

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, OCTOBER 26, 2009 - 7:00 P.M.
MINUTES**

The Planning Board of the Town of Weddington, North Carolina, met in a Regular Session in the Town Hall Council Chambers, 1924 Weddington Road, Weddington, NC 28104 on October 26, 2009 at 7:00 p.m., with Chairman Dorine Sharp presiding.

Present: Chairman Dorine Sharp, Vice-Chairman Rob Dow, Jack Steele, Scott Buzzard, Beth Masurat, Jeff Perryman, Janice Propst and Town Planner Jordan Cook and Town Administrator/Clerk Amy McCollum.

Absent: None

Visitors: Bill Howard, Barry Groome, Jacky Groome, Larry Almond, Katherine Armstrong, Werner Thomisser and Ken Dowd.

Item No. 1. Open the Meeting. Chairman Dorine Sharp called the October 26, 2009 Regular Planning Board Meeting to order at 7:02 p.m.

Item No. 2. Determination of Quorum/Additions or Deletions to the Agenda. There was a quorum. There were no additions or deletions to the agenda.

Item No. 3. Approval of Minutes.

A. September 28, 2009 Regular Planning Board Meeting. Ms. Beth Masurat and Mr. Jack Steele noted several corrections to the minutes. Mr. Jeff Perryman moved to approve the September 28, 2009 Regular Planning Board Meeting minutes with the corrections discussed. Vice-Chairman Rob Dow seconded the motion, with votes recorded as follows:

AYES: Propst, Perryman, Masurat, Buzzard, Steele and Vice-Chairman Dow
NAYS: None

Item No. 4. Old Business. There was no Old Business.

Item No. 5. New Business

A. Consideration of Conditional Use Permit for American Tower Corporation for a 160' Telecommunications Tower – Tax Parcel Numbers 06-096-003 and 06-096-153. The Planning Board received the following memo from Town Planner Jordan Cook:

American Tower Corporation d/b/a AT&T Mobility requests a Conditional Use Permit (CUP) for a 160 foot telecommunication tower. The tower will be located at 3016 Twelve Mile Creek Road. The tower will provide service for AT&T customers. An equipment building will also be added to the property.

Application Information

Date of Application: October 1, 2009
Applicant Name: American Tower Corporation d/b/a AT&T Mobility
Owner Name: Barry and Mary Groome
Parcel ID#: 06-096-003 and 06-096-153
Property Location: 3016 Twelve Mile Creek Road

Existing Zoning: Parcel 06-096-003 is R-CD and Parcel 06-096-153 is R-40

Existing Use: Parcel 06-096-003 has an existing single family home. Parcel 06-096-153 is vacant

Proposed Use: Parcel 06-096-003 would still have the single family home and would also have a tower in the rear yard. Parcel 06-096-153 would remain vacant.

Existing Size: Parcel 06-096-003 is 29.54 acres and Parcel 06-096-153 is 3.99 acres

Proposed Size: Parcel 06-096-003 would be 31.72 acres and Parcel 06-096-153 would be 2.00 acres.

General Information

- The applicant is proposing a 160' camouflaged monopole wireless tower and 230 square foot equipment shelter within a 90' by 90' leased area.
- The proposed facility will be accessed by a 20' driveway from Twelve Mile Creek Road.
- The proposed tower will be able to accommodate a minimum of three wireless antennae. Space is also provided within the 70' by 70' fenced area for additional co-location equipment buildings.
- A 240' fall zone (setback) is required per *Section 58-298 of the Town of Weddington Zoning Ordinance*.
- The tower and equipment building will have setbacks of 240' and 311' from the proposed fence, therefore complying with the *Town of Weddington Zoning Ordinance*. No habitable structures will be able to be built within the fall zone.
- The requirements for the fall zone are being met by a lot line revision shown on the Site Plan (Sheet C-1). This lot line revision will be administratively approved if the CUP is granted. Parcel 06-096-003 will be increased from 29.54 acres to 31.72 acres after the revision. Parcel 06-096-153 will be decreased from 3.99 acres to 2.00 acres.
- Screening will be provided using existing, mature vegetation currently on site.
- Barry and Mary Groome have provided authorization to American Tower Corporation to apply for the CUP.

Staff has reviewed the application and submitted documents and finds the Conditional Use Permit Application is in compliance with Article 3 Conditional Uses and Article 10 Telecommunication Towers of the *Town of Weddington Zoning Ordinance*.

The Planning Board also received the following:

- GIS Map of the Area
- A copy of the Conditional Use Permit Application – CUP-02-09 dated October 1, 2009
- Letter from William G. Howard, Authorized Agent for American Tower Corporation, to Jordan Cook dated October 1, 2009
- Conditional Use Permit Findings of Fact Checklist
- Letter from Jill House, Project Manager, Site Development Services for American Tower Corporation, to Jordan Cook dated September 30, 2009
- Stormwater Impact Analysis
- Packets of Maps and Diagrams which included the following: Location Map, General Notes, Site Plan, Property Owners within 300', Natural Features, Tower Elevation, Compound Detail, Shelter Elevations, Shelter Foundation Details, Ice Bridge Detail, Fence Details, Driveway Details and Signage Details.

Mr. Bill Howard – I represent American Tower Corporation. I have a couple of exhibits that I would like to share with you. One is the impact statement with respect to our proposal. This tower is being built under contract for AT&T Mobility. Our goal with this site is to allow AT&T Mobility in-building coverage in residential areas which are north of Weddington Road between Cox Road and Deal Road. If

you look at the first map in your handout, you will see a series of sites. The red flags are all of the existing AT&T facilities which basically surround the Town of Weddington. It is important to note that every one of those facilities right now is a co-location. We obviously do not try to build new towers unless it is absolutely necessary. If you turn to the second page, you will see this is the coverage that we will be able to achieve for those five sites. If you look at where those sites are located, the green which surrounds each one of those sites is in-building coverage. As you get further away the signal dissipates. When you get into the blue area, you are looking at in-vehicle coverage. When you get to the yellow areas, you are talking about standing outside because you cannot get a signal otherwise. We have good but not ideal coverage along the major traffic arteries. Right there in the core where you will see our proposed site, we do not have the location, distance, or height where we can get into and provide the in-building coverage that is increasingly demanded in the residential communities. Our proposed site on the Groome property is the one right there in the middle and you will see how this ties in with the coverage that we are able to get from the surrounding sites. Our focus is on the residential areas north of Weddington Road. Because of the size of the town and topography, there is no way to make one site fill all of the needs that we have. This is a high demand site. There is one additional site that is out there which is about a mile away from our proposed site. We looked at that as an alternative and for the reasons that are shown on the site it is not a viable alternative because it basically duplicates what we have from those sites to the north and to the east and it does not give us the ability to provide the residential coverage in the area down towards Weddington Road. The aerial shows the vegetation and forested areas, which is among the key reasons that we selected this site. The Town of Weddington Tower Ordinance is very strict. There are a number of requirements that we have to meet. The vegetation that it offers, the distance away from roads and surrounding residential houses is where we can meet every one of the requirements that you have in your ordinance and allows us to get the coverage where it is needed. The Town allows up to 185 feet. We are not asking for that. We are asking for a 160 foot tower. We can get acceptable coverage as shown on the propagation maps with 160 feet. We are not asking for the upper limits of your tower height. We can also meet the carrier and co-location capacities for future carriers as they come on here. The site will be designed for not only AT&T Mobility but it will be engineered, both the tower itself and the compound, for two additional carriers at the very minimum for co-location. The screening and the vegetation which is provided by this site amply exceeds what you ask for in your ordinance and we are requesting to be able to use the vegetation that is on site in lieu of post construction plantings. What we are proposing is a flag pole without the flag. All of the antennas and lines, everything that makes this tower function, is all hidden inside.

Mr. Jeff Perryman – I understand that you said that you kept the height at 160 feet which was below the 185 feet maximum. If you are going ahead and building the pole, would that extra 25 feet not improve the coverage?

Mr. Howard – At 185 you are increasing the visibility of the tower. The benefit of this site is that we have tall mature forested areas. There are references in the Town ordinance regarding acceptable levels of coverage not ideal levels of coverage and at 160 it is acceptable. At 185 there may be an incremental change than what we have here but based on my past experience with Weddington we did not want to come in asking for something other than what we could justify as acceptable in lieu of ideal coverage. As you increase every foot in height you are increasing a foot and a half in setbacks also.

Chairman Sharp - How much of the foliage is going to be disturbed?

Mr. Howard – Our lease area is 90 feet by 90 feet around the compound. Inside that lease area we are proposing a 70 foot by 70 foot compound and the only vegetation that will be disturbed inside the lease area is what we will need for construction to get that compound in and the tower constructed. The rest of the vegetation inside that lease area will be maintained in its natural state. AT&T will be using an equipment shelter as required by the Town code that will be designed to match Mr. and Mrs. Groome's

house. I have also given you an impact study that is specific to this tower site and it analyzes the proposal and the standards of the Town of Weddington ordinance. This was prepared by a NC Real Estate Broker with a number of years experience in land use and impacts. His conclusion based on the location, vegetation, and site design is that there will be no impact on adjoining land uses or land values.

Chairman Sharp asked Mr. Howard the following Findings of Fact:

The use will not materially endanger the public health or safety if located where proposed and developed according to plan: Mr. Howard – Yes. This is a conditionally permitted use in the R-CD and R-40 zoning districts. All required conditions and development standards are satisfied. The facility is entirely contained on the parent parcel. There is no risk to health, safety or welfare of the public or persons within the vicinity.

The use meets all required conditions and specifications: Mr. Howard – Yes the development satisfies all setbacks and tower development and design standards of the Weddington code and the applicant is not seeking a variance or deviations from those standards.

The use will not substantially injure the value of adjoining or abutting piece of property or the use is a public necessity: Mr. Howard – Yes. It is based on the land impact study.

The location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and will be in general conformity with this ordinance and the Weddington Land Development Plan. Mr. Howard – Yes the development plans are consistent with the Land Use Plan of the Town of Weddington.

Mr. Jack Steele moved to send a favorable recommendation to the Town Council regarding the Conditional Use Permit for American Tower Corporation for a 160' Telecommunications Tower located on Tax Parcel Numbers 06-096-003 and 06-096-153 subject to a lot line revision. Vice-Chairman Dow seconded the motion, with votes recorded as follows:

AYES:	Perryman, Masurat, Buzzard, Steele and Vice-Chairman Dow
NAYS:	Propst

B. Consideration of Conditional Use Permit Amendment for the Weddington Corners Shopping Center. The Planning Board received the following memo from Town Planner Cook:

Weddington Associates requests a Conditional Use Permit (CUP) for a Shopping Center Identification sign and Landscaping revisions at Weddington Corners Shopping Center. The sign will be located along Providence Road at 13639 Providence Road. This sign is permitted per *Section 58-153* of the *Town of Weddington Zoning Ordinance*.

The applicant also proposes to remove two mature maple trees within the parking lot and replace them with crepe myrtles to improve visibility of the shopping center and add landscaping along Providence Road. This application is an amendment to a previously approved Conditional Use Permit.

Application Information

Date of Application: August 19, 2009
Applicant/Owner Name: Weddington Associates
Parcel ID#: 061-500-56
Property Location: 13639 Providence Road

Existing Zoning: B-2

Existing and Proposed Use: Weddington Corners (Shopping Center)

Property Size: 10.31 Acres

General Information

- Applicant is required to obtain a CUP amendment because the previous sign and landscaping was approved as part of an overall CUP.
- The previous sign and landscaping were removed by NCDOT due to the Providence Road widening project.
- A Shopping Center Identification sign is permitted in the B-2 Zoning District per *Section 58-153* of the *Town of Weddington Zoning Ordinance*.
- The applicant is permitted one freestanding identification sign, no larger than 100 square feet, no taller than 20 feet and located behind the right-of-way.
- The proposed sign is 97 square feet, 14 feet 7 inches tall and placed behind the right-of-way, therefore complying with *Section 58-153*.
- The proposed sign also complies with *Section 58-149 Freestanding Signs*.
- The two existing maple trees within the parking lot are being removed to improve visibility to Weddington Corners. These trees were approved during the original CUP. The applicant is proposing to install crepe myrtles in the same location.
- The applicant is also proposing to add landscaping along Providence Road and around the proposed sign.
- The applicant must install trees that are evergreen or deciduous, a minimum of four feet high at time of planting and no more than 30 feet apart. The proposed landscaping meets those requirements therefore complying with *Section 58-8 Screening and Landscaping*.

Staff has reviewed the application and submitted documents and finds the Conditional Use Permit Application is in compliance with the Article 3 Conditional Uses, Article 1 In General (Screening and Landscaping) and Article 5 Signs of the *Town of Weddington Zoning Ordinance*.

The Planning Board also received the following:

- GIS Map of the Area
- Conditional Use Permit Application – CUP-01-09 dated August 18, 2009
- Adjoining Property Owners
- Narrative
- Drawing Showing Monument Sign and Measurements
- Site Plan
- Site Plan and Details

Town Planner Cook showed a picture of the two maple trees. He stated, “The reason that they are requesting removal of these trees is due to the visibility of those businesses behind those trees from Providence Road. Those businesses are struggling right now and those trees are impairing the view from Providence Road.”

Chairman Sharp - Only five businesses are listed on the sign that is proposed, how do you choose which businesses are going to be on the sign?

Mr. Steve McLeod – This is to basically replace the sign. When it was originally constructed all of the tenants had a chance to participate in the sign and these are the people that chose to participate.

Vice-Chairman Dow - If it would help them and their tenants, could they not apply with more names on it?

Chairman Sharp - As long as they stayed within the printed 100 square feet, they could list as many as they wanted.

Mr. McLeod - The more you put up there the less you see. Regarding the removal of the trees, it was a bad landscape design originally. We want to transplant these trees somewhere and we will give them to somebody if we are approved but the UPS Store and the Veterinarian Office you cannot see now. If the signage was lower you could make them look decent. Unfortunately those trees are there and blocking the signage and we are trying to respond to our tenants who have heartburn on how to survive during the road widening.

Vice-Chairman Dow moved to send a favorable recommendation to the Town Council regarding the Conditional Use Permit Amendment for the Weddington Corners Shopping Center. Ms. Janice Propst seconded the motion, with votes recorded as follows:

AYES:	Propst, Perryman, Masurat, Buzzard, Steele and Vice-Chairman Dow
NAYS:	None

C. Discussion and Consideration of Local Area Regional Transportation Plan (LARTP) Text Amendments. The Planning Board received the following memo from Town Planner Cook and a copy of the proposed text changes:

- The Town Council approved the LARTP at the September 14th Town Council meeting. Approval of this only included the Thoroughfare/Transportation Plan and LARTP Study and did not include the text amendments.
- Each municipality (Marvin, Waxhaw, Weddington and Wesley Chapel) involved in the LARTP Study received a list of ten possible Text Amendments to add to their Ordinance.
- Each municipality has been given the choice to choose which amendments suit their individual needs.
- The ten amendments provided tonight were written and recommended by the consultant (MartinAlexiouBryson) and have not been reviewed by the Town Attorney or amended to specifically tailor to the *Town of Weddington Code of Ordinances*.

The Planning Board will review the proposed text amendments over the next month and be ready to discuss at the November Meeting. Chairman Sharp does not feel that the Board needs to consider Amendments #8, #9 and #10 because they are not relevant to Weddington. Mr. Steele questioned if the Town Planner could show the Board the existing language beside the proposed text amendments to help with the review. The Board members felt it would be best to review the amendments to see if they are needed and then the Town Planner will review the Code to show what the current language is.

D. Discussion and Consideration of Proposed Text Changes to Section 46-45 – Final Major Subdivision Plat Submission and Review. The Planning Board received a copy of the proposed text change. Town Administrator/Clerk Amy McCollum expressed the reasoning behind the proposed text change dealing with letters of credit and bonds. Councilmember Tommy Price had requested that developers not be allowed a reduction in the bond money until the subdivision is completed. Staff discussed issues with expiration dates over the past year due to the economy. Members of the Planning Board were not sure if banks would grant a letter of credit without an expiration date. Chairman Sharp, Ms. McCollum and Mr. Cook will work with the Town Attorney further on this text change. The Planning

Board preferred to allow at least one reduction up to a certain percentage during the construction of the subdivision.

Item No. 6. Update from Town Planner. The Planning Board received the following update from Town Planner Cook:

- The Weddington Town Core Plan Public Kick-Off Meeting was held on September 29th. A day long Charrette was held on Thursday, October 22nd from 9:00am-8:00pm at Weddington Swim & Racquet Club. The next meeting will be a Charrette Presentation on Tuesday, November 17th held at the same location.
- The Helms Property Conditional Zoning/Rezoning proposal is currently scheduling their Public Involvement Meetings. The applicants for this rezoning are working closely with the Weddington Town Core consultants for input and feedback on their project.
- The Order to Take Corrective Procedure for the WCWAA violation has been drafted. This is in response to the violation that took place at the Optimist Park in April 2009. This Order requires the owner to remedy the violation in no more than 180 calendar days or appeal to the local elected governing body. The Order is currently being reviewed by the Town Attorney.
- NCDOT Division Engineer Barry Moose attended the October 12, 2009 Town Council meeting to follow up on previous conversations about improving access to the Weddington Corners Shopping Center. At that meeting Barry Moose stated that a temporary traffic signal would be installed on Providence Road at the Mills Cleaners (lower) entrance. This signal would be temporary until a connector road is built from Providence Road to Weddington-Matthews Road. He said that this light would not be a detriment to traffic flow along Providence Road. Barry Moose also recommended installing a back entrance into Weddington Corners. Mr. Moose also recommended that the shopping center remove their internal island as well as connect with the Weddington Activity Center. This island is located within the driveway from Weddington Road. Mr. Moose also stated that funds should be available in January to install turning lanes and a traffic signal at Hemby/Beulah Church Roads and Weddington-Matthews Road intersection. Construction could begin next summer and take at least six months to complete. The island at Tilley Morris Road will also be replaced sometime in 2010.

Item No. 7. Other Business.

A. Report from the October 12, 2009 Regular Town Council Meeting. The Planning Board received a copy of the October 12, 2009 Regular Town Council Meeting agenda as information.

Item No. 8. Adjournment. Mr. Steele moved to adjourn the October 26, 2009 Regular Planning Board Meeting. Ms. Janice Propst seconded the motion, with votes recorded as follows:

AYES:	Propst, Perryman, Masurat, Buzzard, Steele and Vice-Chairman Dow
NAYS:	None

The meeting adjourned at 8:32 p.m.

Dorine Sharp, Chairman

Attest:

Amy S. McCollum, Town Clerk