

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
May 8, 2012
Civic Building
6:30 p.m.

1. **CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE**
2. **ADDITIONS AND DELETIONS** **action**
3. **MOTION TO APPROVE AGENDA** **action**
4. **PRESENTATIONS**
5. **PUBLIC COMMENTS**
6. **CONSENT AGENDA** **action**
 - a. [Approval of April 24, 2012 minutes](#)
 - b. [Month End Tax Report for April 2012](#)
 - c. [Resolution Directing the Clerk to Investigate Annexation Petition 131](#)
 - d. [Certificate of Sufficiency](#)
 - e. [Resolution setting the date for the Public Hearing to May 22, 2012 for Annexation 131](#)
 - f. [Budget Amendments](#)
7. **PUBLIC HEARINGS** **action**
 - a. [ZM 2011-004 Industrial Ventures](#): A request to rezone 2 parcels from Regional Business District (RBD) to Light Industrial (LI). Location: Industrial Ventures: 2807 Chambers Drive and 4900 Starcrest. Applicant: Town of Indian Trail. Tax Parcels: 07048026B and 07048040
 - b. [ZM2012-001 Brandon Oaks](#): A request to rezone 91 parcels from Residential R20 (R-20 Union Co) to Single-Family Residential 4 (SF-4). Properties were annexed March 28, 2012 by Annexation 130. Location: Portion of Brandon Oaks Phase 9 (The Gardens). Applicant: Town of Indian Trail Tax Parcels: 91 Parcels recently annexed by Annexation No. 130.

8. BUSINESS ITEMS

- a. A Resolution to Union County Commissioners for the purpose of a room dedication in the Union West Library of Indian Trail.

9. DISCUSSION ITEMS

- a. Budget Workshop
- b. Discussion of Bond question.

10. MANAGERS REPORT

11. COUNCIL COMMENTS

12. CLOSED SESSION

action

13. ADJOURN

action

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



Town of Indian Trail
Minutes of Town Council
April 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 Alvarez called the meeting to order and lead in the Pledge of Allegiance.

ADDITIONS AND DELETIONS

David Waddell made a motion to approve adding setting up an organizational meeting for Public Safety Committee as item 8a.

Ms. Luther advised that an email went out this afternoon asking the appointees to provide a convenient day for them to meet.

As a result of this information Mr. Waddell retracted his motion.

MOTION TO APPROVE AGENDA

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

PRESENTATIONS

a. **Arbor Day Proclamation**

Mayor Alvarez read the Proclamation.

PUBLIC COMMENTS

Mr. Jonathan Baer, 5517 Rogers Road, Indian Trail stood silently for the 3 minute period.

Michael Faulkenberry, 519 Pickett Circle, Indian Trail, NC advised that a child put his hand through his fence and referred to the leash law being considered. He suggested that the children be taught that every dog can be mean.

Art Spurr, 4100 Wood Creek Court, Indian Trail, NC advised that the website needs to be updated. He referred to items that should not be on the website. He advised that his point is if you want people in IT to support the town and be active in the committees the website be revisited. The website is also a source of information for new businesses and residents as well.

Mr. Fivas informed the audience that staff has recently updated the website and suggested clicking on the refresh button will provide you with the up to date information.

CONSENT AGENDA

- a. Approval of April 10, 2012 minutes
- b. Approval of Rural Center Grant Agreement (**COPY ATTACHED HERETO AND MADE A PART OF THE RECORD**)

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

PUBLIC HEARINGS

None

BUSINESS ITEMS

None

DISCUSSION ITEMS

- a. **Discussion of Bond Referendum process.**

Mr. Fivas explained that the Council has been presented with the schedule for General Obligation Bond Referendum and the process can start no later than May 22nd. He explained that staff needs to get a consensus on doing a bond, come up with a bond question including amount to be taken to the voters. All of the items on the schedule must be hit on those dates for it to be a legal process. May 22nd is a drop dead date but staff would like to start the process earlier.

Mr. Fivas advised that staff had the Bond Counsel put together three questions pertaining to Parks and Recreation Bond. The first one is very general and can be applied more easily. The second question is more specific and the third question provides more certainty where the projects are going to be.

By consensus Council agreed on the third question. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Mr. Fivas advised there may be some legal questions, with very clear direction if we have concerns we will come back to you. We need ownership and a legal description of a second piece of property if that should come forth.

Mr. Fivas presented some amount options; he referred to the issues of the last referendum. He advised that the following figures with reference to the cost to the homeowners are approximate and an average.

A \$5,500,000 referendum would cost about an average over a 20 year period is 1.4 cents - he explained the process of bonds pertaining to selling and the decrease of funds. This size bond would cost a resident owning a \$150,000 household approximately \$21 per year, or \$1.75 monthly

A \$6,500,000 referendum would cost approximately an average of 1.58 cents, this size bond would cost a resident owning a \$150,000 household \$23.70 per year, or \$1.97 monthly

A \$7,500,000 referendum would cost approximately an average of 1.76 cents, this size bond would cost a resident owning a \$150,000 household \$26.40 per year, or \$2.20 monthly.

A \$8,500,000 referendum would cost approximately an average of 1.94 cents, this size bond would cost a resident owning a \$150,000 household \$29.14 per year, or \$2.43 monthly.

Mr. Fivas reminded Council that all of these figures are based on a \$150,000 household.

Council had a lengthy discussion about the matter, topics included: hiring a park consultant to design the facilities, asking for the higher bond amount, do it right the first time, Indian Trail's current debt, ensuring that the public is well informed, taxes will not increase until bonds are sold. Mr. Fivas clarified that a majority of the Council are looking at presenting a referendum for \$8,500,000 and asked if they wanted another amount or stay there. By consensus Council choose to present a referendum for at least \$8,500,000.

b. Discussion regarding the Sign Ordinance

Mr. Waddell explained that he received a lot of feedback from citizens during his campaign about the sign ordinance. He believes there has been a loosening of regulations on the ordinance and feels there is more that can be done. He would like to see the Business Owners Advisory Committee get up and running and have a broad business owners survey conducted.

Mr. King agreed with Mr. Waddell. Ms. Luther agreed as well and once we are done with the budget we should get the committee up and running to get a good overall view of what we need to do for the businesses.

Mr. Fivas advised that the sign ordinance has been amended several times in the last couple of years, it's a revolving ordinance, it's in the UDO and must go thru the Planning Board to be amended. He then explained that last year the Council formed an adhoc committee as a result of architectural disagreements on homes. He explained the committee, its task and that it was a huge success. Mr. Fivas expressed concern of starting it immediately providing a list of current projects that staff is working on. Mr. Fivas feels this type of project should be started in the summer to enable the staff to complete their current projects. Mr. Fivas invited Mr. Waddell to work with staff on coming up with the framework to make it successful.

MANAGERS REPORT

Mr. Fivas informed everyone how successful the Earth Day event was last week. Mr. Fivas reminded everyone that Saturday is our clean up day which will be held in the Food Lion parking lot on Highway 74, from 9am -12 pm, advising we need volunteers.

COUNCIL COMMENTS

Mr. Cohn advised he will be there Saturday at 9 am. Mr. Cohn asked anyone in the Town that wants to discuss parks please call him; he'd like to know how you feel. Mr. Cohn thanked Samantha Towns who sent something to him in regards to the Public Safety Committee stating that its people like you who take the time to think about the Town. Mr. Cohn also thanked Shirley Howe for her assistance and encouraged all citizens to please talk to him about their thoughts or concerns.

Mr. King thanked everyone for coming out tonight and appreciates the new deputy sitting at the door. Mr. King followed what Mr. Cohn said; feel free to reach out to him about the park.

Mr. Waddell had no comments.

Mr. Allen stated to be sure to get out there this Saturday. He advised that parks are an investment, all of us want to create an atmosphere to promote employment, and amenities are a draw for corporations.

Mr. Luther stated that last year trash day was a lot of fun. Mr. Luther advised that she just read an Enquirer Journal article that was talking about the possibility of the County Commissioners phasing out the Partnership for Progress. She believes that this matter is something that Indian Trail should have a say in.

Mayor Alvarez thanked staff for their hard work on the Mayor's Tree Initiative Program with the school children, it was a lot of fun. Mayor Alvarez has received feedback that all the schools enjoyed it, we should continue to work with the children as they are our future. Mayor Alvarez thanked Mr. and Mrs. Jacobson for coming out and helping with it. Mayor Alvarez stated that the two of them are amazing within a community, showing up for the good and the bad, he admires them for it and he thanked everyone for coming out.

CLOSED SESSION

David Cohn made a motion to enter closed session NCGS 143-318.11(a)(3) - to protect the attorney client privilege.

NCGS 143-318.11(a)(5) - to establish or instruct the staff or agent concerning the negotiation of the price and terms of a contract concerning the acquisition of real property located at Oakwood Lane.

NCGS 143-318.11(a)(6) To consider the qualifications, competence, performance, condition and appointment of a public officer or employee or prospective public officer or employee. To hear or investigate a complaint, charge or grievance by or against a public officer or employee.

143-318.11(a)(7) to plan, conduct or hear reports concerning investigations of alleged criminal conduct.

Council voted unanimously in favor of the motion.

Robert Allen made a motion to approve coming out of Closed Session.

Council voted unanimously in favor of the motion.

Robert Allen made a motion to approve suspending the rules to discuss a possible property purchase of 145 acres located at Oakwood Lane.

Motion Passed 4 - 1 with David Waddell opposing.

Mr. Fivas clarified for the public that the Town entered into a purchase agreement with the potential to purchase 145 acres, after a due diligence process to determine all the aspects of the property. Mr. Fivas stated that we will probably continue to discuss the issue, do our due diligence and make sure we know everything about the property before the sale is finalized at a later date.

Christopher King made a motion to approve authorizing the Town Manager to enter into a contract agreement with Tyson Center LLC, Tyson realty and 3 Star Investors in the amount of 1,250,000.

Motion Passed 4 - 1 with David Waddell opposing.

ADJOURN

Christopher King made a motion to adjourn
Motion Passed 4 - 1 with David Waddell opposing.

APPROVED:

Michael L. Alvarez , Mayor

Attest:

Peggy Piontek, Town Clerk

Tax Master Balance Listing

Customer Status: Active And Inactive

Year: All

(I) = Inactive

Customer Balance

Total Entries: 1472
Total Balance: \$360,179.91

Principal Total:	\$258,121.11	RES STORMWATER 1	\$13,272.09
Interest Total:	\$38,652.18	RES STORMWATER 2	\$8,854.10
Advertising Total:	\$4,357.23	COMMERCIAL STORMWATER	\$32,416.52
Late Listing Total:	\$4,506.68	Overage:	\$0.00

Tax Totals By Year:

Tax Year	Amount Owed
2000	\$291.52

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		

2001	\$1,854.96
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Principal Balance:	\$960.68	RES STORMWATER 1	\$0.00
Interest Balance:	\$881.33	RES STORMWATER 2	\$0.00
Advertising Balance:	\$12.95	COMMERCIAL STORMWATER	\$0.00
Late Listing Balance:	\$0.00		

2002	\$3,428.54
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Principal Balance:	\$1,853.22	RES STORMWATER 1	\$0.00
Interest Balance:	\$1,575.32	RES STORMWATER 2	\$0.00
Advertising Balance:	\$0.00	COMMERCIAL STORMWATER	\$0.00
Late Listing Balance:	\$0.00		

2003	\$3,873.73
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Principal Balance:	\$2,196.82	RES STORMWATER 1	\$0.00
Interest Balance:	\$1,670.70	RES STORMWATER 2	\$0.00
Advertising Balance:	\$6.21	COMMERCIAL STORMWATER	\$0.00
Late Listing Balance:	\$0.00		

2004	\$3,631.84
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Principal Balance:	\$2,179.35	RES STORMWATER 1	\$0.00
Interest Balance:	\$1,434.84	RES STORMWATER 2	\$0.00
Advertising Balance:	\$17.65	COMMERCIAL STORMWATER	\$0.00
Late Listing Balance:	\$0.00		

Tax Master Balance Listing

Customer Status: Active And Inactive

Year: All

(I) = Inactive

Customer Balance

2005		\$3,407.30	
Principal Balance:	\$2,179.06	RES STORMWATER 1	\$0.00
Interest Balance:	\$1,209.68	RES STORMWATER 2	\$0.00
Advertising Balance:	\$18.00	COMMERCIAL STORMWATER	\$0.00
Late Listing Balance:	\$0.56		
2006		\$15,793.27	
Principal Balance:	\$10,086.31	RES STORMWATER 1	\$0.00
Interest Balance:	\$5,056.78	RES STORMWATER 2	\$0.00
Advertising Balance:	\$40.88	COMMERCIAL STORMWATER	\$0.00
Late Listing Balance:	\$609.30		
2007		\$13,871.79	
Principal Balance:	\$7,746.36	RES STORMWATER 1	\$0.00
Interest Balance:	\$3,155.81	RES STORMWATER 2	\$2,040.00
Advertising Balance:	\$82.50	COMMERCIAL STORMWATER	\$400.00
Late Listing Balance:	\$447.12		
2008		\$21,326.19	
Principal Balance:	\$13,829.63	RES STORMWATER 1	\$790.44
Interest Balance:	\$4,055.50	RES STORMWATER 2	\$499.92
Advertising Balance:	\$137.99	COMMERCIAL STORMWATER	\$1,432.92
Late Listing Balance:	\$579.79		
2009		\$58,828.24	
Principal Balance:	\$43,281.98	RES STORMWATER 1	\$1,410.93
Interest Balance:	\$9,061.16	RES STORMWATER 2	\$906.32
Advertising Balance:	\$346.10	COMMERCIAL STORMWATER	\$2,916.00
Late Listing Balance:	\$905.75		
2010		\$73,449.43	
Principal Balance:	\$54,284.03	RES STORMWATER 1	\$2,592.81
Interest Balance:	\$6,428.67	RES STORMWATER 2	\$1,473.75
Advertising Balance:	\$1,031.12	COMMERCIAL STORMWATER	\$6,791.70
Late Listing Balance:	\$847.35		
2011		\$160,423.10	
Principal Balance:	\$119,376.11	RES STORMWATER 1	\$8,477.91
Interest Balance:	\$3,979.83	RES STORMWATER 2	\$3,934.11
Advertising Balance:	\$2,662.43	COMMERCIAL STORMWATER	\$20,875.90
Late Listing Balance:	\$1,116.81		

**Tax Master Balance
 Listing**

Customer Status: Active And Inactive

Year: All

(I) = Inactive

Customer Balance

Total Entries: 1394
 Total Balance: \$338,868.43

Principal Total:	\$240,348.15	RES STORMWATER 1	\$11,408.80
Interest Total:	\$38,889.89	RES STORMWATER 2	\$7,912.81
Advertising Total:	\$4,300.26	COMMERCIAL STORMWATER	\$31,564.09
Late Listing Total:	\$4,444.43	Overage:	\$0.00

Tax Totals By Year:

Tax Year	Amount Owed
2000	\$209.41

Principal Balance:	\$106.93	RES STORMWATER 1	\$0.00
Interest Balance:	\$102.48	RES STORMWATER 2	\$0.00
Advertising Balance:	\$0.00	COMMERCIAL STORMWATER	\$0.00
Late Listing Balance:	\$0.00		

2001	\$1,775.41
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Principal Balance:	\$907.10	RES STORMWATER 1	\$0.00
Interest Balance:	\$855.36	RES STORMWATER 2	\$0.00
Advertising Balance:	\$12.95	COMMERCIAL STORMWATER	\$0.00
Late Listing Balance:	\$0.00		

2002	\$3,299.64
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Principal Balance:	\$1,776.22	RES STORMWATER 1	\$0.00
Interest Balance:	\$1,523.42	RES STORMWATER 2	\$0.00
Advertising Balance:	\$0.00	COMMERCIAL STORMWATER	\$0.00
Late Listing Balance:	\$0.00		

2003	\$3,757.32
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Principal Balance:	\$2,122.82	RES STORMWATER 1	\$0.00
Interest Balance:	\$1,630.36	RES STORMWATER 2	\$0.00
Advertising Balance:	\$4.14	COMMERCIAL STORMWATER	\$0.00
Late Listing Balance:	\$0.00		

2004	\$3,517.59
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Principal Balance:	\$2,102.06	RES STORMWATER 1	\$0.00
Interest Balance:	\$1,399.17	RES STORMWATER 2	\$0.00
Advertising Balance:	\$16.36	COMMERCIAL STORMWATER	\$0.00
Late Listing Balance:	\$0.00		

**Tax Master Balance
 Listing**

Customer Status: Active And Inactive

Year: All

(I) = Inactive

Customer Balance

Year	Total Balance		
2005	\$3,271.49		
Principal Balance:	\$2,082.82	RES STORMWATER 1	\$0.00
Interest Balance:	\$1,174.11	RES STORMWATER 2	\$0.00
Advertising Balance:	\$14.00	COMMERCIAL STORMWATER	\$0.00
Late Listing Balance:	\$0.56		
2006	\$15,722.21		
Principal Balance:	\$9,989.70	RES STORMWATER 1	\$0.00
Interest Balance:	\$5,085.25	RES STORMWATER 2	\$0.00
Advertising Balance:	\$37.96	COMMERCIAL STORMWATER	\$0.00
Late Listing Balance:	\$609.30		
2007	\$13,479.25		
Principal Balance:	\$7,494.38	RES STORMWATER 1	\$0.00
Interest Balance:	\$3,105.08	RES STORMWATER 2	\$1,954.67
Advertising Balance:	\$78.00	COMMERCIAL STORMWATER	\$400.00
Late Listing Balance:	\$447.12		
2008	\$20,872.77		
Principal Balance:	\$13,474.62	RES STORMWATER 1	\$705.48
Interest Balance:	\$4,046.33	RES STORMWATER 2	\$499.92
Advertising Balance:	\$133.71	COMMERCIAL STORMWATER	\$1,432.92
Late Listing Balance:	\$579.79		
2009	\$57,496.00		
Principal Balance:	\$42,087.20	RES STORMWATER 1	\$1,283.49
Interest Balance:	\$9,119.25	RES STORMWATER 2	\$855.44
Advertising Balance:	\$331.05	COMMERCIAL STORMWATER	\$2,916.00
Late Listing Balance:	\$903.57		
2010	\$71,628.18		
Principal Balance:	\$52,692.91	RES STORMWATER 1	\$2,380.41
Interest Balance:	\$6,587.84	RES STORMWATER 2	\$1,422.87
Advertising Balance:	\$1,008.62	COMMERCIAL STORMWATER	\$6,691.70
Late Listing Balance:	\$843.83		
2011	\$143,839.16		
Principal Balance:	\$105,511.39	RES STORMWATER 1	\$7,039.42
Interest Balance:	\$4,261.24	RES STORMWATER 2	\$3,179.91
Advertising Balance:	\$2,663.47	COMMERCIAL STORMWATER	\$20,123.47
Late Listing Balance:	\$1,060.26		

Tax Collection Rate Report

Tax Year	Charges For Year	Collections For Year	Collection Percentage
2011	\$5,640,574.81	\$5,496,735.65	97.45%
2010	\$5,599,031.41	\$5,527,403.23	98.72%
2009	\$5,577,580.29	\$5,520,084.29	98.97%
2008	\$5,417,236.20	\$5,396,363.43	99.61%
2007	\$4,078,055.48	\$4,064,576.23	99.67%
2006	\$2,061,166.38	\$2,045,444.17	99.24%
2005	\$1,429,114.78	\$1,425,843.29	99.77%
2004	\$1,263,434.64	\$1,259,917.05	99.72%
2003	\$1,027,965.31	\$1,024,207.99	99.63%
2002	\$905,087.07	\$901,787.43	99.64%
2001	\$776,915.06	\$775,139.65	99.77%
2000	\$635,898.50	\$635,689.09	99.97%
1999	\$20,382.72	\$20,382.72	100.00%
1998	\$9,751.74	\$9,751.74	100.00%
1997	\$1,129.09	\$1,129.09	100.00%
1996	\$1,279.80	\$1,279.80	100.00%
1995	\$1,534.64	\$1,534.64	100.00%
1994	\$246.59	\$246.59	100.00%
Totals	\$34,446,384.51	\$34,107,516.08	99.02%

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
2011			
	Billing	1	\$137.04
	Payment	89	\$17,566.13
	Release	8	\$46.26
	Interest	801	\$886.63
	Adjust Pay Down	1	\$4.78
2010			
	Payment	14	\$2,223.70
	Release	3	\$1.65
	Interest	472	\$404.10
2009			
	Payment	12	\$1,655.22
	Release	1	\$0.05
	Interest	368	\$323.03
2008			
	Payment	3	\$555.95
	Interest	232	\$102.53
2007			
	Payment	3	\$450.68
	Interest	175	\$58.14
2006			
	Payment	1	\$146.82
	Interest	161	\$75.76
2005			
	Payment	2	\$149.34
	Release	1	\$2.82
	Interest	92	\$16.35
2004			
	Payment	1	\$130.59
	Interest	142	\$16.34

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION (ANNEXATION # 131) RECEIVED UNDER G.S. 160A-31**

WHEREAS, petition requesting annexation of an area described in said petition was received on the 8th day of May, 2012, by the Town Council; and

WHEREAS, N.C.G.S. Chapter 160A, Article 4A, Parts 1 and 4 provide that the sufficiency of the petition shall be investigated by the Town Clerk of the Town of Indian Trail, North Carolina before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Indian Trail, North Carolina deems it advisable to proceed in response to this request for annexation;

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

The Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Town Council the result of the investigation.

Michael Alvarez, Mayor

ATTEST:

Peggy Piontek, Town Clerk

CERTIFICATE OF SUFFICIENCY

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Indian Trail, North Carolina, this the 8th day of May, 2012.

Peggy S. Piontek, Town Clerk

PETITION REQUESTING A CONTIGUOUS ANNEXATION

DATE: 4/3/2012

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

1. We, the undersigned owners of real property, respectfully request that the area described in paragraph 2 below be annexed to the Town of Indian Trail, North Carolina.
2. The area to be annexed is contiguous to the primary limits of the Town of Indian Trail, North Carolina and the boundaries of such territory are as follows:

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

	NAME (print or type)	ADDRESS	SIGNATURE
1.	<u>JUSTIN SHIPLEY</u>	<u>BRANDON OAKS 6005 SIPES PLACE</u>	<u>Justin B Shipley</u>
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____

PETITION REQUESTING A CONTIGUOUS ANNEXATION

DATE: 8-20-2012

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

1. We, the undersigned owners of real property, respectfully request that the area described in paragraph 2 below be annexed to the Town of Indian Trail, North Carolina.
2. The area to be annexed is contiguous to the primary limits of the Town of Indian Trail, North Carolina and the boundaries of such territory are as follows:

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

NAME
(print or type)

ADDRESS

SIGNATURE

	NAME (print or type)	ADDRESS	SIGNATURE
1.	George Lutzes	2012 Canopy Dr.	[Signature]
2.	Robert Abincaud	2014 Canopy Dr.	[Signature]
3.	Kim Sadler	2010 Canopy Dr.	Kim Sadler
4.			
5.			
6.			
7.			
8.			
9.			
10.			

SIGNED
8-2-12

#1 & #2 Annexed under petition #130

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-31**

WHEREAS, petition requesting annexation of the areas described herein have been received; and

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

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at Town of Indian Trail Civic Building at 6:30 P.M. on the 22th day of May, 2012.

Section 2. The area proposed for annexation is described as follows:

See Attached Metes and Bounds- Annexation 131

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

Michael L. Alvarez, Mayor

ATTEST:

Peggy Piontek, Town Clerk



YARBROUGH-WILLIAMS & HOULE, INC.

Planning • Surveying • Engineering

NCBELS C-0475

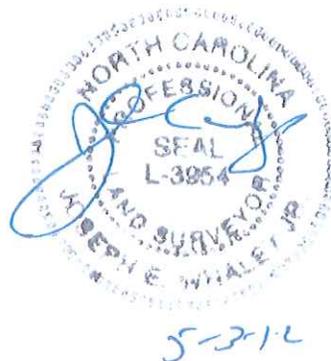
SC COA332

Being all of Lot 52 Block 20 of Brandon Oaks Phase 9 Map 5 as recorded in the Union County Register of Deeds Office in Plat Cabinet K File 161. 0.180 Acres Annexation

Commencing at a pipe found at the southeast corner of Lot 47 Block 20 of Brandon Oaks Phase 9 Map 5 as recorded in the Union County Register of Deeds Office in Plat Cabinet K File 161, thence N57-24-02E 301.69' to a point, the southwest corner of Lot 52 Block 20 of Brandon Oaks Phase 9 Map 5 as recorded in the Union County Register of Deeds Office in Plat Cabinet K File 161 and the **Point of Beginning**.

Thence from said **Point of Beginning**, with the western line of Lot 52 Block 20 of Brandon Oaks Phase 9 Map 5 as recorded in the Union County Register of Deeds Office in Plat Cabinet K File 161 N32-33-03W 131.00' to a point, the northwest corner of Lot 52 Block 20 on the right-of-way of Sipes Place; Thence with the right-of-way of Sipes Place N57-26-57E 60.00' to a point, the northeast Corner of Lot 52 Block 20; Thence with the eastern line of Lot 52 Block 20 S32-33-03E 130.95' to a point, the southeast corner of Lot 52 Block 20; Thence with the southern line of Lot 52 Block 20 S57-24-02W 60.00' to a point, the **Point of Beginning**.

Being all of Lot 52 Block 20 of Brandon Oaks Phase 9 Map 5 as recorded in the Union County Register of Deeds Office in Plat Cabinet K File 161. 0.180 Acres as shown on the Annexation Exhibit of Brandon Oaks a Portion of Phase 9 by Yarbrough-Williams & Houle Inc, dated 05-03-2012.





YARBROUGH-WILLIAMS & HOULE, INC.

Planning • Surveying • Engineering

NCBELS C-0475

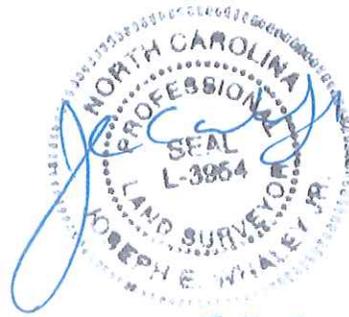
SC COA332

Being all of Lot 27 Block 20 of Brandon Oaks Phase 9 Map 5 as recorded in the Union County Register of Deeds Office in Plat Cabinet K File 161. 0.186 Acres Annexation

Commencing at a pipe found at the southwest corner of the Common Open Space of the Gardens at Brandon Oaks Phase 9b Map 1 as recorded in the Union County Register of Deeds Office in Plat Cabinet J File 683, thence s46-20-06e 175.60' to a pipe found in the western line of Brandon Oaks; Thence N53-04-49E 388.94' to a point, the northwest corner of Lot 27 Block 20 of Brandon Oaks Phase 9 Map 5 as recorded in the Union County Register of Deeds Office in Plat Cabinet K File 161 and the **Point of Beginning**.

Thence from said **Point of Beginning**, with the northern line of Lot 27 Block 20 of Brandon Oaks Phase 9 Map 5 as recorded in the Union County Register of Deeds Office in Plat Cabinet K File 161 N38-58-47E 60.00' to a point, the northeast corner of Lot 27 Block 20; Thence with the eastern line of Lot 27 Block 20 S51-01-13E 135.00' to a point, the southeast Corner of Lot 27 Block 20 on the right-of-way of Canopy Drive; Thence with the right-of-way of Canopy Drive S38-58-47W 60.00' to a point, the southwest corner of Lot 27 Block 20; Thence with the western line of Lot 27 Block 20 N51-01-13W 135.00 to a point, the **Point of Beginning**.

Being all of Lot 27 Block 20 of Brandon Oaks Phase 9 Map 5 as recorded in the Union County Register of Deeds Office in Plat Cabinet K File 161. 0.186 Acres as shown on the Annexation Exhibit of Brandon Oaks a Portion of Phase 9 by Yarbrough-Williams & Houle Inc, dated 05-03-2012.



List of Budget Amendments submitted to Council May 8, 2012

1. Reallocate funds within Public Works and Engineering Departments.
2. Reallocate funds within Community and Economic Development Department to establish budget for upcoming events.
3. Transfer funds between Administration and Planning Departments.
4. Reallocate funds within Planning Department.
5. Transfer funds from individual departments to newly established Fleet Maintenance Department.
6. Reallocate funds within Community and Economic Development Department.
7. Reallocate funds within Community and Economic Development Department to establish budget for 2012 Sunset Series events.
8. Reallocate funds within Community and Economic Development Department.
9. Reallocate funds within Public Works Department.
10. Reallocate funds within Powell Bill Fund.
11. Reallocate funds within Stormwater Fund.
12. Reallocate funds within Community and Economic Development Department to establish budget for Family Fun Day.
13. Transfer funds between Planning and Administration for legal costs.
14. Reallocate funds within Planning Department.
15. Reallocate funds within Community Events.
16. Reallocate funds within Administration Department.
17. Reallocate funds within Finance Department.
18. Reallocate funds within Tax Department.
19. Reallocate funds within Planning Department.
20. Reallocate funds within Human Resources Department.

21. Reallocate funds within Code Enforcement Department.
22. Reallocate funds within Governing Body.
23. Transfer funds from Administration Department to Legal Cost Center.
24. Reallocate funds within GIS/IT Department.
25. Reallocate funds within Community and Economic Development Department.
26. Reallocate funds within Sanitation Department.
27. Reallocate funds within Law Enforcement cost center.

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



**Town of
INDIAN TRAIL**
north carolina

Indian Trail, North Carolina 28079

Telephone 704-821-5401

Fax 704-821-9045

PLANNING BOARD TRANSMITTAL

Planning Board Transmittal for the May 8, 2012 Town Council Meeting

Reference Name	Case: ZM 2011-004 Industrial Ventures		
PB Meeting Date	April 17, 2012		
Members Present	Chair Whitehurst <input checked="" type="checkbox"/>	Gary Vaughn <input checked="" type="checkbox"/>	Larry Miller <input checked="" type="checkbox"/>
	Vice-Chair Cowan <input type="checkbox"/>	Kathy Broom <input type="checkbox"/>	Robert Rollins <input type="checkbox"/>
	Sidney Sandy <input type="checkbox"/>	Cathi Higgins <input checked="" type="checkbox"/> Alternate	Jan Brown <input checked="" type="checkbox"/> Alternate
	Vacant Seat <input type="checkbox"/> Alternate		
Case Found Complete	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Motion	Recommend approval as transmitted.		
Member making the motion	Board member Cathi Higgins		
Second the motion	Board member Gary Vaughn		
Vote	5-0		

Summary

A request to rezone two parcels located within the Industrial Venture Business Park from Regional Business District (RBD) to Light Industrial (LI) consistent with adjacent parcels within the park. The Planning Board heard this request on April 17, 2012 and transmits a recommendation to approve. Please refer to Attachment 1: Planning Board Report for additional information on this request.

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.*

Planning Board

The Board heard this item at its April 17, 2012 public meeting. The Board acknowledged this case as a housekeeping action to rezone the subject two parcels (2807 Chamber Drive (07048026B) and 4900 Starcrest (07048040) located within Industrial Ventures) from RBD to LI consistent with zoning within the business park. After the comments were made, the Board made the required findings as follows:

Goal 1.3.2 Land Use: The proposed rezone provides a mix of different types of land uses and avoids potential land use conflicts between neighboring properties because it will change the zoning classification to Light Industrial which is consistent with the zoning on adjacent properties and consistent with land uses within the Industrial Ventures.

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 Land Use and is consistent with the adopted plans within the Town of Indian Trail.

Making the required findings the Board voted 5-0 to transmit a recommendation to approve.

Council Action

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

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

Attachment 1 – Planning Board Staff Report

Attachment 2 – Draft Ordinance

TC ATTACHMENT 1 – PLANNING BOARD REPORT



Town of
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north carolina

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PLANNING AND DEVELOPMENT DEPARTMENT

Zoning Map Amendment Staff Report

Case: ZM 2011-004 Industrial Venture		
Reference Name	Industrial Venture Rezone	
Request	Proposed Zoning	Light Industrial (LI)
	Proposed Use	Same as existing - LI
Existing Site Characteristics	Existing Zoning	RBD
	Existing Use	Office Warehouse
	Site Acreage	2.44 acres
Applicant	Town of Indian Trail	
Submittal Date	12/01/2011	
Location	2807 Chamber Drive (07048026B) and 4900 Starcrest (07048040) located within Industrial Ventures.	
Tax Map Number	07048026B & 07048040	
Plan Consistency	Town of Indian Trail Comp. Plan	74 Business Corridor
		Consistent with Request
Recommendations & Comments	Planning Staff	Recommends Approval LI Zoning Classification

Project Summary

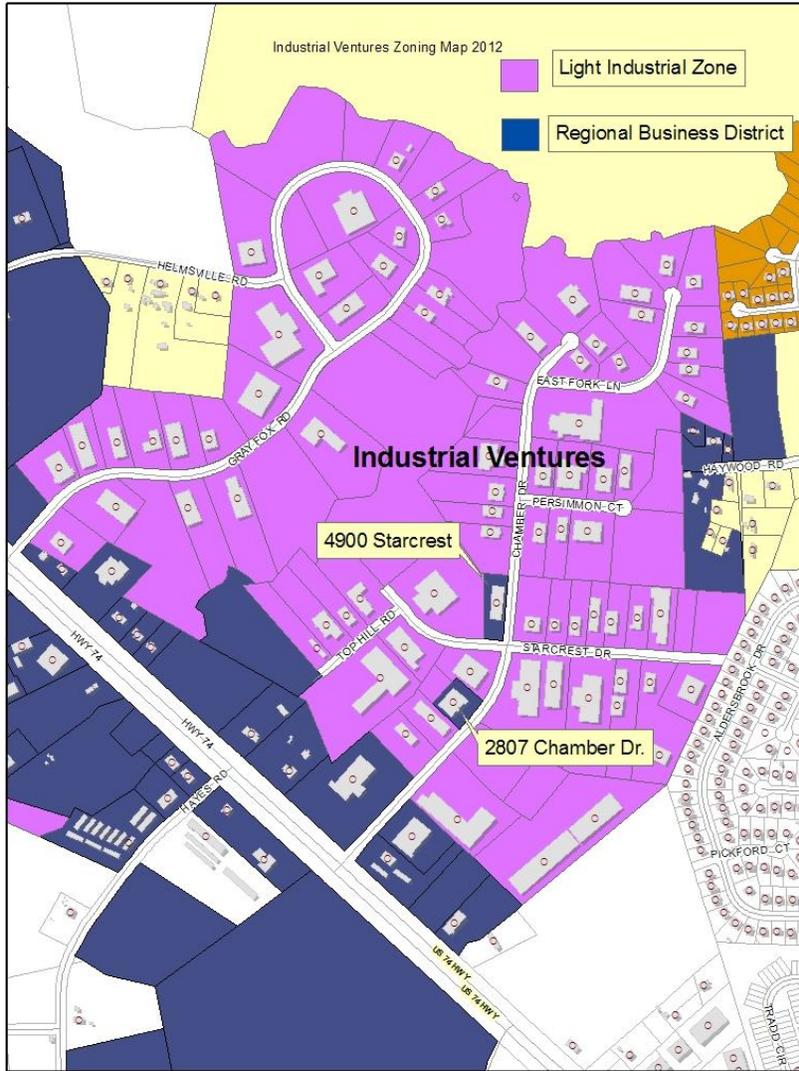
Request: To rezone two parcels located within the Industrial Venture Business Park from Regional Business District (RBD) to Light Industrial (LI) consistent with adjacent parcels within the park.

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

General Information

The subject properties are located within the Industrial Venture Business Park off of U.S. 74 and Chamber Drive. These properties represent a total of 2.44 acres and are developed with office warehouse structures. These two properties were not included in the major rezoning project that occurred in November 2009. This request will change the zoning classification consistent with the industrial park.

Location & Zoning Map



4900 Starcrest



2807 Chamber Drive

Zoning Information

Prior to the adoption of the Unified Development Ordinance on December 30, 2008, the parcels in the Industrial Ventures Industrial Park were zoned HC (Highway Corridor). In the past, Highway Corridor zoning had a more industrial tone. With this zoning, the majority of the businesses within Industrial Ventures were built to light industrial standards. As Indian Trail grew and Highway 74 became more developed commercially, the Highway Corridor zoning took on a more commercial, service-based tone. Although the nature of Highway Corridor zoning had changed with time, Industrial Ventures remained a hub of light industrial activity and consequently has reached near build out of this type of land use.

With the adoption of the Unified Development Ordinance in December, 2008, all zoning classifications simply converted to the new zoning designations. Highway Corridor was then reclassified as Regional Business District. Staff identified the need for a rezoning of the industrial park to fit the current land uses within the park, with Light Industrial being the most compatible.

A Town initiated rezone occurred in November of 2009 for the various phases of Industrial Ventures. Upon review of town records, it appears that these two parcels were not included in the 2009 project and are now subject to this action for zoning consistency within the industrial park. A complete listing of the permissible land uses for the Light Industrial District is provided in Attachment 1.

Plan Consistency

Comprehensive Plan

The property is located within the 74 Business Corridor of the Indian Trail Comprehensive Plan. This corridor provides for a mix of uses both nonresidential and higher density residential. For the purpose of this request only the nonresidential land uses were examined.

Land Use	Current Base	Percent Base	Flexibility Factor	Proposed Base
Retail	41.6%	40%	-10	40.6%
Industrial	18.8%	15%	+/-5	19.8%

The rezone request would remove approximately 2.44 acres from the retail category and place it within the industrial category. This change will bring the retail closer to its intended percentage and increase the industrial percentage by 1% which is still within the flexibility factor area.

Action Required

The Planning Board must make findings prior to motioning for recommendation. The findings 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 1.3.2 Land Use: The proposed rezone provides a mix of different types of land uses and avoids potential land use conflicts between neighboring properties because it will change the zoning classification to Light Industrial which is consistent with the zoning on adjacent properties and consistent with land uses within the Industrial Ventures.

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 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 Light Industrial (LI) classification for the subject properties.

Staff Contact

Shelley DeHart, AICP
Director of Planning
(704) 821-5401 ext. 225
srd@planning.indiantrail.org

Attachment 1 – Light Industrial Land Use Table

PB ATTACHMENT ONE: LI LAND USE TABLE

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

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 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.

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

The use table below identifies permitted, special, prohibited and other uses authorized within the zoning districts identified. The uses identified are subject to compliance with all other applicable standards or requirements of this UDO.

Permitted Uses

Uses identified with a "P" are permitted by-right in the subject zoning district, subject to compliance with all other applicable standards of this UDO.

Special Uses

Uses identified with an "S" may be allowed if reviewed and approved in accordance with the special use procedures of **Error! Reference source not found.**, subject to compliance with all other applicable standards of this UDO.

Planned Developments

Uses identified with a "PD" may be allowed if reviewed and approved in accordance with the planned development procedures of **Error! Reference source not found.**

Prohibited Uses

Uses identified with a "-" are expressly prohibited. Uses that are not listed in the table are also prohibited.

Use Standards

The use standards column of the following Use Table identifies use-specific standards that apply to some uses. Compliance with such standards is required regardless of whether the use is "Permitted" or a "Special Use".

Parking Standards

The "parking standards" column of the following Use Table contains a reference to the applicable off-street parking ratio for the listed use. Off-street parking regulations are contained in **Error! Reference source not found.**

Use Table and Standards

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	-	
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		
Residential Storage Warehouse	P	P	
Indoor Shooting Range	S	S	Error! Reference source not found.
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	
Resource Recovery Facilities	-	S	

Use Group	Zoning Districts		Use Standard
	LI	HI	
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 Error! Reference source not found.
Freestanding Towers	P	P	See Error! Reference source not found.

530.030 Lot and Building Standards

Basic Standards

All development in I districts must comply with the lot and building standards of Table 0, except as otherwise expressly provided. Rules for measuring compliance with the lot and building standards established in the Rules for Measurements and applicable exceptions to the standards can be found in the General Review Procedures Section **Error! Reference source not found.**

Lot Size, Setback and Height Table

Lot and Building Standards (Industrial Districts)	LI District	HI District
Lot Size		
Minimum lot area (square feet)	NA	NA
Minimum lot width (feet)	100	100
Building Setbacks		
Building setback from front property line	50	50
Building setback from rear lot line	50	50
Side setback-not abutting residential district	20	20
Side setback abutting residential district	25	25
Maximum permitted building height	100	100

530.040 Other Applicable Regulations

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

Parking and Loading

(See Parking and Loading, **Error! Reference source not found.**)

Landscaping and Screening

(See Landscaping Standards, **Error! Reference source not found.**)

Signs

(See Sign Regulations, **Error! Reference source not found.**)

Accessory Uses and Structures

(See Supplementary Use Regulations, **Error! Reference source not found.**)

TC ATTACHMENT TWO: DRAFT ORDINANCE

NOW, THEREFORE, IT SHALL BE ORDAINED on May 8th, 2012 by the Town Council of the Town of Indian Trail, North Carolina hereby takes the following action:

Section 1 - ZM 2011-004 Zoning Petition be granted and the Zoning Map shall be amended to reflect an L-I (Light Industrial) zoning designation for tax parcel numbers - 07048026B and 07048040.

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

AND IT IS SO ORDAINED this 8th day of May, 2012.

TOWN OF INDIAN TRAIL COUNCIL

Attest:

Peggy Piontek, Town Clerk

Michael L. Alvarez, Mayor

APPROVED AS TO FORM:

TOWN ATTORNEY



PLANNING AND DEVELOPMENT DEPARTMENT

Planning Board Transmittal for the May 8, 2012 Town Council Meeting

Case: ZM 2012-001			
Reference Name	Brandon Oaks		
Meeting Date	April 17, 2012		
Members Present	Chair Whitehurst <input checked="" type="checkbox"/>	Gary Vaughn <input checked="" type="checkbox"/>	Larry Miller <input checked="" type="checkbox"/>
	Vice-Chair Cowan <input type="checkbox"/>	Kathy Broom <input type="checkbox"/>	Robert Rollins <input type="checkbox"/>
	Sidney Sandy <input type="checkbox"/>	Cathi Higgins <input checked="" type="checkbox"/> Alternate	Jan Brown <input checked="" type="checkbox"/> Alternate
	Vacant Seat <input type="checkbox"/> Alternate		
Case Found Complete	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Motion	Recommend approval		
Member making the motion	Gary Vaughn		
Second the motion	Cathi Higgins		
Vote	Unanimous		

Summary

The request is to rezone 91-parcels (approx. 28.112 acres) from Union County Residential-20 (R-20) to Single-Family Residential-4 (SF-4) with a Pre-Existing Development Overlay (PED Overlay 1). Subject property is generally located at the intersection of Fountain Brook Drive and Garden Oak Drive within Brandon Oaks Phase 9. The Planning Board heard this request on April 17, 2012 and transmits a recommendation to approve. Please refer to Attachment 1: Planning Board Report for additional information on this request.

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.*

Planning Board

The Board heard this item at its April 17, 2012 public meeting. The limited discussion largely focused on the previous annexation of this area. After the comments were made, the Board made the required findings as follows:

1. *Goal 1.3.1 Quality of Life:* The proposed rezoning to SF-4 with a PED Overlay 1 will help to promote a better quality of life for our residents by ensuring the continuation of the unique identity and residential character of the Brandon Oaks community.
2. *Goal 1.3.1 Quality of Life* The proposed rezoning to SF-4 with a PED Overlay 1 will help provide a diverse range of housing opportunities in Indian Trail by providing additional medium density housing within an overall planned development community with varying housing sizes and densities.
3. *Reasonableness and Public Interest:* The request for this zoning district and overlay is a reasonable request and is in the public interest because it promotes the goal of the adopted Comprehensive Plan in the area of *Quality of Life* and is consistent with other adopted plans within the Town.

Making the required findings the Board voted 5-0 to transmit a recommendation to approve.

Council Action

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

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

Attachment 1-Planning Board Report
Attachment 2- Ordinance

TC ATTACHMENT ONE: PLANNING BOARD REPORT



Town of
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PLANNING AND DEVELOPMENT DEPARTMENT

Zoning Map Amendment Staff Report

Case: ZM 2012-001 Brandon Oaks		
Reference Name	Brandon Oaks Rezoning	
Request	Proposed Zoning	SF-4 with PED Overlay 1
	Proposed Use	Single-Family Residential
Existing Site Characteristics	Existing Zoning	R-20 (Union County)
	Existing Use	Single-Family Residential
	Site Acreage	28.112 acres
Applicant	Town of Indian Trail	
Submittal Date	4/2/2012	
Location	Brandon Oaks Phase 9 consisting of properties recently annexed in Annexation #130.	
Tax Map Number	91 Parcels. See Parcel & Property Owner List in Application	
Plan Consistency	Town of Indian Trail Comp. Plan	Designation- Sun Valley Suburban Mix Village
		Consistent with Request
Recommendations & Comments	Planning Staff	Recommends Approval for SF-4 with PED Overlay 1

Project Summary

Request: To rezone 91-parcels (approx. 28.112 acres) from Union County Residential-20 (R-20) to Single-Family Residential-4 (SF-4) with a Pre-Existing Development Overlay (PED Overlay 1). Subject property is generally located at the intersection of Fountain Brook Drive and Garden Oak Drive within Brandon Oaks Phase 9 (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 subject property is currently zoned for single-family residential uses (Union County R-20) and the intent of the proposed rezoning is to assign it the closest compatible Town zoning district. The subject property was annexed into the Town of Indian Trail on March 27, 2012

(Annexation #130). State law requires annexed property to undergo a Zoning Map Amendment process to establish Town zoning on the subject property. Figure 1 depicts the ninety-one (91) parcels within the rezoning area, of which, approximately sixty-two (62) of the parcels are developed with single-family detached houses. The six (6) interior parcels that are not identified within the subject property were unable to be annexed and therefore are not part of this proposed Zoning Map Amendment. Staff will continue to assist unincorporated Brandon Oaks property owners with any potential future annexations.

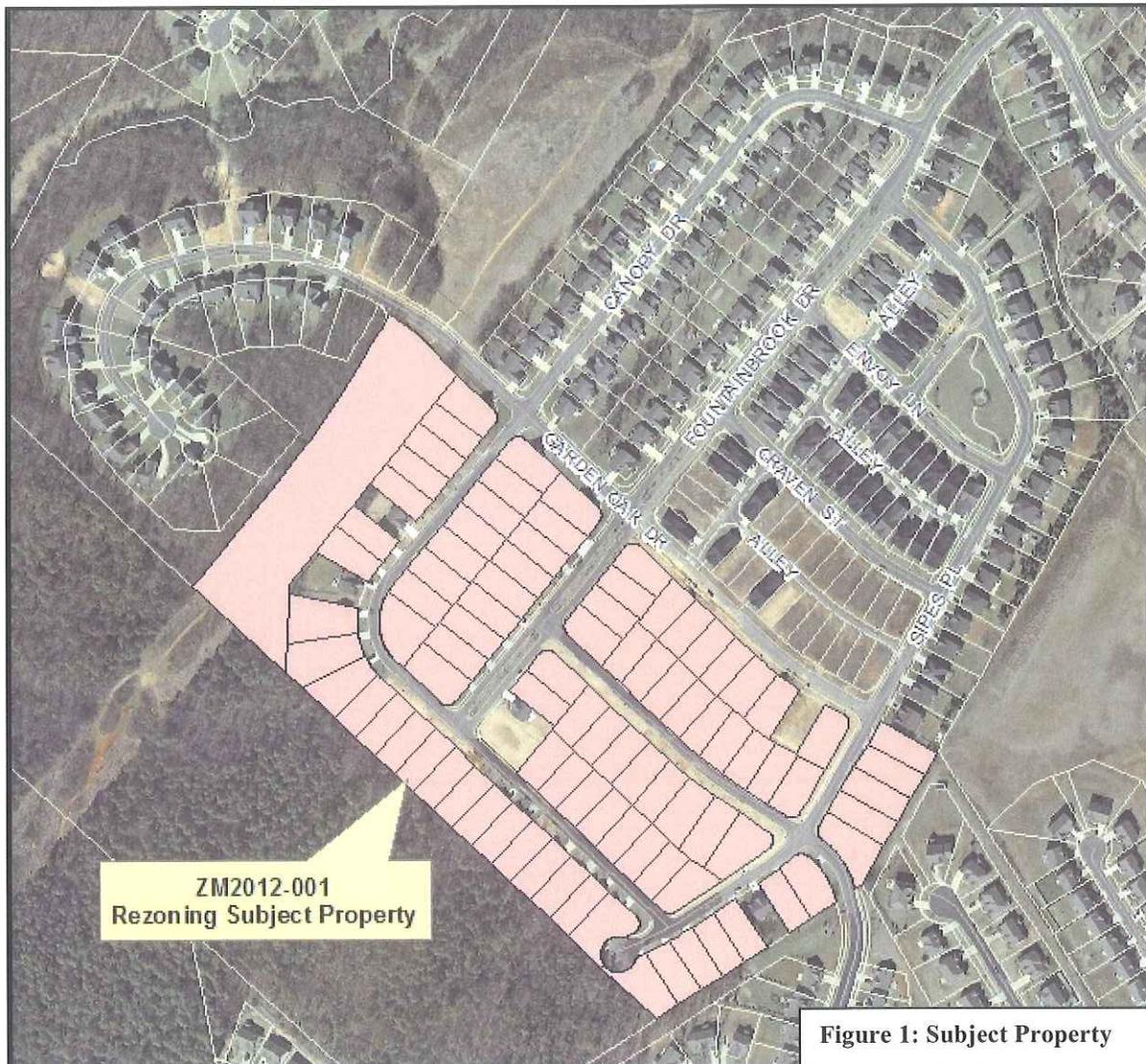


Figure 1: Subject Property

Zoning Information

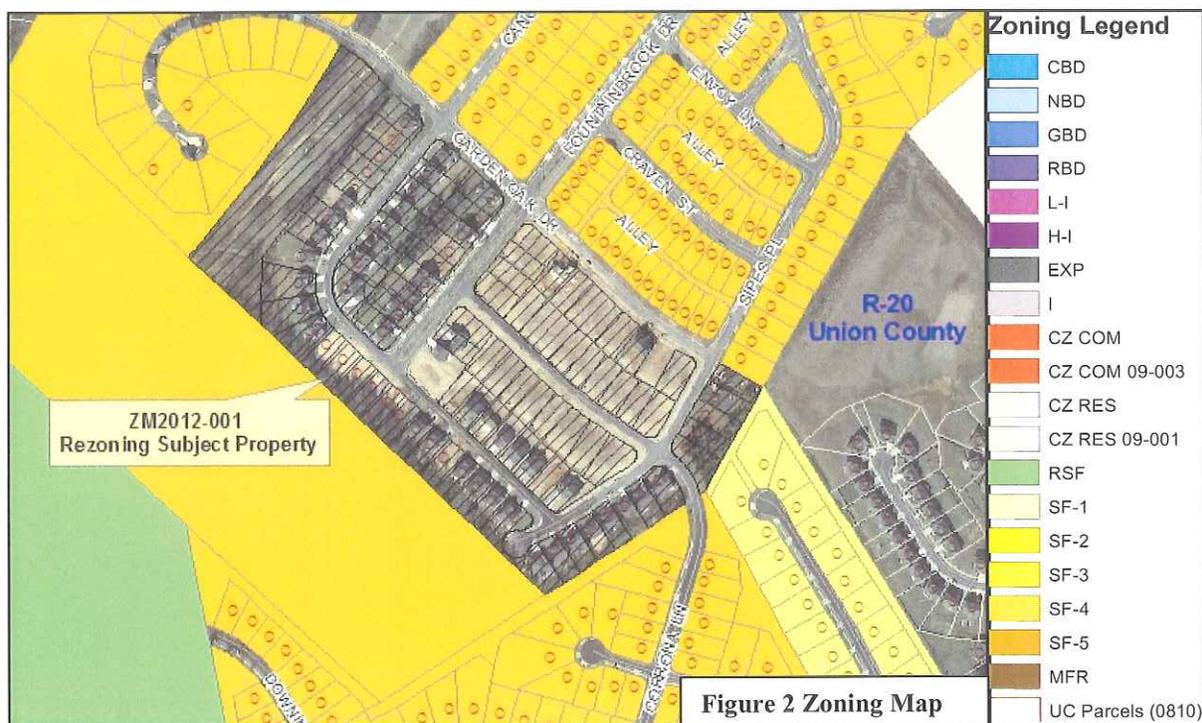
The subject property is currently zoned Residential-20 (R-20) under Union County zoning. The proposal requests to rezone the subject property to Single-Family Residential-4 (SF-4). The SF-4 district is intended to accommodate a variety of moderate intensity single-family residential development under conventional or planned development controls. Because the subject property was previously platted using Union County Smart Growth development standards, the rezoning proposal also contemplates a Pre-Existing Development Overlay (PED Overlay 1) to account for

the previously approved dimensional requirements (setbacks, etc.) that do not correspond to the SF-4 district. Table 1 below provides a snapshot of the differences between these standards. Copies of the applicable Brandon Oaks Phase 9 Final Plat Maps reflecting the Union County standards are attached (Attachment 3).

TABLE1: DIMENSIONAL REQUIREMENT COMPARISON

	Town SF-4 District	Union County R-20 District
Lot Width	60-ft	60-ft.
Front Setback	30-ft	20-ft.
Rear Setback	40-ft.	15-ft.
Side Yard	10-ft.	5-ft/10-ft Streetside Min. 10-ft building separation

Adjacent uses and zoning classifications in the subject area are single-family residential (Town SF-2, SF-4, and R-20 in Union County). Existing Town properties within Brandon Oaks are also subject to a PED Overlay 1. Figure 2 below is the official zoning map for the area.



Site Characteristics

The subject property is approximately 28.112 acres in size and is in a developed condition with the exception of areas set-aside for common open space (see Figure 1 aerial). As previously noted, sixty-two (62) of the lots (out of 91-total) are constructed with detached homes.

Plan Consistency

Comprehensive Plan

The property is located within the Sun Valley Suburban Mix Village land use area of the Indian Trail Comprehensive Plan (see Figure 3). A Suburban Mix Village consists of land uses that promote a neighborhood setting with single-family detached houses as its primary development type. The single-family residential component characterizes this village, with retail development (predominately within village centers) providing convenient access to daily goods and services.

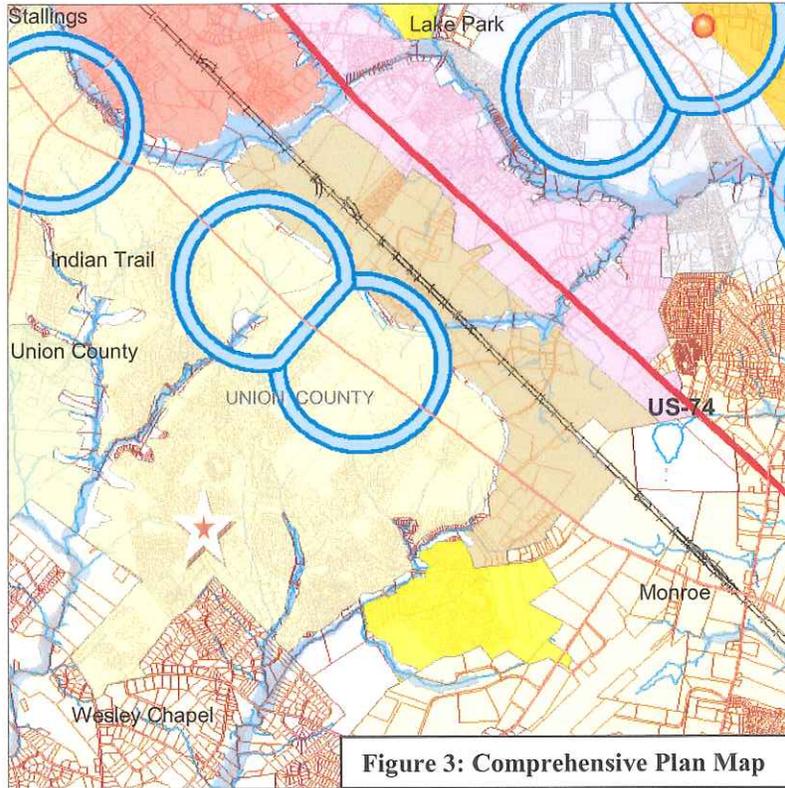


Figure 3: Comprehensive Plan Map

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 not modify the above land use mix in light of the subject property being previously subdivided and the proposed Town zoning district being the closest compatible district to the existing R-20 zone. The rezone request is consistent with the Comprehensive Plan in the areas of medium density residential.

Action Required

The Planning Board must make findings prior to motioning for recommendation. The findings 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 SF-4 with a PED Overlay 1 will help to promote a better quality of life for our residents by ensuring the continuation of the unique identity and residential character of the Brandon Oaks community.

Goal 1.3.1 Quality of Life: A diverse range of housing options, including varying densities of single family, multifamily, traditional neighborhood development (TND), and mixed-use communities in order to provide affordable living opportunities for a wide range of residents.

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

The 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 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 Single-Family Residential-4 with a PED 1 Overlay for the subject property.

Staff Contact

Rox Hunter Burhans, AICP
 Senior Planner
 (704) 821-5401 ext. 226
rburhans@planning.indiantrail.org

Attachment 1 – Application
 Attachment 2 - Letter of Intent
 Attachment 3 – Final Plat Maps (3)
 Attachment 4- Draft Ordinance

ATTACHMENT ONE: APPLICATION

R000354

ZONING MAP AMENDMENT APPLICATION



PLANNING AND DEVELOPMENT DEPARTMENT
PO Box 2430
Indian Trail, NC 28079
Telephone (704) 821-5401
Fax (704) 821-9045

DEADLINE: THE FIRST DAY OF THE EACH MONTH

ONLY COMPLETE APPLICATIONS ACCEPTED

Processing Fee \$500.00

Notification Fee \$2.50 per adjoining property owner

ZONING MAP AMENDMENT APPLICATION



Submittal Requirements

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

General Information

Project Address 91- parcels recently annexed into the Town of Indian Trail by Annexation #130. Parcels are part of Brandon Oaks Phase 9-Map 5 (Cabinet K, File 161), Map 6 (Cabinet L, File 39), and Map 7 (Cabinet L, File 40). See attached list for mailing addresses and attached map for subject property location.

City Indian Trail, North Carolina 28079

Tax Parcel ID See Attached List Zoning Designation Existing: R-20 in Unincorporated U.C.
Proposed: SF-4 with PED Overlay 1.

Total Acres Approximately 28.112-acres Impervious Area N/A

Project Description: Proposed subject property consisting of 91-parcels was annexed into the Town of Indian Trail on March 28, 2012 (Annexation # 130). Proposed Zoning Map Amendment is to establish a compatible Town zoning district on the subject property. The proposed Town zoning district is Single-Family Residential-4 (SF-4) within a Pre-Existing Development Overlay District (PED Overlay 1). The PED Overlay 1 is to account for the subject property having been previously subdivided in unincorporated Union County with Smart Growth development standards (i.e. building setbacks, lot area, etc.) that do not correspond to the SF-4 district.

Contact Information – Applicant

Name Town of Indian Trail: Rox Burhans, Senior Planner

Address P.O. Box 2430

City Indian Trail, State NC Zip 28079

Phone 704-821-5401 Fax 704-821-9045

Email rburhans@planning.indiantrail.org

Contact Information – Property Owner

Name Initiated by Town of Indian Trail. Refer to property owner table for contact information.

Address _____

ZONING MAP AMENDMENT APPLICATION



City _____ State _____ Zip _____

Phone _____ Fax _____

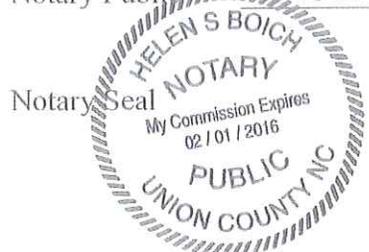
Email _____

Applicant's Certification

Signature Rox Burhans Date 4/4/12

Printed Name/Title: Rox Burhans, Senior Planner

Signature of Notary Public Helen S. Boich Date 4-4-12



Property Owner's Certification

Signature Refer to applicant certification above Date _____

Printed Name/Title See attached list of property owners

Signature of Notary Public _____ Date _____

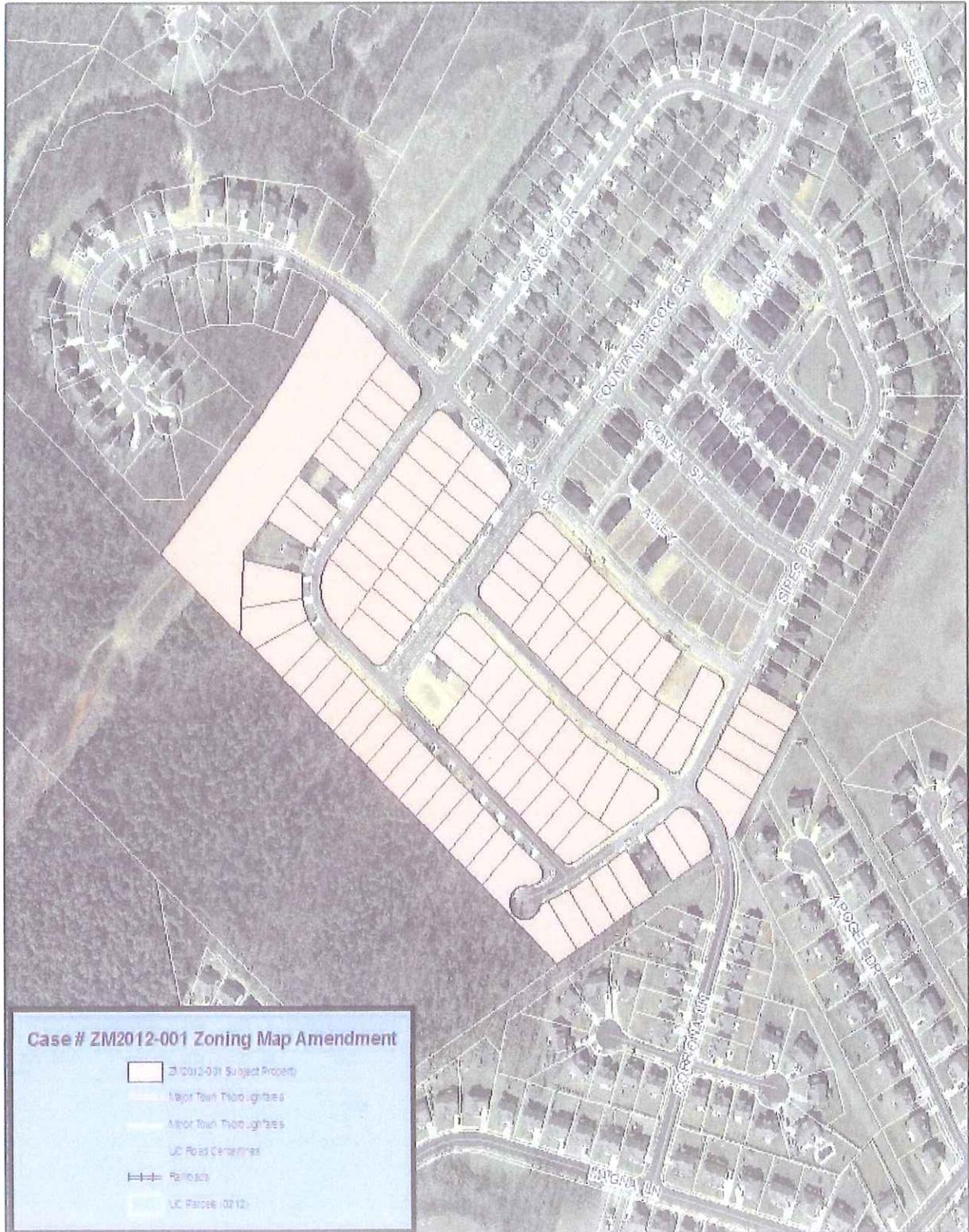
Notary Seal

TOWN OF INDIAN TRAIL OFFICE USE ONLY

Case Number: ZM2012-001

Date Received: 3/29/12 Amount of Fee: N/A

Received By: Rox Receipt #: N/A



ZM2012-001 Parcel and Owner List

07090944 BRANDON OAKS COMMUNITY P O BOX 1196 MATTHEWS, NC 28106	07090976 RELIC MATTHEW P & ROSEMARIE 5009 SIPES PL INDIAN TRAIL, NC 28079	07090977 MCDONALD KIMBERLY L 5007 SIPES PLACE INDIAN TRAIL, NC 28079
07090978 MAISE LYNN L 5005 SIPES PL INDIAN TRAIL, NC 28079	07090979 MARONEY KENNETH & ARLENE 5003 SIPES PL INDIAN TRAIL, NC 28079	07090980 SALAZAR ANN K 5001 SIPES PL INDIAN TRAIL, NC 28079
07090981 CHARLES DEBORAH A & COSMOS 2017 CANOPY DR INDIAN TRAIL, NC 28079	07090982 WALGREN KRISTY L & SCOTT G 2013 CANOPY DR INDIAN TRAIL, NC 28079	07090983 KOLB HAROLD & PEGGY 2011 CANOPY DR INDIAN TRAIL, NC 28079
07090984 ROWE KRISTOPHER WESLEY & MARIE ANN 2009 CANOPY DR INDIAN TRAIL, NC 28079	07090985 STOYCHEV NEDKO Y & KRISTINA 2007 CANOPY DR INDIAN TRAIL, NC 28079	07090986 BODNAR ROBERT MICHAEL JR & 2005 CANOPY DR INDIAN TRAIL, NC 28079
07090987 JONES CHRISTIANA & CECILIA JONES 2003 CANOPY DR INDIAN TRAIL, NC 28079	07090988 HAMBER PATRICK A & ANGELIA 2001 CANOPY DR INDIAN TRAIL, NC 28079	07090989 GRIGG CAROL A 7002 FOUNTAINBROOK DR INDIAN TRAIL, NC 28079
07090990 PACE/DOWD PROPERTIES LTD 6719C FAIRVIEW RD CHARLOTTE, NC 28210	07090991 D R HORTON INC 503 WANDO PARK BLVD SUITE 200 MOUNT PLEASANT, SC 29464	07090992 PACE/DOWD PROPERTIES LTD 6719C FAIRVIEW RD CHARLOTTE, NC 28210
07090993 ARROYO ANGEL JR 7010 FOUNTAINBROOK DR INDIAN TRAIL, NC 28079	07090994 BETHUNE SEON & CHRISTINE S STYLES 8000 FOUNTAINBROOK DR INDIAN TRAIL, NC 28079	07090995 PATEL DHAVAL J & SHYAMA D 8004 FOUNTAINBROOK DR INDIAN TRAIL, NC 28079
07090996 WALTON RACHEL N 8008 FOUNTAINBROOK DR INDIAN TRAIL, NC 28079	07090997 STETSON JEFFREY & LUCIA 8012 FOUNTAINBROOK DR INDIAN TRAIL, NC 28079	07090998 CLARK JUSTIN & KELLY E 2000 CANOPY DR INDIAN TRAIL, NC 28079
07090999 PACE/DOWD PROPERTIES LTD 6719C FAIRVIEW RD CHARLOTTE, NC 28210	07091001 PACE/DOWD PROPERTIES LTD 6719C FAIRVIEW RD CHARLOTTE, NC 28210	07091002 PACE/DOWD PROPERTIES LTD 6719C FAIRVIEW RD CHARLOTTE, NC 28210
07091003 PACE/DOWD PROPERTIES LTD 6719C FAIRVIEW RD CHARLOTTE, NC 28210	07091005 LATZOS GEORGIOS & MARISSA 2012 CANOPY DR INDIAN TRAIL, NC 28079	07091006 ASHMEAD ROBERT 2014 CANOPY DR INDIAN TRAIL, NC 28079

7091041
D R HORTON INC
5402 CASPER DR
CHARLOTTE, NC 28214

7091044
PACE/DOWD PROPERTIES LTD
6719C FAIRVIEW RD
CHARLOTTE, NC 28210

7091048
BANDLISH BALDEV & URMILA
1009 GARDEN OAK DR
INDIAN TRAIL, NC 28079

7091051
PACE/DOWD PROPERTIES LTD
6719C FAIRVIEW RD
CHARLOTTE, NC 28210

7091054
PACE/DOWD PROPERTIES LTD
6719C FAIRVIEW RD
CHARLOTTE, NC 28210

7091057
D R HORTON INC
5402 CASPER DR
CHARLOTTE, NC 28214

7091060
PACE/DOWD PROPERTIES LTD
6719C FAIRVIEW RD
CHARLOTTE, NC 28210

7091063
PACE/DOWD PROPERTIES LTD
6719C FAIRVIEW RD
CHARLOTTE, NC 28210

7091066
PACE/DOWD PROPERTIES LTD
6719C FAIRVIEW RD
CHARLOTTE, NC 28210

7091069
PACE/DOWD PROPERTIES LTD
6719C FAIRVIEW RD
CHARLOTTE, NC 28210

7091042
PARADA RAMON E & DEYRA CASTILL
3019 CANOPY DR
INDIAN TRAIL, NC 28079

7091045
PACE/DOWD PROPERTIES LTD
6719C FAIRVIEW RD
CHARLOTTE, NC 28210

7091049
PACE/DOWD PROPERTIES LTD
6719C FAIRVIEW RD
CHARLOTTE, NC 28210

7091052
EDES CARLOS
1019 GARDEN OAK DR
INDIAN TRAIL, NC 28079

7091055
D.R. HORTON
~~PACE/DOWD PROPERTIES LTD~~
~~6719C FAIRVIEW RD~~
~~CHARLOTTE, NC 28210~~

7091058
PACE/DOWD PROPERTIES LTD
6719C FAIRVIEW RD
CHARLOTTE, NC 28210

7091061
KATHLEEN KELLER
3013 CORRONA LANE
INDIAN TRAIL, NC 28079

7091064
PACE/DOWD PROPERTIES LTD
6719C FAIRVIEW RD
CHARLOTTE, NC 28210

7091067
PACE/DOWD PROPERTIES LTD
6719C FAIRVIEW RD
CHARLOTTE, NC 28210

7091070
PACE/DOWD PROPERTIES LTD
6719C FAIRVIEW RD
CHARLOTTE, NC 28210

7091043
PACE/DOWD PROPERTIES LTD
6719C FAIRVIEW RD
CHARLOTTE, NC 28210

7091046
CORREDOR WILLIAM MARTIN
1003 GARDEN OAK DR
INDIAN TRAIL, NC 28079

7091050
PACE/DOWD PROPERTIES LTD
6719C FAIRVIEW RD
CHARLOTTE, NC 28210

7091053
SADOWSKI ELIZABETH & LOIS LACAVAL
1021 GARDEN OAK DR
INDIAN TRAIL, NC 28079

7091056
SAMUEL FOGLE
3003 CORRONA LANE
INDIAN TRAIL, NC 28079

7091059
PACE/DOWD PROPERTIES LTD
6719C FAIRVIEW RD
CHARLOTTE, NC 28210

7091062
D R HORTON INC
5402 CASPER DR
CHARLOTTE, NC 28214

7091065
PACE/DOWD PROPERTIES LTD
6719C FAIRVIEW RD
CHARLOTTE, NC 28210

7091068
PACE/DOWD PROPERTIES LTD
6719C FAIRVIEW RD
CHARLOTTE, NC 28210

7091071, 7091072
PACE/DOWD PROPERTIES LTD
6719C FAIRVIEW RD
CHARLOTTE, NC 28210

7091008
ALBERT JAMES & CAROL
2018 CANOPY DR
INDIAN TRAIL, NC 28079

7091009
MORRISON REBECCA & CAROL HENRY
108 MAPLE DR
NEW HYDE PARK, NY 11040

7091010
MOWER MICHAEL & PATRICIA LYNN
2022 CANOPY DR
INDIAN TRAIL, NC 28079

7091011
ENGEL RYAN K & EMILY C
2024 CANOPY DR
INDIAN TRAIL, NC 28079

7091012
D R HORTON
542 CASPER DR
CHARLOTTE, NC 28214

7091013
PACE/DOWD PROPERTIES LTD
6719C FAIRVIEW RD
CHARLOTTE, NC 28210

7091014
ROBERT WILLARD
2030 CANOPY DR
INDIAN TRAIL, NC 28079

7091015
MYRON GEORGE
3000 CANOPY DR
INDIAN TRAIL, NC 28079

7091016
KEENAN ROBERT
3002 CANOPY DR
INDIAN TRAIL, NC 28079

7091017
MUKHLIS MAVLYUDOV
3004 CANOPY DR
INDIAN TRAIL, NC 28079

7091018
GOODSON DAVID W
3006 CANOPY DR
INDIAN TRAIL, NC 28079

7091019
MICHAEL PICCIRILLO
3008 CANOPY DR
INDIAN TRAIL, NC 28079

7091020
CARTER SAMUEL & MONICA E
3010 CANOPY DR
INDIAN TRAIL, NC 28079

7091021
HORKAN MICHAEL & MICHELLE
3012 CANOPY DR
INDIAN TRAIL, NC 28079

7091022
LOGAN MICHAEL
3016 CANOPY DR
INDIAN TRAIL, NC 28079

7091023
DAVIS EDWIN T & MAXINE H
3020 CANOPY DR
INDIAN TRAIL, NC 28079

7091024
MATOS LUIS C
7003 SIPES PL
INDIAN TRAIL, NC 28079

7091025
BIANCULLI JILLIAN
7001 SIPES PL
INDIAN TRAIL, NC 28079

7091026
HAYNES KIM
6011 SIPES PL
INDIAN TRAIL, NC 28079

7091027
KALMAN SETH A & ELIZABETH L
6009 SIPES PL
INDIAN TRAIL, NC 28079

7091028
LUKACIK NANCY A
6007 SIPES PL
INDIAN TRAIL, NC 28079

7091030
MCGINNIS SUE
6003 SIPES PL
INDIAN TRAIL, NC 28079

7091031
SICILIA ROSE M & JAMES S
6001 SIPES PL
INDIAN TRAIL, NC 28079

7091034
BROWN KENNETH SR
8005 FOUNTAINBROOK DR
INDIAN TRAIL, NC 28079

7091035
BENJAMIN DENZLER
3003 CANOPY DR
INDIAN TRAIL, NC 28079

7091036
NOWELL TIMOTHY LORENZO
3005 CANOPY DRIVE
INDIAN TRAIL, NC 28079

7091037
VILLANUEVA EDER B & KRISTIN
3007 CANOPY DR
INDIAN TRAIL, NC 28079

7091038
BROWN MICHAEL & ERICA AYERS
3009 CANOPY DR
INDIAN TRAIL, NC 28079

7091039
LAH VIBE
3011 CANOPY DR
INDIAN TRAIL, NC 28079

7091040
JOSHUA ROZIER
3015 CANOPY DR
INDIAN TRAIL, NC 28079

ATTACHMENT TWO: LETTER OF INTENT



Town of
INDIAN TRAIL
north carolina

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

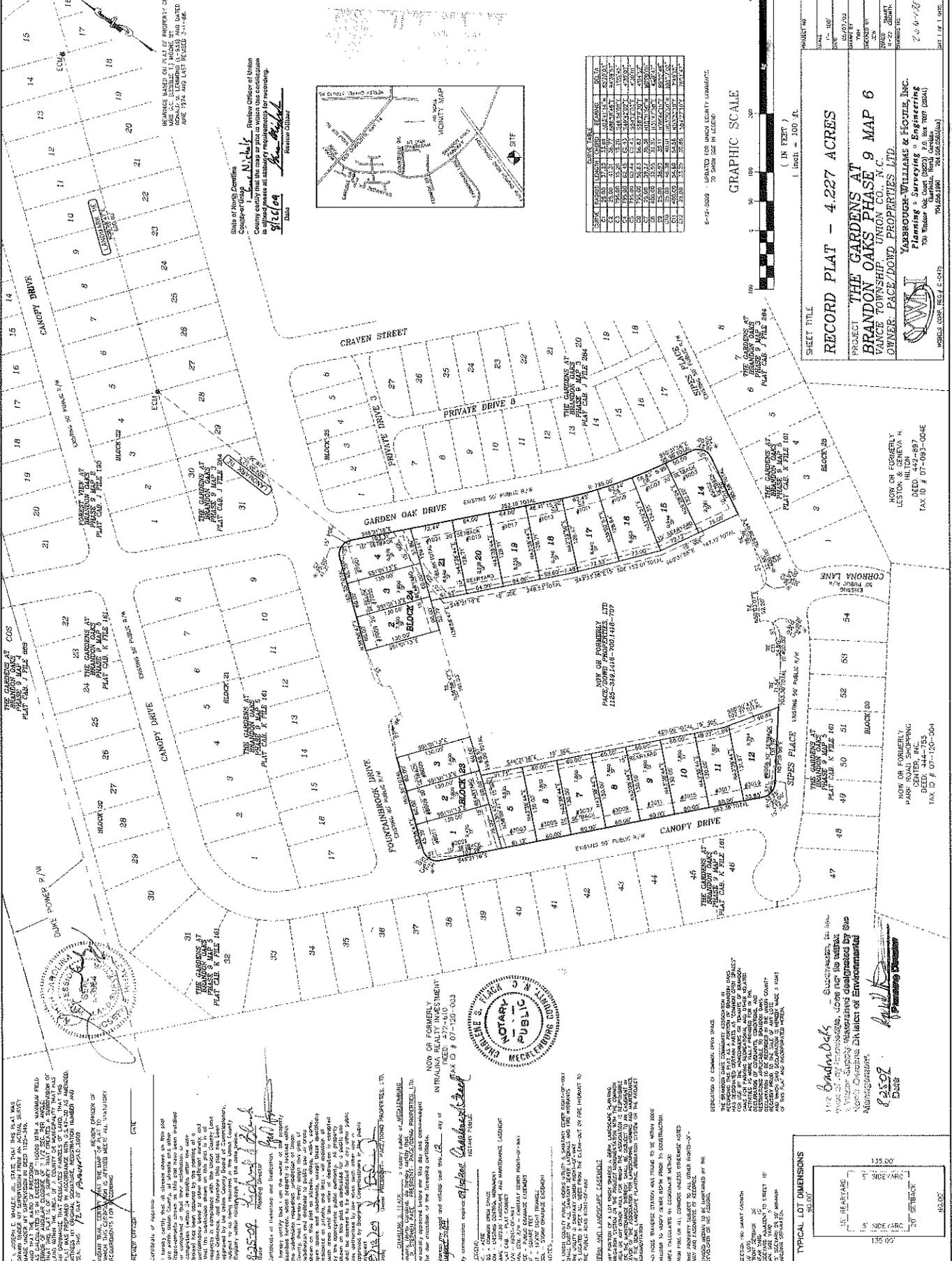
PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

To: ZM2012-001 Project File
From: Rox Burhans, Senior Planner *RB*
Date: April 2, 2012
Re: **ZM2012-001 Brandon Oaks Rezoning Letter of Intent**

The intent of the proposed Zoning Map Amendment is to establish a compatible Town of Indian Trail zoning classification on parcels recently annexed into the Town of Indian Trail.

The subject property consisting of 91-parcels was annexed into the Town of Indian Trail on March 28, 2012 (Annexation # 130). The proposed Town zoning district is Single-Family Residential-4 (SF-4) within a Pre-Existing Development Overlay District (PED Overlay 1). The PED Overlay 1 is to account for the subject property having been previously subdivided in unincorporated Union County with Smart Growth development standards (i.e. building setbacks, etc.) that do not correspond to the Town SF-4 district.

ATTACHMENT THREE: FINAL PLAT MAPS



SECTION	AREA (ACRES)	PERCENTAGE
1	0.0000	0.0000%
2	0.0000	0.0000%
3	0.0000	0.0000%
4	0.0000	0.0000%
5	0.0000	0.0000%
6	0.0000	0.0000%
7	0.0000	0.0000%
8	0.0000	0.0000%
9	0.0000	0.0000%
10	0.0000	0.0000%
11	0.0000	0.0000%
12	0.0000	0.0000%
13	0.0000	0.0000%
14	0.0000	0.0000%
15	0.0000	0.0000%
16	0.0000	0.0000%
17	0.0000	0.0000%
18	0.0000	0.0000%
19	0.0000	0.0000%
20	0.0000	0.0000%
21	0.0000	0.0000%
22	0.0000	0.0000%
23	0.0000	0.0000%
24	0.0000	0.0000%
25	0.0000	0.0000%
26	0.0000	0.0000%
27	0.0000	0.0000%
28	0.0000	0.0000%
29	0.0000	0.0000%
30	0.0000	0.0000%
31	0.0000	0.0000%
32	0.0000	0.0000%
33	0.0000	0.0000%
34	0.0000	0.0000%
35	0.0000	0.0000%
36	0.0000	0.0000%
37	0.0000	0.0000%
38	0.0000	0.0000%
39	0.0000	0.0000%
40	0.0000	0.0000%
41	0.0000	0.0000%
42	0.0000	0.0000%
43	0.0000	0.0000%
44	0.0000	0.0000%
45	0.0000	0.0000%
46	0.0000	0.0000%
47	0.0000	0.0000%
48	0.0000	0.0000%
49	0.0000	0.0000%
50	0.0000	0.0000%
51	0.0000	0.0000%
52	0.0000	0.0000%
53	0.0000	0.0000%
54	0.0000	0.0000%

DATE: 11-19-2009
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

GRAPHIC SCALE
 1 inch = 100 ft.

SHEET TITLE
RECORD PLAT - 4.227 ACRES

PROJECT
THE GARDENS AT BRANDON OAKS PHASE 9 MAP 6

BRANDON OAKS PHASE 9 MAP 6
 VANCE TOWNSHIP UNION CO. N.C.
 OWNER: PAGE/DORD PROPERTIES LTD.

Yates/Roberts-Williams & Moore, Inc.
 Planning & Surveying
 700 University Blvd. Suite 100
 Raleigh, NC 27603
 PHONE: (919) 791-1100 FAX: (919) 791-1101
 WEBSITE: WWW.YATESROBERTS-WILLIAMS.COM

DATE	11-19-2009
DRAWN BY	[Name]
CHECKED BY	[Name]
APPROVED BY	[Name]
SCALE	AS SHOWN
PROJECT NO.	2009-001
DATE	11-19-2009
DRAWN BY	[Name]
CHECKED BY	[Name]
APPROVED BY	[Name]
SCALE	AS SHOWN
PROJECT NO.	2009-001

DATE: 11-19-2009
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

CAB L File 39

I, JAMES C. WALKER, do hereby certify that this plat was lawfully prepared in accordance with the laws of North Carolina and that the same is a true and correct copy of the original as shown to me by the person who presented it for recording. I am a Notary Public for the State of North Carolina and my commission expires on the 15th day of December, 2011.

STATE OF NORTH CAROLINA
 COUNTY OF UNION
 I, [Name], Notary Public for the State of North Carolina, do hereby certify that the foregoing is a true and correct copy of the original as shown to me by the person who presented it for recording. My commission expires on the 15th day of December, 2011.

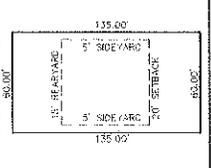
NOTARY PUBLIC
 JAMES C. WALKER
 477-8100
 1000 S. WALKER STREET
 WALKER, N.C. 27587



THE GARDENS AT BRANDON OAKS PHASE 9 MAP 6
 VANCE TOWNSHIP UNION CO. N.C.
 OWNER: PAGE/DORD PROPERTIES LTD.

Yates/Roberts-Williams & Moore, Inc.
 Planning & Surveying
 700 University Blvd. Suite 100
 Raleigh, NC 27603
 PHONE: (919) 791-1100 FAX: (919) 791-1101
 WEBSITE: WWW.YATESROBERTS-WILLIAMS.COM

DATE: 11-19-2009
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]



TC ATTACHMENT TWO: ORDINANCE

STATE OF NORTH CAROLINA)

)

ORDINANCE #

TOWN OF INDIAN TRAIL)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF INDIAN TRAIL REZONING NINETY-ONE (91) PARCELS TOTALING APPROXIMATELY 28.112 ACRES FROM RESIDENTIAL-20 (R-20) TO SINGLE-FAMILY RESIDENTIAL-4 (SF-4) WITH A PRE-EXISTING DEVELOPMENT OVERLAY (PED OVERLAY 1) IN THE TOWN OF INDIAN TRAIL, UNION COUNTY, NORTH CAROLINA

WHEREAS The Town of Indian Trail petitioned to rezone ninety-one parcels (91) that were recently annexed into the Town as part of Annexation #130, from Residential-20 (R-20) to Single-Family Residential-4 (SF-4) with a Pre-Existing Development Overlay (PED Overlay 1) zoning classification; and

WHEREAS, this Zoning Map Amendment (ZM2012-001) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, a meeting was held by the Planning Board on April 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 SF-4 with a PED Overlay 1 will help to promote a better quality of life for our residents by ensuring the continuation of the unique identity and residential character of the Brandon Oaks community.

Goal 1.3.1 Quality of Life: A diverse range of housing options, including varying densities of single family, multifamily, traditional neighborhood development (TND), and mixed-use communities in order to provide affordable living opportunities for a wide range of residents.

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

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 is consistent with the adopted plans within the Town of Indian Trail.

WHEREAS, the Town Council held a public hearing on May 8, 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 2012-001 rezone petition be granted and the Zoning Map shall be amended to reflect the Single-Family Residential-4 (SF-4) with a Pre-Existing Development Overlay (PED Overlay 1) zoning designation for parcels recently annexed into the Town as part of Annexation #130.

AND IT IS SO ORDAINED this 8th day of May, 2012.

TOWN OF INDIAN TRAIL COUNCIL

Honorable Michael Alvarez, Mayor

Attest:

Peggy Piontek, Town Clerk

RESOLUTION

WHEREAS, the Lane Vickery has faithfully served the citizens of Town of Indian Trail as a member of the Town Council and as a supporter of the Union West Library; and

WHEREAS, Lane Vickery coined the phrase “raising the bar” pertaining to development, as she wanted to ensure quality growth within the town that would maintain property values into the future; and

WHEREAS, Lane Vickery took upon herself the duty to assure the citizens of the Town of Indian Trail were provided with quality services from their government and was instrumental in establishing architect requirements for the town which lead to a higher quality of development; and

WHEREAS, Lane Vickery believed so strongly in quality development that she initiated and maintained control of her own development project know as Austin Village, thus providing an example of how to develop a project that is both practical and aesthetically appealing; and

WHEREAS, Lane Vickery was a very instrumental part of the efforts that resulted in the decision by Union County to construct a new library facility in the Town of Indian Trail; and

WHEREAS, the efforts of Lane Vickery have complemented and enhanced the appearance and image of the Union West Library and the Town of Indian Trail; and

NOW, THEREFORE, I, Michael L. Alvarez, Mayor of the Town of Indian Trail, along with the Indian Trail Town Council, hereby recognize Lane Vickery’s example of leadership and request that Union County officially dedicate and name a room within the facility known as Union West Library located in Indian Trail after Ms. Vickery.

This _____ day of _____, 2012.

Michael L. Alvarez, Mayor