

BK 1333PG269

Town Of Indian Trail



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Indian Trail, North Carolina 28079
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PLANNING AND DEVELOPMENT DEPARTMENT

Filed for record
Date 12.10.98
Time 8:45 o'clock PM
JUDY G. PRICE, Register of Deeds
Union County, Monroe, North Carolina
record only SC

Special Use Permit Granted

On the date(s) listed below, the Town Council of Indian Trail met and held a public hearing to consider the following application.

Applicant: L.C. TYSON

Property Location: Mill Grove Road, Stevens Mill Road and Idlewild Road

Tax map(s): 07-057-018, 07-036-054

Proposed Use of Property: Planned Unit Development

Meeting date(s): November 10, 1998

RECORDED
AND
VERIFIED
JGP

Having heard all of the evidence and argument presented at the hearing, the Town Council finds that the application is complete, that the application complies with all of the applicable requirements of the Indian Trail Zoning Ordinance for the development proposed, and that therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Town Ordinances and the following conditions:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Town of Indian Trail Planning Department.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

If this permit authorizes development on a tract of land larger than one acre, nothing authorized by the permit may be done until the property owner properly executes and returns to the Town of Indian Trail the attached acknowledgment of the issuance of this permit so that the Town of Indian Trail may have it recorded with the Union County Register of Deeds.

BK 1333PG270

IN WITNESS WHEREOF, the Town of Indian Trail has caused this permit to be issued in its name, and the undersigned, being all of the property above described, do hereby accept this Special Use Permit, together with all its conditions, as binding on them and their successors in interest.



Attest: Town Clerk

Karen B. Price

TOWN OF INDIAN TRAIL

BY: Ray B. Killough
Mayor of Indian Trail

BK 1333PG271

Therefore, APPROVAL OF SUP-98-010 IS WITH THE FOLLOWING CONDITIONS:

- A. Restrict the use of the property uses and structures as follows: THE OVERALL DENSITY OF THE TOTAL ACREAGE OF THE PROJECT MUST NOT EXCEED TO 2.6 UNITS TO THE ACRE EXCLUDING PARCEL 1 (COMMERCIAL OFFICE) but including PARCEL 7 (MULTI-FAMILY) TOTALING 446.96 ACRES.**
- B. For Single Family sections of Parcels 2-6 and 10-14. As documented on the plan dated August 31 and revised 9/25/98. No required open space will be included in the lot area of any lot.**
1. Single-family detached dwellings and accessory uses and structures not to exceed two point three six (2.36) gross units per acre.
 2. All front yards shall be (sodded or seeded and strawed) with development of sidewalks, street lights and street trees for the proposed phase prior to the issuance of a zoning compliance by the Town of Indian Trail.
 3. All dwellings shall have double-car garages and where garages are front entry, driveways shall be a minimum of 16 feet in width.
 4. Provide in Parcel 2 a R-20 cluster lot with a standard 40 foot rear yard. All lots will be outside the 30 foot open space.
 5. Provide an Amenity area based on the drawings from September 17th.
 6. Twelve (12) of existing tree line to remain against residentially zoned property against parcel 13 and parcel 14. Include this requirement in the deed restrictions.
- B. Multi-Family known as Parcel 7**
- Multi-family which will be limited to but not to exceed a 150 units limited to 15.0 acre tract. Provide separate amenity package for this community as well as sidewalks and streetlights interior to parcel 7 through out the multi-family development. Provide evergreen hedge along parcel 6 and Red Lantern. Height of dwellings dependent approval of fire marshal and building official.
- D. Commercial and Office-known as Parcels 1**
1. Limited to commercial and office uses. A commercial site with a grocery store is permitted but the remaining uses must be limited to those found in the list of permitted uses for B-2 or Office.
 2. Twelve (12) of existing tree line to remain against residentially zoned property with the exception of the northern property line where either 40 feet of the tree line or 12 feet of the existing tree line and the 6 foot high berm (as detailed) will remain undisturbed with the exception of utility crossings or road right-of-way which may cross the buffer perpendicularly.

BK 1333PG272

3. A berm interior to the tree line shall be constructed (with a minimum height of 6 feet with a maximum slope of 3:1.) with intermittent visual obstruction above the berm to the height of 14 feet scrubs required may be reduced by 25 percent.
 4. Only 75 percent of the required planting may be scrubs. The remaining 25 percent of the plant materials must be made up of evergreen trees of which a total of (40 percent) of the required trees must be large maturing trees.
 5. Deciduous plant materials must be used through out.
2. Satisfy the following development considerations:
- A. Provide open space (20 percent or 94.292 acres) so that at least ten percent of the total acreage be provided prior to final plat approval or the issuance of zoning compliance.
 - B. Development of sidewalks, street lights and street trees (PROVIDE ON THE OPPOSITE SIDE OF THE STREET FROM THE WATER LINE) for the proposed phase prior to the issuance of a zoning compliance certificate by the Town of Indian Trail.
 - B. All dwellings shall have double car garages, and where garages are front entry, driveways shall be a minimum of 16 feet in width.
3. Satisfy the following considerations:
- A. Provide streetlights along the sidewalk on both sides of interior subdivision streets ranging from 100 feet to 300 feet apart depending on illumination (candle wattage) of the lights installed prior to completion of the final platting process. See detail in Subdivision Regulations.
 - B. Provide five foot wide side walk on both sides of collector streets and one side of cul-de-sac streets.
 - C. The green space or open area provided for totals 20% or 94.292 acres of land.
 - D. No access provided from proposed entrance street of Idlewild Road to Red Latern Road.
4. Abide by the following requirements, dedications and improvements:
- A. Improve Idlewild Road, Mill Grove and Stevens Mill Road with turn lanes and decelerations lanes as well possible realignment of streets at the time of development if required by the NCDOT and Town of Indian Trail standards. Prior to development of the site, address site distance problems with improvements as required by the Town of Indian Trail.

BK 1333PG273

- B. Provide 5 foot sidewalks and curb gutter along the frontage of Idlewild Road, Mill Grove and Stevens Mill Road. Provide access and parking into the recreation area provided of Mill Grove Road.
- C. Provide a biological assessment to the Wildlife Resources Commission concerning the Goose Creek Mussel prior any development activity on the site.
- D. Provide documentation of the package plant expansion necessary to sewer this project prior to any development activity on the site.
- E. Traffic study by certified traffic engineer is required prior to development on Stevens Mills, Mill Grove Road, and Idlewild entrances.