
Gift Shops			P		P		
Greenhouse, Retail			P		-		
Hardware Store			P		S		
Hobby Shop			P		S		
Household Appliance Store			S		S		
Jewelry Store			P		P		
Leather/Luggage Stores			P		S*		*See Size Limits Sec. 520.030B
Musical Instrument Sales			P		P		
Other High-Volume Traffic Generating Uses			P		P		
Other Low-Volume Traffic Generating Uses			P		P		
Pet Supplies			P		P*		*See Size

USE GROUP	Business and Commercial Districts						Use Standard
Use Category	CBD	NBD	GBD	RBD	O-VCD	O-DD	
Specific Use Type							
							Limits Sec. 520.030B
Photographic Supply Store			P		P*		*See Size Limits Sec. 520.030B
School Supply Store			P		P		
Second Hand/Rummage			P		-		
Sewing Machine Sales			P		S		
Shoe Stores			P		P*		*See Size Limits Sec. 520.030B
Sporting Good Stores			P		S*		*See Size Limits Sec. 520.030B
Stationary Stores			P		P		
Tobacco Shops			P		S		
Toy Shops			P		P*		*See Size Limits Sec. 520.030B
Video Stores and CD Shops			P		P*		See Size Limits Sec. 520.030B
Wearing Apparel Shops			P		P		
<b>Sports and Recreation, Participants</b>							
Amusement Arcades			-		-		
Driving ranges-outdoor			P		-		
Entertainment Cabaret			-		-		
Miniature golf courses			P		-		
Billiard Parlors			P		-		
Bowling Alleys			P		-		
Health Clubs/Fitness Centers			P		P*		See Size Limits Sec. 520.030B
<b>Theatre</b>							
Theatre, Motion Picture			P/SU P		P/SU P		SUP for Outdoor Use
Theatrical Playhouse (Excluding Adult Use)			P/SU P		P/SU P		SUP for Outdoor Use
<b>Vehicle Sales and Service</b>							

USE GROUP	Business and Commercial Districts						Use Standard
Use Category	CBD	NBD	GBD	RBD	O-VCD	O-DD	
Specific Use Type							
Auto Supply and Service			P		-		
Car Wash			P		-		
Heavy Equipment Sales/Rental			-		-		
Light Equipment Sales/Rental-Indoor			P		-		
Light Equipment Sales/Rental-Outdoor			-		-		
Motor Vehicle Repair Shop not including body work, parking and commercial vehicle repair			-		S		
Motor Vehicle Repair Shop including body work, parking and commercial vehicle repair			-		-		
RV and Boat Storage			-		-		
Vehicle Storage and Towing			-		-		
Wholesale Distribution							Permitted by right for office/warehouse facilities built prior to adoption of UDO on December 30, 2008.

**TC ATTACHMENT 3**

STATE OF NORTH CAROLINA )

)

ORDINANCE #

TOWN OF INDIAN TRAIL )

)

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF INDIAN TRAIL REZONING ONE PARCEL TOTALING APPROXIMATELY 0.488 ACRES FROM SINGLE FAMILY RESIDENTIAL (SF-1) TO GENERAL BUSINESS DISTRICT (GBD) IN THE TOWN OF INDIAN TRAIL, UNION COUNTY, NORTH CAROLINA**

WHEREAS the Sun Valley Commons, LLC petitioned to rezone one parcel (Parcel #: 07090078), from Single-Family Residential (SF-1) to General Business (GBD) zoning classification; and

WHEREAS, this Zoning Amendment (ZM2011-003) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, a meeting was held by the Planning Board on January 17, 2012 to consider this zoning request; and

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

***Goal 1.3.1 Quality of Life: A more sustainable quality of life to the residents of Indian Trail by establishing a greater sense of community and promoting a unique identity within the Town of Indian Trail for all residents.***

The proposed rezoning to GBD within the Village Center will help to promote a diversity of land uses and a better quality of life for our residents by providing opportunity to build out the Village Centers establishing unique identity and providing a goods and services as planned.

***Goal 1.3.2 Land Use: A more balanced tax base by promoting the development of office parks, businesses, retail centers, and industrial parks:***

The proposed rezone petition is consistent with the vision of community form, providing a mix of uses within the intended area (Village Center) including an analysis supporting its request to service our residents as well as residents in neighboring communities. It further promotes the opportunity to establish a more balanced tax base in the Town by promoting commercial development.

WHEREAS, the Planning Board further finds zoning reclassification is a reasonable request and is in the public interest because it promotes the goals of the adopted Indian

Trail Comprehensive Plan in the areas of Quality of Life and Land Use and is consistent with the adopted plans within the Town of Indian Trail.

WHEREAS, the Town Council held a public hearing on February 14, 2012 to consider said request, received public testimony, 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 of Indian Trail Town Council that:

Section 1      ZM 2011-003 rezone petition be granted and the Zoning Map shall be amended to reflect the General Business District (GBD) zoning designation for parcel 07090078.

**AND IT IS SO ORDAINED** this 14th day of February, 2012.

TOWN OF INDIAN TRAIL COUNCIL

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

Attest:

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



PLANNING AND DEVELOPMENT DEPARTMENT

**Planning Board Transmittal for the February 14<sup>th</sup>, 2012 Town Council Meeting**

<b>Case: ZT 2011-011</b>			
<b>Reference Name</b>	<b>Text Amendment Chapters 530 and 1620</b>		
<b>Meeting Date</b>	January 17 <sup>th</sup> , 2012		
<b>Members Present</b>	Russell Whitehurst Chair	Jan Brown (Alternate)	
	Patricia Cowan Vice Chair	Kathy Broom	Sidney Sandy
		Larry Miller	Cathi Higgins (Alternate)
<b>Absent</b>	Gary Vaughn	Robert Rollins	
<b>Case Found Complete</b>	Yes    x                      No		
<b>Motion</b>	Recommend approval as presented		
<b>Member making the motion</b>	Patricia Cowan		
<b>Second the motion</b>	Sidney Sandy		
<b>Vote</b>	7-0 Recommendation to Approve as Presented		

**Purpose of the Amendment:**

A request to amend Chapters 530 and 1620 of the Unified Development Ordinance (UDO) to permit ancillary service uses within business parks in the Light Industrial (LI) Zoning District.

**Town Council Action:** *Receive transmittal report and public testimony and:*

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

## Executive Summary

This text amendment arises as a result of a request by the owner of a building within an Indian Trail business park regarding the ability to locate an ancillary service type establishment within the building. In the context of a business park, an ancillary service establishment is one that would provide services to either business park employees or the businesses themselves. The UDO currently does not permit these types of establishments within the LI District. Staff now introduces this text amendment to permit ancillary service establishments within the LI District.

In brief, the text amendment proposes the following modifications to the UDO:

- Modifies the LI District Use Table to permit ancillary service type uses (i.e. mailing/copy center, secretarial services, small restaurant, day care, etc.) within business parks.
- Creates compatibility standards for day care uses to help prevent impacts between day care and industrial type uses.
- Creates size limitations for ancillary service establishments to maintain industrial/employment nature of business parks
- Creates a definition for “Business Parks” to effect the changes to the LI District Use Table.

## Planning Board

The Planning Board, having considered the above items at their January 17, 2012 meeting, recommended approval of this text amendment, as presented, to the Town Council in a 7-0 vote. As part of their recommendation, the Planning Board asked Staff to review the UDO day care use language to ensure its consistency with current State law and verbiage. Staff will respond to the Planning Board regarding this request as a separate item.

In recommending the text amendment for approval to the Town Council, the Planning Board also made the required consistency findings as follows:

1. The following findings were made consistent with the Comprehensive Plan:
  - *Goal 1.32 Land Use:* The proposed text amendment will encourage a mix of complimentary land uses within Indian Trail’s Light Industrial Zoning District.
  - *Goal 1.3.2 Land Use:* The proposed text amendment will encourage a more balanced tax base by expanding the permitted land uses within the Light Industrial Zoning District.
2. This UDO amendment is in the best interest of the public because it promotes the goals of the adopted Indian Trail Comprehensive Plan and strengthens Indian Trail’s business parks by permitting a mutually-supportive mix of land uses.

## Staff Contact

Rox Hunter Burhans, AICP

Senior Planner

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

**Attachment 1- Planning Board Report**

**Attachment 2- Draft Ordinance**

**TC ATTACHMENT 1**



Town of  
**INDIAN TRAIL**  
north carolina

P.O. Box 2430

Indian Trail, North Carolina 28079

Telephone (704) 821-5401

Fax (704) 821-9045

PLANNING AND DEVELOPMENT DEPARTMENT

## Zoning Text Amendment Staff Report

<b>Case: ZT 2011-011 Amendment of Chapter 530 Industrial Zoning Districts</b>		
<b>Reference Name</b>	Industrial Use Table, Other Applicable Regulations, and Definitions	
<b>Applicant</b>	Town of Indian Trail	
<b>Submittal Date</b>	12/1/11	
<b>Location</b>	Town-Wide	
<b>Tax Map Number</b>	N/A	
<b>Plan Consistency</b>	Town of Indian Trail Comprehensive Plan	Consistent With Request
<b>Recommendations &amp; Comments</b>	Planning Staff	Recommends Approval of Proposed Text Amendments.

### Project Summary

Staff is introducing this proposed text amendment for revision to the existing Unified Development Ordinance (UDO) Sections 530.010 *District Descriptions*, 530.020 *Industrial Zoning Districts Use Table*, 530.040 *Other Applicable Regulations*, and 1620 *General Definitions* to permit ancillary service type uses to locate within business parks in the Light Industrial (LI) District.

Areas of Analysis:

1. **The Comprehensive Plan**- The proposed text amendment is consistent with the Land Use Goals of the Comprehensive Plan.
2. **Staff Recommendation**- Staff recommends based on the guidance of the adopted plans that the text amendment be supported.

The following is a more detailed discussion regarding the proposed text amendments.

**Background**

Staff was contacted by the owner of a building within an Indian Trail business park regarding the ability to locate an ancillary service type establishment within the building. In the context of a business park, an ancillary service establishment is one that would provide services to either business park employees or the businesses themselves. The UDO currently does not permit these types of establishments within the LI District. After researching this item, Staff believes amending the UDO to permit these types of establishments within the LI District (with some limitations) would help strengthen Indian Trail’s business parks.

**Proposed Amendments**

- I. *Table of Allowed Uses*: The amended Table of Allowed Uses below identifies the proposed ancillary service uses (in red/underlined font) to be permitted within Indian Trail’s Light Industrial District business parks. Staff was conservative in identifying permitted ancillary service uses so as to not detract from the underlying industrial/employment generating nature of the LI district. Ancillary service uses in the LI District would not be permitted outside of a business park environment since there would be no large collection of adjacent businesses or employment base to build a mutually-supportive relationship.

**Chapter 530 Use Table and Standards**

Use Group	Zoning Districts		Use Standard
	LI	HI	
Specific Use			
<b>COMMERCIAL</b>			
Adult Use	-	-	
Animal Services			
Shelter/ Boarding Kennel	S	-	
Sales and Grooming	S	-	
Veterinary	S	-	
Stables	S	-	
Artist Work and Sales Space	P	P	
Building Maintenance Services	P	P	
Business Equipment Sales and Service	P	P	
Commercial Greenhouse or Nursery	P	P	
Communication Service Establishments	P	P	
Construction Sales and Service	P	P	
Construction Storage Yard	S	P	
Funeral and Interment Service			
Cemetery or Mausoleum	-	-	
Cremating	S	S	
Commercial Laundry Services	P	P	
Offices	P		
<u>Business or Trade School</u>	<u>P</u>		

Use Group	Zoning Districts		Use Standard
	LI	HI	
<u>Ancillary Services Within Business Parks</u>			
<u>Health Clubs/Fitness*</u>	<u>P*</u>		<u>*See Size Limits Sec. 530.040</u>
<u>Day Care Center*</u>	<u>S*</u>		<u>*See Size Limits, Parking and Loading, and Locational Requirements Sec. 530.040</u>
<u>Dry Cleaning, Shoe and Apparel Repair (Consumer)*</u>	<u>P*</u>		<u>*See Size Limits Sec. 530.040</u>
<u>Bakery*</u>	<u>P*</u>		<u>*See Size Limits Sec. 530.040</u>
<u>Delicatessen*</u>	<u>P*</u>		<u>*See Size Limits Sec. 530.040</u>
<u>Restaurant (not including drive-through facilities)*</u>	<u>P*</u>		<u>*See Size Limits Sec. 530.040</u>
<u>Mailing, Copying, and Blue Print Services*</u>	<u>P*</u>		<u>*See Size Limits Sec. 530.040</u>
<u>Employment Agency*</u>	<u>P*</u>		<u>*See Size Limits Sec. 530.040</u>
<u>Secretarial Services*</u>	<u>P*</u>		<u>*See Size Limits Sec. 530.040</u>
<u>Telephone Answering Service*</u>	<u>P*</u>		<u>*See Size Limits Sec. 530.040</u>
Residential Storage Warehouse	P	P	
Indoor Shooting Range	S	S	Chapter 7170
Sports and Recreation, Participants (Not including firearms shooting ranges)			
Outdoor	S	S	
Indoor	P	-	
Vehicles Sales, Storage and Service			
Heavy Equipment Sales and Rental	P	P	
Motor Vehicle Repair Shop including commercial vehicles	P	P	
RV or Boat Storage	S	S	
Vehicle Storage and Towing	S	S	
Industrial			
Manufacturing, Production, and Industrial Services	P	P	
Artisan	P	P	
Limited Industrial	P	P	
General Industrial	P	P	
Heavy Industrial	-	P	
Mining/Excavation	S	P	
Warehousing, Wholesaling, and Freight Movement	P	P	
Waste and Salvage Related Uses			
Junk/Salvage yard	-	S	
Recycling facilities, indoors	P	P	
Recycling facilities, outdoors	-	S	

Use Group	Zoning Districts		Use Standard
	LI	HI	
Resource Recovery Facilities	-	S	
Waste Transfer Stations	-	S	
Other			
Agricultural Operations	P	P	
Emergency Services	P	P	
Utilities, Minor	P	P	
Utilities, Major	S	S	
Wireless Communication Facilities			
Co-located	P	P	See Chapter 7160
Freestanding Towers	P	P	See Chapter 7160

II. *Supplementary/Other Requirements:* The text below (in red/underlined font) identifies proposed supplementary standards for ancillary service uses to ensure compatibility within Indian Trail’s business parks. A size limitation is proposed to ensure ancillary service uses remain a very minor use group within business parks. Day care centers are recommended to be approved as a Special Use Permit (requiring a public hearing) by the Indian Trail Board of Adjustments to ensure a more comprehensive review and public comment process. Supplementary locational and parking and loading standards have also been created for day care centers to further ensure compatibility with adjacent light industrial uses.

**530.040 Other Applicable Regulations**

Uses and development in the LI districts are subject to other standards including the following:

**A. Parking and Loading**

1. Vehicular access, parking, and circulation areas for day care center establishments within the LI district must be designed to minimize conflicts with the access, parking, and circulation for industrial establishments within the business park.
2. Pedestrian circulation routes for day care center establishments must be provided between parking areas and entrances to buildings so as not to conflict with vehicular truck or other service traffic associated with industrial establishments within the business park.
3. (See Parking and Loading, DIVISION 1000 for additional requirements)

**B. Landscaping and Screening**

(See Landscaping Standards, DIVISION 800)

**C. Signs**

(See Sign Regulations, DIVISION 900)

**D. Floor Area Limits For Ancillary Service Establishments**

Ancillary service establishments located within business parks in the LI district may not include more than 20% of the total cumulative gross floor area of all

establishments within the park. For example, if a business park has a cumulative total gross floor area of 100,000 sq.ft. (for all establishments), the total permitted gross floor area of ancillary service establishments within the park may not exceed 20,000 sq. ft. Ancillary service establishments are not permitted in standalone structures located outside of a business park.

#### **E. Locational Requirements For Day Care Centers**

1. Day care center establishments within the LI district shall not be located in the vicinity of existing, incompatible industrial establishments. Incompatible industrial establishment are those that produce excessive amounts of light, noise, odor, truck or service traffic, and similar use characteristics that will be harmful to day care attendees, parents/guardians, or staff.
2. Day care center establishments within the LI District shall not be located in a building designed for or occupied by multiple tenants.

#### **F. Accessory Uses and Structures**

(See Supplementary Use Regulations, DIVISION 700)

- III. *Business Park Definition:* The proposed text amendments also reflect creating a definition for *Business Parks* (refer to red/underlined font below) in light of ancillary service establishments only being permitted only within these developments.

#### **1620 General Definitions**

##### **Business Park**

A defined area of land with multiple employment-generating establishments in fields such as manufacturing, processing and assembly, warehousing, distribution and service enterprises, office, and ancillary service establishments. Business parks are typically defined by common or shared development features that may include, but are not limited to architectural design, landscaping, signage, roadway access, stormwater management, and other features. A single, standalone building located outside a park environment would not be considered a business park.

#### **Action Required**

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:

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

**Goal 1.32 *Land Use:* A quality mix of different land uses while avoiding land use conflicts with neighboring properties and surrounding municipalities.**

The proposed text amendment will encourage a mix of complimentary land uses within Indian Trail's Light Industrial Zoning District.

**Goal 1.3.2 *Land Use:* A more balanced tax base by promoting the development of office parks, businesses, retail centers, and industrial parks.**

The proposed text amendment will encourage a more balanced tax base by expanding the permitted land uses within the Light Industrial Zoning District.

2. This UDO amendment is in the best interest of the public because it promotes the goals of the adopted Indian Trail Comprehensive Plan and strengthens Indian Trail's business parks by permitting a mutually-supportive mix of land uses.

**Staff Recommendation**

Staff recommends that the Planning Board make the required consistency findings and recommend adoption of the UDO ordinance amendments as stated in this report to the Town Council.

**Staff Contact**

Rox Hunter Burhans, AICP

Senior Planner

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

Attachment:

Attachment One- Draft Ordinance

**TC ATTACHMENT 2**

STATE OF NORTH CAROLINA )  
 )  
TOWN OF INDIAN TRAIL )

ORDINANCE #

**AN ORDINANCE AMENDING SECTIONS 530.010 DISTRICT DESCRIPTIONS, 530.020; INDUSTRIAL ZONING DISTRICTS USE TABLE AND STANDARDS, 530.040 OTHER APPLICABLE REGULATIONS, AND 1620 GENERAL DEFINITIONS OF THE INDIAN TRAIL UNIFIED DEVELOPMENT ORDINANCE (UDO), INDIAN TRAIL, NORTH CAROLINA**

**WHEREAS**, the town is the applicant for ZT 2011-011 requesting to amend Chapters 530 Industrial Zoning Districts and 1620 General Definitions to permit ancillary service uses within business parks in the Light Industrial Zoning District; and

**WHEREAS**, this UDO Amendment was duly noticed in compliance with North Carolina General Statutes; and

**WHEREAS**, the amendment was heard by Planning Board on January 17, 2012 in a public meeting; and

**WHEREAS**, the Planning Board after hearing the amendment and deliberations made the following findings and recommended approval to the Town Council:

1. The proposed UDO amendment is consistent with the following goals:
  - 1.3.2 of the Comprehensive Plan – Land Use; the proposed UDO amendment will help to promote a quality mix of different land uses while avoiding land use conflicts with neighboring properties and surrounding municipalities.
  - 1.3.2 of the Comprehensive Plan –Land Use; the proposed UDO amendments will help promote a more balanced tax base by promoting the development of office parks, businesses, retail centers, and industrial parks.
2. This UDO ordinance amendment is in the best interest of the public because it strengthens Indian Trail’s business parks by permitting a mutually-supportive mix of land uses.

**WHEREAS**, the Town Council received the Planning Board transmittal for a recommendation of approval in the required public hearing held on February 14, 2012 and after receiving the transmittal, public comment, and deliberation, concur with the required findings and amendment recommendation as transmitted by the Planning Board.

NOW THEREFORE, BE IT ORDAINED ON February 14, 2012 BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA HEREBY TAKES THE FOLLOWING ACTION:

**Section 1** – Amend UDO Sections 530.010 *District Descriptions*, 530.020 *Industrial Zoning Districts Uses Table*, 530.040 *Other Applicable Regulations*, and 1620 *General Definitions* to permit ancillary service type uses to locate within business parks in the Light Industrial District.

**Chapter 530. Industrial Zoning Districts**

---

The Industrial districts are intended to accommodate industrial park development, manufacturing, warehousing, and wholesaling in locations with good access to highways and arterial roads. The Industrial districts are intended to promote job retention and job creation and such districts are intended to promote expansion of the Town’s employment base and access to jobs in close proximity to people’s homes.

**530.010 District Descriptions**

**A. LI, Light Industrial District**

The LI, Light Industrial district is established to provide regulations for the development of areas generally devoted to light manufacturing, processing and assembly uses, warehousing, distribution and servicing enterprises and office and ancillary service activities controlled by performance standards to limit the effect of such uses on uses within the district and on adjacent districts. Development in this district under the planned development process is encouraged. The LI, Light Industrial district is consistent with the Industrial designation on the Indian Trail Comprehensive Plan.

**B. HI, Heavy Industrial District**

The HI, Heavy Industrial district is established to produce areas for intensive manufacturing, processing and assembly uses, controlled by performance standards to limit the effect of such uses on adjacent districts. The HI, Heavy Industrial District is consistent with the industrial designation on the Indian Trail Comprehensive Plan.

**530.020 Allowed Uses**

Use Group	Zoning Districts		Use Standard
	LI	HI	
Specific Use			
COMMERCIAL			
Adult Use	-	-	
Animal Services			
Shelter/ Boarding Kennel	S	-	
Sales and Grooming	S	-	
Veterinary	S	-	
Stables	S	-	

Use Group	Zoning Districts		Use Standard
	<b>LI</b>	<b>HI</b>	
Artist Work and Sales Space	P	P	
Building Maintenance Services	P	P	
Business Equipment Sales and Service	P	P	
Commercial Greenhouse or Nursery	P	P	
Communication Service Establishments	P	P	
Construction Sales and Service	P	P	
Construction Storage Yard	S	P	
Funeral and Interment Service			
Cemetery or Mausoleum	-	-	
Cremating	S	S	
Commercial Laundry Services	P	P	
Offices	P		
<u>Business or Trade School</u>	<u>P</u>		
<u>Ancillary Services Within Business Parks</u>			
<u>Health Clubs/Fitness*</u>	<u>P*</u>		<u>See Size Limits Sec. 530.040*</u>
<u>Day Care Center*</u>	<u>S*</u>		<u>See Size Limits, Parking and Loading, and Locational Requirements Sec. 530.040*</u>
<u>Dry Cleaning, Shoe and Apparel Repair (Consumer)*</u>	<u>P*</u>		<u>See Size Limits Sec. 530.040*</u>
<u>Bakery*</u>	<u>P*</u>		<u>See Size Limits Sec. 530.040*</u>
<u>Delicatessen*</u>	<u>P*</u>		<u>See Size Limits Sec. 530.040*</u>
<u>Restaurant (not including drive-through facilities)*</u>	<u>P*</u>		<u>See Size Limits Sec. 530.040*</u>
<u>Mailing, Copying, and Blue Print Services*</u>	<u>P*</u>		<u>See Size Limits Sec. 530.040*</u>
<u>Employment Agency*</u>	<u>P*</u>		<u>See Size Limits Sec. 530.040*</u>
<u>Secretarial Services*</u>	<u>P*</u>		<u>See Size Limits Sec. 530.040*</u>
<u>Telephone Answering Service*</u>	<u>P*</u>		<u>See Size Limits Sec. 530.040*</u>
Residential Storage Warehouse	P	P	
Indoor Shooting Range	S	S	Chapter 7170
Sports and Recreation, Participants (Not including firearms shooting ranges)			

Use Group	Zoning Districts		Use Standard
	<b>LI</b>	<b>HI</b>	
Outdoor	S	S	
Indoor	P	-	
Vehicles Sales, Storage and Service			
Heavy Equipment Sales and Rental	P	P	
Motor Vehicle Repair Shop including commercial vehicles	P	P	
RV or Boat Storage	S	S	
Vehicle Storage and Towing	S	S	
Industrial			
Manufacturing, Production, and Industrial Services	P	P	
Artisan	P	P	
Limited Industrial	P	P	
General Industrial	P	P	
Heavy Industrial	-	P	
Mining/Excavation	S	P	
Warehousing, Wholesaling, and Freight Movement	P	P	
Waste and Salvage Related Uses			
Junk/Salvage yard	-	S	
Recycling facilities, indoors	P	P	
Recycling facilities, outdoors	-	S	
Resource Recovery Facilities	-	S	
Waste Transfer Stations	-	S	
Other			
Agricultural Operations	P	P	
Emergency Services	P	P	
Utilities, Minor	P	P	
Utilities, Major	S	S	
Wireless Communication Facilities			
Co-located	P	P	See Chapter 7160
Freestanding Towers	P	P	See Chapter 7160

### 530.040 Other Applicable Regulations

Uses and development in I districts are subject to other standards including the following:

**A. Parking and Loading**

1. Vehicular access, parking, and circulation areas for day care center establishments within the LI district must be designed to minimize conflicts with the access, parking, and circulation for industrial establishments within the business park.
2. Pedestrian circulation routes for day care center establishments must be provided between parking areas and entrances to buildings so as not to conflict with vehicular truck or other service traffic associated with industrial establishments within the business park.
3. (See Parking and Loading, DIVISION 1000 for additional requirements)

**B. Landscaping and Screening**

(See Landscaping Standards, DIVISION 800)

**C. Signs**

(See Sign Regulations, DIVISION 900)

**D. Floor Area Limits For Ancillary Service Establishments**

Ancillary service establishments located within business parks in the LI district may not include more than 20% of the total cumulative gross floor area of all establishments within the park. For example, if a business park has a cumulative total gross floor area of 100,000 sq.ft. (for all establishments), the total permitted gross floor area of ancillary service establishments within the park may not exceed 20,000 sq. ft. Ancillary service establishments are not permitted in standalone structures located outside of a business park.

**E. Locational Requirements For Day Care Centers**

1. Day care center establishments within the LI district shall not be located in the vicinity of existing, incompatible industrial establishments. Incompatible industrial establishment are those that produce excessive amounts of light, noise, odor, truck or service traffic, and similar use characteristics that will be harmful to day care attendees, parents/guardians, or staff.
2. Day care center establishments within the LI District shall not be located in a building designed for or occupied by multiple tenants.

**Accessory Uses and Structures**

(See Supplementary Use Regulations)

**Section 1620 General Definitions**

**Business Park**

A defined area of land with multiple employment-generating establishments in fields such as manufacturing, processing and assembly, warehousing, distribution and service enterprises, office, and ancillary service establishments. Business parks are typically defined by common or shared development features that may include, but are not limited to architectural design,

landscaping, signage, roadway access, stormwater management, and other features. A single, standalone building located outside a park environment would not be considered a business park.

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

SO ORDAINED THIS 14TH DAY OF FEBRUARY, 2012.

THE TOWN COUNCIL OF INDIAN TRAIL

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

Attest:

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



**TO:** Mayor and Town Council

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

**DATE:** February 14, 2012

**SUBJECT:** Public Safety Committee

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On January 24<sup>th</sup>, the Mayor and Town Council discussed establishing a Public Safety Committee. Staff provided draft Bylaw's for Council's review and consideration. At the January 24<sup>th</sup> meeting, the Town Manager indicated he would discuss the Bylaw's with Lt. Coble and send to the Town Council for any comments. I met with Lt. Coble and agreed to recommend to Council the following Bylaw's for establishing a Public Safety Committee. Staff sent these recommendations for individual Council member review; we received no suggested changes to the draft policy on the new Bylaws.

Town staff is recommending these Public Safety Committee Bylaws for Council approval.

**RULES OF PROCEDURE**  
**INDIAN TRAIL PUBLIC SAFETY ADVISORY COMMITTEE**

These Bylaws govern the function and operation of The Town of Indian Trail Public Safety Advisory Committee.

**ARTICLE I**  
**Establishment**

- 1-1 The Indian Trail Public Safety Advisory Committee having been created by the Indian Trail Town Council shall be hereafter referred to as the “Public Safety”.
- 1-2 The Public Safety shall be considered a “public body” and is subject to all rules and regulation for public bodies contained in North Carolina’s Open Meetings regulation (i.e., Law, G.S. 143-318.10 et seq.).

**ARTICLE II**  
**Duties and Powers**

- 2-1 The General Purpose of the Public Safety Committee is to serve as an advisory committee to the Town Council regarding Public Safety management. The Public Safety Committee will assist in the implementation of the Town’s Public Safety management program by developing policy and making other recommendation to the Town Council on Public Safety related issues.
- 2-2 Public Safety Committee shall have the following charge and duties:
1. The Public Safety Committee shall review and/or recommend to the Council Public Safety management policies, policy changes, and long range plans.
  2. The Public Safety Committee shall review and comment to the Council on the annual Public Safety management requests.
  3. The Public Safety Committee shall respond to the Town Council and Town Manager requests, within the designated time, for advice on matters related to Public Safety services.
  4. The Public Safety Committee shall present the Council with an annual report of key actions and issues and its annual work program.

**ARTICLE III**  
**Appointment and Terms**

- 3-1 The Public Safety Committee shall consist of nine (9) members, all of whom shall reside or own property within the Town limits. Seven (7) of these members shall serve as regular members, and two (2) members shall serve as alternates. The Council shall appoint the membership of the Public Safety Committee. The alternate members of the Board shall be requested to attend all

regular and special meetings and shall be able to cast a vote when a regular member of the Board is absent or if any Board member has a conflict of interest. The alternate members shall be assigned numbers “1” and “2” by the Chairman. The following system shall be employed for alternate members: Member “1” shall first be asked to serve. If he/she is absent or has a conflict of interest, Member “2” shall be asked to serve. If Member “1” does serve, Member “2” will be first asked to serve at the next meeting.

- 3-2 Each member shall be appointed for a period of three (3) years. The Council in appointing the original membership of the Public Safety Committee may prescribe terms of fewer years to the end that the terms of the various members of the Public Safety Committee shall be staggered.
- 3-3 If vacancy on the Public Safety Committee occurs by reason of death, resignation, change of property ownership, Town Council removal, or any other cause, the seat shall be filled by the Town Council in an expeditious manner for the duration of the unexpired term.
- 3-4 The Town Clerk shall be responsible for maintaining a current list of Public Safety Committee members, including the effective date of their appointment and the expiration date of their term. The Clerk shall keep the Town Council informed as to when any term is to expire, at least sixty (60) days prior to the expiration date.

#### **ARTICLE IV Officers**

- 4-1 A Chairman and Vice-Chairman shall be elected by the Public Safety Committee members. The Chairman and Vice-Chairman shall serve for a one (1) year term, but may be elected by the Public Safety Committee for successive terms to the same office. Annually, in the regular meeting of the Public Safety Committee, held in the month of June, a Chairman and Vice-Chairman shall be elected. The Chairman and Vice-Chairman shall serve from July 1 until relieved of his duties as herein provided.
- 4-2 The Chairman shall decide upon all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Public Safety Committee in session at the time. The Chairman shall appoint any committees found necessary to investigate any matters before the Public Safety Committee. The Vice-Chairman shall serve as acting Chairman in the absence of the Chairman, and at such times he shall have the same powers and duties as the Chairman.
- 4-3 In the event of the absence of both the Chairman and the Vice-Chairman, from a Public Safety meeting, the regular members present may elect a temporary Chairman for that meeting and proceed with the order of business.

#### **ARTICLE V Secretarial Services**

5-1 The Town Manager shall arrange to have secretarial duties performed for the Public Safety Committee. Said person (s) (hereafter referred to as the “Secretary”), shall take minutes and keep all records. The Secretary shall keep in a permanent volume the minutes of every meeting of the Public Safety Committee. These shall show the record of all important facts pertaining to each meeting and hearing for the Public Safety Committee, and all votes of members of the Public Safety Committee upon the final determination of any question, indicating the names or upon the final determination of any question, indicating the names of members absent. The Public Safety Committee minutes shall be kept at the Indian Trail Town Hall and shall be available for inspection during normal working hours.

## **ARTICLE VI**

### **Rules of Conduct for Members**

6-1 Members of the Public Safety Committee may be removed by the Town Council for cause, including violation of the rules stated below herein.

6-2 In order for the Public Safety Committee to carry out its duties and responsibilities, it is necessary for all members to attend meetings. If any member is absent for three (3) consecutive regular meetings or fails to attend thirty (30) percent or more of the regular meetings within a twelve-month period, such member may be removed by the Town Council and a replacement made for the unexpired portion of the term. Alternate members may be removed by the Town Council for repeated failure to attend or participate in meeting when requested to do so pursuant to Section 4-2 as set forth above. The Public Safety Committee may make a recommendation to the Town Council regarding removal of a member for duly cited causes and the request must be in writing, signed by the Chairman of the Public Safety Committee.

6-3 A member may be excused from voting on a particular issue by a majority vote of the remaining regular members present under the following circumstances:

1. If the member has a direct financial interest in the outcome of the matter at hand; or
2. If the matter at hand involves the member's own official conduct; or
3. If the member has such close personal ties to the applicant that he cannot reasonably be expected to exercise sound and impartial judgment on behalf of the public's interest.

6-4 If a Public Safety Committee member determines that he may have a conflict of interest on a particular issue, he shall declare the nature of such conflict and ask to be excused from voting on the issue related to such conflict. The remaining members, by majority vote, shall determine whether such conflict exists and whether said member may excuse himself from further deliberations on said matter. If a member is excused from voting, he shall seat himself in the audience and not participate in any further discussion on said matter or he shall remove himself from the meeting room during all deliberation pertaining to such matter. In no instance may a member be excused from voting merely due to an unwillingness to vote on the issue at hand and where no conflict of interest is found to exist.

- 6-5 A challenge to the existence of a conflict of interest or a challenge of an undisclosed conflict of interest may be filed by any interest party with the Public Safety Committee. Such a challenge may be an appeal for a review of the findings of the Public Safety Committee or may be for the purpose of alleging an undeclared conflict of interest. Any challenge made to the Public Safety Committee shall be supported by competent evidence and shall be submitted at a properly convened meeting of the Public Safety Committee. The Public Safety Committee shall hear all evidence and shall, by majority vote of the remaining regular members, make the final determination as to the existence of a conflict of interest.
- 6-6 In the event a Public Safety Committee member is found to have a conflict of interest and is excused from voting by the Public Safety Committee, he shall be replaced by alternate member for that business associated with the conflict of interest.

## **ARTICLE VII**

### **Meetings**

- 7-1 Regular meetings of the Public Safety Committee shall be held on the first Thursday of each month at 6:30 PM at the Town Hall, provided that the meetings may be held at any other convenient place in the Town nearby area if directed by the Chairman in advance of the meeting.
- 7-2 Each member shall receive an agenda packet for each meeting by email, mail, or hand delivery at least forty-eight (48) hours prior to the meeting. An agenda notice shall be conspicuously placed at the Indian Trail Town Hall at least forty-eight (48) hours prior to the meeting.
- 7-3 Special Meetings of the Public Safety Committee may only be called by the Chairman. At least forty-eight (48) hours notice of the time and place of special meetings shall be given, by the Secretary, to each member of the Public Safety Committee. Notice of such meeting shall also be conspicuously placed at the Indian Trail Town Hall at least forty-eight (48) hours prior to the meeting.
- 7-4 Whenever there is no business to come before the Public Safety Committee, or whenever so many members notify the secretary of their inability to attend that a quorum will not be available, the Chairman may dispense with a regular meeting by having the Secretary give written or oral notice to all members prior to the time set for the meeting. Notice of meeting cancellations shall also be conspicuously posted at the Indian Trail Town Hall and appropriate notification given to the press as required by North Carolina law.

## **ARTICLE VIII**

### **Quorum and Voting**

- 8-1 A quorum shall be a majority of those voting members attending each Public Safety Committee meeting, providing that there are at least four (4) voting members present. A quorum of Public Safety Committee shall be required before any vote is taken.
- 8-2 Whenever a quorum is not present, at a regular or special meeting, those present may adjourn the meeting to another day or hold the meetings for the purpose of considering such matters as are on the agenda.
- 8-3 No action taken at such a meeting shall be final or official unless and until the matter, serving as the basis of the action, is put before the Public Safety Committee by a proper motion and a vote is taken thereon at a meeting where a quorum of the Public Safety Committee present.
- 8-4 Voting, at the discretion of the Chairman, shall be by voice or show of hands. All matter to be voted on by the Public Safety Committee shall be by a duly made motion and second.
- 8-5 All meetings shall be open to the public. The order of business at regular meetings shall generally be as follows:
1. Call to Order
  2. Approval of Minutes
  3. Discussion Items
  4. Action Items
  5. Adjournment
- 8-6 Items of business for discussion at the meeting shall appear on the agenda. Business which is not identified on the agenda may be considered only after approval of a majority of a vote of the membership.

## **ARTICLE IX**

### **Adoption of Amendments**

- 9-1 These rules shall at all times be consistent with all ordinances of the Town of Indian Trail and laws of the State of North Carolina. Should any provisions of these rules be inconsistent with such ordinances or laws of the State of North Carolina, said ordinances and laws shall control.



**TO:** Mayor and Town Council

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

**DATE:** February 14, 2012

**SUBJECT:** Level of Service for Law Enforcement

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On January 28<sup>th</sup> the Mayor and Town Council had a discussion on the level of service for Indian Trail Law Enforcement. The Council recommended continuing the discussion at the regular meeting on February 14<sup>th</sup>, 2012. The Council may take action on this item.



**TO:** Mayor and Town Council

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

**DATE:** February 14, 2012

**SUBJECT:** Old Monroe Road Improvement Options

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Council Member Luther requested information from Town staff on how expedite improvements on Old Monroe Road with NCDOT. NCDOT is responsible for the maintenance and rehabilitation of Old Monroe Road. The Mecklenburg/Union Metropolitan Planning Organization (MUMPO) and NCDOT has a widening construction project planned on Old Monroe Road from I-485 to begin around South Fork/Indian Trail Road in 2018. Town residents also passed a bond referendum for \$10 million for improvements on Old Monroe Road in 2011.

On February 14<sup>th</sup>, Town staff will present to Council a history and timetable for the Old Monroe Road project, along with general information for your review. Town staff will also give options for the Council's consideration on how to expedite the construction on Old Monroe Road.



**TO:** Mayor and Town Council

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

**DATE:** February 14, 2012

**SUBJECT:** Public-Private Partnership with Carolina Courts

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Council Member Luther requested information from Town staff on the status of the 51-acre property purchased by the Town in December 2010. The request also included an update on the status of Carolina Courts possible move to an unspecified area within this 51-acre property. Carolina Courts is currently a successful Indian Trail business, and they will be displaced in future years by the Monroe Bypass project.

Town staff will give a brief presentation on the history of the property, and review the status of our public/private partnership with Carolina Courts. Included in this presentation will be a discussion of proactive options to continue our positive dialogue with Carolina Courts. Town staff has been in consistent contact with Carolina Courts, and they are waiting on information from the NC Turnpike Authority before beginning discussions to hopefully finalize an agreement with the Town.

jaf



**TO:** Mayor and Town Council

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

**DATE:** February 14, 2012

**SUBJECT:** Leash Law Ordinance

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Council Member Luther requested information from Town staff on a leash law ordinance. Last year, the Town Council and had a brief discussion on the topic. Town staff was closely following the development of the leash law ordinance in Waxsaw, and now has a copy of the ordinance that was passed in late 2011 by the Waxsaw Town Council.

Town staff has had discussions with the Waxsaw Town Manager, Stallings Town Manager, USCO Lt. Coble, and has detailed information from past meetings with Sheriff Cathey and his staff on this topic and will update the Council on this information. Lt. Coble will also be available to discuss law enforcement issues surrounding a leash law ordinance. For your review, I have also attached a copy of the Waxsaw leash law ordinance, and the Union County Animal Control Ordinance.

jaf

(A) Effective January 1, 2012 it shall be unlawful for any person owning or having possession, charge, custody or control of any animal, excluding cats, to keep the animal upon his or her own premises unless the animal is under sufficient physical restraint such as a pen, kennel, leash, fence, invisible fence, electric fence (which is posted as having an electric fence) and hot wire. The minimum outdoor enclosure for each animal shall be 10' x 10' for the first animal, with an addition 5' x 5' for each additional animal. Additional animals temporarily residing at a property for fewer than fourteen days shall be exempt for the additional square footage. All structures used to confine dogs shall be secure to prevent reasonable escape from the pen or kennel.

The pen or kennel should be constructed in such a manner to prevent dogs from jumping over the fence and the area should be regularly maintained to prevent the tunneling by the dog in order to escape. All structures erected to house dogs shall comply with all zoning and buildings regulations of the town. All such structures shall be adequately ventilated, kept in a clean and sanitary condition, and having fresh food available as appropriate. Clean water should be available to the animal at all times.

(B) It shall be unlawful for any person to locate, keep or maintain more than five (5) dogs per acre or portion thereof. This provision shall not apply to dogs under four months of age. Any person having more than five (5) dogs per acre or portion thereof on the effective date of this ordinance will be allowed to keep them on their property provided that all other requirements of the Town's animal control ordinance are in compliance and all excess dogs that are removed from the premises upon death or other means are not replaced. This provision shall not apply to registered and approved Professional Breeders or Animal Rescuers, as defined in Section 90.22. In cases of

1. Who sells, exchanges, leases, or in any way transfers or offers to sell, exchange, lease, or transfer 31 or more dogs or cats in a 12-month period beginning on April 1 of each year;
2. Who owns or harbors four or more dogs or cats, intended for breeding, in a 12-month period beginning on April 1 of each year;
3. Whose dogs or cats produce a total of four or more litters within a 12-month period beginning on April 1 of each year; or
4. Who knowingly sells, exchanges, or leases dogs or cats for later retail sale or brokered trading.

(ii) Animal Rescuer shall mean and refer to a person, entity or group of persons who hold themselves out as an animal rescue, that accept, or solicit for dogs or cats with the intention of finding permanent adoptive homes or providing lifelong care for such dogs or cats, or who use foster homes as the primary means of housing dogs or cats.

#### 90.23 DANGEROUS DOGS

(A) (1) It shall be unlawful for any person to own, possess or have a dangerous dog in the town limits.

(2) As used herein, a **DANGEROUS DOG** shall mean and refer to:

(a) Any dog owned or harbored for the purpose of dog fighting;

(b) A dog that has:

1. Without provocation, killed or severely injured a person;
2. Approached a person when not on the owner's property in a vicious or terrorizing manner in what is deemed to be a dangerous or threatening manner or
3. Killed or inflicted severe injury upon a domestic animal when not on the owner's property.

(3) The Animal Control Officer's classification of a dog as dangerous may be appealed by filing a written objection with the Town Clerk within five days of the classification. The Board of Commissioners shall hear the appeal within ten days of receipt of an objection. If either the owner fails to appeal the classification or the Board of Commissioners confirms such classification, the dog may be euthanized.

(4) Any dangerous dog, as defined herein, that is properly licensed and registered with the town on the date hereof shall be exempt from the provisions hereof except for the behavioral provisions of division (A) (2)(b) above.

(Prior

special circumstances, the property owner(s) (or the owner(s) of the dogs with the property owner(s)'s written consent) may appeal in writing to the Animal Control Officer requesting to keep in excess of five dogs. The Animal Control Officer shall file a written answer within 15 business days of receipt of the request. In the event that the request is denied the person may appeal to the Town Manager within 5 business days of receipt of the denial and the Town Manager shall file an answer within 10 business days of the receipt of the appeal.

(C) Effective January 1, 2012, the chaining or tethering of a dog is allowed on a temporary basis when the dog is chained or tethered to an animate or inanimate object such as outdoor patio type furniture and the dog is monitored by the dog's owner or responsible person responsible for the care of the dog.

(D) The dog's owner shall be responsible for insuring that anyone having possession over the animal while off the owner's property shall maintain control over the animal's behavior. Control shall include, but is not limited to, having the animal follow commands given, properly restraining the animal etc.

(E) It shall be unlawful for any person to locate, construct, reconstruct, alter, maintain any kennel, pen or similar structure for the purposes of keeping any animal over four months of age unless such kennel, pen or similar structure is 50 feet or great from the adjoining property owner's inhabited structure.

#### 90.21 ABUSE OF ANIMALS

It shall be unlawful to abuse an animal. Abuse may include but is not limited to beating, ill treatment through lack of food and/or water, denying reasonable medical care, intentionally mutilating, encouraging the fighting of animals, maintaining a location for the demonstration or show of fighting animals, or containing an animal in a closed vehicle greater than 10 minutes or as otherwise defined by N.C. General Statutes.

#### 90.22 BREEDERS AND ANIMAL RESCUE

(A) Persons desiring to serve as a Professional Breeder or Animal Rescuer shall register with the Town's Animal Control Officer. The Town's Animal Control Officer may reject a Professional Breeder or Animal Rescuer registration if the facilities or conditions for the animals fail to comply with the terms and provisions of this Chapter. In cases of denial an appeal may be filed in writing to the Town Manager within 5 business days of the receipt of the denial. The Town Manager shall file an answer within 10 business days of the receipt of the appeal.

(B) As used in this Chapter, the following definitions shall apply:

(i) Professional Breeder shall mean and refer to a person or entity engaged in the business of selling or breeding dogs or cats;