

**TC Attachment 5 – Planning Board Meeting Minutes**  
8.16.16 and 9.20.16

# 106Town of Indian Trail



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## PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT PLANNING BOARD MINUTES

August 16, 2016

6:30 P.M.

1. **CALL TO ORDER** - Meeting was called to order by Chair Jan Brown.
2. **ROLL CALL**  
The following members of the governing body were present:  
Board Members: Jan Brown, Dennis Gay, Sidney Sandy, Samantha Towns, Jorge Aponte, Mike Head, and John Killman.  
Members Present but not Voting: Joe Lytch, Jason Derosier, Arthur Spurr  
Absent: None  
Staff Members: Rox Burhans-Planning Director, Gretchen Coperine- Senior Planner, and Pam Good- Board Secretary
3. **SWEARING IN**  
Arthur Spurr was sworn in. Term 7/1/16 to 6/30/19 Alternate #3.
4. **APPROVAL OF MINUTES**- Motion to approve minutes as written by Chair Brown, seconded by Member Aponte. Vote to approve was unanimous.
5. **PUBLIC ITEMS**-
  - a) **CZ2016-005 Hawfield (Heritage) and Annexation 143:** This is a rezone request to establish a Conditional Zoning Single Family district (CZ-SF-4) for approximately 316 single-family detached units on a parcels 07120005 90 and 07120008 (Annexation 143), and 07120003, 07120005A and 07123001J totaling approximately 160 acres. This project is being undertaken with a sister project located in the Village of Wesley Chapel, which could raise the total lot count to approx. 440-lots (combined). The parcels are located on the north side of Wesley Chapel Road. Applicant: Queen City Land, LLC

The case was presented by Senior Planner Gretchen Coperine. She began the presentation with an overview and background of the potential project as well as a staff analysis of the current use and zoning for the subject parcels. Staff Coperine then proceeded to give an overview of the surrounding development.

Staff Coperine also described the proposed development as a mixture of conventional lots (102 of 316 within the Town of Indian Trail) and age restricted lots (214 of the 316 within the Town of Indian Trail). The conventional lots and age-restricted lots will have two (2) separate HOAs with separate Covenants, Conditions and Restrictions (CC&Rs). Requirements for age-restricted housing are set forth by the Federal Government under the Housing for Older Persons Act (HOPA) (24 CFR Part 100).

**HOPA:** The Housing for Older Persons Act allows for an exemption to the Fair Housing Act, which prohibits housing discrimination. In essence, HOPA defines exemptions as follows: (1) that the housing be intended and operated for persons 55 years of age or older; (2) that at least 80 percent of the occupied units be occupied by at least one person who is 55 years of age or older; and (3) the housing facility or community publish and adhere to policies and procedures that demonstrate its intent to qualify for the exemption. The housing facility or community must also comply with rules issued by HUD for the verification of occupancy.

The developer has stated the project will comply with the above-mentioned HOPA requirements. The age-restricted portion of the development will have separate CC&Rs and be managed by a separate HOA from the conventional lots portion. As stated previously, the Town of Indian Trail does not have use-specific requirements for age-restricted housing; so would not regulate the CC&Rs.

The developer has offered the following statement with regard to the operations of the overall development:

### **Community Operations**

*Kolter's visions of the community and of the house type offering is to meet the demands of the market. We see the opportunity for retirees to be close to the remainder of the family and vice versa. The traditional homes section of the community offers 102 two-story homes and the age-restricted section of the community offers 333 ranch-type homes. The 80/20 rule dictated by the HOPA Act will be applied within the age-restricted section and not take into account the traditional section. Each section of the community will be separate and distinct. There will be a set of covenants that guide each section. The Homeowner's Association (HOA) will be the sole management of the covenants. If by chance, the community is in violation of the 80/20 rule, the community will most importantly be in violation of the zoning. We have offered and will file annual reports to show community compliance with the aforementioned rule. The HOA will manage and file these reports with the Village of Wesley Chapel and the Town of Indian Trail. Under the HOA documents, the developer will be the declarant and retain oversight and control of the community until the last home is sold.*

Staff Coperine then presented infrastructure information to the board, including the abandonment of the Faith Church Road extension. Staff Coperine also spoke about potential connectivity of the development to Taylor Glen and Sheridan neighborhoods as recommended by Indian Trail engineering staff.

*Downing Court Connection:* A number of residents have expressed concerns with the particular connection at Downing Court into the Taylor Glenn subdivision. In order to address the concerns regarding additional traffic and potential for speeding cars traveling from the subject development through Downing Court, the developer has worked with the neighborhoods and provided alternatives to the planned stub street.

### **Traffic Impact Analysis**

A traffic impact analysis was provided for the board. The list of improvements to be constructed by the developer in order to mitigate any road impacts are summarized by the key recommendations in the report:

#### Wesley Chapel Road and Hawfield Road / Site Drive 1

- Construct an eastbound Site Drive 1 right turn lane with 100 feet of storage and appropriate taper.
- Construct a northbound Wesley Chapel Road left turn lane with 75 feet of storage.
- Construct a southbound Wesley Chapel Road right turn lane with 50 feet of storage.

The developer will submit a cost estimate for the following improvements:

#### Wesley Chapel Road and Weddington Road

- Construct one southbound Wesley Chapel Road right turn lane with 300 feet of storage and appropriate taper.

#### Wesley Chapel Road and Rogers Road

- Construct one northbound Wesley Chapel Road right turn lane with 175 feet of storage and appropriate taper.

Staff Coperine also covered the topics of architecture and open space. Key features of the architectural design will include: a mix of hardiplank with masonry, stone or shingle accents; articulated front facades, design elements such as bay or bow windows, dormers, decorative posts or pillars, carriage doors; as well as additional decorative elements found in the attached design guidelines. Staff Coperine stated that the proposed development will provide an interconnected network of sidewalks, Carolina Thread Trail, and walking paths.

### **Community Meetings**

The applicant held two community meetings as required by UDO Section 330.020. The following was a brief summary of the meetings:

- *3pm-5pm Meeting:* There were approximately 17 members of the public, the applicant's team, and staff.
- *6pm-8pm Meeting:* There were approximately 10 members of the public in attendance in addition to the applicant's team and town staff. General questions were raised at both meetings regarding:

- Concerns with overall size of the development
- Desire to see the entire development be age-restricted
- Additional traffic generated by the overall development
- Lack of a traffic light at Taylor Glenn entrance or the entrance for this development
- Connectivity to the adjacent neighborhoods as it relates to added traffic, potential for increased crime, and potential for increase in speeding cars cutting through adjacent neighborhoods
- Buffering to the adjacent properties
- Decrease property values
- School Impacts
- Impacts to any wildlife within the subject wooded parcels

In addition to the official community meetings scheduled above, the development team met on several occasions with residents from the neighboring communities in attempts to address their concerns.

Staff received correspondence from residents within the neighboring communities with regard to this project which was included in a staff report attachment.

### Comments from Outside Agencies

- *North Carolina Department of Transportation (NCDOT)*: NCDOT has reviewed and is in agreement with the attached Traffic Impact Analysis, dated June 2016.
- *Union County Public Works (UCPW)*: At present, adequate water and sewer capacity exist to serve the proposed project. Potential off-site improvements may be required (i.e., extension of existing water lines).
- *Union County Public Schools (UCPS)*:  
 The total proposed 435 sfu (320 sfu in Indian Trail) subdivision will be within the following school attendance areas for the 2016-2017 school year:  
 Split between Wesley Chapel Elementary School and Sun Valley Elementary School  
 Sun Valley Middle School  
 Sun Valley High School

Both of the elementary schools, as well as the middle school are expected to remain below their respective Watch Levels for the foreseeable future. However, Sun Valley HS is expected to exceed its Watch Level as soon as 2017. Additional residential construction may accelerate the approach to a Watch Level and conceivably to a Cap Level. Prior to reaching a cap, high enrollments contribute to problems such as additional mobile classrooms, inadequate capacity for food service and restroom facilities, rationing of access to the media center, insufficient parking and queuing space for parents to safely deliver or pick up their children, and inadequate planning/meeting space for additional

The applicant has submitted additional information regarding supplemental School Enrollment Impact Study prepared by McKibben Demographic Research. This study provides the total forecasted students generated by this development for the school years 2020-21 and 2025-26. Based on the attached report, the number of student generated by the development within Indian Trail is as follows: 63 total for the years 2020-21 and 83 total for the years 2025-26 with the age restricted portion calculated into those figures. Staff has done an estimate of the student generation for the portion within Indian Trail, assuming that all the units are conventional lots (without any age restricted lots). If the student generation rates within the report are correct, staff's estimate of the number of students that would be generated if the development were all conventional lots are: 260 for the years 2025-26.

- *Union County Fire Marshall (UCFM)*: No comments at this time. The site plan will be routed to UCFM Office during the site plan review stage of development. The subject project will provide a reinforced grass area along the spine road to provide emergency vehicles a second access point to the pod of homes at the northwestern portion of the project.
- *Union County Sherriff*:  
 1. The additional parking stalls will help. The remaining areas that do not have on street parking stalls will be where the challenge for residents and motorist will be, since the streets are 24 feet wide. Be mindful that the current

2. town ordinance states there must be 16 feet of open roadway for on street parking, but does not limit drivers as to which side of the road to park on, thus creating a “slalom” effect while driving to avoid parked cars.
3. Traffic calming devices are not shown on the plans.
  - i. \*Connectivity will effect neighboring streets – so traffic calming review can become an issue on those streets not in this project in the future.
4. To have effective sidewalks that are open for pedestrian traffic, we must keep the distance from the sidewalk to garage enough room to adequately park a vehicle and walk around it. Staff suggests using a full sized SUV or Truck for comparison.
5. The narrow divided entrance road will pose a problem for the homeowners along that route because when someone stops a vehicle along the street, it is going to be blocked. This happens with delivery drivers quite often in the Bonterra neighborhood. It will also make backing out of the driveway more difficult for those homeowners.
6. The developer has told Wesley Chapel’s Planning Board that there will be an 8 foot wide sidewalk available for golf carts, bicycles, and walkers. If it is a sidewalk, Golf Carts won’t be allowed by state law because they are a motorized vehicle.
7. The main entrance location on Wesley Chapel Road is close to the problem area already identified at the Taylor Glen neighborhood entrance. The crest of that hill needs to be cut down during this entrance construction or additional problems and complaints will surface as the development gets occupied.

### **Comprehensive Plan**

Staff is of the opinion the goals of the Comprehensive Plan are satisfied as follows:

- *Land Use and Housing Goals #1, 2 and 5:* The proposed project promotes compatibility of land uses between neighboring properties and surrounding municipalities, provides a range of housing options, and proposes high quality design to promote attractive land development; the proposed project also provides buffering between adjacent uses and preserves naturally sensitive areas within the floodplain; and
- *Mobility and Transportation Goal #3:* The proposed development incorporates pedestrian amenities by way of 0.66 miles of Carolina Thread Trail and 0.81 miles of walking trail, and provides vehicular and pedestrian connectivity both within the community and for area residents.

The request for this conditional zoning district (CZ-SF-4) is a reasonable request and is in the public interest because supports the goals of the adopted Comprehensive Plan and includes elements that benefit the general public in the areas of transportation, land use and housing.

### **Conclusion**

Town of Indian Trail staff finds that the proposed 316 dwelling units would be generally compatible with the surrounding single family area.

With regard to the **roadway impacts** of this development, the developer has agreed to provide the recommended roadway improvements found in the June 2016 Traffic Impact Analysis provided by Ramey Kemp & Associates and agreed upon by the North Carolina Department of Transportation. In addition, all interior roads will be required to have traffic calming mechanism where needed.

With regard to **connectivity to adjacent neighborhoods**, the proposed development shows the planned connections to the Taylor Glenn and Sheridan subdivisions as required by UDO Chapter 1100. Alternatives to the connection at Downing Court have been provided.

With regard to **school impacts**, the proposed development is within the Wesley Chapel E and Sun Valley Elementary School and Sun Valley Middle School which are expected to remain below watch level. Sun Valley High School is expected to exceed watch level as soon as 2017. The development is forecasted to generate approximately 63 total student for the years 2020-21 and 83 total students for the years 2025-26 with the age restricted portion calculated into those figures. The numbers represent forecasted students for the development within the Town of Indian Trail. As 214 of the 316 lots within Indian Trail will be age-restricted, the impact to the schools could potentially be mitigated to some extent, by the fact that not everyone within the community will have school-aged children.

## Board Questions

Chair Brown asked Staff Coperine about the flood plain; if there would be any berms to constrict them. Staff Coperine answered that the flood plain is staying as natural as possible. No homes will be built within the flood plains.

Member Towns asked about a needed accessible route/walkway to the entrance as required with age-restricted homes requirements in the Fair Housing Act under HUD and the Department of Justice. Staff Coperine deferred the question to the developer to answer.

Member Gay asked if the spine road will eventually go to Waxhaw-Indian Trail Rd; what is time frame? Staff Coperine showed slides of the future intersecting areas connecting to the Moore Farm development within Unincorporated Union County's jurisdiction. She didn't have set time line and stated she didn't think the developer for the Moore Farm development had submitted any site plans to the county.

Member Aponte asked if there were future plans to widen Wesley Chapel Rd. Staff Coperine answered that it is intended to be a four lane road. This project takes that widening into account.

Member Towns asked about 07120005A if it is a split lot. Staff Coperine answered that it is not a split lot. Member Towns further questioned why the lot had a letter labeled with it and clarified that it was not a Wesley Chapel lot. Staff Coperine stated that she would look it up and verify that it was not a split lot.

Member Sandy asked Staff Coperine to elaborate on why so many age restricted lots were being looked at. Staff Coperine explained that based on the population analysis in the 2013 Comprehensive Plan for the Town, Indian Trail's largest age group was mid to late 30's in population. In the next 7-10 years, the largest age group will be 55 years and older and is forecasted to be approximately 2/3 of the population. The need to provide housing to that demographic will be substantial.

Member Gay mentioned that the development had the conventional housing loaded to the back of the development that would have the increased traffic because there would be additional traffic driving through the subdivision from conventional homes having multiple activities each day that would cause them to drive through the portions of the subdivision that would be age-restricted housing.

Member Sandy asked about the possible confusion of emergency vehicles with two municipalities being served in one development. Director Burhans stated that Wesley Chapel is served by Union County Sherriff's Department as well so would be one agency responding to calls under a contract arrangement. He also addressed the fire emergency response, as set up in area districts, also shouldn't create confusion.

Member Head asked if Downing Court has sub streets. Staff Coperine replied that Downing Ct is a sub street.

Member Brown asked what percentage of the development would be age restricted. Brian Jenest of Cole, Jenest, and Stone at 200 S. Tryon St, Charlotte, NC answered that approximately 2/3 of the development is age restricted. Member Brown asked if that percentage would remain. Mr. Jenest answered in the affirmative. He verified that he was developing the covenants.

Mr. Jenest introduced his development team to the board.

- Travis Manning- The Kolter Group, LLC
- Ramey Kemp-Ramey Kemp and Associates-8307 University Executive Parkway, Charlotte, NC
- David Goracke --The Kolter Group, LLC
- Lucas Shires- Cole, Jenest and Stone
- Jordon Noblin- Cole, Jenest and Stone
- Carl Fochler- Queen City Land, LLC

He proceeded to give a short presentation to the board regarding traffic, schools, open space. He described the acreage as 155 acres in Indian Trail and total development would be 273 acres. Mr. Jenest described the density as less than the

surrounding neighborhoods. Open space totals 61 acres. He spoke about buffers and providing a thread trail. In regard to transportation and connections, Mr. Jenest then addressed the Downing Court neighborhood, explaining that his development team provided what is required by the ordinance, but also suggested alternatives, such as providing the right of way, but not building the road, or building a sidewalk, or doing nothing if that is what the Downing Court residents prefer. Mr. Jenest also addressed Wesley Chapel Road improvements. Mr. Jenest spoke about traffic and that traffic would be less in an age restricted area than a conventional household. He then addressed the proposed design guidelines that are above what is required. Mr. Jenest spoke about the school issue, stating that age restricted homes would be less impact than conventional homes.

Chair Brown asked Mr. Jenest how they would market the 55+ age restricted homes. Mr. David Goracke answered that age restricted homes would be under the HOPA Act. Chair Brown asked what the advantage is of age-restricted homes. Mr. Goracke replied that the great impact difference on the schools is an advantage as well as less impact on the traffic. He also spoke about that age group volunteering community hours as well as available income to support retail in the surrounding area.

Member Towns asked the applicant if he had ever lived in an age restricted community. He answered that he had not. Member Towns stated that services such as ambulances and caretakers cause traffic as this age group gets older, health issues occur. She also brought up the question about persons with disabilities. Mr. Goracke stated that they have been working with staff for adequate road widths. The roads are standard width. He also spoke about working with staff to provide adequate on street parking. Member Towns mentioned that each household should have four parking spaces allotted.

Member Aponte asked how the developer will regulate that the age restricted housing has at least one occupant that is 55 years or older. The applicant replied that they have offered to file an annual report to the Town on the current occupancy of the age-restricted homes.

Member Sandy asked about other recreational activities that would be offered. The applicant pointed out the community amenities. He mentioned that the green space is 46%. He also stated that the walking trails will be paved and the thread trail is 10 feet wide.

Member Gay asked about the buffer. The developer stated that 3 sides would keep the existing vegetation. The front would have a berm and other landscaping.

Member Towns asked why build a development that has two municipalities involved. The applicant replied that the potential development is located on one piece of property. Member Head asked how each municipality's UDO mesh together. The applicant replied that Indian Trail's UDO is more restrictive so they are following that one.

Member Killman asked about the school numbers, whether the total factored in children in the conventional homes. The applicant replied that he would have to research the answer. He stated that the rule of thumb for age-restricted households is 3 children per 100 households. Member Killman asked if the report is specific to the local area. The applicant replied that it was specific to Union County.

Member Towns asked if the applicant has looked at data in Union County regarding how many grandparents that are raising children. The applicant had no data for that question. Member Head asked about average size classroom in the area. Staff Coperine answered that there is no adopted level of services for size of classes in the county at this time. The county uses state recommended sizes at this time. She read the information of state recommendation of class sizes to the board. No information was provided on what Union County class size recommendation currently is.

The question was asked about what Downing Court residents would prefer regarding the possible connection between their subdivision and the projected development. The applicant replied that they do not want a connection to occur. Staff Coperine stated that planning and engineering departments are recommending connections, per the UDO, but that it is at the board's discretion to recommend what it feels is appropriate and eventually the Town Council's decision.

Member Head asked if there is a completion date for Old Monroe being expanded to four lanes. Engineering Director answered that 2023 is the potential starting date. Member Burhans also added that it is now considered one project and verified that from the Town of Matthews to Wesley Chapel Road would be four lanes.

#### **Public Comments-**

Pat Mower of 2022 Canopy Dr. Indian Trail, NC

- Increased traffic in already inadequate infrastructure that may also be a safety concern.
- Loss of natural habitat in the cutting of trees for the development
- Overcrowding in schools

Mike Mower of 2022 Canopy Dr. Indian Trail, NC

- Streams being covered/ environmental impact
- Suggested Town ask other area communities what they have in their development plans before making decisions how to develop the Town.

John Laurenzana of 7012 Magna Ln. Indian Trail, NC

- No infrastructure in place
- Impact on schools
- Lack of commercial development is affecting tax base

Emily Herman of 1002 Downing Court, Indian Trail, NC

- Concerned with Downing Court connection and safety of children
- Traffic and connection from spine road

Daniel Megard of 1016 Downing Court, Indian Trail, NC

- Spine road will become a cut through
- Topography makes it a dangerous road
- Concerned with number of children being generated from this development

Cathi Higgins of 3002 Clover Hill, Indian Trail, NC

- Definition of court in dictionary is not a major connecting road
- Concerned with traffic and wildlife being affected
- Wesley Chapel Rd not being developed until 2022 in regards to traffic from this development

Joan Buttafucio of 1006 Downing Court, Indian Trail, NC

- Not an age restricted community because children will be able to live here.
- Survey of Union County development shows 1200 units within the County being built, proposed or approved.
- Concerned with roadway capacity and school impacts; no more development should be built until the roads are improved.

Walter Hoehn of 1009 Downing Court, Indian Trail, NC

- Number of students typically in a 4<sup>th</sup> grade UCPS class is between 21-34 students (schools are overcrowded).
- Concerned about the safety of the kids that play on Downing Court.
- Speed humps on Magna Lane are only on one side of the street which does nothing to slow traffic.

Larry Dukes of 5001 Magna Ln, Indian Trail, NC

- Concerned with safety on roadways and interested in knowing how the amenities will work within the community. Taylor Glenn roads were initially private.

Arthur Spurr of 4100 Woodcreek Court, Indian Trail, NC

- Concerned with the width of the roadways for on street parking.
- Recommended a Memorandum of Agreement with the Sheriff so their office can ticket cars parked illegally on the street.
- Concerned with streams being damaged by this development and the effect of other neighborhoods. Developer should provide a topographical plan to show the land elevations.
- Concerns about water and sewer services.

## Closed Public Comments

Ramey Kemp from the development team addressed the traffic discussion with facts about the number of cars typical for this type of development which totals approximately 2000 per day. He began his presentation with the fact that his company performs 250-300 traffic studies each year and explained that his company tries to do an accurate report. He described the major problem of traffic would be the entrances of the development. There is great need for widening Wesley Chapel Rd and Old Monroe Road. The developer reminded everyone present that the land wouldn't be left idle. If it wasn't developed by them, it would likely be developed by someone else with even greater affect on the area. He reminded them the current developers were leaving 40% of the land undeveloped. He agreed the schools are overcrowded but stated that age restricted housing would cause less impact in the schools. He offered to show a plan of what a by-right development would look like.

Staff Coperine reiterated, for clarification:

- 1) The Town would not be regulating the Covenants, Conditions and Restrictions.
- 2) Roads were made public in the Taylor Glen subdivision in 2009; and although they were platted in 2005 as private roads, Downing Court was never a cul-de-sac.

Member Head asked for clarification that anyone can build homes in the projected development site. Staff Coperine answered in the affirmative and also that they would need to have a site plan approved by staff.

Member Gay asked Mr. Ramey to explain his comment about the future widening of Wesley Chapel and Old Monroe Rd. Mr. Ramey replied that his comments were based on future projections in 2021 that approximately 16,000-17,000 cars would be travelling on the northern end of Wesley Chapel Rd. DOT typically takes action to widen to four lanes at this level of traffic. Mr. Ramsey recommended that the Town advocate to DOT when this occurs.

### List of questions to bring back to board:

1. Road improvements and widening for Wesley Chapel Rd, Waxhaw-Indian Trail Rd, and Potter Rd
2. Info on Moore Family development timeline, if available
3. Info on tax base (Brian Jenest of Cole, Jenest and Stone will provide)
4. By right plan of what would be currently permitted on the site property
5. Info on the definition of age restricted housing and requirements
6. Total of lots approved and currently being developed in the Town
7. Is there a Lot B for the lot ending in 005A within the Rural Single Family lot
8. Children with disabilities; how does that affect age-restricted housing
9. Does the student-teacher ratio number include 20% that is the age-restricted portion of the potential development
10. Effects on streams and wildlife

Motion to continue **CZ2016-005** and bring back more information at the September meeting by Member Sandy, seconded by Chair Brown, vote was unanimous in favor.

The board took a brief break between cases.

**b) CZ2016-002 Fuel Station and Outparcels and Annexation 144:** This is a rezone request to establish a Conditional Zoning (CZ-GBD) for a fuel station and two outparcels on parcels: 07090008, 0709006C, 07090761 (Annexation 144). The parcels are located on Old Monroe Road and Mustang Drive. TIA submitted 4/28/16. Applicant: Durban Development LLC.

Chair Brown asked to be recused for the following case. Member Killman made a motion to accept, seconded by Member Sandy. Vote was unanimous in favor. Vice Chair Dennis Gay was Acting Chair for the following case. Alternate Member Jayson Derosier sat at the dais for the case.

The case was presented by Senior Planner Gretchen Coperine. She began with an overview of the project as well as conceptual plan and site layout. She also provided the board with a traffic analysis. Staff Coperine proceeded to give the board with an overview of the two community meetings held for the project that were included in the staff report

attachment.

**Comprehensive Plan-** Staff is of the opinion necessary findings can be made to support the commercial uses for the out parcels requested by this Conditional Zoning and that the goals of the Comprehensive Plan are satisfied by said portion of the amendment as listed below. If the Board does not have concerns regarding the fuel station use, draft findings have been included stating the conditional rezone is consistent with the Town's Comprehensive Plan.

- *Economic Development Goal #1:* The proposed amendment contributes to a more balanced tax base as it provides commercial uses and supports varied employment.
- *Mobility and Transportation Goal #3:* The proposed development incorporates pedestrian amenities by way of sidewalks and pedestrian improvements, as well as dedicating right-of-way for the future widening of Old Monroe Road. The development also creates opportunities for cross connectivity to adjacent property. The request for this conditional zoning district (CZ-GBD) is a reasonable request and is in the public interest because supports the goals of the adopted Comprehensive Plan and includes elements that benefit the general public in the areas of transportation and economic development.

**. Comments from Outside Agencies-**

- *North Carolina Department of Transportation (NCDOT):* NCDOT has reviewed and is in agreement with the attached Traffic Impact Analysis, dated April 2016. See link:

[http://www.indiantrail.org/cms\\_wfc/uploads/comment/MustangDriveCommercialDevelopmentTIS04-26-20163474.pdf](http://www.indiantrail.org/cms_wfc/uploads/comment/MustangDriveCommercialDevelopmentTIS04-26-20163474.pdf)

- *Union County Fire Marshall (UCFM):* No comments at this time. The site plan will be routed to UCFM Office during the site plan review stage of development.
- *Union County Sherriff:*

TRAFFIC

#1) The impending widening of Old Monroe Road should be considered. The setback as shown may actually put the structure closer to the road after any widening project. The lack of traffic improvements shown on the plans is also concerning. I would advise that the converter island be extended East toward the intersection, or at minimum, bollards be placed to prohibit left turns out onto Old Monroe Rd or Left turns from Old Monroe Rd into the subject parcel. The turn lane into the subject property from Old Monroe Rd should be extended.

NEIGHBORS

#2) The residential parcels on Spanish Moss will be directly impacted. Is there a berm, wall, or tree planting required by the developer? The concern with residential meeting commercial is normally noise and lighting (vehicle and parking lot lighting). Without a buffer, vehicle lighting and delivery truck noise can potentially be a problem for neighbors.

**Draft Conditions-** (if board has no reservations about including the fuel station). Staff Coperine read the following into the record.

1. *Subject Parcels:* Rezoning – portion of parcels 07090006C, 07090761 and 07090008 to CZ-General Business District (CZ-GBD). (Exhibit 1).
2. *Permitted Uses:* The permitted use on the subject property shall be limited to those identified in the Conceptual Plan Permitted Uses section (Exhibit 1). The building along Mustang Drive located closest to Brandon Oaks subdivision shall be limited to office or retail use with a maximum height of two stories; restaurant uses shall not be permitted on said parcel.
3. *Building Setbacks:* Primary building setbacks shall comply with GBD, VOC setbacks as represented on the concept plan, however, an allowance for additional setback is permitted for the fuel station canopy as reflected on concept plan. Additional setback may be permitted for outparcel buildings that feature drive thru facilities and similar features.
4. *Architecture:*
  - a. Buildings within the subject parcels shall be in conformance with Chapter 1320 of the Unified Development Ordinance.
  - b. In addition, buildings, including any kiosks and the fuel station canopy, shall be consistent with architectural design within parcel 07090021U. Building materials shall include a combination of brick, EIFS and metal roofing to be consistent with the development within parcel 07090021U (Sun Valley Retail Center).
  - c. Buildings within the commercial out parcels shall provide four (4) sided architecture and conform to Chapter 630 of the Unified Development Ordinance unless otherwise stated herein or reflected in the Concept Plan.

5. *Knee Wall Along Old Monroe Road and Mustang Drive:* A masonry wall along the frontage of the fuel station on Old Monroe Road and Mustang Drive shall be provided at a height of 3 feet. The wall shall match the color and material of the building(s) developed on the subject property.
6. *Rear and Side (west and north) Landscape Buffers Abutting Residential:* A minimum 25 foot landscape buffer shall be provided along the west and north of the property as generally depicted on the concept plan (Exhibit 1). The buffers shall consist of, at minimum, trees, shrubs, ground covering and a 6 foot masonry wall along the west side abutting Brandon Oaks subdivision.
7. *Stormwater Management Measures:* The subject project shall comply with the Town of Indian Trail's Stormwater requirements, to be determined at the time of site plan approval.
8. *Old Monroe Road and Mustang Drive Roadway Improvements:* Prior to the issuance of Town Zoning Compliance, the developer shall be responsible for constructing the ROW improvements listed below:

**Old Charlotte and Site Drive 1**

- Right turn lane into this site shall be built with 100' taper beginning at property line and maximize storage prior to site drive. Lane shall continue on through site drive and end as a right turn lane onto Mustang Dr (as shown in site plan).
- Concrete median island on Old Charlotte shall be extended both directions to a point 50' past the end of the radius for the driveway.

**Mustang and Site Drive 2**

- Providing 100' of internal protected storage for this site driveway.
- The right turn lane into this site shall be extended to provide for the lack of internal protected storage.

All required roadway improvements shall be constructed and any associated public right-of-way (57.5 feet from centerline on Old Monroe Road) dedicated prior to the issuance of Town Zoning Compliance. All roadway improvements shall be constructed to the Town of Indian Trail and NCDOT standards.

9. *Frontage Improvements:* Frontage improvements along Old Monroe Road and Mustang Drive shall be provided and include a 10 foot sidewalk along Old Monroe Road and a 6 foot sidewalk along Mustang Drive, and street lights and curb/gutter. All required frontage improvements shall be constructed and any associated public ROW dedicated prior to the issuance of Town Zoning Compliance for any home.
10. *Connectivity to Parcel:* A stub street shall be provided for future connectivity to parcel 07090009B.
11. *Lighting for Fuel Station:* A lighting plan for the overall development shall be submitted at the site plan phase. The maximum footcandles along the west property line abutting Brandon Oaks shall be one (1) footcandle in accordance with UDO Chapter 1330. Light pole heights within the development shall not exceed 20 feet.
12. *Sketch Plan Approval from UCPW:* Prior to submittal for Site Plan review, the developer shall obtain sketch plan approval from Union County Public Works.
13. *Revocation:* The Town Council may act to revoke the conditional zoning district designation if the applicant fails to meet the terms of the district.

**Board Questions**

Member Aponte asked Staff Coperine to explain what type of commercial building staff was envisioning with the recommendation to remove the fuel station from the project options. Staff Coperine stated that the ordinance table has use options.

Member Gay asked for verification that there was no convenience store, only fuel pumps and payment area.

Staff Coperine answered in the affirmative. Staff Coperine spoke to the question about lighting stating that the draft conditions limit the height of the light poles to 20 feet and foot candles do not exceed one foot candle.

Steven Knudsen of Urban Development at 106 Foster Ave. Charlotte, NC stepped forward to give a brief presentation of his project stating that it will have the Harris Teeter branding. The walk up kiosk would close at 10:00pm with ability to pump fuel with a debit or credit card throughout the night. He mentioned buffers were a concern at the community meetings and they were proposing a 25 foot buffer with an 8 foot wall in the back.

Member Derosier asked for verification that a traffic study was done. Mr. Knutson answered in the affirmative.

Member Gay asked if the fuel station concept was that if you buy a certain amount of groceries at the neighboring grocery store you get a discount on gas. The developer answered that he thought it was if you are a VIC member, you would receive a discount in the fuel price. A question was asked if the fuel station project was because of a study for additional need for a fuel station at the site as there is a gas station several hundred yards away already.

Member Aponte mentioned his concern is increased traffic into Brandon Oaks and the number of children living in the area.

Member Derosier asked if there has been a study done if the fuel rewards program adds more traffic. Staff Coperine answered that the information she had was not specific to this site but from a similar site that the internal recapture rate was 40% of Harris Teeter customers. The developer stated that the left hand turn lane would alleviate much of the problem.

Member Gay asked about the office building height. The office would be a two story high structure. The wall would be at the rear of the property with additional landscaping. In answer to the lighting question, there would be a photometric plan that wouldn't allow lighting to extend off of the property.

Member Towns asked if there had been a study done on the fumes that would possibly emit from the site. Mr. Knutson answered a study has not been done but it is not typically a problem.

Member Gay asked if the price of the fuel at the site would be competitive. Mr. Knudsen answered that he wasn't a representative of Harris Teeter, but with the rewards program, it would be in the competitive range.

Member Derosier asked about fuel delivery times. Mr. Knutson stated that the fuel trucks would not be entering Mustang Drive. Presently, there are no times set for delivery. Staff Coperine stated that it could be written into the draft conditions if the board desired.

### **Opened for Public Comment**

Buddy Brewer of 6732 Old Monroe Rd. Indian Trail, NC, owner of the Shell Station near the proposed development site, spoke of believing in free enterprise, but it is too close to his business on the same side of the road and will affect his business. He stated the residents directly behind the potential fuel station would be affected.

Angie Purtell at 1000 Spanish Moss Rd, Indian Trail, NC (owner/renting out the property) stated her home is directly behind the property, and that fumes and idling cars would have a negative effect on her property. She added that it will devalue her home with more traffic and noise. A twenty foot light would also affect the property.

Art Spurr at 4100 Woodcreek Court, Indian Trail, NC, stated that he has a problem with an additional fuel station so close. He also stated he has a problem with the entrance and exit on Old Monroe Rd. He was concerned with the fuel station being opened 24 hours and the potential loitering it would cause.

Stephen Murdoch at 1002 Spanish Moss Rd. Indian Trail, NC stated that his concern was with potential leakage. Another concern was loitering. He wanted to know how to stop this potential fuel station from being built. He felt that increased traffic to the site would be a problem.

Myrtho Moise at 2015 Fripp Ln. Indian Trail, NC stated that it is challenging for a family with children to have a place to go for activity and entertainment. Aesthetically, to have a fuel station at the entrance isn't pleasing. The left hand turn lane at Mustang would be a problem.

Lawrence Jones at 1007 Spanish Moss Rd, Indian Trail, NC, a recent homeowner, is not in favor of the fuel station at the entrance to his residence area. He enjoys the simplicity and aesthetics of the neighborhood.

Staff Coperine responded to the question about how to stop the process by stating that this is how; by giving their opinions at public meetings. Town Council meeting would be the body that makes the final decision.

Also, she stated that the distance to the present Shell station is 800 feet.

A question was brought forth about where the fuel pumps would be located. Mr. Knutson pointed out the location and stated that land slopes down from the residential area behind it.

Staff Coperine stated, for the record, that any changes that would occur to make the left hand lane, that would be made to the median from Mustang Drive would be a reimbursement to Brandon Oaks subdivision.

**Closed Public Comment**

Motion to approve CZ2016-002 without the fuel station as recommended by staff was made by Member Towns, seconded by Member Derosier. Vote was unanimous in favor.

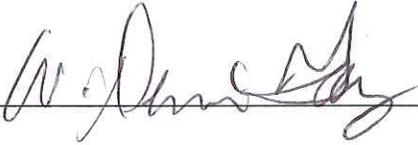
**Other Business-** none.

**Planning Report-** none.

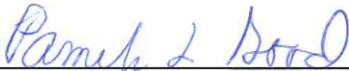
**Adjournment-** Meeting adjourned at 9:40pm

**Date** 9-26-16

**Chairman**

  
\_\_\_\_\_

**Secretary**

  
\_\_\_\_\_

# Town of Indian Trail



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

## PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT PLANNING BOARD MINUTES

September 20, 2016  
6:30 P.M.

**CALL TO ORDER-** Meeting was called to order by Acting Chair Dennis Gay.

### **ROLL CALL**

The following members of the governing body were present:

Board Members: Jorge Aponte, Dennis Gay, Jayson Derosier, Arthur Spurr, John Killman, and Mike Head.

Members Present but None.

not Voting:

Absent: Jan Brown, Sidney Sandy, Samantha Towns

Staff Members: Rox Burhans-Planning Director, Gretchen Coperine- Senior Planner, Meade Bradshaw-Senior Planner, Julia Zweifel-Planner, Pam Good- Board Secretary,

**APPROVAL OF MINUTES-** August 16, 2016

Motion to approve as written by Member Spurr, seconded by Member Head. Vote to approve was unanimous.

### **PLANNING REPORT**

Motion to move Planning Report from Item 6 to Item 4 on the agenda by Member Head, seconded by Member Derosier. Motion was unanimous in favor. Planning Director Rox Burhans introduced new staff Meade Bradshaw-Sr. Planner and Julia Zweifel-Planner.

Director Burhans passed out copies of Indian Trail project summaries and a location map of the town showing approved residential development to board members. (see subdivision projects below in Info Requested #8)

### **Town of Indian Trail - Road Projects Summary**

<b>Project</b>	<b>Start Date</b>	<b>Completion Date</b>
Monroe Expressway	Under construction	FY 2018
Us 74 Superstreets	FY2017	FY2018
Unionville-IT/Sardis Rd Traffic Circle	FY2017	FY2018
Chestnut Pkwy Connector (3 phases)	Phase 1 complete	Ph 2: FY 2020 Ph 3: FY 2022
Old Monroe Rd Widening	FY 2022	FY2024
Rocky River Rd Traffic Circle	2015	Completed

Member Spurr stated that he was concerned the Unionville-IT/ Sardis Rd future traffic circle, and felt that it won't slow traffic. Director Burhans answered that traffic circles are shown to be better for safety. The high majority of crashes occur at intersections of roads.

Member Head stated that he and others who use the Rocky River Rd traffic circle have welcomed that and has done well.

Member Spurr stated that when the Town Center apartments and Plyler Townhomes were approved, there was discussion that a walkway could be built over the railroad tracks and was going to be combined with the downtown mixed use project. Director Burhans replied that it was discussed but that the project isn't progressing presently.

## **PUBLIC ITEMS**

**(Continued from August 16, 2016 Planning Board meeting)**

- a) CZ2016-005 Hawfield (Heritage) and Annexation 143:** This is a rezone request to establish a Conditional Zoning Single Family district (CZ-SF-4) for approximately 316 single-family detached units on parcels 07120005 90 and 07120008 (Annexation 143), and 07120003, 07120005A and 07123001J totaling approximately 160 acres. This project is being undertaken with a sister project located in the Village of Wesley Chapel, which could raise the total lot count to approx. 440-lots (combined). The parcels are located on the north side of Wesley Chapel Road. Applicant: Queen City Land, LLC

Senior Planner Gretchen Coperine continued the case from the August meeting. She gave a brief overview of the project that was presented on the August 16th Planning Board. The following were questions asked by board members for staff to research:

### **Information Requested**

- 1. Request: Additional information on the tax base within the Town, and how it is affected by the proposed project.**  
Response:
- 2. Request: By-Right Plan showing development allowed under the current zoning.**  
Response: (Provided by Developer)
- 3. Request: Additional age-restricted information and how the community is intended to function.**  
Response: Kolter's visions of the community and of the house type offering is to meet the demands of the market. We see the opportunity for retirees to be close to the remainder of the family and vice versa. The traditional homes section of the community offers 102 two-story homes and the age-restricted section of the community offers 333 ranch-type homes. The 80/20 rule dictated by the HOPA Act will be applied within the age-restricted section and not take into account the traditional section. Each section of the community will be separate and distinct. There will be a set of covenants that guide each section. The Homeowner's Association (HOA) will be the sole management of the covenants. If by chance, the community is in violation of the 80/20 rule, the community will most importantly be in violation of the zoning. We have offered and will file annual reports to show community compliance with the aforementioned rule. The HOA will manage and file these reports with the Village of Wesley Chapel and the Town of Indian Trail. Under the HOA documents, the developer will be the declarant and retain oversight and control of the community until the last home is sold. (Provided by Developer)

**4. Request: What happens if there are people with children who have disabilities? How does a disability affect eligibility for age-restricted homes?**

Response: Regardless of the situation, the eligibility for age restriction would be age 55 and older. (Provided by Developer)

**5. Request: Does the student generation report include the students generated by the 20% of homes that would not need to have a resident that is 55+ within the 80%/20% breakdown for the age-restricted portion?**

Response: Yes, the student numbers that were previously provided included the 20% of homes without a person age 55 or older. (Provided by Developer)

**6. Request: Timeline for planned improvements to the Roads that follow.**

Response:

- Old Monroe Road – anticipated completion date of 2024
- Waxhaw-Indian Trail Road – None listed at this time in the North Carolina State Transportation Improvement Program
- Potter Road - None listed at this time in the NC State Transportation Improvement Program (Provided by Staff)

**7. Request: Timeline for Unincorporated Union County Moore Farm project:**

Response: As of September 2016, the developer of the Moore Farm project is working on Construction Documents but has not made any submittal to Union County. There is no additional information regarding when Construction Documents would be submitted to or approved by the County. (Provided by Staff)

**8. Request: Provide a breakdown of the development that is entitled or being built within the Town (in the last 5 years).**

Response:

Development	Location	Number of Units	Date Approved
Glenn Oaks Apartments	Old Monroe Road	204 apartments	2013
Southgate	Poplin and Rocky River Road Area	542 single family, townhomes and apartments	2013
Union Grove	Unionville-Indian Trail Road (near Faith Church Road)	207 single family	2013
Arbors at Blanchard	Waxhaw-Indian Trail	Approx. 10 single family lot left	2013
Town Center Apartments	Plyler Road and Unionville-Indian Trail Road	348 apartments	2013
Plyler Townhomes	Plyler Road across from Cranston Crossing	35 townhomes	2014
Walden at Austin Village	Chestnut Lane	51 single family age targeted	2015
Waxhaw Indian Trail Road	Waxhaw-Indian Trail Road north of Blanchard Circle	49 single family age targeted	2015

Virginia Trace (Unionville-Indian Trail Road and Oakwood Lane) 92 single family units currently undergoing approval process.

(Provided by Staff)

**9. Request: Is there a Lot that ends in the letter “B” for lot number 07120005A?**

Response: Based on staff’s research through Union County’s mapping system, lot 07120005B is a parcel totaling 0.05 acres which has a pump station on it and is located within the jurisdiction of the Village of Wesley Chapel. (map was provided in Staff memo for board members)

**10. Request: Streams and Wildlife being affected:**

Response:

**Streams** – Per Town of Indian Trail Engineering Department requirements for water detention and water quality, the runoff from any impervious area (including any streams which are covered due to development) is required to be detained and treated. Runoff would have to be less than the amount of runoff pre-development. This step is a requirement at the site plan phase.

**Wildlife** – Using online resources Staff has done preliminary research of potential endangered wildlife species and did not find any endangered species in the vicinity of the development. The endangered species staff found information on was the Carolina Heelsplitter, a species of mussel found in the Catawba and Pee Dee Rivers. The Catawba and Pee Dee Rivers are not close proximity to the subject project.

Brian Jenest of Cole, Jenest, and Stone at 200 S. Tryon St. Charlotte, NC, stated that the total site of the project is 276 acres (Wesley Chapel and Indian Trail combined). He described the potential neighborhood as a neighborhood within a neighborhood because it would consist of an age-restricted portion and a conventional neighborhood. He pointed out differences between by right and what they would provide. Examples for the proposed development are:

- Density is 1.94/ acre
- Open space- 126 acres
- Tree Safe- approximately 100 acres
- Architectural- no vinyl
- Amenities- pool, community garden, club house
- Landscape buffers- surrounding the development

Mr. Jenest showed examples of possible monuments at the entrances in the development. He then presented what a typical by-right plan would look like and stated that his team had presented it to Indian Trail staff for feasibility. The open space was pointed out as significantly reduced.

Acting Chair Gay asked for a definition of a by-right plan. Mr. Jenest answered that the area is already zoned for a particular purpose and a potential developer would not have to have conditional zoning approval for what is permitted to build as long as a potential builder follows the UDO rules (the applicant does not need to present to the Planning Board or the Town Council).

Mr. Jenest spoke about student enrollment with age restricted housing as 83 potential additional students vs 238 students in a by-right plan. Potential traffic patterns was described as being similar amounts. The overall tax base is \$40,000,000 in the by-right plan vs \$104,000,000 in the plan being presented. The Carolina Thread Trail that Mr. Jenest’s team is proposing would be located along the creek.

Acting Chair stated that the Town Attorney had verified that the land in question can be developed as long as the potential developer meets the UDO standards.

Mr. Jenest added that the potential connection to Downing Court is required by the Town of Indian Trail, not the developer's request. With a rezoning, developers can request other options.

Member Derosier asked for clarification regarding when DOT will re-examine roads. Was it when traffic reached 15,000-18,000? Mr. Jenest answered yes. Member Derosier asked if the connectivity between the potential development would still be required by the Town if a by-right plan were developed. Staff Coperine answered that connectivity is required by the Unified Development Ordinance (UDO).

Mr. Jenest spoke about road improvements that were presented at the Wesley Chapel Planning Board meeting. Wesley Chapel Planning Board had requested enhanced roads (widening, turn lanes).

Member Spurr asked if the connective road that was needed could be run from Downing Court to another area nearby that was currently tree filled. Mr. Jenest answered that there is nothing to connect it to at that point. Staff Coperine added that there was no right-of-way at that point, that the Town had preserved to build a stub road at Downing Court. The Taylor Glen neighborhood would need to give permission for the right of way. David Goracke of The Kolter Group at 3737 Glenwood Ave. Raleigh, NC stated that they have presented 3 options to Downing Court residents regarding connectivity:

1. Pedestrian
2. Vehicular
3. Right of way

Staff Coperine stated that staff recommends following the UDO to provide the connectivity, but that it is the Planning Board's discretion as to what they recommend to Town Council.

Member Killman asked staff to explain what advantages connections would have. Staff Coperine stated that multiple connection points disperse traffic. Connectivity is a tenet of good planning and engineering.

Member Derosier asked staff to comment about precedence on what will happen in the future for other projects if we offer exceptions to this project. Staff Coperine replied that future applicants may ask why one project received an exemption and not another.

Staff Coperine read into the record the items the board had asked answers for:

1. Road improvements
2. Timeline for Moore Farm Project (county project)
3. Lot B
4. Streams and Wildlife

Additional attachments to the memo provided to the board were an impact study for the Ramiges, and two petitions by the residents of Downing Court: a petition for Downing Court to become a cul-de-sac, and a petition to a minimum buffering of 100 feet. Additional items were mentioned by Staff Coperine that were provided to the board at the opening of the meeting were two emails from community members, one in favor of and one against the project.

Member Derosier asked if an environmental study would be required in site plans in a by-right application. Staff Coperine answered that it is an option.

## Public Comments

Pat Mower at 2022 Canopy Dr. asked the board to not build further developments until the roads are upgraded speaking of current traffic problems, loss of nature and tranquility around their homes.

Richard Herman of 1002 Downing Court, spoke of his concern with the connectivity of Downing Court to any community.

Emily Herman of 1002 Downing Court, stated that she strongly opposed the connection of Downing Court to any community, siting safety would be an issue.

Mike Knight of 1000 Frances Knight Place, spoke against more development without improving the roads. Also, he opposed the development because it would cause extra traffic in the Brandon Oaks subdivision and on Wesley Chapel Road.

Walter Hoehn of 1009 Downing Court, opposed the development being stubbed to Downing Court. He stated that Downing Court was built before the current UDO and wanted to know what the plan for the potential connective street was before the present UDO.

Planning Director Burhans spoke about Taylor Glen and other communities that were built prior to the present UDO that was adopted in 2008. Taylor Glen was approved with a Special Use Permit. He stated there was a base zoning ordinance in place but there was opportunity for negotiation of some specifics involved with each project. Town Engineers felt the need to add connectivity as the Town grew.

DA Davis of 6117 Bicket Ridge Dr, Monroe, NC wants to downsize and would like to buy a home in this development. He reminded all present that this development would be built or a by right development.

Mark Fretz of 4018 Magna Ln stated after speaking with staff engineers, that Faith Church Road extension is planned, possibly being eliminated, but hasn't been yet so the burden of paying for it would fall upon the residents of Indian Trail. He also stated good planning is connectivity and better planning is better roads.

Larry Dukes of 5001 Magna Ln, stated that he is concerned about safety with opening the stub road between Downing Court and the potential development. He also spoke about age-restricted, how to manage that and how to control using the amenities by the group that wouldn't have use of them.

Bob Baldwin of 2003 Ladybank Ct. explained about HOPA, a Federal Housing Program for Aging, that one person needs to be at least 55 in the household and 80%/ 320 homes in this potential development would fall under those guidelines. He stated he felt the studies are flawed. He is concerned about traffic speeds through neighborhoods such as Brandon Oaks.

John Laurenzana of 7012 Magna Ln stated that developers don't use local labor. He also spoke about the potential of 3414 potential homes being built in Indian Trail and no road development. He stated that if the stub road must be built, the developer can add traffic calming measures. He stated that he felt the present UDO needs to be changed and what we expect of future developers.

Mark Ramige of 6309 Hawfield Rd spoke about the studies being misleading. He was opposed to age-restricted homes being built and that it would affect his and area property value. He requested a frontage road for his property.

## **Closed Public Comments**

Member Killman encouraged residents to work with the developer for what the residents' needs are, possible concessions, and get it in writing.

Member Head asked for clarification of numbers in the by right totals. Staff Coperine answered that 188 homes are in Indian Trail and 241 total homes include Wesley Chapel. The proposed development has a grand total of 436 homes.

Member Spurr stated that the UDO was written after Taylor Glen was built. He suggested making Taylor Glen a grandfather clause that wouldn't be affected by the development. Staff Coperine answered that Downing Court was never intended to be a cul-de-sac, but that the Planning Board can make recommendations to Town Council to delete the Downing Court connection.

Acting Chair Gay stated that Town Council has the ability to make changes to protect Downing Court. He also stated that the present Town Council is citizen friendly and could negotiate on their behalf.

Member Spurr stated that this developer has been doing everything they can do to protect and work with area residents.

Staff Coperine stated that the Town is undergoing a study headed by the Town's engineering department to abandon the Faith Church Road extension south of Old Monroe Rd. Town Council will likely vote on this issue in October. The Hawfield/Heritage development approval is contingent on the abandonment of the road extension.

The developer stated that no matter what development is built on the proposed site, the Faith Church Road extension cannot be physically built because of multiple factors that prevent it. An alternative route is being studied.

Member Derosier asked for clarification that there is minimum of connectivity, regulated by the state. Director Burhans answered that there are minimum standards, in regard to public safety, for connectivity for emergency vehicle access. He also stated that it would be acceptable to ask for exceptions, as in Downing Court case, because of particular conditions.

Acting Chair asked if the Fire Department insist that the stub road be specifically at Downing Court. Can another route be offered? Staff Coperine answered that the Fire Department didn't point this out as an absolute connection but looked at the overall connectivity to the development. Director Burhans offered to talk to the Fire Department about the connection to Downing Court and find out if that is critical for public safety, then report the findings to Town Council.

Member Head stated he is concerned about setting precedence. Director Burhans answered that because this is a conditional zoning, there can be negotiation for unique circumstances. That, also, can be researched and presented to the Town Council.

A member of the audience mentioned that the connectivity has been greatly surpassed on the minimum standards of connectivity.

Another member of the audience stated he was concerned about how fast this project has moved and concerned he saw recent activity by a bull dozer.

The developer explained that soil samples were a necessary part of phase 1 to satisfy a lender involved in the development.

Member Spurr asked what the minimum amount of connectors in this size of development. Staff Coperine answered that the minimum is three connectors for this size.

Acting Chair Gay asked when would be the earliest this project would be presented to Town Council. Staff Coperine answered that October 11<sup>th</sup> would be the earliest date possible.

Member Derosier stated that the state owns most of the roads involved. He reminded all present that 16,000-18,000 autos travelling on roads before the state will consider a necessary change on a road. Union County is rated in the top 15 growing counties in the country at this time.

Member Spurr stated that if this development is approved, traffic calming and safety measures need to be added to Taylor Glen and Brandon Oaks neighborhood streets. Director Burhans stated that there is an extensive traffic study that can be applied to areas of Town that need to be studied for additional safety measures of the roads. Planning Board can recommend that adjacent communities be studied for possible need of traffic calming measures as part of the additional conditions of approval.

Staff Coperine added some roads are town roads and some are state roads in Taylor Glen. Art Spurr made motion with the following modifications, with the draft conditions as recommended by staff: Modifications- is to not connect Downing Court- to make it cul-de sac, study traffic in Brandon Oaks and Taylor Glen, have traffic calming as required in neighborhoods that existed before present UDO also additional buffer/landscaping between Brandon Oaks and Taylor Glenn, developer will show cross section of the buffer, and suggested that Town Council have a community meeting with area residents regarding development. A question was brought forth regarding whether the residents of Downing Court would like a future cul-de-sac created at the end of the road. Mr. Jenest agreed that if that is requested, the developer agreed they would cover the cost of making Downing Court a cul-de-sac with the usual circular turnabout that part of a typical cul-de-sac design.

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Acting Chair Dennis Gay reread the options for the board regarding this case.

Staff Coperine reiterated the modifications for the record as previously stated by Member Spurr:

- Not connect Downing Court (either cul-de-sac or zero connectivity)

- Study traffic in Brandon Oaks and Taylor Glen regarding traffic calming measures

- Content of buffer (minimum species) recommendation to be provided to Council

- Suggested if possible to schedule a community meeting with Council to make sure everyone is comfortable with the buffering offered by the developer

Acting Chair Gay recommended that Town Council hold a community meeting to meet with area residents involving this project.

Staff Coperine re-read the required consistency findings from August 16, 2016 into the record. Motion to approve by Member Spurr, seconded by Member Head. Vote was unanimous in favor.

Member Spurr made a motion to approve with modifications, seconded by Member Derosier. Vote to approve was unanimous.

b) **ZT2016-004 Private Roads:** Proposed UDO text amendment to limit the use of private roads.

Applicant: Town of Indian Trail

Staff Zweifel gave the presentation to the board.

### **Analysis/Overview**

This request is initiated by the Town Council to prohibit new construction of private roads except when subject to conditional zoning approval in the instances of business and/or industrial parks. Section 1110.090(D) of the UDO allows private streets to be platted in a subdivision with guarantees and/or surety after the issuance of a Zoning Permit for the subdivision. In addition Section 1110.090(C) pertains to the required number of entrances needed for a new subdivision based on lot number. This section does not currently address gated subdivisions, which by their nature necessitate private streets.

In the past, private streets that have remained private, such as First Avenue, with no ability for acceptance by the Town have suffered from lack of maintenance and upkeep. The intent is to promote high quality development of the Town's transportation system and to provide avenues of remediation for infrastructure issues.

While a subdivision is in development, the street network remains developer-owned with guarantees held as maintenance surety for a period of three years to allow the infrastructure to go through several freeze-thaw cycles. In order to release the surety, the Town will conduct another inspection and request any repairs as needed before the streets are taken over by the Town. Once all the repairs are made and the road has passed all inspections from the town, the surety is released and the road becomes a Town-owned road. This process will not change through the adoption of this proposed text amendment prohibiting new private roads. All subdivisions with new road networks will still be required to post maintenance sureties and maintain ownership over the road until the Town deems that all development and improvement requirements have been met. This text amendment does, however, prohibit the development of new private roads that could have in the past remained private.

This text amendment is applied to all new development with the exception of business and/or industrial parks. In this instance, applicants must receive conditional zoning approval from the Town Council to construct private roads. Business parks are definite in UDO Section 1620.140 as 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.

This proposed text amendment also does not apply to private driveways found in commercial developments, which are roadways serving two or fewer lots, building sites, or other division of land and not intended to be public ingress or egress.

### **Required Consistency Findings**

Staff Zweifel read the consistency findings into the record and stated that staff recommends adoption of this UDO Text Amendment ZT2016-004 as presented.

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
  - Land Use and Housing Goals #5 and #6:** The proposed text will ensure high quality design because all new roads will be required to become Town-owned roads and must therefore be constructed to Town standards. In addition, the proposed text will limit instances where

private roads are allowed so that the land development and road acceptance process will be efficient and predictable and will encourage community investment.

2. This UDO ordinance amendment is in the best interest of the public because it requires a high quality of design and construction of road networks in new subdivisions because of the requirement that all new roads become Town-owned roads after the three year surety period per UDO Section 1110.090(D)(2).

### **Board Questions**

Member Spurr clarified that the Town will own the roads so will guarantee the roads will be to Town standards. Staff Zweifel answered that before town staff would accept the road and release the sureties, the town engineering department would need to inspect them.

Member Aponte asked about private roads in commercial areas. Staff Zweifel answered that business or industrial parks could have private roads with conditional zoning approval. Typically, these situations have property owners associations and historically have done well maintaining their roads.

Member Spurr asked if we could also require a parking plan. Director Burhans answered that parking on subdivision streets will be regulated under a town parking ordinance that is being developed that will apply to all public streets in the community.

Motion to accept the Consistency Findings as stated by Member Spurr, seconded by Member Head .  
Approval was unanimous in favor.

Motion to recommend approval of ZT2016-004 as presented by Member Derosier, seconded by Member Head .  
Approval was unanimous in favor.

**OTHER BUSINESS** -none

**ADJOURN** -Adjourned at 9:30pm

Chairman:

Jan W. Brown

Date:

10-18-16

Secretary:

Pamela L. Good