



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

## Zoning Map Amendment Staff Report

<b>Case: ZM 2012-005 Brandon Oaks</b>		
<b>Reference Name</b>	Brandon Oaks III Rezoning	
<b>Request</b>	Proposed Zoning	SF-4 with PED Overlay 1
	Proposed Use	Single-Family Residential
<b>Existing Site Characteristics</b>	Existing Zoning	R-20 (Union County)
	Existing Use	Single-Family Residential
	Site Acreage	0.422 acres (approx.)
<b>Applicant</b>	Town of Indian Trail	
<b>Submittal Date</b>	11/2/12	
<b>Location</b>	Brandon Oaks Phase 9 consisting of two properties recently annexed in Annexation #132.	
<b>Tax Map Numbers</b>	2-Parcels. 07091047 and 07091032	
<b>Plan Consistency</b>	Town of Indian Trail Comp. Plan	Designation- Sun Valley Suburban Mix Village
		Consistent with Request
<b>Recommendations &amp; Comments</b>	Planning Staff	Recommends Approval for SF-4 with PED Overlay 1

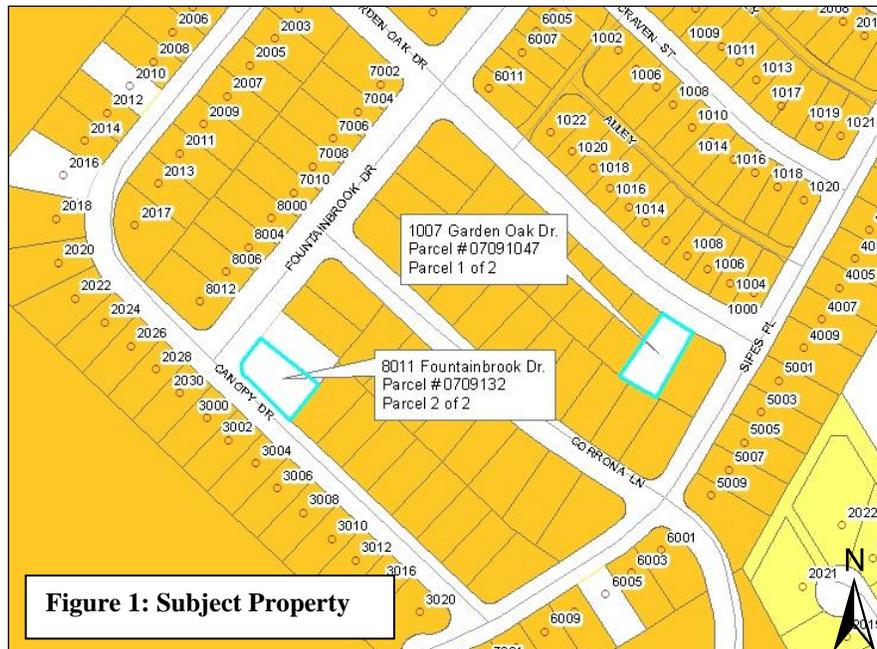
### Project Summary

Request: To rezone two (2)-parcels (approx. 0.422 acres) from Union County Residential-20 (R-20) to Single-Family Residential-4 (SF-4) with a Pre-Existing Development Overlay (PED Overlay 1). The two properties comprising the subject property are generally located near the intersection of Canopy Dr. and Fountainbrook Dr. and the intersection of Garden Oak Dr. and Sipes Pl. 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 November 13<sup>th</sup>, 2012 (Annexation #132). State law requires annexed property to undergo a Zoning Map Amendment process to establish Town zoning on the subject property. Figure 1 depicts the two (2) parcels within the rezoning area, of which, both parcels are developed with single-family detached houses. Staff will continue to assist unincorporated Brandon Oaks property owners with any potential future annexations.



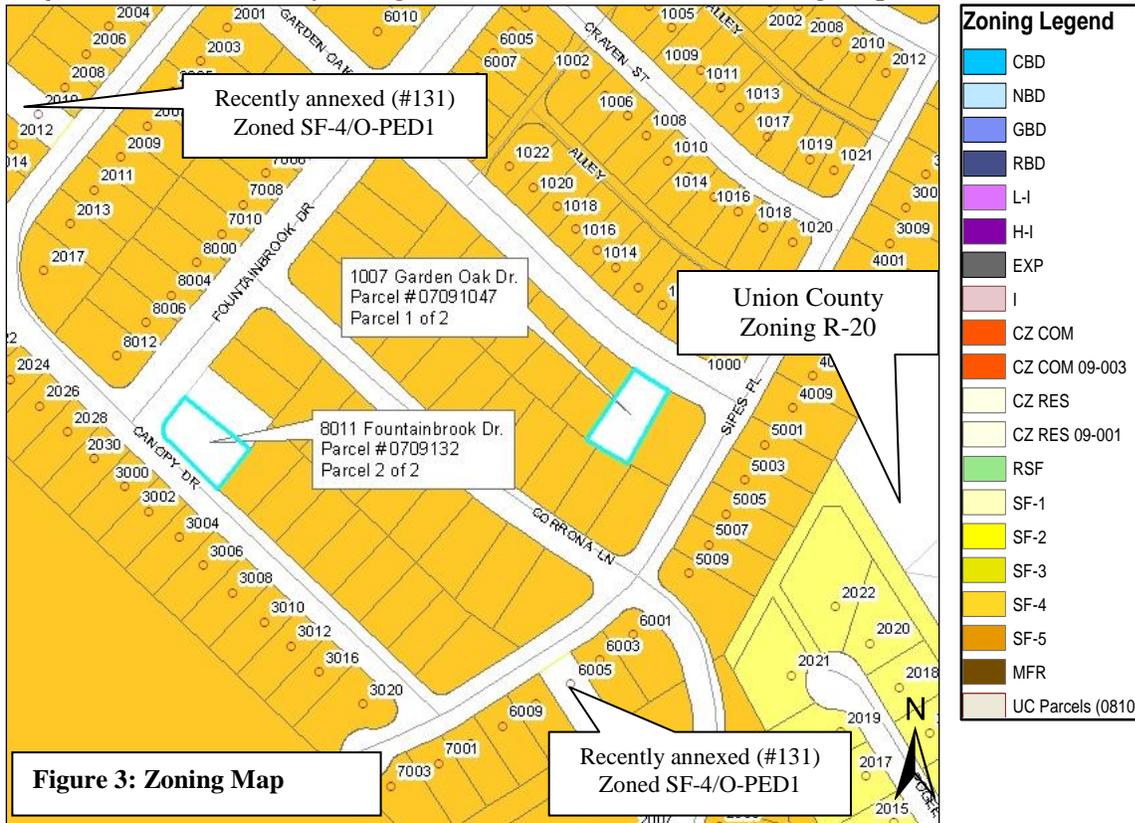
## Zoning Information

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. A copy of the applicable Brandon Oaks Phase 9 Final Plat Map reflecting the Union County standards are attached (Attachment 2).

**TABLE 1: DIMENSIONAL REQUIREMENT COMPARISON**

	<b>Town SF-4 District</b>	<b>Union County R-20 District</b>
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**

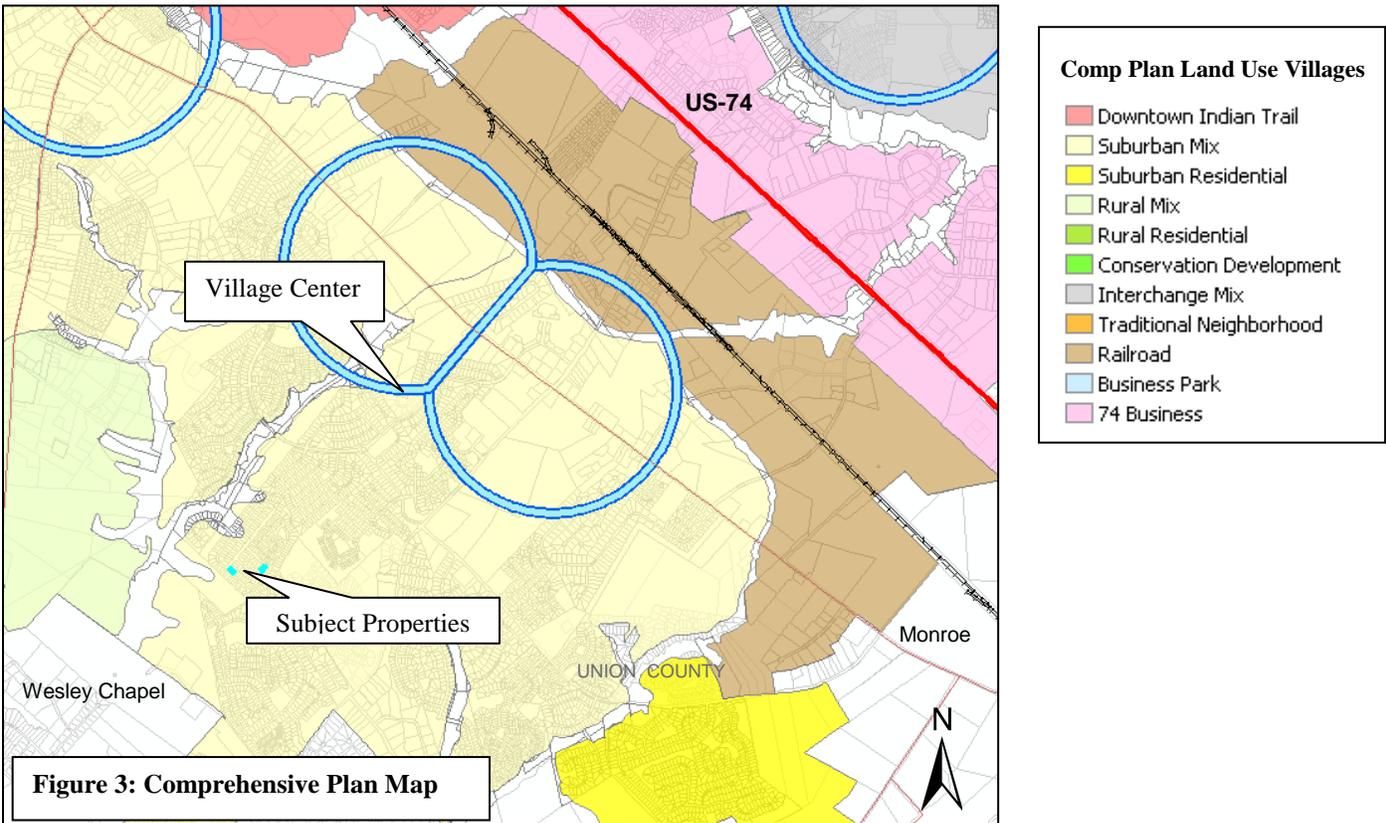
The subject property is approximately 0.422 acres in size and both parcels are in a developed condition. As previously noted, both parcels within the subject property are constructed with single-family detached homes.

**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.



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**

Hillary Pace, Environmental Planner  
(704) 821-5401 ext. 223

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

Attachment 1 – Application/Letter of Intent  
Attachment 2- Draft Ordinance

**ATTACHMENT ONE: APPLICATION**

R000412

# 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

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# 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: Two (2) parcels recently annexed into the Town of Indian Trail by Annexation #132. Project addresses are 1007 Garden Oak Dr. and 8011 Fountainbrook Dr. Parcels are part of Brandon Oaks Phase 9.

City Indian Trail, North Carolina 28079

Tax Parcel ID: Parcels #s 07091047 and 0709132. Zoning Designation: Existing: R-20 in Unincorporated U.C. Proposed: SF-4 with PED Overlay 1.

Total Acres Approximately 0.467 acres Impervious Area N/A

Project Description: The subject property consisting of two (2)-parcels (Parcel #s 07091047 or 1007 Garden Oak Dr. and 07091032 or 8011 Fountainbrook Tr. were annexed into the Town of Indian Trail on October 9th, 2012 (Annexation # 132). 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.

## Contact Information – Applicant

Name Town of Indian Trail: Hillary Pace, Environmental Planner

Address P.O. Box 2430

City Indian Trail, State NC Zip 28079

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

Email [hkp@planning.indiantrail.org](mailto:hkp@planning.indiantrail.org)

## Contact Information – Property Owner

Name Initiated by Town of Indian Trail. Property owners are America and Gonzalo Cepeda (Fountainbrook Dr.) and Sachwinder Singh (Garden Oak Dr.)



**ATTACHMENT TWO: DRAFT ORDINANCE**

STATE OF NORTH CAROLINA )

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ORDINANCE #

TOWN OF INDIAN TRAIL )

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**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF INDIAN TRAIL REZONING TWO (2) PARCELS TOTALING APPROXIMATELY 0.422 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 two (2) parcels that were recently annexed into the Town as part of Annexation #132 (parcels 07091047 and 07091032), 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 (ZM2012-005) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, a meeting was held by the Planning Board on November 26<sup>th</sup>, 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 **TBD** 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 2012-005 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 #132 (parcels 07091047 and 07091032).

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

**AND IT IS SO ORDAINED** this **TBD**

TOWN OF INDIAN TRAIL COUNCIL

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

Attest:

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Peggy Piontek, Town Clerk