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**PLANNING DEPARTMENT**  
**BOARD MINUTES (VOTE)**  
**May 20, 2021**  
**6:00 P.M.**

## **DETERMINATION OF QUORUM**

A quorum was present. Meeting was called to order by Chairperson Fielding.

## **CALL TO ORDER**

The following members of the governing body were present:

Board Members:	Chairperson Meg Fielding, Chris McGuire, Larry Dukes, Mischelle Reece & Vice-chair Joe Lytch
Applicants:	Liane Watson, Hope Montessori School Liquid Management, LLC
Staff Members:	Brandi Deese - Planning Director, Matt Ward – Senior Planner, and Laurie Gable, Board Secretary
Absent:	Cheryl Mimy & Sidney Sandy

**Chairperson Fielding opened the meeting at 6:00pm.**

**Staff determined Quorum was present via roll call.**

**Staff acknowledged they had not received any additional comments.**

**Chairperson Fielding** asked if there were any questions or comments from the board members.

## **UNFINISHED BUSINESS – FINAL RECOMMENDATION**

### **a. CZ 2020-0101 HOPE MONTESSORI SCHOOL**

*Chairperson Fielding stated the board would entertain a motion. Board member Reece made a motion to approve CZ 2020-0101, Hope Montessori School.*

*Brandi Deese did a roll call vote; motion approved by members Chris McGuire, Larry Dukes, Mischelle Reece, Vice-chair Joe Lytch & Chairperson Meg Fielding. Motion carried 5:0. Cheryl Mimy & Sidney Sandy were absent for the vote.*

**b. CZ 2021-0017 ELAN APARTMENTS AT INDIAN TRAIL PHASE II**

**Board Member Dukes** expressed his concern is still traffic for Phase I in and out of Highway 74 to and from these apartments in all directions.

**Chairperson Fielding** has concerns as to how the water and sewer issues with Union County has been planned for?

*Brandi Deese stated there is a county interceptor project that is a two-year project, once it gets through this hurdle this flows to Crooked Creek; there are major capacity concerns there. Union County is working with all its municipalities to come to some sort of interlocal agreement that will give them the comfort to move forward with some approvals of some very big projects such as a new wastewater treatment facility. Crooked Creak is a dated facility which does not have the ability to be upgraded, it would have to be replaced. If council approves this project, there is no guarantee it will come anytime soon since the project may take 7-10 years.*

**Chairperson Fielding** has asked about how the stormwater is being addressed.

*Matt Ward explained there are 3 ponds being built currently for the total project.*

*Brandi Deese noted as far as the stormwater, they must account for any increase in impervious areas, there is no variance or leeway on this regulation.*

*Matt Kirchner with Eagle Engineering explained some of those areas where they used to make additional parking storm and water may be underground. They will meet all state and Indian Trail requirements.*

**Board member Dukes** asked is the ground movement that we currently see the Phase I activity for the apartments?

*Brandi Deese stated that is correct along with the hotel site being pad ready.*

**Board member Dukes** asked whether Phase II goes through or not will these other items still need to be addressed? What is the timing that it would take again? Does this mean we would have to have a brand-new Crooked Creek water treatment facility before this will be approved?

*Brandi Deese noted that is possible, there is really no way to know that for sure. They have a hurdle in that they must get that interceptor in. Once that engineering is complete, they go through site plan approval and get their permits, there may be at a point water and sewer wise that there is not capacity. There are a lot of projects that feed into Crooked Creek. There is no way to know whether the capacity will be there or not.*

**Board member Reece** wanted to confirm that this project might be several years out due to the sewer issues.

*Brandi Deese stated that in Phase I, the original Elan at Indian Trail (formerly The Hub) there was a condition listed that Phase II could not get building permits until the Co's were granted on Phase I. He did not plan on constructing until Phase I was finished. This was a condition in the original approval.*

**Board member Reece** asked if council approves this project, can something else be built on this property?

*Brandi Deese noted that is correct, this is a conditional approval and attached to the ordinance is the concept plan. That is what they must develop, staff has very little leeway to change it. We see that example playing out with the Hub Hotel.*

**Board member Dukes** asked with Phase II, if this would go through with an approval, is there a time limit on our recommendation/Town Council reviewing it? Is there a time limit on the approval process that these projects do not have to go back through the process again and to get approval again?

*Brandi Deese stated typically you will see on a conditional rezoning a 2-year condition. We add a condition onto the approval that says if you do not have building permit approvals within this timeframe, the approval is void. Speaking with our Town attorney, the developers in Union County, with the sewer issue, have a lot of risk, it does not seem wise of us to add a time frame of 2 or 3 years when they might not have sewer for 7-10 years. We have removed the time frame from the list of conditions for the last few approvals that have been received since the sewer announcement.*

**Board member Dukes** wants to know what happens if Phase II does not get approved by Town Council, what happens to that land, does it stay native?

*Brandi Deese explained what you are looking at is the hotel pad. They wanted to make that pad ready. Phase II has not been graded at all. It will remain just as it is. There is a section in the Unified Development Ordinance that states if they bring this same plan and it is denied, they must wait a year before they can bring a similar plan back for action.*

**Vice-chair Lytch** asked who is responsible for renovating the wastewater treatment plant, is that the Town, the citizens, or someone else's responsibility?

*Brandi Deese explained ultimately, it is Union County Public Works through the funding they receive as an enterprise fund which is the rate payers and the system development fees collected from developers.*

*Chairperson Fielding stated the board would entertain a motion. Board member Dukes made a motion to approve CZ 2021-0017 Elan Apartments at Indian Trail Phase II. Ms. Deese did roll call vote: Chris McGuire-no, Larry Dukes-no, Mischelle Reece-yes, Vice-chair Joe Lytch-yes, Chairperson Meg Fielding-no. Motion did not carry 3:2. Cheryl Mimy & Sidney Sandy were absent for the vote.*

## **ADJOURNMENT**

**Motion** to adjourn was made by Member Dukes, the motion passed unanimously.

Chairperson:

Meg Fielding

Date: 5/20/21

Secretary:

Laurie Gable