

STATE OF NORTH CAROLINA )  
 )  
TOWN OF INDIAN TRAIL )

ORDINANCE #

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF INDIAN TRAIL REZONING 07024039D, 07024038 80, 07024038 90, K7024042, N7024042, 07024035, AND 07024037 LOCATED SOUTH OF UNIONVILLE-INDIAN TRAIL ROAD AND EAST OF THE MONROE EXPRESSWAY, FROM RURAL SINGLE FAMILY (RSF) INDIAN TRAIL AND RESIDENTIAL-20 (R-20) UNINCORPORATED UNION COUNTY) TO CONDITIONAL ZONING PLANNED UNIT DEVELOPMENT (PUD) DISTRICT CONSISTING OF SINGLE-FAMILY HIGH DENSITY RESIDENTIAL (SF-5), MULTI-FAMILY RESIDENTIAL (MFR) AND GENERAL BUSINESS DISTRICT (GBD) WITHIN THE ROCKY RIVER VILLAGE OVERLAY IN THE TOWN OF INDIAN TRAIL, UNION COUNTY, NORTH CAROLINA**

WHEREAS, this Conditional Zoning Amendment (CZ 2018-0092) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, two community meetings were held on November 26, 2018 to give residents the opportunity to learn about the proposed zoning map amendment; and

WHEREAS, a public meeting was held by the Planning Board on December 18, 2018 to consider this zoning map amendment; and

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

- **Quality of Life Goal # 1:** The proposed request will give the opportunity to establish a unique identity in this area and start to bring the Secret Short Cut Small Area Plan to fruition with residential and retail uses, as well as a community park. The provision of these multiple uses will enable the creation of a sense of place.
- **Land Use and Housing Goal #1 and 2:** The proposed project will promote compatibility of land uses between the residential neighborhood and retail uses. It will also provide multiple housing options

WHEREAS, the Planning Board further found this zoning reclassification to be a reasonable request and is in the public interest because it promotes business expansion and growth within an area of the Town that is compatible with surrounding uses; and

WHEREAS, after making the required findings, the Planning Board voted 7 to 0 to transmit a recommendation to approve to the Town Council; and

WHEREAS, the Town Council held a public hearing on February 26, 2019 to consider said request and recommendation of approval from the Planning Board; and

WHEREAS, the Town Council made the required findings.

**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** – Makes the required findings as stated herein; and

**Section 2** – Approves CZ 2018-0092 Conditional Zoning Amendment thereby granting the Zoning

Map amendment to establish Planned Unit Development (PUD) on Parcels 07024042, 07024038

80, 07024038 90, K7024042, N7024042, 07024035, 07024037 for the purpose of developing a commercial/retail area, single-family detached homes and townhomes, as well as a park subject to the conditions referenced in the concept plan, Exhibit 1. In addition to the conditions referenced in the concept plan, the following conditions shall apply:

1. *Permitted Uses and Number:* The permitted uses on the subject property shall be commercial/retail, single-family detached and townhome uses as well as a public park as permitted by the UDO as shown in the Concept Plan referred to as Exhibit 1. Refer to Exhibit 1 for location of each use.

- a. The commercial area shall abide by the General Business District (GBD) Village Center Overlay (O-VCD) District use standards. Unless otherwise specified, the single-family residential area shall develop in accordance with Single-Family, High Density Residential (SF-5) District for single-family detached homes and Multi-Family Residential (MFR) District for townhomes and the public park.
  - i. A grocery store that exceeds 20,000 sf<sup>2</sup> shall be permitted within this commercial area.
- b. The following uses shall be prohibited in the commercial area: car wash, vehicle sales and service uses.
- c. The mix of uses shall be consistent with PUD Standards of the UDO as reflected in the information below. It is recognized that the townhome units currently shown on Boyd Road shown in Exhibit 1 can be converted to 50' or 60' single-family detached homes subject to consistency with the overall master plan layout. This would modify the proposed mix of units listed in the table below.

Type of Residential	Proposed # of Units
50' Wide Lots	131
60' Wide Lots	76
Townhomes	336

- i. Commercial: Maximum of 35 acres (25% of total land area)
    - ii. Park, Civic: Maximum of Six acres (5% of total land area)
  - d. **OPTIONAL Residential Over Retail: While not reflected on the concept plan in Exhibit 1, the developer may propose incorporation of multi-family residential or condominium units directly above the commercial buildings to create a mixed-use area. The proposed residential over retail concept, if pursued, would be submitted as a minor modification to the approved conditional rezoning approval (if approved).**
2. *Residential – Architecture and Layout:* The site plan shall develop in general accordance with the approved master plan in Exhibit 1. All townhomes and single-family detached homes shall develop in general accordance with representation elevations in Exhibit 1 and shall be constructed of brick, stone, wood, or shake siding material with no vinyl or composite siding or synthetic stucco as consistent with Chapter 1310 of the UDO, Exhibit 2.
- a. *Architectural Variation:* Every lot shall provide a different architectural model from the lot(s) adjacent to it. No two identical architectural elevations which include identical facades, roof lines, door and window placement and details, shall be built on lots adjacent to or directly across from each other with the exception of townhomes.
    - i. Single-Family Residential Variation:

- a. *Architectural Details*: Every home shall be in compliance with Chapter 1310, Integrity and Design Standards, of the UDO. Each row of townhomes shall not exceed five attached units.
  - b. *Blank Walls*: There shall be no blank walls on any side elevations. Each side elevation shall include at least one window.
  - c. *Overflow Parking*: This shall be provided where feasible throughout the entire residential sections, including detached homes, in according with parking requirements of the UDO.
3. *Commercial – Architecture and Layout*: The commercial area shall generally be designed so that buildings are oriented to front on Poplin Village Drive and Unionville-Indian Trail Road and be placed adjacent to these roads with parking in the rear.
  - a. All commercial buildings shall develop in general accordance with Chapter 630, Village Center Overlay Zone of the UDO and Exhibit 1, which depicts buildings lining Poplin Village Drive and Unionville-Indian Trail Road. They shall be constructed of material consistent with Chapter 1320, Nonresidential Design Standards, of the UDO and shall be designed with four-sided architecture.
  - b. Primary building setbacks shall comply with GBD, O-VCD setbacks as represented on the concept plan. As generally reflected in the concept plan (Exhibit 1), some variance to setback standards may be permitted to accommodate the envisioned design along Unionville-Indian Trail Road. Additional setback may be permitted for the anchor grocery store building and outparcel buildings that feature drive thru facilities.
  - c. The side of the proposed grocery store building fronting Unionville-Indian Trail Road shall be softened with landscaping and enhanced architectural treatment.
4. *Town Park Parcel*: Water, sewer and electricity stub outs as well as parking and walkways shall be constructed on the park property area by the developer. Improvements shall be constructed consistent with the timeline for the private amenity center in Section 7b below unless otherwise modified in the Site Plan review process.
5. *Residential Lot Dimensions and Garage*: In addition to the lot dimensions referenced on the corresponding concept plan, the garage shall be set back a minimum of two feet from the front façade of the house or 22' from the edge of the right-of way for front-loaded single-family detached homes and townhomes. Placement of single-family detached homes and townhome units shall be staggered.
6. *Landscaping/Lighting*
  - a. *Tree Preservation and Protection*: To the maximum extent feasible, heritage trees and existing tree canopy must be preserved in accordance with Chapter 830 of the UDO. As reflected in the submitted alternative tree canopy and protection plan, approximately 8.4% of the existing site will be retained with tree canopy. Heritage tree and tree canopy removal shall be mitigated as reflected in this alternative plan shown in Exhibit 1.

- b. *Buffer Adjacent to Expressway:* A 75' opaque landscape buffer shall be installed along the residential and public park portions of the development in accordance with Exhibit 1. The buffer will be installed no later than before the occupancy of residential units closest to the Expressway.
  - c. *Buffer Between Expressway and Commercial Area:* This buffer shall be enhanced with multiple layers of evergreen trees and shrubbery in order to protect the view shed.
  - d. *Replacement Trees:* The Public Park site and Pocket Park site shall be planted with deciduous mitigation trees with a minimum four-inch caliper as part of the alternative tree protection program. The quantity and location of the trees shall be determined at the time of site plan approval.
  - e. *Pump Station:* Shall be fully screened with a solid fence and supplementary landscaping.
  - f. *Medians along Poplin Village Drive* shall be planted with trees and/or shrubs (subject to approval by Director of Engineering) and shall be maintained by the HOA.
7. *Park and Open Space:*
- a. *Dedicated Park:* The master plan reflects an approximately 4.9-acre park area located between the anchor retail parcel and the town home community that is intended to be donated to the Town of Indian Trail as a public park. The developer shall install paved public parking, mitigation trees, and other utility infrastructure to the site as generally reflected on the master plan. The Town will have 5-years from the date of the rezoning approval to accept the park land donation. If the town chooses to not accept the land, it will become common open space and owned and maintained by the developer and/or a property owners association.
  - b. The clubhouse and its associated amenities shall be constructed prior to the issuance of the 100<sup>th</sup> Certificate of Occupancy/Zoning Compliance for residential units.
  - c. *BMPs:* It is encouraged that BMPs along Poplin Village Drive include fountains to circulate water.
  - d. *Trail Signage:* Signage for trail shall match that designed for Town trails. Details shall be provided to applicant by Town staff at the time of Site Plan approval.
8. *Transportation:*
- a. *Walkway Connections:* The project will be interconnected with a comprehensive pedestrian walkway system providing pedestrian access between individual non-residential buildings, project phases, and the public sidewalk system. An enhanced pedestrian zone (i.e. – large sidewalk, planters, benches, etc.) shall be provided along Poplin Village Drive to create an attractive streetscape in the commercial area.

- b. *Right-of-Way Dedication*: All required roadway improvement bonds shall be in place and any associated public right-of-way dedicated prior to issuance of any certificate of zoning compliance. All performance bonds shall include Town of Indian Trail roads as well as NCDOT, as applicable. Alleys shall be designed with privately maintained right-of-way and shall not be maintained by the Town of Indian Trail.
        - c. *Streetscape Improvements*: All streetscape improvements (i.e.: street lights, trees, etc.) shall be consistent with the corresponding concept plan, Exhibit 1.
        - d. *Frontage Improvements*: Frontage improvements along Unionville-Indian Trail Road and Rocky River Road shall be provided and include six feet wide sidewalk, curb/gutter and street lights as required by the Town of Indian Trail UDO and NCDOT as well as the approved TIA.
        - e. *Road Improvements*: All improvements identified in the Traffic Impact Analysis and the November 20, 2018 Traffic Mitigation Memorandum shall be installed by the developer. A construction phasing plan shall be approved by the Director of Engineering prior to any permit to construct given by the Town.
        - f. *Traffic Calming*: Traffic calming measures such as speed bumps or speed cushions shall be provided along Harold Calvin Drive and Boyd Road, as shown in Exhibit 1, and considered throughout the development subject to approval by the Director of Engineering.
9. *City of Monroe Parcels*: Parcels 07009001E and 07009001H are located within the City of Monroe and contain a section of Poplin Village Drive. This section of Poplin Village Drive shall be constructed at a minimum to the Town of Indian Trail standards. If the above parcels were to be annexed into the Town of Indian Trail, they will be developed in accordance with Exhibit 1 and receive approval from the Town of Indian Trail. Any improvements to Rocky River Road (as referenced in Section 7.d above) shall be consistent with Town of Indian Trail and NCDOT standards.
10. *Signs*: No billboards or freestanding signs shall be placed facing the Monroe Expressway.
  - a. *Sign Easement*: A standalone sign easement shall be provided to the Town of Indian Trail on the Unionville-Indian Trail Road site frontage for use of advertising the potential future public park parcel. The park sign shall not count towards any sign allowances specified in the UDO.
11. This project shall be vested to the Unified Development Ordinance at the time of the conditional zoning district approval unless otherwise indicated by the applicant at the time of site plan preparation.
12. *Union County Public Works*: Sketch plan approval shall be required from Union County Public Works prior to submittal of the site plan to the Town.

13. *Revocation*: The Town Council may act to revoke the conditional zoning district designation if the applicant fails to meet the terms of the district.

**Section 3** – This ordinance shall be effective immediately upon adoption.

**AND IT IS SO ORDAINED** this 26<sup>th</sup> day of February 2019.

**TOWN OF INDIAN TRAIL COUNCIL**

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Michael L. Alvarez, Mayor

Attest:

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Kathy Queen, Town Clerk

APPROVED AS TO FORM:

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Karen Wolter, Town Attorney