

MAYOR
Michael L Alvarez

MAYOR PRO TEM
David Cohn



TOWN COUNCIL
Gordon B. Daniels
David W. Drehs
Christopher M. King
Gary M. Savoie

Indian Trail Town Council Meeting
June 9, 2015
Civic Building
6:30 p.m.

1. **CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE**
2. **ADDITIONS AND DELETIONS** **action**
3. **MOTION TO APPROVE AGENDA**
4. **APPROVAL OF FISCAL YEAR 2015-16 BUDGET & BUDGET ORDINANCE OF MAY**
5. **PRESENTATIONS**
6. **PUBLIC COMMENTS**
7. **LAW ENFORCEMENT UPDATE**
8. **CONSENT AGENDA** **action**
 - a. Approval of May 26th, 2015 draft minutes
 - b. Approval of Month End May 2015
 - c. Approval of Budget Amendments
 - d. Approval of Tinsley & Terry audit services
9. **PUBLIC HEARINGS** **action**

– Please adhere to the following guidelines:

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

- a. **CZ2014-005 Plyler Road Townhomes:** Proposed conditional rezoning to the Multifamily Residential District to support a 35-unit townhome development located on Plyler Road abutting the Cranson Crossing Neighborhood and directly across from the Ridgefield Neighborhood (Parcel 07-084-332). Subject property is approximately 6.5-acres in size. Applicant: Green River Fund, LLC
- b. **ZT2015-002 Utilities:** Housekeeping text amendments to UDO Chapters 520 and 1610 to add minor and major utility uses within the commercial use table and associated changes. Applicant: Town of Indian Trail.

10. BUSINESS ITEMS

11. DISCUSSION ITEMS

12. MANAGERS REPORT

13. COUNCIL COMMENTS

14. CLOSED SESSION

action

15. ADJOURN

action

To speak concerning an item on the Agenda, please print your name and address on the sign up sheet on the table prior to the meeting. Each speaker will be limited to 3 minutes.

AS A COURTESY, PLEASE TURN CELL PHONES OFF WHILE MEETING IS IN PROGRESS

The Town of Indian Trail is committed to providing all citizens with the opportunity to participate fully in the public meeting process. Any person with a disability who needs an auxiliary aid or service in order to participate in this meeting may contact the Town Clerk at least 48 hours prior to the meeting. The e-mail address is townclerk@admin.indiantrail.org; the phone number is 704-821-5401



Town of Indian Trail
Minutes of Town Council
May 26, 2015
Civic Building
6:30 P.M.

The following members of the governing body were present:

Mayor: Michael L. Alvarez

Council Members: David Cohn, David W. Drehs, Christopher King, and Gary Savoie

Absent: Gordon B. Daniels

Staff Members: Town Manager Joe Fivas, Town Attorney Keith Merritt, Director of Community & Economic Development Kelly Barnhardt, Assistant Director of Parks & Recreation Jason Tryon, and Communications Coordinator Lindsey Edmonds

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Alvarez called the meeting to order and asked Eagle Scout nominee Robert Stratton to lead the Pledge of Allegiance. Mayor Alvarez asked everyone to observe a moment of silence in honor of Memorial Day and those who have fought and paid the ultimate sacrifice for this country.

Mayor Alvarez noted that Gordon Daniels was not present for the meeting.

ADDITIONS AND DELETIONS

Mr. Fivas noted that Lieutenant Coble had asked that the Law Enforcement Update be removed from the agenda as he could not be present for the meeting.

Mr. King made a motion to remove the Law Enforcement Update from the agenda.

Council voted unanimously in favor of the motion.

MOTION TO APPROVE AGENDA

Mr. Savoie made a motion to approve the amended agenda.

Council voted unanimously in favor of the motion.

PRESENTATIONS

a. Presentation on Proposal for Construction of a Community Garden

Mr. Stratton explained that the proposal for the community garden is his Eagle Scout project. The garden will consist of six plots for growing vegetables and will be located near the Civic Building. He noted that community gardens allow families and individuals to grow their own food. Surplus food from the garden will be donated to Loaves and Fishes. Local Boy Scout Troops will construct the garden. He gave an overview of the project's timeline.

Mr. King stated that he liked Mr. Stratton's idea.

Mayor Alvarez inquired if the Council needed to approve the project.

Mr. Fivas explained that the specifics on the approval of the community garden are on the Consent Agenda and outline the project as described by Mr. Stratton. Council's approval would allow the Scouts to use the land. The Town would supply water and oversight after the garden is completed.

Mr. King inquired about who would manage the garden once it is completed.

Mr. Fivas explained that the Town will lease out the garden plots for \$30 each. These funds will be used for maintaining the garden. The lessees will sign an agreement stating that they will take care of their plot. There will be criteria for garden users.

Mr. Savoie inquired about who would maintain un-leased garden plots.

Mr. Fivas explained that local nonprofits would be willing to maintain the plots. The PARC Committee will assist in identifying groups that will help with maintenance.

Mr. Stratton added that other Eagle Scout nominees would be able to assist with plot maintenance.

Mr. Drehs complimented Mr. Stratton on his presentation.

PUBLIC COMMENTS

Mayor Alvarez opened Public Comments.

Michael Faulkenberry, 519 Picketts Circle, Indian Trail NC, expressed concern about the community park near Indian Trail-Matthews Road. He stated that telling the public they will receive a 51 acre park as part of an \$8.5 million bond and later telling the public they will receive only a 30 acre park is committing fraud to voters and taxpayers. He noted that the Council's vote on a new Town Hall will affect future projects. He inquired if the \$2 million remaining for the park bond could be used for a Miracle League project.

Mayor Alvarez closed Public Comments.

LAW ENFORCEMENT UPDATE - *This item was removed as result of a motion made in Additions and Deletions.*

CONSENT AGENDA

- a. Approval of May 12, 2015 draft minutes
- b. Approval of Budget Amendments
- c. Approval of Community Garden Project

Mr. Savoie made a motion to approve the Consent Agenda.

Council voted unanimously in favor of the motion.

PUBLIC HEARINGS

- a. Public Hearing for Fiscal Year 2015/2016 Budget

Mayor Alvarez opened and closed the Public Hearing as no one had signed up to speak.

Mr. Savoie stated that the budget looks good and since a public hearing on the budget was also held at the Council's last meeting, he would like to approve it.

Mayor Alvarez inquired if approving the budget at this time would be within the guidelines.

Mr. Merritt noted there is only an outside limit on approving the budget before the end of the fiscal year. It is up to the Council to decide if it wants to vote on the budget at this time.

Mr. Cohn noted that in the past Council Members have objected to voting without the full Council present.

Mr. Savoie made a motion to suspend the rules and add Approval of the Fiscal Year 2015/2016 Budget to the agenda.

The motion passed on a vote of three to one with Mr. Drehs, Mr. King, and Mr. Savoie voting in favor, and Mr. Cohn voting in opposition.

Mr. Cohn expressed concern about voting on an item that was not originally on the agenda.

BUSINESS ITEMS

- a. Approval of Fiscal Year 2015/2016 Budget – *This item was added as a result of a motion made during Public Hearings.*

Mr. Savoie made a motion to approve the Fiscal Year 2015/2016 Budget.

The motion failed on a vote of two to three with Mr. King and Mr. Savoie voting in favor, and Mayor Alvarez, Mr. Cohn, and Mr. Drehs voting in opposition.

Mayor Alvarez noted that the item will be placed on the June 6, 2015 Town Council meeting agenda.

DISCUSSION ITEMS

None

MANAGERS REPORT

Mr. Fivas noted that a pavilion and Veterans' memorial town square will be added to the community park Mr. Faulkenberry referenced during Public Comments. The grand opening of Crooked Creek Park begins at 9:00 a.m. on Saturday and will include a ribbon-cutting and softball games.

Mr. Cohn inquired about details of the softball games.

Mr. Tryon explained that four softball teams - Indian Trail, Stallings, Waxhaw, and Union County - have committed to playing. The Indian Trail team consists of Council Members and Town staff. The games will begin at 9:30 a.m. and 10:45 a.m. A kickball game will also be held.

Mr. Drehs noted that during Saturday's event, the Miracle League Adult Wheelchair Softball Team will hold a game in the parking lot near Sardis Elementary School and will allow attendees to practice batting from wheelchairs.

COUNCIL COMMENTS

Mr. King had no comments.

Mayor Alvarez thanked everyone for attending the meeting. He asked everyone to remember veterans as yesterday was Memorial Day.

Mr. Cohn encouraged everyone to attend the Miracle League Golf Tournament at 1:00 p.m. on June 6 at Emerald Lake Golf Club.

Mr. Drehs noted Bunyan Price, Jr.'s plane was shot down during the Vietnam War. His remains were returned to his family in Monroe two weeks ago.

Mr. Savoie thanked everyone for attending the meeting and thanked staff for their hard work. He stated that he looks forward to the opening of the park.

CLOSED SESSION

None

ADJOURN

Mr. Savoie made a motion to adjourn.

Council voted unanimously in favor of the motion.

APPROVED:

Michael L. Alvarez, Mayor

Attest: _____

Town of Indian Trail

Memo

TO: Mayor and Town Council
FROM: Joe Fivas
CC: Marsha Sutton, Alicia Massey
DATE: June 9, 2015
SUBJECT: Month End May 2015



According to GS 105-350(7) it is the duty of the tax collector to submit to the governing body at each of its regular meetings a report of the amount he/she has collected on each year's taxes with which he is charged, the amount remaining uncollected, and the steps he/she is taking to encourage or enforce payment of uncollected taxes.

Attached is the month end report for May 2015 collections. The tax department is using all collection remedies as provided by general statute to collect delinquent taxes including but not limited to garnishments, attachments and NC Debt Setoff.

Description	Count	Principal			Future	Penalty	Total
		Arrears/Other	Fiscal 2014	Fiscal 2015			
Billing	31842	0.00	0.00	7,293,140.99	0.00		7,293,140.99
Payments	29737	20,109.39-	0.00	7,200,795.84-	0.00	9,065.81-	7,229,971.04-
Reversals	25	0.00	0.00	3,179.23	0.00	52.38	3,231.61
Adjustments	1960	0.00	0.00	2,471.53-	0.00	850.46-	3,321.99-
Apply Over	0	0.00	0.00	0.00	0.00	0.00	0.00
Rev Appl Ovr	0	0.00	0.00	0.00	0.00	0.00	0.00
Penalty	5219					12,693.93	12,693.93
Totals	<u>68783</u>	<u>20,109.39-</u>	<u>0.00</u>	<u>93,052.85</u>	<u>0.00</u>	<u>2,830.04</u>	<u>75,773.50</u>



TO: Mayor and Town Council
FROM: Joe Fivas
CC: Marsha Sutton
DATE: June 9, 2015
SUBJECT: Budget Amendments for June 9th Meeting

Please find attached budget amendments processed through June 3, 2015. Please feel free to call, email, come in or ask any questions you may have regarding these matters.



TO: Mayor and Town Council

FROM: Joe Fivas

DATE: June 9, 2015

SUBJECT: Annual Approval of Audit Contract

With the end of the year approaching it is time again to prepare for our end of year financial audit by our auditors, Tinsley and Terry. As part of their approval process the LGC requires the following:

- Approval of the audit contract the governing board; and,
- The Mayor's signature indicating approval on the contract.

Staff is recommending the Council approve the attached contract for services.

CONTRACT TO AUDIT ACCOUNTS

Of Town of Indian Trail, North Carolina
Primary Governmental Unit

Discretely Presented Component Unit (DPCU) if applicable

On this 14th day of May, 2015,

Auditor: Tinsley & Terry, CPAs, P.A. Auditor Mailing Address: 18809 W. Catawba Ave., Ste 201

Cornelius, NC 28031

Hereinafter referred to as The Auditor

and Town Council (Governing Board(s)) of Town of Indian Trail, North Carolina
(Primary Government)

and _____ : hereinafter referred to as the Governmental Unit(s), agree as follows:
(Discretely Presented Component Unit)

1. The Auditor shall audit all statements and disclosures required by generally accepted accounting principles (GAAP) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit (s) for the period beginning July 1, 2014, and ending June 30, 2015. The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion will be rendered in relation to (as applicable) the governmental activities, the business-type activities, the aggregate DPCU's, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).

2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with generally accepted auditing standards. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB Circular A-133 Audits of States, Local Governments, and Non-Profit Organizations and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated workpapers may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit and/or workpapers are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC CPA Board).

County and Multi-County Health Departments: The Office of State Auditor will designate certain programs that have eligibility requirements to be considered major programs in accordance with OMB Circular A-133 for the State of North Carolina. The LGC will notify the auditor and the County and Multi-Health Department of these programs. A County or a Multi-County Health Department may be selected to audit any of these programs as major.

3. If an entity is determined to be a component of another government as defined by the group audit standards - the entity's auditor will make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.

4. This contract contemplates an unqualified opinion being rendered. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.

5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2011 revisions, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he has met the requirements for a peer review and continuing education as specified in *Government*

Discretely Presented Component Unit's (DPCU) if applicable

Auditing Standards. The Auditor agrees to provide a copy of their most recent peer review report regardless of the date of the prior peer review report to the Governmental Unit and the Secretary of the LGC prior to the execution of the audit contract (See Item 22). **If the audit firm received a peer review rating other than pass**, the Auditor shall not contract with the Governmental Unit without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to Government Accounting Standards or if financial statements are not prepared in accordance with GAAP and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment.

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to the State and Local Government Finance Division (SLGFD) within four months of fiscal year end. Audit report is due on: October 31, 2015. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay must be submitted to the secretary of the LGC for approval.
7. It is agreed that generally accepted auditing standards include a review of the Governmental Unit's systems of internal control and accounting as same relates to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor will make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his findings, together with his recommendations for improvement. That written report must include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. **Invoices for services rendered under these contracts shall not be paid by the Governmental Unit until the invoice has been approved by the Secretary of the LGC.** (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices for Audit work must be submitted by email in PDF format to the Secretary of the LGC for approval. The invoices must be sent to: lgc.invoice@nctreasurer.com. Subject line should read "Invoice – [Unit Name]. The PDF invoice marked 'approved' with approval date will be returned by email to the Auditor to present to the Governmental Unit for payment. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
9. In consideration of the satisfactory performance of the provisions of this contract, the Primary Governmental Unit shall pay to the Auditor, upon approval by the Secretary of the LGC, the fee, which includes any cost the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (Federal and State grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. **Fees listed on signature pages.**
10. If the Governmental Unit has outstanding revenue bonds, the Auditor shall include documentation either in the notes to the audited financial statements or as a separate report submitted to the SLGFD along with the audit report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor should be aware that any other bond compliance statements or additional reports required in the authorizing bond documents need to be submitted to the SLGFD simultaneously with the Governmental Unit's audited financial statements unless otherwise specified in the bond documents.

Discretely Presented Component Unit's (DPCU) if applicable

11. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include but not be limited to the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the client or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board as soon as practical after the close of the accounting period.
12. If the audit firm is required by the NC CPA Board or the Secretary of the LGC to have a pre-issuance review of their audit work, there must be a statement added to the engagement letter specifying the pre-issuance review including a statement that the Governmental Unit will not be billed for the pre-issuance review. The pre-issuance review must be performed prior to the completed audit being submitted to the LGC. The pre-issuance report must accompany the audit report upon submission to the LGC.
13. The Auditor shall electronically submit the report of audit to the LGC when (or prior to) submitting the invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the SLGFD by any interested parties. Any subsequent revisions to these reports must be sent to the Secretary of the LGC. These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings, by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and other lawful purposes of the Governmental Unit without subsequent consent of the Auditor. If it is determined by the LGC that corrections need to be made to the Governmental Unit's financial statements, they should be provided within three days of notification unless another time frame is agreed to by the LGC.

If the OSA designates certain programs to be audited as major programs, as discussed in item #2, a turnaround document and a representation letter addressed to the OSA shall be submitted to the LGC.

The LGC's process for submitting contracts, audit reports and Invoices is subject to change. Auditors should use the submission process in effect at the time of submission. The most current instructions will be found on our website: <https://www.nctreasurer.com/slgl/Pages/Audit-Forms-and-Resources.aspx>

14. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be varied or changed to include the increased time and/or compensation as may be agreed upon by the Governing Board and the Auditor
15. If an approved contract needs to be varied or changed for any reason, the change must be made in writing, signed and dated by all parties and pre-audited if the change includes a change in audit fee. This document and a written explanation of the change must be submitted by email in PDF format to the Secretary of the LGC for approval. The portal address to upload your amended contract and letter of explanation documents is <http://nctreasurer.slgfd.leapfile.net> No change shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.
16. Whenever the Auditor uses an engagement letter with the Governmental Unit, Item #17 is to be completed by referencing the engagement letter and attaching a copy of the engagement letter to the contract to incorporate the engagement letter into the contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract will control. Engagement letter terms are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item #22 of this contract. Engagement letters containing indemnification clauses will not be approved by the LGC.

Discretely Presented Component Unit's (DPCU) if applicable

17. Special provisions should be limited. Please list any special provisions in an attachment.

see engagement letter

18. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU must be named along with the parent government on this audit contract. Signatures from the DPCU Board chairman and finance officer also must be included on this contract.
19. The contract must be executed, pre-audited, physically signed by all parties including Governmental Unit and Auditor signatures and submitted in PDF format to the Secretary of the LGC. The current portal address to upload your contractual documents is <http://nctreasurer.slgfd.leapfile.net> Electronic signatures are not accepted at this time. Included with this contract are instructions to submit contracts and invoices for approval as of February, 2015. These instructions are subject to change. Please check the NC Treasurer's web site at www.nctreasurer.com for the most recent instructions.
20. The contract is not valid until it is approved by the LGC Secretary. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.
21. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.
22. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted: (See Item 16 for clarification).

SIGNATURE PAGES FOLLOW

Contract to Audit Accounts (cont.) Town of Indian Trail, North Carolina
Governmental Unit

Discretely Presented Component Unit's (DPCU) if applicable

Town of Indian Trail, North Carolina - FEES

Year-end bookkeeping assistance – [For audits subject to Government Auditing Standards, this is limited to bookkeeping services permitted by revised Independence Standards] _____

Audit \$17,100

Preparation of the annual financial Statements \$3,500

Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees above. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year audit fee.

The 75% cap for interim invoice approval for this audit contract is \$ NA
** NA if there is to be no interim billing

Communication regarding audit contract requests for modification or official approvals will be sent to the email addresses provided in the spaces below.

Audit Firm Signature: Tinsley & Terry, CPAs, P.A.
Name of Audit Firm

By Clare H. Meyer, CPA
Authorized Audit firm representative name: Type or print

Clare H Meyer CPA
Signature of authorized audit firm representative

Date 05/14/15
clarem@bellsouth.net
Email Address of Audit Firm

Governmental Unit Signatures:
Town of Indian Trail, North Carolina
Name of Primary Government

By Michael Alvarez, Mayor
Mayor / Chairperson: Type or print name and title

Signature of Mayor/Chairperson of governing board
Date _____

By NA
Chair of Audit Committee - Type or print name

Signature of Audit Committee Chairperson
Date _____

** If Governmental Unit has no audit committee, mark this section "N/A"

Town of Indian Trail, North Carolina
PRE-AUDIT CERTIFICATE: Required by G.S. 159-28
(a)
This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act. Additionally, the following date is the date this audit contract was approved by the governing body.

By Marsha Sutton, Finance Director
Primary Governmental Unit Finance Officer:
Type or print name

Primary Government Finance Officer Signature
Date _____
(Pre-audit Certificate must be dated.)

financedirector@admin.indiantrail.org
Email Address of Finance Officer

Date Primary Government Governing Body Approved Audit Contract - G.S. 159-34(a)



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

Planning Board Transmittal for the June 9th, 2015 Town Council Public Hearing

Case: CZ 2014-005			
Reference Name	Plyler Road Townhomes Conditional Zoning		
Planning Board Meeting Date	May 19, 2015		
Members Present	Chair Cowan <input checked="" type="checkbox"/>	Jan Brown <input checked="" type="checkbox"/>	Vice Chair Larry Miller <input checked="" type="checkbox"/>
	Cathi Higgins <input checked="" type="checkbox"/>	Kelly D' Onofrio <input checked="" type="checkbox"/>	Steve Long <input checked="" type="checkbox"/>
	Alan Rosenberg <input checked="" type="checkbox"/>	Jorge Aponte <input type="checkbox"/> Alternate 1	Shamir Ally <input type="checkbox"/> Alternate 2 Present not voting
	Sidney Sandy <input type="checkbox"/> Alternate 3		
Case Found Complete	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Motion	Recommend approval as conditioned to Town Council		
Member Making the Motion	Boardmember Steven Long		
Second the Motion	Boardmember Jan Brown		
Vote	6 to 1		

Purpose of the Amendment: This is a request to rezone a 6.5-acre property from Light Industrial-Conditioned (LI) to a Conditional Multi-Family Residential Zoning District. The intent is to develop a 35-unit, alley-loaded townhome community organized into seven building clusters. The proposed community is organized around a central green space/water quality bioretention area with pockets of open space located throughout the development. Access to the community will be provided by a single, private road providing one-way circulation through the community. A right turn lane along with public sidewalk, curb/gutter, and street trees will also be provided on Plyler Road.

Town Council Action: *Receive the Planning Board transmittal report and public testimony and:*

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

Proposed Development

The Plyler Road Townhome proposal contemplates the development of 35 single-family townhomes on a 6.5-acre site (approx). The gross density for the project is approximately 5.4-units per acre. The applicant has indicated a desire to target the units to senior buyers aged 55 and older by incorporating elements into the project that might be enticing to senior buyers. These elements include having the master bedroom on the first floor and including passive open space areas for adults to enjoy versus providing facilities for children (i.e. playground equipment, etc.). The developer envisions the project being a maintenance free community where the homeowners association will manage yard/landscaping maintenance and other activities. The townhome units will be served by an alley system to help create an attractive streetscape free of the visual clutter created by garage doors and driveways. The townhome community is intended to help provide a development intensity transition between the adjacent light industrial site and the single-family neighborhood.

The community is organized into seven building clusters that will front an open space and bioretention area. A one-way interior road provides public access to the community and includes approximately 25-onstreet parking stalls, which exceeds minimum UDO requirements for overflow parking (18-stalls). Access to individual units will be provided by an alley system that will help create a clean and attractive urban streetscape. Onsite parking will likely be provided using a 2-car garage.

Road frontage improvements will be extended across the site's Plyler Road frontage and will include curb/gutter, sidewalk, street lights, and trees. A right turn lane on Plyler Road will also be provided into the development. Detailed architectural plans have not been reflected in this proposal, however, the applicant has indicated a commitment to meet all UDO design requirements, while also providing a front porch and ground floor master bedroom for most units. Fencing will be provided around the community to provide a sense of privacy and security for Plyler Townhome residents and adjacent properties.

The conceptual site plan is provided below and within attachment 1 of this report.

CONCEPTUAL SITE PLAN



Planning Board Meeting

This request was heard by the Indian Trail Planning Board on May 19, 2015. The Board discussed the general site and alley layout, the age-targeted marketing concept, the location of existing school bus stops on Plyler Road, and other topics. A majority of the Board discussion focused on the proposed amount of overflow parking. In spite of the project exceeding the UDO parking requirements with approximately 25 overflow stalls (vs.18-required), there was a general concern that parking issues associated with other Town neighborhoods may occur at this site. The meeting discussion on this topic and others can be heard on [Granicus](#) and be reviewed in the attached Draft PB Meeting Minutes (Attachment 3).

Three citizens provided public comments at the Board meeting, one of which was a resident of the adjacent Ridgefield neighborhood (John Killman). The citizens expressed satisfaction with the proposed townhome use and the conceptual development plan. Some concerns were expressed related to the location of existing school bus stops and cut thru traffic on Plyler Road, the need for a Homeowners Association for the Plyler development, and parking concerns. Please refer to Granicus or the attached draft minutes for additional information.

Based on the discussion and deliberations, the Planning Board voted 6 to 1 to transmit a recommendation to approve as conditioned to the Town Council and made the following required findings: The project as conditioned is consistent with the goals of the Comprehensive Plan are satisfied as follows:

- *Goal – Land Use and Housing* - The proposed conditional district provides for a quality residential use at an appropriate location providing a more appropriate transition between land uses than the previous light industrial zoning district would have.
- *Goal- Mobility and Transportation* – The proposed conditional district includes the construction of curb, gutter, and sidewalk enhancing mobility in the area, construction of a roadway improvements (turn-lane and storage), and dedication of right-of-way on an adjacent roadway to meet the future transportation needs of our community.

The request for this conditional zoning district is a reasonable request and is in the public interest because it converts an area previously zoned light industrial to a more appropriate transitional use between the single-family community, creates a mix of housing sizes within the US 74-West corridor provides expanded housing opportunities for Indian Trail citizens and business owners, includes transportation and utility infrastructure investment, and is in general conformity of the Comprehensive Plan.

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

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

Rox Burhans, AICP

704 821-5401

rburhans@planning.indiantrail.org

Attachment -1- Planning Board Report and Draft Minutes

Attachment- 2 – Draft Ordinance

Attachment 3- Draft PB Meeting Minutes

**TC ATTACHMENT – 1
PLANNING BOARD REPORT**



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

PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

Conditional Zoning Staff Report

Case: CZ 2014-005			
Reference Name	Plyler Road Townhomes		
Request	Proposed Zoning	Conditional Zoning-Multi-Family Residential District (MFR-CZ)	
	Proposed Uses	35 Townhome Units	
Existing Site Characteristics	Existing Zoning	Light Industrial – LI-Conditioned	
	Existing Use	Undeveloped/Wooded	
	Site Acreage	6.5 acres (approximately)	
Applicant	Green River Fund, LLC		
Submittal Date	October 23, 2014		
Location	Plyler Road (across from Ridgefield Neigh & Adjacent to Cranston Crossings)		
Tax Map Number	07-084-332		
Plan Consistency	Comprehensive Plan	Designation	US 74 Corridor West
		Consistent with Request	Yes
Recommendations & Comments	Planning Staff	Recommend Conditional Approval	

Project Summary

This is a request to rezone a 6.5-acre property from Light Industrial-Conditioned (LI) to a Conditional Multi-Family Residential Zoning District. The intent is to develop a 35-unit, alley-loaded townhome community organized into seven building clusters. The proposed community is organized around a central green space/water quality bioretention area with pockets of open space located throughout the development. Access to the community will be provided by a single, private road providing one-way circulation through the community. A right turn lane along with public sidewalk, curb/gutter, and street trees will also be provided on Plyler Road.

Recommendation

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

Analysis

Location Characteristics, History, and Surrounding Zoning

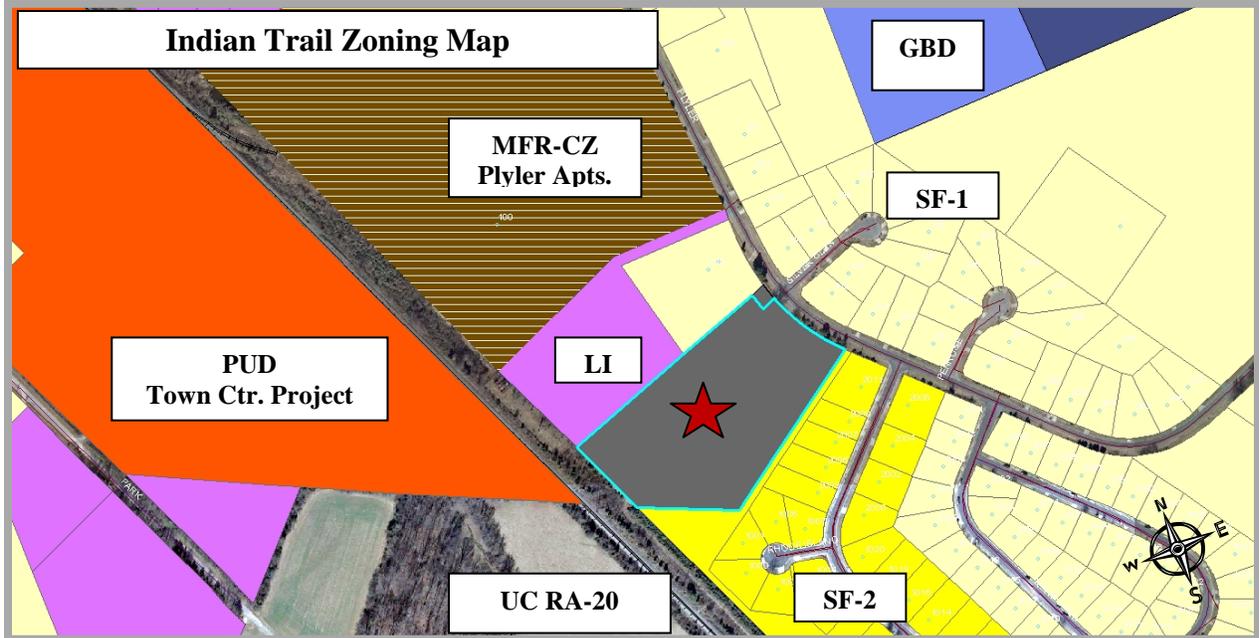
Location Overview:

The subject property is located along Plyler Road along one of the main gateways into Downtown Indian Trail. The area is generally characterized as a mix of rural residential/agricultural properties, residential subdivisions, and light industrial development.

As reflected in the map below, the subject property is located on Plyler Road approximately 1,150-ft from the intersection of Unionville-IT Road and 2,400-ft from the intersection of US-74. The subject property is directly across the street from the Ridgefield Phase II neighborhood and is abutting the Cranston Crossings neighborhood and the Coatings Technologies Inc. (CTI) facility. The CSX railroad ROW also abuts the subject property in the rear. A Piedmont Natural Gas transmission facility is also located at the front corner of the subject property on Plyler Road with transmission easements located along the western and northern boundaries of the subject property. The Plyler Townhomes subject property is also located approximately 425-ft from the future Plyler Road Apartments site, which is located on the former Genwove manufacturing site and will home to 348 multifamily apartments. There are also low density residential properties and rural residential/agricultural properties extended along the frontage of Plyler Road.



Area Zoning

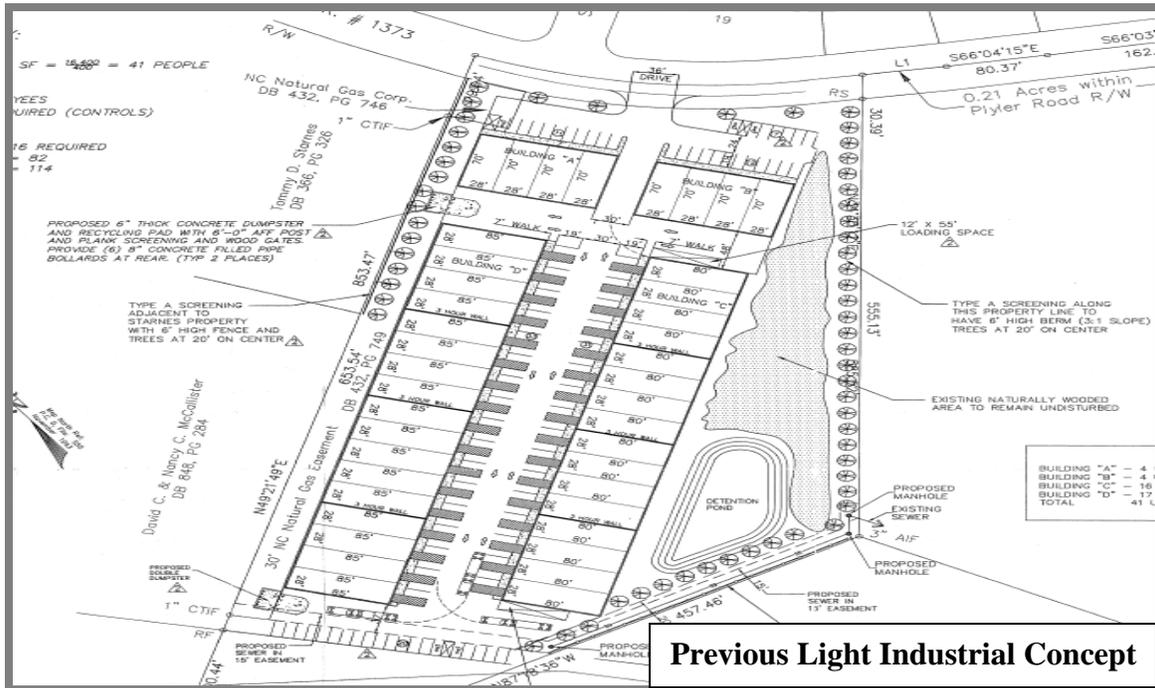


Zoning in the area varies from single-family residential, commercial, to light industrial, as identified in the map above and table below.

Direction	Zone Classification	Use
North	Single Family Residential -1 (SF-1), General Business District- (GBD)	Residential and Commercial- Office Warehouse
West	Light Industrial (LI) and SF-1	Manufacturing and Residential
South	Conditional District- Town Center –PUD, Union County RA-20	Vacant/ Light Agriculture/ Residential
East	Single Family Residential-2 (SF-2)	Residential

History

The subject property is currently a vacant, wooded tract that appears to have been cleared sometime between the late 1990s to early 2000s. In December of 2003, the property was conditionally rezoned from Office to Light Industrial-Conditioned. The rezoning was to support development of a 92,000 sq. ft. light industrial park (see concept plan below). The Comprehensive Plan in place at that time envisioned industrial as the future use of the property. Since 2003, the property owner did not take any substantive actions to implement the approved plan (i.e. obtain site plan approval, construction activities, etc.) and therefore the conditional rezoning approval expired. As part of the Town Council public hearing, the Council will officially revoke the existing LI-Conditioned zoning and establish a new district based on this MFR townhome proposal or another suitable zoning classification.



Previous Light Industrial Concept

Proposed Project/ Concept Plan

The Plyler Road Townhome proposal contemplates the development of 35 single-family townhomes on a 6.5-acre site (approx). The gross density for the project is approximately 5.4-units per acre. The applicant has indicated a desire to target the units to senior buyers aged 55 and older by incorporating elements into the project that might be enticing to senior buyers. These elements include having the master bedroom on the first floor and including passive open space areas for adults to enjoy versus providing facilities for children (i.e. playground equipment, etc.). The developer envisions the project being a maintenance free community where the homeowners association will manage yard/landscaping maintenance and other activities. The townhome units will be served by an alley system to help create an attractive streetscape free of the visual clutter created by garage doors and driveways. The townhome community is intended to help provide a development intensity transition between the adjacent light industrial site and the single-family neighborhood.

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



1. *Site Layout:* The 35 Townhome units are organized into 7-building clusters that front directly on an open space and stormwater bioretention facility. Private alleys will be located in the rear of each unit to provide access to individual unit garages or parking pads. The proposed alley loaded concept combined with the units fronting an open space amenity is intended to help create an attractive streetscape within a Downtown Indian Trail gateway area.
2. *Plyler Road Improvements:* The site frontage with Plyler Road will be improved with curb/gutter, a 6-ft wide sidewalk, street trees, and ornamental lighting. If feasible, this frontage improvement treatment will be extended across the frontage of the adjacent natural gas transmission parcel (Parcel #07084332C), subject to final approval by Piedmont Natural Gas and NCDOT. While a TIA is not required for this project, a right turn lane is being provided into the site.
3. *Onsite Road Improvements:* The road fronting the townhomes will provide one-way vehicular circulation and will include approximately 25-on-street parking stalls for visitors and residents. The road will have a cross section generally consisting of a 15-ft one-way travel lane, 5-ft sidewalk on each side, raised curb/gutter, and street trees.
4. *Open Space/Tree Retention:* The community is designed with various open space areas throughout the site. An amenity area with a central green is proposed within the center of the community. The bioretention area will be landscaped with trees and shrubs and will feature small gathering spaces integrated around it. The development is conditioned to comply with Chapter 830- Tree Preservation Ordinance of the UDO which identifies a 15% Tree Canopy coverage requirement on the property. A Heritage tree survey and tree canopy plan is required within the site plan review process. All reasonable efforts will be made to retain the existing Heritage Trees on the site, however, it is recognized that many will need to be removed and mitigation will be undertaken in accordance with UDO Chapter 830(E) requirement.
5. *Stormwater Management:* The site will be served by two stormwater management facilities. The facility in the center of the community will be a bioretention area for water quality and will be ornamentally landscaped to create an attractive design feature. All reasonable efforts will be made to size the facility in a manner to maximize the “upland” common area near the mail kiosk. A second stormwater detention facility will be located in the back corner of the

site near Cranston Crossings and will also be ornamentally landscaped. Any required fencing in these areas will be of a decorative nature.

6. *Fencing*: The perimeter of the site will feature a fence to help provide a separation between the adjacent railroad, the light industrial use, and the Cranston Crossing neighborhood. Fencing located in the rear of the townhomes will be of a solid, non-wood design such as vinyl panel fencing, while any fencing in more visible areas will be of a decorative, open design.
7. *Architecture*: A builder has not been selected by the developer at this time and therefore detailed building design concepts cannot be provided. The image on the concept plan above provides a representation of what units could look like, subject to compliance with UDO design guidelines. The homes will need to comply with the UDO Statement of Integrity and Design (SID) guidelines. A minimum of 75% of all units will include a master bedroom located on the first floor to support the age-targeted concept. At least 75% of all units will include a front porch with a min. size of 4-ft (depth) x 6-ft (length).

Comments from Outside Agencies

- *North Carolina Department of Transportation (NCDOT)*: NCDOT has indicated a Traffic Impact Analysis will not be required due to the small size of the project. The proposed access point will need to meet NCDOT sight distance and separation requirements.
- *Union County Public Works (UCPW)*: No comments or approvals received.
- *Union County Fire Marshal (UCFM)*: Jon Williams, Asst. Fire Marshall reviewed the proposal and met with Town staff and the project engineer to further discuss the road and alley layout. The UCFM office indicated they have no concerns with the conceptual level information presented.
- *Union County Sherriff Office (UCSO)*: UCSO (LT. Chase Coble) wanted to make sure there was on-street parking for guests and overflow to ensure adequate parking facilities. The proposal contemplates approx. 25-onstreet stalls (beyond the 2-onsite stalls within garages).
- *Union County Public Schools (UCPS)*: The proposed 35 unit townhome development would be within the following school attendance areas:
 - Sardis Elementary School
 - Porter Ridge Middle School and High School

All three schools are anticipated to remain below cap levels for the near-term future.

However, both Porter Ridge MS and Porter Ridge HS currently exceed watch levels.

Additional residential construction can accelerate the approach and possibly force a capping situation. 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 staff. Please note that since this development adds 35 homes in addition to at least 594 more (approved but as yet unbuilt) homes (Town Centre Apartments and Union Grove) in these attendance areas, capping and/or reassignment will be necessary sooner than previously expected.

Community Meetings

The applicant held two community meetings as required by UDO Section 330.020. The purpose of the meetings is to solicit comments and concerns from surrounding property owners. Notices for the community meetings consisted of advertising in the newspaper, sending first class mailed notices to the owners of surrounding properties within 500 feet (approx. 128-addresses), and posting signs on both street frontages. The first community meeting was held at the Union West Library on April 29, 2015 from 3:00 p.m. to 5:00 p.m. The second community meeting was held

later the same day at the Indian Trail Civic Building from 6:00 p.m. to 8:00 p.m. The following will provide a brief summary of the Town required community meetings.

- *Daytime Meeting:* This meeting was attended by approximately 6-members of the public. The general sentiment represented by attendees was that townhomes were a good use of the property in that they help serve as a transition between the adjacent industrial development (CTI) and the existing single-family neighborhoods (Ridgefield and Cranston Crossing). Concerns were raised regarding potential increases in traffic and the existing speeding/cut thru problems on Plyler Road. General questions were raised regarding how Age-Targeted Housing is different than Age-Restricted, when construction would be initiated, likely sale price of the homes (\$150k-\$235k), likely unit sizes (1,500 sq ft. to 2,300), and information on noise associated with the adjacent gas line transmission facility. Please refer to the enclosed meeting minutes for a more complete summary of the topics discussed (Attachment 3).
- *Evening Meeting:* This meeting was attended by approximately 2-members of the public. The previously described support for the project and the questions raised mirrored the daytime meeting. These minutes can also be found in Attachment 3 of this report.

Draft Conditions

Conditions of approval have been developed in order to ensure the proposed rezoning is consistent with the Comprehensive Plan and the underlying intent of the Multi-Family Residential District.

1. *Site Layout:* The development shall be designed and constructed consistent with the concept site plan and conditions of approval found herein. The concept plan shall be attached to the approval documents for CZ2014-005 and recorded at the Union County Records of Deeds office.
2. *Townhome Units:* The maximum dwelling units is limited to 35-units.
3. *Architecture:* The townhomes will meet all UDO Section 1310.030 and 040 Statement of Integrity and Design (SID) guidelines. The townhomes will also comply with the following:
 - a. A min. of 2-parking spaces (garage or parking pad) will be provided on each townhome lot meeting Town dimensional standards.
 - b. A minimum of 75% of all units will include a master bedroom located on the first floor to support the age-targeted marketing concept.
 - c. At least 75% of all units will include a front porch with a min. size of 4-ft (depth) x 6-ft (length).
 - d. The townhome units shall be constructed with sound-attenuating wall materials to achieve a “average rating” of NC25-30 (37dB(A)) as defined within HUD Guidelines.
 - This guideline is used for the sole purpose of a measurable performance standard and is not associated with any funding or status of this development.
4. *Building Setbacks and Height:* Building setbacks on each townhome lot shall consist of:
 - a. 10-front
 - b. 0-ft-interior side, 5-ft exterior side
 - c. 5-ft rear with garage, 22-ft without garage.
 - d. 40-ft maximum building height
5. *Plyler Road Improvements:* The site frontage with Plyler Road will be improved with curb/gutter, a 6-ft wide sidewalk, street trees, and decorative street lighting consistent with the two lane boulevard cross section. To the extent feasible, this improvement treatment will be extended across the frontage of the adjacent natural gas transmission parcel (Parcel #07084332C), subject to final approval by Piedmont Natural Gas and NCDOT. A right turn lane on Plyler Road and pedestrian safety/warning signage (subject to NCDOT approval) will

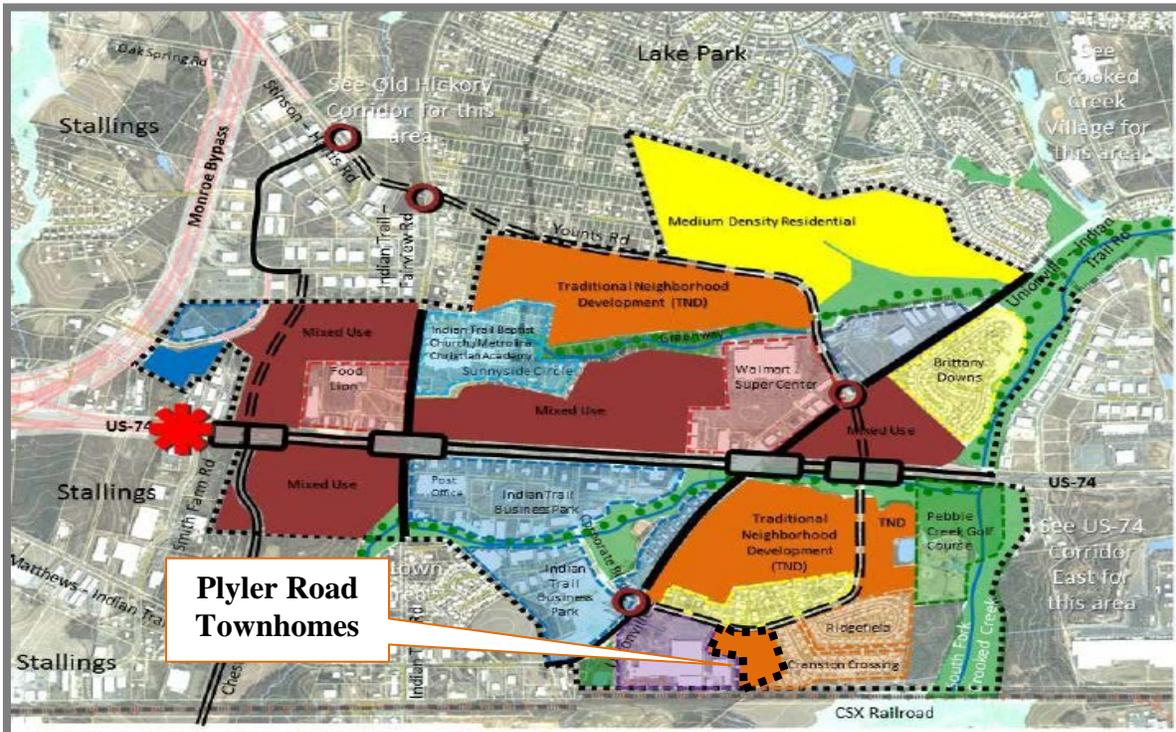
also be constructed in compliance with NCDOT and Town requirements. Right of Way will be dedicated consistent with the Indian Trail Comprehensive Plan 2-lane Boulevard Cross Section.

6. *Onsite Road Improvements:* The interior road will include approximately 25-on-street parking stalls for visitors and residents. The road will have a cross section generally consisting of a 15-ft one-way travel lane, decorative street lights, 5-ft wide sidewalk on each side, raised curb/gutter, and street trees. The road will be constructed to the Indian Trail Land Development Regulations public road standard.
7. *Alleyway:* The townhome community will be served with a private alleyway that will generally consist of a 14-ft wide asphalt drive surface, 1-ft of flat curb on each side (or 1-side valley curb), and a 2-ft grass strip on each side. The 20-ft alley ROW will be privately maintained by the developer and/or a future homeowners association. Parking directly on the alleyway will not be permitted. The alley will be constructed to the Indian Trail Land Development Regulations public road standard.
8. *Open Space:* The community is designed with various open space areas throughout the site. An amenity area with a bioretention feature and central green is proposed within the center of the Plyler Townhomes. The bioretention area will be landscaped with trees and shrubs and will feature passive park fixtures to help integrate small gathering spaces into it. The remaining open spaces will be landscaped with ornamental trees and shrubs and include passive park fixtures, as needed.
9. *Tree Retention:* The development is conditioned to comply with Chapter 830- Tree Preservation Ordinance of the UDO which identifies a 15% Tree Canopy coverage requirement on the property. A Heritage tree survey and tree canopy plan is required within the site plan review process. All reasonable efforts will be made to retain the existing Heritage Trees on the site, however, it is recognized that several will need to be removed and mitigation will be undertaken in accordance with UDO Chapter 830(E) requirement.
10. *Perimeter Landscaping:* Perimeter landscaping is required along the site frontage on Plyler Road. Landscaping consisting of trees, shrubs, ground cover, and other elements shall be used to create an attractive appearance. The remaining perimeter of the site will comply with the 25-ft buffer standard except for areas prevented by the existing natural gas easement. The gas easement area will be fenced and kept in a maintained condition with a domestic grass treatment (Fescue, Bermuda, etc.).
11. *Stormwater Management:* The site will be served by two stormwater management facilities. The central facility will be a bioretention area for water quality and will be ornamentally landscaped with trees and shrubs to create an attractive design feature. A second stormwater facility will be located in the back corner of the site and will also be screened with trees and shrubs. Any required fencing in these areas will be of a decorative nature.
12. *Overhead Utilities:* All utilities shall be placed underground within the community.
13. *Fencing:* The perimeter of the site will feature a fence to help provide a separation between the adjacent railroad, the light industrial use, and the Cranston Crossing neighborhood. Fencing located in the rear of the townhomes will be of a solid, non-wood design such as vinyl panel fencing, while any fencing in more visible areas will be of a decorative, open design.
14. *Compliance with various agencies:* The project shall comply with local, state, and federal permitting regulations. The property owner/applicant shall obtain a Union County Sketch Plan approval for water and sewer service prior to submittal of any Town Site Plan applications.
15. The Town Council may act to revoke the conditional zoning district designation if the applicant fails to meet the terms of the district.

Comprehensive Plan Consistency

The Comprehensive Plan identifies the rezoning subject property as being within the US-74 West Corridor that generally extends between Smith Farm Road and Crooked Creek (see map below). This corridor underwent a master planning process as part of the US-74 Corridor Revitalization Study, which was a multijurisdictional study involving the North Carolina Dept. of Transportation, Union County, the Towns of Indian Trail and Stallings, and the City of Monroe. The overall goal for the study was to create a unified plan/vision for this vital corridor that would make long term improvements in the areas of transportation, land use, economic development, aesthetics, and civic identity. The study's recommendations were incorporated into the future land use map of the updated Indian Trail Comprehensive Plan.

US-74 WEST CORRIDOR FUTURE LAND USE



As referenced in the above map, the CZ2014-005 subject property is identified as being within a Traditional Neighborhood Development (TND) land use classification.

This land use classification envisions higher density residential uses intermingled with limited amounts of office, retail, and institutional type uses to help create a lively, walkable environment that is primarily of a residential character. The higher density residential uses within this classification are intended to locate close to a Town Center or Downtown environment and act as a buffer for conventional single-family uses. The subject property's location and proposed use as a medium density, single-family townhome community lends itself to serving as a prominent gateway into Downtown Indian Trail, while also serving as a buffer between the Ridgefield and Cranston Crossing neighborhoods and the adjacent light industrial and the (future) multifamily area.

The proposed density of approximately 5.45 dwelling-units per-acre contemplated by CZ2014-005 would be appropriate given the project's location at intersecting arterial and collector roads and due to its proximity to existing non-residential development and an active railroad corridor.

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

US 74 CORRIDOR RESIDENTIAL LAND USE SUMMARY (Approximate)	
Total Approx. US 74 Corridor Acreage	2,200 Acres (Indian Trail only)
Existing or Approved Residential Land Use in Corridor	228.25 Acres
Proposed Residential Land Use in Corridor	6.43 Acres (CZ2014-005)
Total Residential Acreage	234.68 Acres or 11.7% of Total Corridor

Action Required

The Planning Board must adopt a statement of consistency and reasonableness prior to making a motion for recommendation. The finding must be made that the proposed amendment is both reasonable and consistent with the Comprehensive Plan. Staff is of the opinion the goals of the Comprehensive Plan are satisfied as follows:

Goal – Land Use and Housing - The proposed conditional district provides for a quality residential use at an appropriate location providing a more appropriate transition between land uses than the previous light industrial zoning district would have.

Goal- Mobility and Transportation – The proposed conditional district includes the construction of curb, gutter, and sidewalk enhancing mobility in the area, construction of a roadway improvements (turn-lane and storage), and dedication of right-of-way on an adjacent roadway to meet the future transportation needs of our community.

The request for this conditional zoning district is a reasonable request and is in the public interest because it converts an area previously zoned light industrial to a more appropriate transitional use between the single-family community, creates a mix of housing sizes within the US 74-West corridor provides expanded housing opportunities for Indian Trail citizens and business owners, includes transportation and utility infrastructure investment, and is in general conformity of the Comprehensive Plan.

Recommendation

Staff is of the opinion that the findings can be made to support a conditional zoning district for the subject property. The proposed conditional rezone is consistent with the Town's Comprehensive Plan.

Attachment 1 – Application

Attachment 2 – Concept Plan

Attachment 3 – Community Meeting Minutes

Attachment 4 – Draft Ordinance

Staff Contact

Rox Burhans

704 821-5401

rburhans@planning.indiantrail.org

PB Attachment 1
Application and Associated Documents

R-00567

**CONDITIONAL ZONING
APPLICATION**

Invoice
22094



PLANNING AND NEIGHBORHOOD SERVICES

PO Box 2430

Indian Trail, NC 28079

Telephone (704) 821-5401

Fax (704) 821-9045

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ONLY COMPLETE APPLICATIONS ACCEPTED

Processing Fee: <2 acres \$400, 2-10 acres \$800, >10 acres \$1,500, Minor Modification \$250

Engineering Fees: <2 acres \$100, 2-10 acres \$175, >10 acres \$250

Notification Fee \$2.50 per adjoining property owner

Date Received 10-23-14

CONDITIONAL ZONING APPLICATION

Submittal Requirements

- Completed Application
- Notarized signatures of applicant and property owner
- Letter of Intent
- 5 copies of Concept Plan (must be drawn to scale by architect, landscape architect, professional surveyor, or engineer licensed in North Carolina)
- Boundary Survey (acreage, current zoning, location of existing buildings, setbacks)
- List, address labels, and digital copy of all adjoining property owners within 500 feet of subject parcel
- Traffic Impact Analysis, if necessary
- Statement of Appraisal, if necessary
- Fees associated with review

General Information

Project Address Plyler Road

City Indian Trail State NC Zip 28079

Tax Parcel ID 07-084332 Zoning Designation Unzoned

Total Acres 6.993 Impervious Area 3.5 Acres (est.)

Project Description Development of Single Family Attached Homes

Contact Information – Applicant

Name Green River Fund, LLC

Address 231 Post Office Drive, B8

City Indian Trail State NC Zip 28079

Phone 704-882-1700 Fax 704-882-2220

Email dmoser@themosergroupinc.com

Contact Information – Property Owner

Name Green River Fund, LLC

Address 231 Post Office Drive, B8

City Indian Trail State NC Zip 28079

Phone 704-882-1700 Fax 704-882-2220

Email dmoser@themosergroupinc.com

CONDITIONAL ZONING APPLICATION

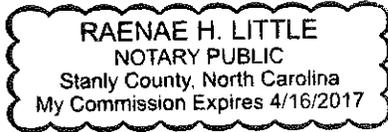
Applicant's Certification

Signature [Signature] Date 10-22-14

Printed Name/Title Dennis W. Moser / Partner

Signature of Notary Public Raenae H. Little Date 10-22-14

Notary Seal



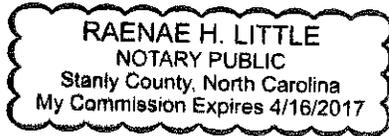
Property Owner's Certification

Signature [Signature] Date 10-22-14

Printed Name/Title Dennis W. Moser / Partner

Signature of Notary Public Raenae H. Little Date 10-22-14

Notary Seal



TOWN OF INDIAN TRAIL OFFICE USE ONLY

CASE NUMBER: C2-2014-005

DATE RECEIVED: 10-23-14

AMOUNT OF FEE: \$800

RECEIVED BY: KPI / LRF

RECEIPT #: 22094

SCHEDULE

PB Attachment 2
Concept Plan



PROPOSED ELEVATION

SITE INFORMATION

TAX ID# 07-084-332
 Indian Trail
 Union County, NC

ACREAGE:
 TOTAL = 6.43 Acres

ZONING:
 Conditional Multifamily
 Residential (CMR)

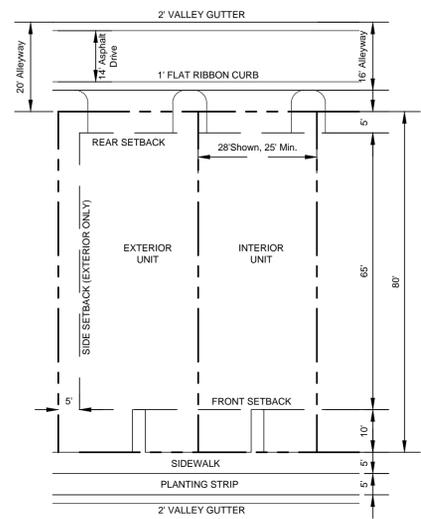
-All units to be constructed
 in one phase.

-35 single family attached
 units in 7 buildings.

-Age targeted to 55+

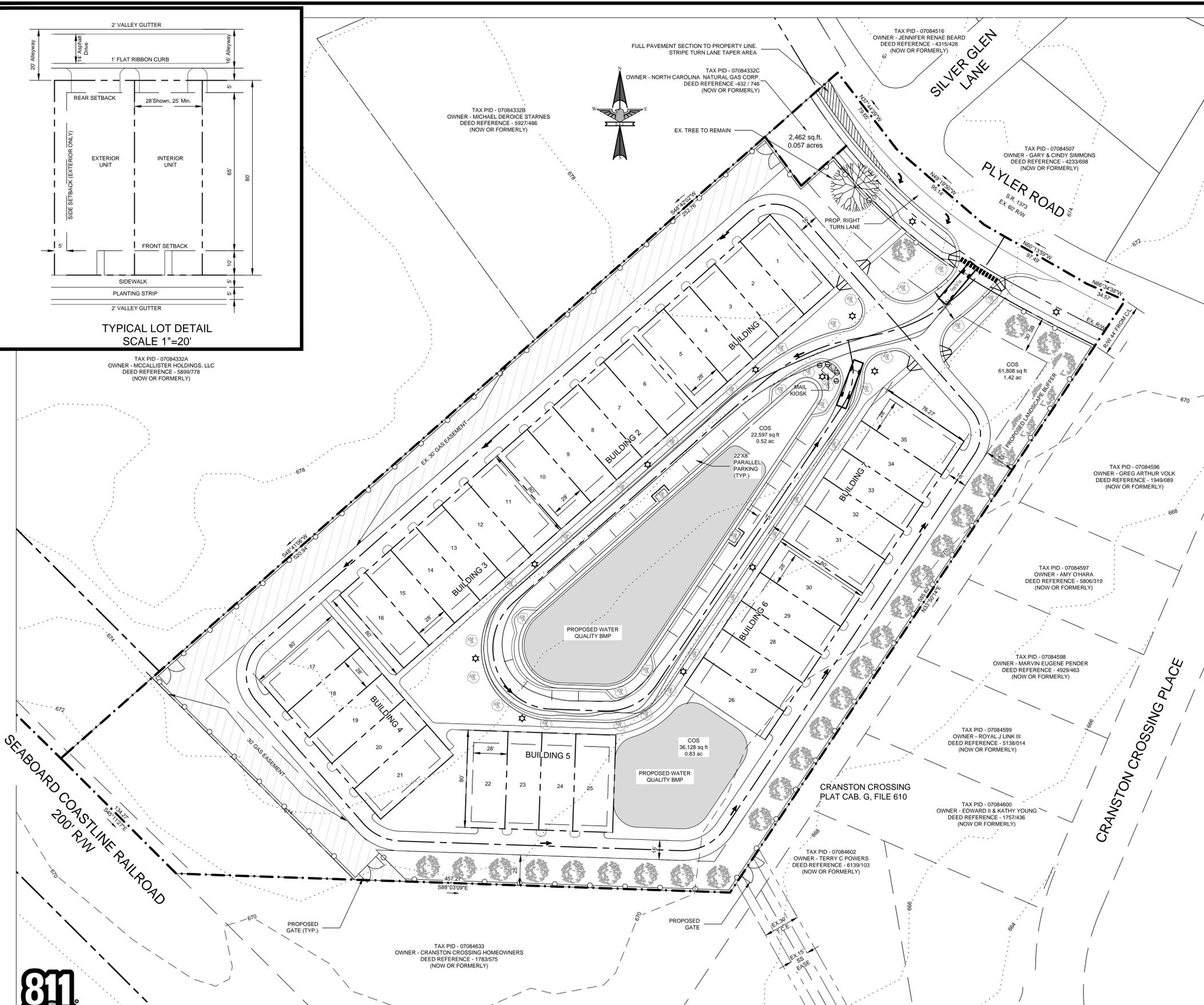


Plyler Townes



TYPICAL LOT DETAIL
SCALE 1"=20'

TAX PID - 07084332A
OWNER - MCCALLISTER HOLDINGS, LLC
DEED REFERENCE - 5899/778
(NOW OR FORMERLY)



ENGINEERING FIRM: EAGLE ENGINEERING, INC.
STREET ADDRESS: 2013A VAN BUREN AVENUE
CITY, STATE, ZIP: INDIAN TRAIL, NC 28079
PHONE: 704.882.4222
FAX: 866.775.0329
EMAIL: JMURPHY@EAGLEONLINE.NET
PROJECT ENGINEER: JEREMIA S. MURPHY, P.E.

DEVELOPER: GREEN RIVER FUND, LLC
STREET ADDRESS: 231 POST OFFICE DRIVE, SUITE B8
CITY, STATE, ZIP: INDIAN TRAIL, NC 28079
PHONE: 1.704.882.1700
FAX: 1.704.882.2220
EMAIL: DMOSER@THEMOSERGROUPINC.COM
CONTACT: DENNIS MOSER

OWNER: GREEN RIVER FUND, LLC
STREET ADDRESS: 231 POST OFFICE DRIVE, SUITE B8
CITY, STATE, ZIP: INDIAN TRAIL, NC 28079
PHONE: 1.704.882.1700
FAX: 1.704.882.2220
EMAIL: DMOSER@THEMOSERGROUPINC.COM
CONTACT: DENNIS MOSER

PROJECTED CONSTRUCTION SCHEDULE

BEGIN CONSTRUCTION	MAY 1, 2015
END CONSTRUCTION	NOVEMBER 1, 2015

PARCEL DATA	
TAX ID #	070 84 332
OWNER	GREEN RIVER FUND, LLC
DEED BOOK AND PAGE	DB 3809 PG 595
TOTAL ACRES	6.73 ACRES
ACRES IN R/W	0.30 ACRES
NET ACREAGE	6.43 ACRES

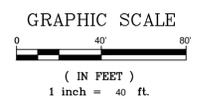
ZONING INFORMATION	
PROPOSED ZONING	MFR-CONDITIONED
MIN. LOT WIDTH	25 FT.
FRONT SETBACK	10 FT.
REAR SETBACK	5 FT.
SIDE SETBACK	0 FT., 5' END UNITS
TOTAL LOTS	35
LF OF STREET	1,060 FT.
LF OF ALLEY	1,701 FT.
OPEN SPACE REQUIRED	1.00 ACRES (1/3 OF DWELLING UNITS)
OPEN SPACE PROVIDED	2.77 ACRES

ESTIMATED CONSUMPTIONS	
WATER	
35 SINGLE FAMILY HOMES	14,000 GPD
2.7 ACRES OF IRRIGATION*	5,200 GPD
SEWER	
35 SINGLE FAMILY HOMES	9,975 GPD
FIRE FLOW	
1000 GPM AT 20 PSI	

*ASSUMES ONE HALF INCH IRRIGATION OVER 2.7 ACRES WEEKLY
WATER FLOW ASSUMES 400 GALLONS PER DAY PER RESIDENTIAL UNIT
SEWER FLOW ASSUME 285 GALLONS PER DAY PER RESIDENTIAL UNIT
35 LOTS - SINGLE FAMILY RESIDENTIAL
WATER = 35 LOTS x 400 GALLONS PER DAY
SEWER = 35 LOTS x 285 GALLONS PER DAY (DOMESTIC SEWAGE)

OPEN SPACE REQUIREMENTS: 1/35TH ACRE PER DWELLING UNIT = 1 ACRE OPEN SPACE PROVIDED: 2.77 ACRES

- SITE NOTES:
- TOWN REZONING CASE # C22014-005
 - PROPOSED ORNAMENTAL LIGHTING. USE DUKE DELUXE ACORN OR APPROVED EQUIVALENT.
 - MAIL KIOSK TO BE A DECORATIVE DESIGN TYPE NOT A CONVENTIONAL GALVANIZED UNIT.
 - PLYLER TOWNHES TO BE AN AGE TARGETED COMMUNITY. THE FOLLOWING ITEMS WILL HELP DEFINE THE PROPOSED DEVELOPMENT:
 - A. OUTDOOR MAINTENANCE TO BE INCLUDED WITH HOA DUES, AND
 - B. MARKETING SALES OF UNITS TO (BUT NOT RESTRICTED TO) 55 YRS+, AND
 - C. MAJORITY OF UNITS TO BE MASTER DOWN, AND
 - D. MARKETING OF SITE PROXIMITY TO TOWN OF INDIAN TRAIL DOWNTOWN, NEW PARK AND COMMERCIAL DEVELOPMENT.
 - ARCHITECTURE TO MEET THE REQUIREMENTS OF THE TOWN OF INDIAN TRAIL UDO AND THAT OF THE ADJACENT COMMUNITIES (SILVER GLEN AND CRANSTON CROSSING) ARCHITECTURAL DETAILS.
 - TO THE MAXIMUM EXTENT POSSIBLE HERITAGE TREES WILL REMAIN. IF REMOVAL IS NECESSARY TREE MITIGATION WILL BE PER THE TOWN OF INDIAN TRAIL REQUIREMENTS.



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NO.	DATE	BY	ISSUE
1.	06/06/2015	PMQ	REV PER COMMENTS FROM COMM. METS AND TOWN OF IT

PLYLER ROAD TOWNHOMES
PLYLER ROAD
GREEN RIVER FUND, LLC
231 POST OFFICE DRIVE, SUITE B8
INDIAN TRAIL, NC 28079

SKETCH PLAN	
DESIGNED BY	KEL
DRAWN BY	KEL
CHECKED BY	JHR
DATE	12/13/2013
JOB NUMBER	5051
SCALE	AS SHOWN

PRELIMINARY
NOT FOR
CONSTRUCTION

Sheet
C-2.0

PB Attachment 3
Community Meeting Minutes

Community Meeting Minutes



To: Rox H. Burhans, AICP (Town of Indian Trail)
From: Eagle Engineering, Inc.
CC: File
Date & Time: April 29, 2015 from 3:00pm - 5:00pm
Location: Union West Regional Library
Re: Plyler Townes Rezoning (Community Meeting #1)

Summary:

1. Development team gave general description of site location and evolution of the planned development of the project:
 - a. The Plyler Townes project was previously zoned light industrial, however through zoning changes in the Town of Indian Trail this parcel is currently has no zoning. This is an "Age Targeted Townhome Community (55+ yrs) and would provide a lower density development and better buffer between the adjacent single family communities (Cranston Crossing and Silver Glen) and the light industrial to the north of the subject site. A 25' buffer will be provided along the south and southwest property lines, while the Piedmont Natural Gas easement will remain in its current condition. Additional benefits offered as part of the Age Targeted Community will be outdoor maintenance taken care of as a part of HOA dues, the majority of units will have the master bedroom on the 1st floor, marketing will target the 55+ yr old community and marketing will highlight the proximity to the Town of Indian Trail Center, new park and shopping to promote a focus on pedestrian connectivity and "walkability" throughout the town. The development will utilize the Town of Indian Trail's UDO and the adjacent architectural features as a set of design guidelines that will guide architectural controls for the townhome units.
2. Are there any proposed changes/improvements to Plyler Road due to the multiple site development projects proposed/approved (apartment complex and Plyler Townes) in the vicinity of this site?
 - a. A right turn lane into the development has been requested by the Town of Indian Trail, however no additional improvements are required at this time.
3. Plyler Road is used as a pass through, and a high percentage of vehicles are exceeding the speed limit posted on Plyler Road. Any idea on how to mitigate the traffic issue along this section of roadway?
 - a. Eagle Engineering will discuss these concerns with NCDOT to determine if there is the potential for any traffic calming devices to be along Plyler Road to reduce speeding and increase awareness of bus stops.

4. Where will sewer and water be accessed?
 - a. Water is along Plyler Road, while sanitary sewer is in the cul-de-sac of Cranston Crossing Place with an existing permanent and temporary construction easement in place to the Plyler Townes project.
5. What does it mean for a project to be Age Targeted?
 - a. The following items will be used to establish this community as an age targeted community and increase the likelihood of residence being 55+ yrs.
 - i. Outdoor maintenance will be included within HOA dues, and
 - ii. Marketing sales of units to be focused (but not restricted to) 55+ yrs, and
 - iii. Majority of units will have the master bedroom on the lower level, and
 - iv. Marketing of the site proximity to the Town of Indian Trail downtown area, new park and commercial development.
6. How will trash service be provided to the site?
 - a. Each unit will have a roll out container, and pick up will be along the rear alley way.
7. What is the price point for the proposed units?
 - a. \$150,000 to \$235,000 is the current anticipated price point. This will be determined once a builder has been selected for the site.
8. Will the development team communicate with the neighbors?
 - a. Yes, it would be preferred if a representative for the adjacent communities would be identified so that there is a single point of contact for each subdivision.
9. Will the site entrance be reviewed by NCDOT to minimize any conflicts with the current traffic on this section of roadway?
 - a. The NCDOT has reviewed the driveway location and requested it to be placed where it is currently shown to increase separation between Silver Glen and the proposed entrance. The existing vegetation directly across from the site will reduce conflicts with headlights shining into the side of the Simmons property (PID 07084507).
10. What is the anticipated construction schedule?
 - a. Currently the project is in rezoning, and if everything continues with no delay the rezoning should be completed by the summer of 2015. Preparation of construction documents would take 6-9 months. So the earliest construction would start would be the spring of 2016. However the project will not move forward until a builder is identified which could be a 1-5 yrs from now.

11. Will any streetscaping be added along Plyler Rd? Is there anything that can be done in front of the Piedmont NG parcel?
 - a. Yes, lighting, sidewalk and street trees will be added along Plyler Rd. Eagle Engineering will reach out to Piedmont NG to determine if they are open to installing sidewalk and landscaping across the frontage of their parcel.
12. Would Piedmont NG place any steel fencing, or bollards along the road frontage to prevent any issue with vehicles leaving the roadway?
 - a. Eagle Engineering will ask Piedmont NG if they think any additional safety measures are necessary at this location.

Community Meeting Minutes



To: Rox H. Burhans, AICP (Town of Indian Trail)
From: Eagle Engineering, Inc.
CC: File
Date & Time: April 29, 2015 from 6:00pm - 8:00pm
Location: Town of Indian Trial Civic Building
Re: Plyler Townes Rezoning (Community Meeting #2)

Summary:

1. What does it mean for a project to be Age Targeted?
 - a. The following items will be used to establish this community as an age targeted community and increase the likelihood of residence being 55+ yrs.
 - i. Outdoor maintenance will be included within HOA dues, and
 - ii. Marketing sales of units to be focused (but not restricted to) 55+ yrs, and
 - iii. Majority of units will have the master bedroom on the lower level, and
 - iv. Marketing of the site proximity to the Town of Indian Trail downtown area, new park and commercial development.
2. What is the price point for the proposed units?
 - a. \$150,000 to \$235,000 is the current anticipated price point. This will be determined once a builder has been selected for the site.
3. What is the anticipated construction schedule?
 - a. Currently the project is in rezoning, and if everything continues with no delay the rezoning should be completed by the summer of 2015. Preparation of construction documents would take 6-9 months. So the earliest construction would start would be the spring of 2016. However the project will not move forward until a builder is identified which could be a 1-5 yrs from now.
4. Will any streetscaping be added along Plyler Rd? Is there anything that can be done in front of the Piedmont NG parcel?
 - a. Yes, lighting, sidewalk and street trees will be added along Plyler Rd. Eagle Engineering will reach out to Piedmont NG to determine if they are open to installing sidewalk and landscaping across the frontage of their parcel.
5. Would Piedmont NG place any steel fencing, or bollards along the road frontage to prevent any issue with vehicles leaving the roadway?
 - a. Eagle Engineering will ask Piedmont NG if they think any additional safety measures are necessary at this location.

6. Is the site within the Historic District of the Town of Indian Trail?
 - a. The group utilized the smart board to measure an approximate distance and it appears that the site is not within the Historic District.
7. Does the parking meet the requirements of the Town of Indian Trail?
 - a. Yes, each unit will have parking provided within a garage, with visitor parking along the interior circulatory roadway as shown on the site exhibit.

TC ATTACHMENT – 2
DRAFT ORDINANCE OF APPROVAL

STATE OF NORTH CAROLINA)

)

ORDINANCE # O150609-XYZ

TOWN OF INDIAN TRAIL)

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

WHEREAS, the property owner and designated applicant Green River Fund, LLC, petitioned to rezone tax parcel 07-084-332 from Light Industrial-Conditioned to CZ-MFR (Conditional Zoning Multi-Family Residential District) with the intent of developing a 35-unit townhome community; and

WHEREAS, this Conditional Zoning Amendment (CZ2014-005) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, two community meetings were held on April 29, 2015; and

WHEREAS, a public meeting was held by the Planning Board on May 19, 2015 to consider this conditional zoning request; and

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

Goal – Land Use and Housing - The proposed conditional district provides for a quality residential use at an appropriate location providing a more appropriate transition between land uses than the previous light industrial zoning district would have.

Goal- Mobility and Transportation – The proposed conditional district includes the construction of curb, gutter, and sidewalk enhancing mobility in the area, construction of a roadway improvements (turn-lane and storage), and dedication of right-of-way on an adjacent roadway to meet the future transportation needs of our community.

WHEREAS, the request for this conditional zoning district is a reasonable request and is in the public interest because it converts an area previously zoned light industrial to a more appropriate transitional use between the single-family community, creates a mix of housing sizes within the US 74-West corridor provides expanded housing opportunities for Indian Trail citizens and business owners, includes transportation and utility infrastructure investment, and is in general conformity of the Comprehensive Plan.

WHEREAS, after making the draft findings the Planning Board made the motion to transmit a recommendation to Approve as conditioned to the Town Council; and

WHEREAS, the Town Council held a public hearing on June 9, 2015 to consider said request and recommendation of approval from the Planning Board; and

WHEREAS, the Town Council concurred with the Planning Board’s consistency findings and hereby endorses said findings; and

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

Section 1 – Approves CZ 2014-005 Conditional Zoning Petition thereby granting the Zoning Map amendment to establish a Conditional Multi-Family Residential District on parcel number 07-084-332 subject to the following conditions:

1. *Site Layout*: The development shall be designed and constructed consistent with the concept site plan and conditions of approval found herein. The concept plan shall be attached to the approval documents for CZ2014-005 and recorded at the Union County Records of Deeds office.
2. *Townhome Units*: The maximum units are limited to 35-townhome dwelling units.
3. *Architecture*: The townhomes will meet all UDO Section 1310.030 and 040 Statement of Integrity and Design (SID) guidelines. The townhomes will also comply with the following:
 - a. A min. of 2-parking spaces (garage or parking pad) will be provided on each townhome lot meeting Town dimensional standards.
 - b. A minimum of 75% of all units will include a master bedroom located on the first floor to support the age-targeted marketing concept.
 - c. At least 75% of all units will include a front porch with a min. size of 4-ft (depth) x 6-ft (length).
 - d. The townhome units shall be constructed with sound-attenuating wall materials to achieve a “average rating” of NC25-30 (37dB(A)) as defined within HUD Guidelines. – This guideline is used for the sole purpose of a measurable performance standard and is not associated with any funding or status of this development.
4. *Building Setbacks and Height*: Building setbacks on each townhome lot shall consist of:
 - a. 10-front
 - b. 0-ft-interior side, 5-ft exterior side
 - c. 5-ft rear with garage, 22-ft without garage.
 - d. 40-ft maximum building height
5. *Plyler Road Improvements*: The site frontage with Plyler Road will be improved with curb/gutter, a 6-ft wide sidewalk, street trees, and decorative street lighting consistent with the two lane boulevard cross section. To the extent feasible, this improvement treatment will be extended across the frontage of the adjacent natural gas transmission parcel (Parcel #07084332C), subject to final approval by Piedmont Natural Gas and NCDOT. A right turn lane on Plyler Road and pedestrian safety/warning signage (subject to NCDOT approval) will also be constructed in compliance with NCDOT and Town requirements. Right of Way will be dedicated consistent with the Indian Trail Comprehensive Plan 2-lane Boulevard Cross Section.
6. *Onsite Road Improvements*: The interior road will include approximately 25-on-street parking stalls for visitors and residents. The road will have a cross section generally consisting of a 15-ft one-way travel lane, decorative street lights, 5-ft wide sidewalk on each side, raised curb/gutter, and street trees. The road will be constructed to the Indian Trail Land Development Regulations public road standard.
7. *Alleyway*: The townhome community will be served with a private alleyway that will generally consist of a 14-ft wide asphalt drive surface, 1-ft of flat curb on each side (or 1-side valley curb), and a 2-ft grass strip on each side. The 20-ft alley ROW will be privately maintained by the developer and/or a future homeowners association. Parking directly on the alleyway will not be permitted. The alley will be constructed to the Indian Trail Land Development Regulations public road standard.

8. *Open Space:* The community is designed with various open space areas throughout the site. An amenity area with a bioretention feature and central green is proposed within the center of the Plyler Townhomes. The bioretention area will be landscaped with trees and shrubs and will feature passive park fixtures to help integrate small gathering spaces into it. The remaining open spaces will be landscaped with ornamental trees and shrubs and include passive park fixtures, as needed.
9. *Tree Retention:* The development is conditioned to comply with Chapter 830- Tree Preservation Ordinance of the UDO which identifies a 15% Tree Canopy coverage requirement on the property. A Heritage tree survey and tree canopy plan is required with the site plan review process. All reasonable efforts will be made to retain the existing Heritage Trees on the site, however, it is recognized that several will need to be removed and mitigation will be undertaken in accordance with UDO Chapter 830(E) requirement.
10. *Perimeter Landscaping:* Perimeter landscaping is required along the site frontage on Plyler Road. Landscaping consisting of trees, shrubs, ground cover, and other elements shall be used to create an attractive appearance. The remaining perimeter of the site will comply with the 25-ft buffer standard except for areas prevented by the existing natural gas easement. The gas easement area will be fenced and kept in a maintained condition with a domestic grass treatment (Fescue, Bermuda, etc.).
11. *Stormwater Management:* The site will be served by two stormwater management facilities. The central facility will be a bioretention area for water quality and will be ornamentally landscaped with trees and shrubs to create an attractive design feature. A second stormwater facility will be located in the back corner of the site and will also be screened with trees and shrubs. Any required fencing in these areas will be of a decorative nature.
12. *Overhead Utilities:* All utilities shall be placed underground within the community.
13. *Fencing:* The perimeter of the site will feature a fence to help provide a separation between the adjacent railroad, the light industrial use, and the Cranston Crossing neighborhood. Fencing located in the rear of the townhomes will be of a solid, non-wood design such as vinyl panel fencing, while any fencing in more visible areas will be of a decorative, open design.
14. *Compliance with various agencies:* The project shall comply with local, state, and federal permitting regulations. The property owner/applicant shall obtain a Union County Sketch Plan approval for water and sewer service prior to submittal of any Town Site Plan applications.
15. The Town Council may act to revoke the conditional zoning district designation if the applicant fails to meet the terms of the district.

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

AND IT IS SO ORDAINED this 9th day of June, 2015.

TOWN OF INDIAN TRAIL COUNCIL

Attest:

Kelly Weston, Interim Town Clerk

Michael Alvarez, Mayor

APPROVED AS TO FORM:

TOWN ATTORNEY

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

May 19, 2015
06:30 P.M.

CALL TO ORDER

ROLL CALL

The following members of the governing body were present:

Board Members: Patricia Cowan, Larry Miller, Jan Brown, Cathi Higgins, Kelly D'Onofrio, Alan Rosenberg, and Steve Long.

Members Present but None.
not Voting:

Absent: Sidney Sandy, Jorge Aponte, and Dr Shamir Ally.

Staff Members: Rox Burhans-Planning Director, Lindze Small-Planner/GIS Technician, and Pam Good-Board Secretary

APPROVAL OF MINUTES - March 17, 2015

Motion to approve minutes by Member Higgins, seconded by Member Rosenberg. Vote to approve was unanimous.

PUBLIC ITEMS-

CZ2014-005 Plyler Rd Townhomes

Project Summary This is a request to rezone a 6.5-acre property from Light Industrial-Conditioned (LI) to a Conditional Multi-Family Residential Zoning District. The intent is to develop a 35-unit, alley-loaded townhome community organized into seven building clusters. The proposed community is organized around a central green space/water quality bioretention area with pockets of open space located throughout the development. Access to the community will be provided by a single, private road providing one-way circulation through the community. A right turn lane along with public sidewalk, curb/gutter, and street trees will also be provided on Plyler Road. Planning Director Rox Burhans began an overview of the project with a power point presentation. He gave an analysis which included location characteristics, history, and surrounding zoning. He also noted the comments from outside agencies as well as noting the two community meetings held regarding the proposed project. The general sentiment of meetings was that townhomes seem appropriate for use. Notes from meetings were included in the board member packets.

Staff Burhans read the draft findings into the record.

Draft Conditions Conditions of approval have been developed in order to ensure the proposed rezoning is consistent with the Comprehensive Plan and the underlying intent of the Multi-Family Residential District.

1. *Site Layout:* The development shall be designed and constructed consistent with the concept site plan and conditions of approval found herein. The concept plan shall be attached to the approval documents for CZ2014-005 and recorded at the Union County Records of Deeds office.
2. *Townhome Units:* The maximum dwelling units is limited to 35-units.
3. *Architecture:* The townhomes will meet all UDO Section 1310.030 and 040 Statement of Integrity and Design (SID) guidelines. The townhomes will also comply with the following:
 1. A min. of 2-parking spaces (garage or parking pad) will be provided on each townhome lot meeting Town dimensional standards.
 2. A minimum of 75% of all units will include a master bedroom located on the first floor to support the age-targeted marketing concept.
 3. At least 75% of all units will include a front porch with a min. size of 4-ft (depth) x 6-ft (length).
 4. The townhome units shall be constructed with sound-attenuating wall materials to achieve a “average rating” of NC25-30 (37dB(A)) as defined within HUD Guidelines. – This guideline is used for the sole purpose of a measurable performance standard and is not associated with any funding or status of this development.
4. *Building Setbacks and Height:* Building setbacks on each townhome lot shall consist of:
 1. 10-front
 2. 0-ft-interior side, 5-ft exterior side
 3. 5-ft rear with garage, 22-ft without garage.
 4. 40-ft maximum building height
5. *Plyler Road Improvements:* The site frontage with Plyler Road will be improved with curb/gutter, a 6-ft wide sidewalk, street trees, and decorative street lighting consistent with the two lane boulevard cross section. To the extent feasible, this improvement treatment will be extended across the frontage of the adjacent natural gas transmission parcel (Parcel #07084332C), subject to final approval by Piedmont Natural Gas and NCDOT. A right turn lane on Plyler Road and pedestrian safety/warning signage (subject to NCDOT approval) will also be constructed in compliance with NCDOT and Town requirements. Right of Way will be dedicated consistent with the Indian Trail Comprehensive Plan 2-lane Boulevard Cross Section.
6. *Onsite Road Improvements:* The interior road will include approximately 25-on-street parking stalls for visitors and residents. The road will have a cross section generally consisting of a 15-ft one-way travel lane, decorative street lights, 5-ft wide sidewalk on each side, raised curb/gutter, and street trees. The road will be constructed to the Indian Trail Land Development Regulations public road standard.
7. *Alleyway:* The townhome community will be served with a private alleyway that will generally consist of a 14-ft wide asphalt drive surface, 1-ft of flat curb on each side (or 1-side valley curb), and a 2-ft grass strip on each side. The 20-ft alley ROW will be privately maintained by the developer and/or a future homeowners association. Parking directly on the alleyway will not be permitted. The alley will be constructed to the Indian Trail Land Development Regulations public road standard
8. *Open Space:* The community is designed with various open space areas throughout the site. An amenity area with a bioretention feature and central green is proposed within the center of the Plyler Townhomes. The bioretention area will be landscaped with trees and shrubs and will feature passive park fixtures to help integrate small gathering spaces into it. The remaining open spaces will be landscaped with ornamental trees and shrubs and include passive park fixtures, as needed.
9. *Tree Retention:* The development is conditioned to comply with Chapter 830- Tree Preservation Ordinance of the UDO which identifies a 15% Tree Canopy coverage requirement on the property. A Heritage tree survey and tree canopy plan is required within the site plan review process. All reasonable efforts will be made to retain the existing Heritage Trees on the site, however, it is recognized that several will need to be removed and mitigation will be undertaken in accordance with UDO Chapter 830(E) requirement.

10. *Perimeter Landscaping*: Perimeter landscaping is required along the site frontage on Plyler Road. Landscaping consisting of trees, shrubs, ground cover, and other elements shall be used to create an attractive appearance. The remaining perimeter of the site will comply with the 25-ft buffer standard except for areas prevented by the existing natural gas easement. The gas easement area will be fenced and kept in a maintained condition with a domestic grass treatment (Fescue, Bermuda, etc.).
11. *Storm water Management*: The site will be served by two storm water management facilities. The central facility will be a bioretention area for water quality and will be ornamentally landscaped with trees and shrubs to create an attractive design feature. A second storm water facility will be located in the back corner of the site and will also be screened with trees and shrubs. Any required fencing in these areas will be of a decorative nature.
12. *Overhead Utilities*: All utilities shall be placed underground within the community.
13. *Fencing*: The perimeter of the site will feature a fence to help provide a separation between the adjacent railroad, the light industrial use, and the Cranston Crossing neighborhood. Fencing located in the rear of the townhomes will be of a solid, non-wood design such as vinyl panel fencing, while any fencing in more visible areas will be of a decorative, open design.
14. *Compliance with various agencies*: The project shall comply with local, state, and federal permitting regulations. The property owner/applicant shall obtain a Union County Sketch Plan approval for water and sewer service prior to submittal of any Town Site Plan applications.
15. The Town Council may act to revoke the conditional zoning district designation if the applicant fails to meet the terms of the district.

Staff is of the opinion the goals of the Comprehensive Plan are satisfied as follows: *Goal – Land Use and Housing* - The proposed conditional district provides for a quality residential use at an appropriate location providing a more appropriate transition between land uses than the previous light industrial zoning district would have. *Goal- Mobility and Transportation* – The proposed conditional district includes the construction of curb, gutter, and sidewalk enhancing mobility in the area, construction of roadway improvements (turn-lane and storage), and dedication of right-of-way on an adjacent roadway to meet the future transportation needs of our community. Staff Burhans ended his presentation and allowed questions from the board.

Member Miller asked Staff Burhans to clarify if this plan was the same as Plyler Rd apartments. Staff Burhans replied that there was no relationship.

Member Long noted that the staff report be corrected to Cranston Crossing (singular). Staff Burhans acknowledged the comment and stated he'd correct it.

Member Higgins asked Staff Burhans to clarify, for the audience, about the original application expiring. Staff Burhans explained that the subject property was conditionally rezoned to light industrial in the early 2000's for a possible business park. Since the rezoning, no action had been taken by the developer to implement the plan. Per state law, the application expired.

Developer Comments:

Pat Quinn, of Eagle Engineering at 2013A Van Buren Ave. Indian Trail, stepped to the podium.

He addressed the age targeted concept in the potential plan. It would include a master bedroom downstairs, all exterior maintenance is included in HOA dues, pedestrian connectivity, more passive open spaces, marketing for the community of 55 yrs. and older. Mr. Quinn spoke about the community meetings held. Piedmont Natural Gas transmission facility which includes the easement that runs through the property. Other questions discussed were loudness in winter as there is currently no screening alongside the property. Piedmont is willing to work with developers regarding this. Other topics included NCDOT and bus stops on the road. Mr. Quinn stated that they are working with NCDOT to see what can be done to alleviate potential problems. The developers are working with Public Works to get their approval regarding utilities to the site.

Board questions:

Member D'Onofrio asked Mr. Quinn to clarify why the developers decided age target vs age restriction. Mr. Quinn answered that restriction was a guide toward the demographic but not as restrictive.

Member Higgins asked about exterior maintenance. Mr. Quinn stated that it would be included in HOA dues. Residents own the units but outside structures would be covered by the HOA. Member Higgins also asked about the width of the alleyways. Mr. Quinn stated that they are 16 feet wide. Staff Burhans said 14 ft was a good amount for cars to travel slowly and be two way to pass each other.

Member Rosenberg asked about the standard of the alleyways. Staff Burhans answered that it will be built to the public road standard. He also mentioned his concern regarding parking space of 2 spaces within the garage, with a potential resident of a 55 yr old with teenagers who would likely have more vehicles. Staff Burhans stated that the development would have 35 units and 25 additional parking spaces. Member Rosenberg asked if the units would be 2-3 bedroom. Pat Quinn said it hasn't been determined yet. He mentioned that the patio homes in Bonterra now have families moving in and parking is an issue there.

Member Miller commented about the alleyways on Myers Rd. where a development has rear parking, the concept works well. He also commented that the Kerry Greens development has a parking issue. He also stated that the economy is changing and family dynamics are also changing.

Chair Cowan asked how much footage is between the garage and alleyway. Mr. Quinn stated that it is approximately five feet. Staff Burhans stated that in the larger picture, parents with three children are not typical residents of townhomes.

Member Long asked about the storm water runoff and the impact it would have on the neighborhood behind the development. Mr. Quinn replied that it was part of the design and explained the plan in place for it.

Member Long asked about the privacy berm between the property and Cranston Crossing. Staff Burhans stated that there would be 10 foot wide open space strip between Cranston Crossing. In addition there would be a 25 foot landscape buffer that will include a solid fence.

Member Long asked if potential residents of townhomes would be able to see into neighbor's homes. Staff Burhans replied it would not be an issue because topography is relatively the same.

Member Long asked about the proposed gate. Mr. Quinn replied that the Piedmont Natural Gas Company required it. Mr. Quinn also stated that fire trucks would be able to service the development adequately.

Member Brown asked if mailboxes required to be in one place. Mr. Quinn answered that it was a requirement and there would be a parking spot nearby.

Opened Public Comment:

Chair Cowan gave opportunity for additional persons in the audience to sign the sheet if they wished to speak. John Ross and Dennis Moser had no comment.

John Killman of 101 Silver Glen Ln, stated that the proposed development would be a great transition. He thanked the Town for responsiveness with residents' questions and concerns. He addressed the traffic problem that already exists on Plyer Road. Would there be any traffic calming done as there is a blind curve before a bus stop on the road.

Roger Fish of 11001 Magna Ln. had attended a public meeting, and stated that questions were answered, is impressed with the development, and feels it would be a good addition to the community.

Mary Hatcher of 1023 Cranston Crossing Place stated that she moved from a place similar to this development. She stated it didn't have enough parking places; also feels there is a great need to have an HOA.

Closed Public Comment.

Board Discussion followed. Various members spoke about approval of the development but still have reservations about the parking

Chair Cowan stated that she is also in favor of the project; understands keeping it open-ended.

Member Higgins agreed that the project was a good transition with single family and other types. Parking is serious for law enforcement and other town services. She also had concerns with words used in the draft conditions such as "approximately" and "generally" with the interior roads. She stated that we need to nail down the details for conditional zoning. However, the residents that came to the meeting are the stake holders and she didn't hear many large concerns except the school bus stop.

Member D'Onofrio stated that it is a good use for the land but also concerned about the parking.

Chair Cowan mentioned that she would have liked to see more response from Union County Public Schools so as not to overburden the class sizes.

Chair Cowan would like to see a letter drawn up to send to the transportation department to express concern about the bus stop that was near the blind curve of Plyler Road.

Chair Cowan wanted ideas from Rox or the developer to address the parking concerns of many of the board members. Member Miller stated that the Planning Board is a recommendation committee; a caveat could be added for additional parking.

Dennis Moser stepped to the podium to answer questions about the parking. He stated he wanted industrial but his zoning expired. If more restrictions are added, it will make it hard to develop.

Member Higgins asked if the parking was put in the front, would that add parking.

Member Rosenberg if it was front-loading, could you sell it. Mr. Moser answered yes. More discussion followed.

Member Miller pointed out an area in the development where you could add 5-10 spaces. Mr. Moser replied that the project has been worked over for many months. He added that rear loading properties adds much price to the homes.

Member Rosenberg was concerned about the amount of alleyways and that will put a large burden on the HOA to maintain those alleyways. He also asked why wouldn't we renew on light industrial zoning? Staff Burhans explained that it is not in keeping it future trends in that area; it is also a gateway for the downtown.

Member D'Onofrio stated that it wasn't the right fit.

Member Higgins stated that light industrial zoning expired in 2008 and it has no zoning.

Staff Burhans stated that with conditional zoning, the board approves a plan and the developer has a certain number of years to act upon it or the plan expires. The Town's ordinance doesn't have reversion clause.

Staff Burhans spoke about the Comprehensive Plan for Indian Trail and mentioned the Planning Board's area tour last year and that was the leaning of the Planning Board. He suggested that the Board visit the sites of other projects and find out what other developments have in regards to parking before the Town Council meeting. He reiterated that he didn't share the board's concerns about parking for this project.

Member Brown stated that he sees many positives with this project.

Member Long made a motion to recommend as presented with the draft conditions that were read into the record. Member Brown seconded, 6 recommended, Member D'Onofrio opposed.

Meeting was paused, then resumed.

B. ZT2015-002 Utilities

Project Summary

This is a request to amend Chapters 520 and 1610 of the Unified Development Ordinance (UDO) to permit Minor and Major Utility uses with the Business and Commercial Use Table. Utility uses were mistakenly not addressed in this use table when the UDO was adopted in 2008. The amendment also includes minor housekeeping modifications to the Minor and Major Utility use definitions to help clarify what utility improvements would be considered minor or major.

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

Staff Burhans read the draft findings into the record.

No Public Comments.

Board questions:

Member Rosenberg asked if we have authority and ability to change where they can or can't be located. Staff Burhans answered yes, on private property.

Chair Cowan asked if utilities included cell towers. Staff Burhans replied that they are treated separately.

They are a specific use that is called out.

Board discussion: none

Motion: Member Higgins recommended approval based on the consistency of findings read into the record.

Member Rosenberg seconded. The vote was unanimous.

PLANNING REPORT

- Chestnut Parkway is now open.
- Grand opening for Crooked Creek Park is scheduled for May 30.
- Indian Trail started a sweeping program which will be done twice each year and is estimated to take 8 days. Zaxby's and Christian Brothers, and Popeyes development projects are close to having final permits.
- The Town is a sponsor of a rezoning amendment. A community meeting will be held June 2 at 5:30pm in the Cultural Arts Center for the site across from Carolina Courts.
- The Glen Oaks site will likely start grading activities tomorrow.
- The hazardous waste drop off event for Union County was overwhelmingly successful.

Member Higgins asked about a streamlined development permitting for faster level turnaround. Staff Burhans replied that the Town Council must approve it. He explained that a possible example would be if someone wanted to expedite a project, they could pay to do so. He added that we also need to re-examine how we are doing business and our permitting system to continue to gain efficiency.

Staff Small mentioned that some of the Arbor Day events did occur and Indian Trail has received the official pin for Tree City USA recertification. The mayor read the proclamation before the event was shortened in duration due to inclement weather.

ADJOURN

Motion by Member Rosenberg and seconded by Member Long. Vote was unanimous.

Meeting adjourned at 8:40pm.

Chairman:

Secretary:



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

PLANNING AND NEIGHBORHOOD SERVICES

Planning Board Transmittal for the June 9, 2015 Town Council Public Hearing

Case: ZT2015-002 Utilities			
Reference Name	Chapters 520 and 1610 of the Unified Development Ordinance		
Planning Board Meeting Date	May 19, 2015		
Members Present	Chair Cowan <input checked="" type="checkbox"/>	Jan Brown <input checked="" type="checkbox"/>	Vice Chair Larry Miller <input checked="" type="checkbox"/>
	Cathi Higgins <input checked="" type="checkbox"/>	Kelly D' Onofrio <input checked="" type="checkbox"/>	Steven Long <input checked="" type="checkbox"/>
	Alan Rosenberg <input checked="" type="checkbox"/>	Jorge Aponte <input type="checkbox"/> Alternate 1	Dr. Shamir Ally <input type="checkbox"/> Alternate 2
	Sidney Sandy <input type="checkbox"/> Alternate 3		
Case Found Complete	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Motion	Recommend approval		
Member Making the Motion	Board Member Cathi Higgins		
Second the Motion	Board Member Alan Rosenberg		
Vote	7-0		

Purpose of the Amendment: This is a request to amend Chapters 520 and 1610 of the Unified Development Ordinance (UDO) to permit Minor and Major Utility uses with the Business and Commercial Use Table. Utility uses were mistakenly not addressed in this use table when the UDO was originally adopted in 2008. The amendment also includes minor housekeeping modifications to the Minor and Major Utility use definitions to help clarify what utility improvements would be considered minor or major.

Town Council Action: Receive Planning Board Recommendation and public comments and:

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

Analysis

This request is initiated by Town staff to enable the construction and maintenance of minor and major utility improvements within appropriate Business and Commercial Districts. Examples of utility improvements addressed by this use type include sewer pump stations, water tanks/towers, reservoirs, electric substations, gas transmission facilities, stormwater facilities, etc. These utility improvements represent the critical infrastructure that helps create a safe environment for residents to live and for entrepreneurs to make investments within.

Based on staff's findings and the Planning Board's recommendation, we offer the following modifications for Town Council consideration. For ease of reference, proposed changes are referenced in red/underlined font. Representative pictures of Minor and Major Utilities can be found in the General Housekeeping section of the Planning Board Report (Attachment 1).

UDO Section 520.020G

Use Table and Standards

USE GROUP	Business and Commercial Districts						Use Standard
Use Category	CBD	NBD	GBD	RBD	O-VCD	O-DD	
Specific Use Type							
<u>Utilities, Minor</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Utilities, Major</u>		<u>S</u>	<u>S</u>	<u>S</u>			<u>See Note at Bottom of Table</u>

1. Any existing, Major Utilities legally established in the CBD and/or O-VCD and O-DD districts prior to the date of this ordinance shall be considered permitted uses.

UDO Section 1610.080(J)

Utilities and Services

1. Minor, Basic

Infrastructure services that need to be located in area where the service is provided. Minor utilities and services generally do not have regular employees at the site and typically have few if any impacts on surrounding areas. Typical uses include water and sewer pump stations; small/minor water towers and reservoirs; small/minor electrical substations; water conveyance systems; stormwater facilities and conveyance systems; telephone switching equipment and emergency communication broadcast facilities.

2. Major

Infrastructure services that typically have substantial land-use impacts on surrounding areas and/or serve a larger regional or town-wide area. Typical uses include, but are not limited, to water and waste water treatment facilities, and major water storage facilities and/or elevated tanks, and major electrical substations.

Planning Board

The Planning Board heard this item at its May 19, 2015 public meeting. Planning Board Members asked general clarifying questions related to the scope of the proposed amendments. No public comments were provided. The Planning Board voted unanimously to transmit a recommendation to approve to the Town Council. Please see the attached draft minutes for the

May 19, 2015 Planning Board meeting (Attachment 3), and link to the audio file in [Granicus](#) for additional information.

The following consistency statements were found:

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

- ***Infrastructure Goal #1:*** Because it will enable the development and expansion of critical utilities with the Business and Commercial Districts to serve Indian Trail and western Union County; and
- ***Economic Development #1 and 3:*** Because it will enable infrastructure investment in the commercial areas of Indian Trail that will help foster economic development initiatives that ensure a more balanced tax base within our community.

This UDO ordinance amendment is in the best interest of the public because it helps further develop critical infrastructure within the Indian Trail community to help ensure a safe environment to live and conduct business within.

Staff Contact

Rox Burhans, Planning Director
rburhans@planning.indiantrial.org

Attachment 1- Planning Board Report
Attachment 2- Draft Ordinance
Attachment 3 – Planning Board Draft Minutes of May19, 2015

TC ATTACHMENT 1- PLANNING BOARD REPORT



P.O. Box 2430

Indian Trail, North Carolina 28079

PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

Zoning Staff Report

Case: ZT 2015-002 Utilities		
Reference Name	Amendment of UDO Chapters 520 and 1610	
Applicant	Town of Indian Trail	
Submittal Date	May 1, 2015	
Location	Town-wide	
Tax Map Number	N/A	
Plan Consistency	Town of Indian Trail Comprehensive Plan	Consistent With Goals of the Adopted Comprehensive Plan
Recommendations & Comments	Planning Staff	Recommends Approval of Proposed Text Amendment.

Project Summary

This is a request to amend Chapters 520 and 1610 of the Unified Development Ordinance (UDO) to permit Minor and Major Utility uses with the Business and Commercial Use Table. Utility uses were mistakenly not addressed in this use table when the UDO was adopted in 2008. The amendment also includes minor housekeeping modifications to the Minor and Major Utility use definitions to help clarify what utility improvements would be considered minor or major.

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

Analysis/Overview

This request is initiated by Town staff to enable the construction and maintenance of minor and major utility improvements within appropriate Business and Commercial Districts. Examples of utility improvements addressed by this use type include sewer pump stations, water tanks/towers, reservoirs, electric substations, gas transmission facilities, stormwater facilities, etc. These utility improvements represent the critical infrastructure that helps create a safe environment for residents to live and for entrepreneurs to make investments within. As previously noted, these utility uses were mistakenly not addressed in the Business and Commercial use table when the UDO was adopted in 2008.

Based on staff’s findings, we offer the following modifications for the Board’s consideration. For ease of reference, proposed changes are referenced in red/underlined font. The formal definition of Minor and Major Utilities as well as representative pictures can be found in the General Housekeeping section

of the report below.

UDO CHAPTER 520 BUSINESS AND COMMERCIAL ZONING DISTRICTS USE TABLE
Use Table and Standards

USE GROUP	Business and Commercial Districts						Use Standard
Use Category	CBD	NBD	GBD	RBD	O-VCD	O-DD	
Specific Use Type							
<u>Utilities, Minor</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Utilities, Major</u>		<u>S</u>	<u>S</u>	<u>S</u>			<u>See Note at Bottom of Table</u>

1. Any existing, Major Utilities legally established in the CBD and/or O-VCD and O-DD districts prior to the date of this ordinance shall be considered permitted uses.

Minor utility uses are proposed to be permitted outright (subject to plan approval, etc.) in all commercial zoning districts. This is consistent with their treatment in the Residential, Industrial, and Institutional use tables. Major Utilities are permitted through a Special Use Permit in all of the underlying commercial districts with the exception of the Central Business District (CBD), which forms most of Downtown Indian Trail’s *Main Street* area and would be inappropriate due to their scale and potential for impacts. These uses are also not proposed to be permitted in the Downtown and Village Center Overlays due to potential issues associated with their scale and potential for impacts. It is recognized there are existing major utility uses within one of the overlay districts. A provision has been included to treat any existing improvements in these areas as permitted uses to enable their continued use, maintenance, and repair.

GENERAL HOUSEKEEPING

As part of this UDO amendment staff is recommending some minor modifications to the definitions of Minor and Major Utility improvements. This intent is to clarify what improvements would be considered minor versus major. The follow will identify the proposed housekeeping changes in red and underlined font.

UDO Section 1610.080(J) Definitions

Utilities and Services

1. Minor, Basic

Infrastructure services that need to be located in area where the service is provided. Minor utilities and services generally do not have regular employees at the site and typically have few if any impacts on surrounding areas. Typical uses include water and sewer pump stations; small/minor water towers and reservoirs; small/minor electrical substations; water conveyance systems; stormwater facilities and conveyance systems; telephone switching equipment and emergency communication broadcast facilities.



2. Major

Infrastructure services that typically have substantial land-use impacts on surrounding areas and/or serve a larger regional or town-wide area. Typical uses include, but are not limited, to water and waste water treatment facilities, ~~and~~ major water storage facilities and/or elevated tanks, and major electrical substations.



Required Consistency Findings

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

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
 - **Infrastructure Goal #1:** Because it will enable the development and expansion of critical utilities with the Business and Commercial Districts to serve Indian Trail and western Union County; and
 - **Economic Development #1 and 3:** Because it will enable infrastructure investment in the commercial areas of Indian Trail that will help foster economic development initiatives that ensure a more balanced tax base within our community.
2. This UDO ordinance amendment is in the best interest of the public because it helps further develop critical infrastructure within the Indian Trail community to help ensure a safe environment to live and conduct business within.

Staff recommends that the Planning Board make the required consistency findings and recommend adoption of this UDO Text Amendment ZT2015-002 as presented.

Staff Contact

Rox Burhans,

704-821-5401

rburhans@planning.indiantrail.org

Attachment 1: Draft Ordinance

TC ATTACHMENT 2- DRAFT ORDINANCE

STATE OF NORTH CAROLINA)

TOWN OF INDIAN TRAIL) ORDINANCE # O150609XYZ

AN ORDINANCE AMENDING CHAPTERS 520, BUSINESS AND COMMERCIAL ZONING DISTRICTS AND 1610 USE GROUP AND CATEGORIES, OF THE INDIAN TRAIL UNIFIED DEVELOPMENT ORDINANCE (UDO) RELATED TO MINOR AND MAJOR UTILITIES IN INDIAN TRAIL, NORTH CAROLINA

WHEREAS, the Town is the applicant for ZT 2015-002 requesting to amend Chapter 520 Business and Commercial Zoning Districts and Chapter 1610 Use Group and Categories of the UDO, to permit minor and major utility uses within select business and commercial zoning districts; and general housekeeping modifications with the Use Group and Categories definitions to clarify the meaning of minor and major utilities; and

WHEREAS, this Zoning Amendment (ZT 2015-002) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, the amendment was heard by Planning Board on May 19, 2015 in a public meeting; and

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

1. The proposed UDO amendment is consistent with the following goals:
 - **Infrastructure Goal #1:** Because it will enable the development and expansion of critical utilities with the Business and Commercial Districts to serve Indian Trail and western Union County; and
 - **Economic Development #1 and 3:** Because it will enable infrastructure investment in the commercial areas of Indian Trail that will help foster economic development initiatives that ensure a more balanced tax base within our community.
2. This UDO ordinance amendment is in the best interest of the public because it helps further develop critical infrastructure within the Indian Trail community to help ensure a safe environment to live and conduct business within.

WHEREAS, the Town Council received the Planning Board transmittal for a recommendation to approve in the required public hearing held on June 9, 2015, and after receiving the transmittal, public comment, and deliberation, concurred with the required findings and amendment recommendation as transmitted by the Planning Board.

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

Section 1 – UDO CHAPTER 520 and UDO Chapter 1610 is hereby Approved as shown in Exhibit A of this Ordinance;

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

SO ORDAINED THIS 9TH DAY OF JUNE, 2015. THE TOWN COUNCIL OF INDIAN
TRAIL

By _____
Honorable Michael L. Alvarez, Mayor

Attest:

Kelly Weston, Interim Town Clerk

APPROVED AS TO FORM:

TOWN ATTORNEY

ZT2015-002 EXHIBIT A

UDO Section 520.020G

Use Table and Standards

USE GROUP	Business and Commercial Districts						Use Standard
Use Category	CBD	NBD	GBD	RBD	O-VCD	O-DD	
Specific Use Type							
<u>Utilities, Minor</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Utilities, Major</u>		<u>S</u>	<u>S</u>	<u>S</u>			<u>See Note at Bottom of Table</u>

- Any existing, Major Utilities legally established in the CBD and/or O-VCD and O-DD districts prior to the date of this ordinance shall be considered permitted uses.

UDO Section 1610.080(J)

Utilities and Services

1. Minor, Basic

Infrastructure services that need to be located in area where the service is provided. Minor utilities and services generally do not have regular employees at the site and typically have few if any impacts on surrounding areas. Typical uses include water and sewer pump stations; small/minor water towers and reservoirs; small/minor electrical substations; water conveyance systems; stormwater facilities and conveyance systems; telephone switching equipment and emergency communication broadcast facilities.

2. Major

Infrastructure services that typically have substantial land-use impacts on surrounding areas and/or serve a larger regional or town-wide area. Typical uses include, but are not limited, to water and waste water treatment facilities, and major water storage facilities and/or elevated tanks, and major electrical substations.

TC ATTACHMENT 3- DRAFT PB MEETING MINUTES

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

May 19, 2015
06:30 P.M.

CALL TO ORDER

ROLL CALL

The following members of the governing body were present:

Board Members: Patricia Cowan, Larry Miller, Jan Brown, Cathi Higgins, Kelly D'Onofrio, Alan Rosenberg, and Steve Long.

Members Present but None.
not Voting:

Absent: Sidney Sandy, Jorge Aponte, and Dr Shamir Ally.

Staff Members: Rox Burhans-Planning Director, Lindze Small-Planner/GIS Technician, and Pam Good-Board Secretary

APPROVAL OF MINUTES - March 17, 2015

Motion to approve minutes by Member Higgins, seconded by Member Rosenberg. Vote to approve was unanimous.

PUBLIC ITEMS-

CZ2014-005 Plyler Rd Townhomes

Project Summary This is a request to rezone a 6.5-acre property from Light Industrial-Conditioned (LI) to a Conditional Multi-Family Residential Zoning District. The intent is to develop a 35-unit, alley-loaded townhome community organized into seven building clusters. The proposed community is organized around a central green space/water quality bioretention area with pockets of open space located throughout the development. Access to the community will be provided by a single, private road providing one-way circulation through the community. A right turn lane along with public sidewalk, curb/gutter, and street trees will also be provided on Plyler Road. Planning Director Rox Burhans began an overview of the project with a power point presentation. He gave an analysis which included location characteristics, history, and surrounding zoning. He also noted the comments from outside agencies as well as noting the two community meetings held regarding the proposed project. The general sentiment of meetings was that townhomes seem appropriate for use. Notes from meetings were included in the board member packets.

Staff Burhans read the draft findings into the record.

Draft Conditions Conditions of approval have been developed in order to ensure the proposed rezoning is consistent with the Comprehensive Plan and the underlying intent of the Multi-Family Residential District.

1. *Site Layout:* The development shall be designed and constructed consistent with the concept site plan and conditions of approval found herein. The concept plan shall be attached to the approval documents for CZ2014-005 and recorded at the Union County Records of Deeds office.
2. *Townhome Units:* The maximum dwelling units is limited to 35-units.
3. *Architecture:* The townhomes will meet all UDO Section 1310.030 and 040 Statement of Integrity and Design (SID) guidelines. The townhomes will also comply with the following:
 1. A min. of 2-parking spaces (garage or parking pad) will be provided on each townhome lot meeting Town dimensional standards.
 2. A minimum of 75% of all units will include a master bedroom located on the first floor to support the age-targeted marketing concept.
 3. At least 75% of all units will include a front porch with a min. size of 4-ft (depth) x 6-ft (length).
 4. The townhome units shall be constructed with sound-attenuating wall materials to achieve a “average rating” of NC25-30 (37dB(A)) as defined within HUD Guidelines. – This guideline is used for the sole purpose of a measurable performance standard and is not associated with any funding or status of this development.
4. *Building Setbacks and Height:* Building setbacks on each townhome lot shall consist of:
 1. 10-front
 2. 0-ft-interior side, 5-ft exterior side
 3. 5-ft rear with garage, 22-ft without garage.
 4. 40-ft maximum building height
5. *Plyler Road Improvements:* The site frontage with Plyler Road will be improved with curb/gutter, a 6-ft wide sidewalk, street trees, and decorative street lighting consistent with the two lane boulevard cross section. To the extent feasible, this improvement treatment will be extended across the frontage of the adjacent natural gas transmission parcel (Parcel #07084332C), subject to final approval by Piedmont Natural Gas and NCDOT. A right turn lane on Plyler Road and pedestrian safety/warning signage (subject to NCDOT approval) will also be constructed in compliance with NCDOT and Town requirements. Right of Way will be dedicated consistent with the Indian Trail Comprehensive Plan 2-lane Boulevard Cross Section.
6. *Onsite Road Improvements:* The interior road will include approximately 25-on-street parking stalls for visitors and residents. The road will have a cross section generally consisting of a 15-ft one-way travel lane, decorative street lights, 5-ft wide sidewalk on each side, raised curb/gutter, and street trees. The road will be constructed to the Indian Trail Land Development Regulations public road standard.
7. *Alleyway:* The townhome community will be served with a private alleyway that will generally consist of a 14-ft wide asphalt drive surface, 1-ft of flat curb on each side (or 1-side valley curb), and a 2-ft grass strip on each side. The 20-ft alley ROW will be privately maintained by the developer and/or a future homeowners association. Parking directly on the alleyway will not be permitted. The alley will be constructed to the Indian Trail Land Development Regulations public road standard
8. *Open Space:* The community is designed with various open space areas throughout the site. An amenity area with a bioretention feature and central green is proposed within the center of the Plyler Townhomes. The bioretention area will be landscaped with trees and shrubs and will feature passive park fixtures to help integrate small gathering spaces into it. The remaining open spaces will be landscaped with ornamental trees and shrubs and include passive park fixtures, as needed.
9. *Tree Retention:* The development is conditioned to comply with Chapter 830- Tree Preservation Ordinance of the UDO which identifies a 15% Tree Canopy coverage requirement on the property. A Heritage tree survey and tree canopy plan is required within the site plan review process. All reasonable efforts will be made to retain the existing Heritage Trees on the site, however, it is recognized that several will need to be removed and mitigation will be undertaken in accordance with UDO Chapter 830(E) requirement.

10. *Perimeter Landscaping*: Perimeter landscaping is required along the site frontage on Plyler Road. Landscaping consisting of trees, shrubs, ground cover, and other elements shall be used to create an attractive appearance. The remaining perimeter of the site will comply with the 25-ft buffer standard except for areas prevented by the existing natural gas easement. The gas easement area will be fenced and kept in a maintained condition with a domestic grass treatment (Fescue, Bermuda, etc.).
11. *Storm water Management*: The site will be served by two storm water management facilities. The central facility will be a bioretention area for water quality and will be ornamentally landscaped with trees and shrubs to create an attractive design feature. A second storm water facility will be located in the back corner of the site and will also be screened with trees and shrubs. Any required fencing in these areas will be of a decorative nature.
12. *Overhead Utilities*: All utilities shall be placed underground within the community.
13. *Fencing*: The perimeter of the site will feature a fence to help provide a separation between the adjacent railroad, the light industrial use, and the Cranston Crossing neighborhood. Fencing located in the rear of the townhomes will be of a solid, non-wood design such as vinyl panel fencing, while any fencing in more visible areas will be of a decorative, open design.
14. *Compliance with various agencies*: The project shall comply with local, state, and federal permitting regulations. The property owner/applicant shall obtain a Union County Sketch Plan approval for water and sewer service prior to submittal of any Town Site Plan applications.
15. The Town Council may act to revoke the conditional zoning district designation if the applicant fails to meet the terms of the district.

Staff is of the opinion the goals of the Comprehensive Plan are satisfied as follows: *Goal – Land Use and Housing* - The proposed conditional district provides for a quality residential use at an appropriate location providing a more appropriate transition between land uses than the previous light industrial zoning district would have. *Goal- Mobility and Transportation* – The proposed conditional district includes the construction of curb, gutter, and sidewalk enhancing mobility in the area, construction of roadway improvements (turn-lane and storage), and dedication of right-of-way on an adjacent roadway to meet the future transportation needs of our community. Staff Burhans ended his presentation and allowed questions from the board.

Member Miller asked Staff Burhans to clarify if this plan was the same as Plyler Rd apartments. Staff Burhans replied that there was no relationship.

Member Long noted that the staff report be corrected to Cranston Crossing (singular). Staff Burhans acknowledged the comment and stated he'd correct it.

Member Higgins asked Staff Burhans to clarify, for the audience, about the original application expiring. Staff Burhans explained that the subject property was conditionally rezoned to light industrial in the early 2000's for a possible business park. Since the rezoning, no action had been taken by the developer to implement the plan. Per state law, the application expired.

Developer Comments:

Pat Quinn, of Eagle Engineering at 2013A Van Buren Ave. Indian Trail, stepped to the podium.

He addressed the age targeted concept in the potential plan. It would include a master bedroom downstairs, all exterior maintenance is included in HOA dues, pedestrian connectivity, more passive open spaces, marketing for the community of 55 yrs. and older. Mr. Quinn spoke about the community meetings held. Piedmont Natural Gas transmission facility which includes the easement that runs through the property. Other questions discussed were loudness in winter as there is currently no screening alongside the property. Piedmont is willing to work with developers regarding this. Other topics included NCDOT and bus stops on the road. Mr. Quinn stated that they are working with NCDOT to see what can be done to alleviate potential problems. The developers are working with Public Works to get their approval regarding utilities to the site.

Board questions:

Member D'Onofrio asked Mr. Quinn to clarify why the developers decided age target vs age restriction. Mr. Quinn answered that restriction was a guide toward the demographic but not as restrictive.

Member Higgins asked about exterior maintenance. Mr. Quinn stated that it would be included in HOA dues. Residents own the units but outside structures would be covered by the HOA. Member Higgins also asked about the width of the alleyways. Mr. Quinn stated that they are 16 feet wide. Staff Burhans said 14 ft was a good amount for cars to travel slowly and be two way to pass each other.

Member Rosenberg asked about the standard of the alleyways. Staff Burhans answered that it will be built to the public road standard. He also mentioned his concern regarding parking space of 2 spaces within the garage, with a potential resident of a 55 yr old with teenagers who would likely have more vehicles. Staff Burhans stated that the development would have 35 units and 25 additional parking spaces. Member Rosenberg asked if the units would be 2-3 bedroom. Pat Quinn said it hasn't been determined yet. He mentioned that the patio homes in Bonterra now have families moving in and parking is an issue there.

Member Miller commented about the alleyways on Myers Rd. where a development has rear parking, the concept works well. He also commented that the Kerry Greens development has a parking issue. He also stated that the economy is changing and family dynamics are also changing.

Chair Cowan asked how much footage is between the garage and alleyway. Mr. Quinn stated that it is approximately five feet. Staff Burhans stated that in the larger picture, parents with three children are not typical residents of townhomes.

Member Long asked about the storm water runoff and the impact it would have on the neighborhood behind the development. Mr. Quinn replied that it was part of the design and explained the plan in place for it.

Member Long asked about the privacy berm between the property and Cranston Crossing. Staff Burhans stated that there would be 10 foot wide open space strip between Cranston Crossing. In addition there would be a 25 foot landscape buffer that will include a solid fence.

Member Long asked if potential residents of townhomes would be able to see into neighbor's homes. Staff Burhans replied it would not be an issue because topography is relatively the same.

Member Long asked about the proposed gate. Mr. Quinn replied that the Piedmont Natural Gas Company required it. Mr. Quinn also stated that fire trucks would be able to service the development adequately.

Member Brown asked if mailboxes required to be in one place. Mr. Quinn answered that it was a requirement and there would be a parking spot nearby.

Opened Public Comment:

Chair Cowan gave opportunity for additional persons in the audience to sign the sheet if they wished to speak. John Ross and Dennis Moser had no comment.

John Killman of 101 Silver Glen Ln, stated that the proposed development would be a great transition. He thanked the Town for responsiveness with residents' questions and concerns. He addressed the traffic problem that already exists on Plyer Road. Would there be any traffic calming done as there is a blind curve before a bus stop on the road.

Roger Fish of 11001 Magna Ln. had attended a public meeting, and stated that questions were answered, is impressed with the development, and feels it would be a good addition to the community.

Mary Hatcher of 1023 Cranston Crossing Place stated that she moved from a place similar to this development. She stated it didn't have enough parking places; also feels there is a great need to have an HOA.

Closed Public Comment.

Board Discussion followed. Various members spoke about approval of the development but still have reservations about the parking

Chair Cowan stated that she is also in favor of the project; understands keeping it open-ended.

Member Higgins agreed that the project was a good transition with single family and other types. Parking is serious for law enforcement and other town services. She also had concerns with words used in the draft conditions such as "approximately" and "generally" with the interior roads. She stated that we need to nail down the details for conditional zoning. However, the residents that came to the meeting are the stake holders and she didn't hear many large concerns except the school bus stop.

Member D'Onofrio stated that it is a good use for the land but also concerned about the parking.

Chair Cowan mentioned that she would have liked to see more response from Union County Public Schools so as not to overburden the class sizes.

Chair Cowan would like to see a letter drawn up to send to the transportation department to express concern about the bus stop that was near the blind curve of Plyler Road.

Chair Cowan wanted ideas from Rox or the developer to address the parking concerns of many of the board members. Member Miller stated that the Planning Board is a recommendation committee; a caveat could be added for additional parking.

Dennis Moser stepped to the podium to answer questions about the parking. He stated he wanted industrial but his zoning expired. If more restrictions are added, it will make it hard to develop.

Member Higgins asked if the parking was put in the front, would that add parking.

Member Rosenberg if it was front-loading, could you sell it. Mr. Moser answered yes. More discussion followed.

Member Miller pointed out an area in the development where you could add 5-10 spaces. Mr. Moser replied that the project has been worked over for many months. He added that rear loading properties adds much price to the homes.

Member Rosenberg was concerned about the amount of alleyways and that will put a large burden on the HOA to maintain those alleyways. He also asked why wouldn't we renew on light industrial zoning? Staff Burhans explained that it is not in keeping it future trends in that area; it is also a gateway for the downtown.

Member D'Onofrio stated that it wasn't the right fit.

Member Higgins stated that light industrial zoning expired in 2008 and it has no zoning.

Staff Burhans stated that with conditional zoning, the board approves a plan and the developer has a certain number of years to act upon it or the plan expires. The Town's ordinance doesn't have reversion clause.

Staff Burhans spoke about the Comprehensive Plan for Indian Trail and mentioned the Planning Board's area tour last year and that was the leaning of the Planning Board. He suggested that the Board visit the sites of other projects and find out what other developments have in regards to parking before the Town Council meeting. He reiterated that he didn't share the board's concerns about parking for this project.

Member Brown stated that he sees many positives with this project.

Member Long made a motion to recommend as presented with the draft conditions that were read into the record. Member Brown seconded, 6 recommended, Member D'Onofrio opposed.

Meeting was paused, then resumed.

B. ZT2015-002 Utilities

Project Summary

This is a request to amend Chapters 520 and 1610 of the Unified Development Ordinance (UDO) to permit Minor and Major Utility uses with the Business and Commercial Use Table. Utility uses were mistakenly not addressed in this use table when the UDO was adopted in 2008. The amendment also includes minor housekeeping modifications to the Minor and Major Utility use definitions to help clarify what utility improvements would be considered minor or major.

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

Staff Burhans read the draft findings into the record.

No Public Comments.

Board questions:

Member Rosenberg asked if we have authority and ability to change where they can or can't be located. Staff Burhans answered yes, on private property.

Chair Cowan asked if utilities included cell towers. Staff Burhans replied that they are treated separately.

They are a specific use that is called out.

Board discussion: none

Motion: Member Higgins recommended approval based on the consistency of findings read into the record.

Member Rosenberg seconded. The vote was unanimous.

PLANNING REPORT

- Chestnut Parkway is now open.
- Grand opening for Crooked Creek Park is scheduled for May 30.
- Indian Trail started a sweeping program which will be done twice each year and is estimated to take 8 days. Zaxby's and Christian Brothers, and Popeyes development projects are close to having final permits.
- The Town is a sponsor of a rezoning amendment. A community meeting will be held June 2 at 5:30pm in the Cultural Arts Center for the site across from Carolina Courts.
- The Glen Oaks site will likely start grading activities tomorrow.
- The hazardous waste drop off event for Union County was overwhelmingly successful.

Member Higgins asked about a streamlined development permitting for faster level turnaround. Staff Burhans replied that the Town Council must approve it. He explained that a possible example would be if someone wanted to expedite a project, they could pay to do so. He added that we also need to re-examine how we are doing business and our permitting system to continue to gain efficiency.

Staff Small mentioned that some of the Arbor Day events did occur and Indian Trail has received the official pin for Tree City USA recertification. The mayor read the proclamation before the event was shortened in duration due to inclement weather.

ADJOURN

Motion by Member Rosenberg and seconded by Member Long. Vote was unanimous.

Meeting adjourned at 8:40pm.

Chairman:

Secretary:
