

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
WEDDINGTON TOWN HALL
1924 Weddington Road
Weddington, NC 28104
JUNE 26, 2017
AGENDA**

1. Open the Meeting
2. Determination of Quorum/Additions or Deletions to the Agenda
3. Approval of Minutes
May 22, 2017 Regular Planning Board Meeting Minutes
4. Presentation from Union Power Cooperative
Wil Ortiz, Director of Vegetation Management
Luanne Sherron, VP Key Accounts & Government Relations
5. Old Business
 - A. Discussion and Consideration of Text Amendment Chapter 22: Environment; Noise
 - B. Discussion of Lot Size Amendment for RCD
6. New Business
 - A. Review and Consideration of Graham Allen Subdivision Preliminary Plat
 - B. Review and Consideration of Land Use Plan Annual Review
7. Update from Town Planner
8. Report from the June Town Council Meeting
9. Adjournment

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, JUNE 26, 2017 7:00 P.M.
WEDDINGTON TOWN HALL
MINUTES
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1. OPEN THE MEETING

Chairman Dow called the meeting to order at 7:06 p.m.

2. DETERMINATION OF QUORUM/ADDITIONS OR DELETIONS TO THE AGENDA

Quorum was determined with all members in attendance: Chairman Rob Dow, Board Members Barbara Harrison, Bruce Klink, Brad Prillaman, Gerry Hartman, Jim Vivian, and Walt Hogan

Visitors: Graham Allen, Chris Duggan, Wil Ortiz, Luanne Sherron, and Councilmember Janice Propst

3. APPROVAL OF MINUTES

May 22, 2017 Regular Planning Board Meeting Minutes

There were no changes to the minutes.

Motion: Board member Hartman moved to adopt the May 22, 2017 Regular Planning Board Meeting Minutes

Second: Board member Klink

Vote: The motion passed with a unanimous vote.

4. PRESENTATION FROM UNION POWER COOPERATIVE

Wil Ortiz, Director of Vegetation Management

Luanne Sherron, VP Key Accounts & Government Relations

Ms. Thompson introduced Luanne Sherron, who presented the Planning Board with a map of Union Power meters in Weddington and a packet of information on Union Power. She is a liaison between the cooperative and local governments. Ms. Sherron introduced Wil Ortiz, the Director of Vegetation Management for Union Power. He explained his role in vegetation management in the power cooperative rights of way. Mr. Ortiz expressed the need for local planning entities and developers to work with Union Power on landscape plans for new subdivisions to prevent harmful and unattractive trimming of vegetation planted in the power easements. The Board agreed that cooperation between the Town and utility companies was necessary.

5. OLD BUSINESS

**A. DISCUSSION AND CONSIDERATION OF TEXT AMENDMENT CHAPTER 22:
ENVIRONMENT; NOISE**

Chairman Dow - The paragraph under 22-1(A) is our current noise ordinance. We've only had 4 complaints this year to date. All the complaints were from residents that live in neighborhoods' with HOA's. I believe complaints like this are best handled closest to the problem - like through a HOA. It feels intrusive for a town to impose ordinances upon everybody for the problems of

the few that can be handled by HOA's. I'd like to know how much time our enforcement officer, staff and legal spends on a case like this?

Ms. Thompson: Enforcement can be as simple as a citation book or a notice; the problem is if the citation doesn't get paid or the violator doesn't stop. It can be a major drain on resources.

Chairman Dow continued. The County has an ordinance that is exactly what we would put in to cover these issues. The deputies are familiar with it. We wouldn't need our own citation books. We can adopt the County ordinance and have no additional exposure.

Board member Prillaman agreed. It's a risk aversion; it puts responsibility with the county.

Board member Hogan - We're in transition from a rural town to bedroom community. It's time to think about specific Weddington ordinances to help facilitate the transition. We are changing.

Chairman Dow - We can stay rural and continue to develop out. If we have an ordinance that can facilitate what we want, why wouldn't we adopt that? Lisa, what is the difference between the county's ordinance and the proposed text?

Ms. Thompson: Spinning tires, revving engines, the discharge of exhaust engines, tires peeling; animal nuisances, and trash collection. She also mentioned that the problem with HOAs controlling issues is that they can't control it if it's happening in an adjacent development, like construction noise.

Chairman Dow: – a lot of the complaints are temporary. The state can control some of those like spinning tires and revving engines; and the animal noises are already covered under the animal control ordinance.

Board member Harrison: We're becoming big brother. The majority of complaints can be handled by HOA's. Also, if one neighbor doesn't like another, this gives them a reason to call the Town. This is going to get the town too involved.

Chairman Dow: I want to make sure we're not missing a real safety issues. But I hesitate bringing in a whole new ordinance. I'd recommend the Planning Board adopt a resolution to follow the county nuisance ordinance. It will Replace 22-1 and add the county ordinance to appendix (D) –There's also a noise section in the zoning ordinance that needs to be replaced with a footnote to see new Section 22-1.

Board member Hartman: I like the idea of the County ordinance, however; I like the civil penalties options in the draft we received. Can we adopt the county ordinance with our own penalty section? Ms Thompson confirmed this to be true.

Chairman Dow: If we do that, we're bringing in town enforcement and the expenses that go with it; more legal fees. I'd look into that with Anthony. We don't want to accept responsibility. The County won't fight a battle to collect money for the Town. The way the counties is written; the Town doesn't have to get involved.

Board member Hogan: I agree with Gerry that we need the civil penalty. It allows the town to immediately enforce an ordinance.

Board member Prillaman: Unfortunately we have people that are willing to continue to violate the ordinance and pay the fines. Or, they go to jail and pay their way out. They don't care about these civil penalties.

Board member Vivian: Simplicity is best. If existing Union County ordinances can cover us; we as a town don't want to have to fight all the battles. I see the issue with the trash trucks but it can be handled with the adoption of the County ordinance.

Board member Klink: I agree, if Union County has an enforcement mechanism, why replicate it.

Board member Hogan: I have a different view point. We need something specific for Weddington. The civil penalty gives the planner a hammer.

Chairman Dow: We're going to get the calls. By adopting the County ordinance we can call the county deputies to control it, as they are now, and stay out of it.

Motion: Board member Hartman moved to recommend to replace Section 22-1 with the verbiage handed out at tonight's meeting (attached) and for the attorney to review the new verbiage and the exposure and shift of responsibility to the Town if we'd add our own civil penalties. Also, the zoning ordinance section 58-19 shall be replaced to place a foot note to see Section 22-1.

Second: Board member Prillaman
Vote: The motion passed with a 5 - 1 vote.
Board members Harrison, Klink, Prillaman, Hartman, and Vivian in favor.
Board member Hogan opposed.

Motion: Board member Prillaman moved to suspend the rules and move New Business before Discussion of Lot Size Amendment for RDC in Old Business.

Second: Board member Hartman
Vote: The motion passed with a unanimous vote

6. NEW BUSINESS

A. REVIEW AND CONSIDERATION OF GRAHAM ALLEN SUBDIVISION PRELIMINARY PLAT

Ms. Thompson presented the staff report. Graham Allen submitted a preliminary plat application for a 25 lot conventional subdivision on 41.53 acres located at the intersection of Weddington-Matthews Road and Antioch Church Road.

Application Information:

Date of Application: October 12, 2016
Applicant/Developer Name: Sunbelt Holdings SE I, LLC
Parcel ID#: 07150009F
Existing Zoning: R-CD
Existing Land Use: Vacant (Duke Power lines)
Proposed Land Use: Residential conventional subdivision

Project History:

A sketch plan was submitted in 2015. Public involvement meetings were held on August 18, 2015 and August 19, 2015. The sketch plan was approved by the town planner, Mr. Burton on October 28, 2015.

The preliminary plat/construction documents were submitted on October 12, 2016. Upon staff review, it was discovered that the approved cul-de-sac length didn't meet the requirements within the Weddington Subdivision Ordinance. The applicant applied for a modification of the subdivision ordinance to extend the length of the cul-de-sac, which was approved by Town Council on February 13, 2017.

Project Information:

The proposed subdivision contains 25 lots on 41.53 acres with a density of .60 units per acre. The developer is proposing a conventional subdivision which requires a minimum 40,000 square foot lot size and a minimum 10% open space. All lots meet the minimum lot widths and front, side, and rear yard setbacks.

The tract includes a 160' wide existing power line easement along the eastern boundary. Only 50% of the easement may be counted towards open space. The remaining open space is contained by wetlands, detention and viewshed buffers.

The 100' viewshed buffer will include a 10' landscape buffer along the thoroughfares, except where the power line easement is located.

The subdivision will be served by Union County Public Water and Sewer.

The subdivision is accessed by entrances on both Antioch Church Road and Weddington Matthews Road. The entrance at Antioch Church Road will include both right and left turn lanes. The entrance off of Weddington Matthews Road will be a right-in/right-out only. The existing median on Weddington Matthews Road will remain.

The Town Engineer approved the construction plans and they have been submitted to other outside review agencies including NCDOT, Public Works, NCDEQ and the Army Corps of Engineers. Staff has received approval letters from NCDEQ and the Army Corps of Engineers thus far.

A draft maintenance plan and CCRs have been submitted for review.

Recommended Conditions of Approval

Staff recommends approval of the preliminary plat/construction plans with the following conditions:

1. The Applicant must provide approvals from all local, state, and federal agencies prior to commencing construction.
2. The maintenance plan and agreement shall be reviewed by the town attorney.

The Board held a brief discussion. Mr. Allen explained road changes. Board member Vivian asked for confirmation on the width of the lots. Ms. Thompson explained that 120 feet wide at the front setback in the Town requirement and on a flag lot, the flag strip may not be used in the calculation of the total area of the lot.

Motion: Board member Hartman moved to recommend the Graham Allen Subdivision to the Town Council for approval with the conditions that the Applicant must provide approvals from all local, state, and federal agencies prior to commencing construction and the maintenance plan and agreement will be reviewed by the town attorney.

Second: Board member Prillaman

Vote: The motion passed with a unanimous vote.

B. REVIEW AND CONSIDERATION OF LAND USE PLAN ANNUAL REVIEW*(The Land Use Plan Annual Review is hereby submitted for the record)*

Chairman Dow - Every year the Planning Board is required to give an update to Town Council on what has been done and what the Council has requested them to do in relation to the Land Use Plan, with modifications and changes and moving the Plan forward. Staff went through our agendas and listed projects for the previous year. They made the following recommendations:

Delete - PB review of CCR's.

Add - Continues to maintain the medians and is exploring the addition of more rights of way throughout the town.

Add - Presentation from Union Power and considering reviewing the landscape plans and utility rights of way of to better coordinate with the power company. Review plant species planted near rights of way.

Motion: Board member Harrison moved to forward the Land Use Plan Annual Review to Town Council with changes as noted.

Second: Board member Hartman

Vote: The motion passed with a unanimous vote.

5. OLD BUSINESS-CONTINUED

B. DISCUSSION OF LOT SIZE AMENDMENT FOR RCD

Board member Prillaman – I requested staff to pull together neighborhoods average lot size, common open space etc, and percentage of lots in each category. He reviewed the chart with the Planning Board. As you can see a few of the newer developments have over 30 percent of their

lots 13,000 sq ft and below. We're set up on a one acre minimum density yield. I believe were missing something. There are issues we need to let developers work around i.e. power line easements, but I'd like more of a hybrid of lot sizes and open space. I'd like to raise the minimum to 14,500 and have an average lot size of 18-18,500. It still gives flexibility. A 12,000 sq ft lot doesn't fit with the community.

Board member Vivian –If we go back to larger lots, all were going to do is reducing open space. If you have a smaller piece of land it manifests itself. We're creating 'places' with these developments. If it's going to be these homogeneous large lots, we're doing ourselves a disservice especially to the smaller tracts. You can cluster lots and have a lot more open space.

Chairman Dow – I think we're eyeballing lot size and to me it's not going to stop some of the visual problems. Using Carrington for example; the RCD works great on the east side with the woods but on the west side you have this 100' buffer of open land that's not as attractive.

The Board discussed how topography of the land that can cause more issues than lot size.

Chairman Dow – I reviewed the land use plan. When RCD was formed – it talked about using it for meaningful tracts of land and gaining meaningful open space. RCD isn't supposed to be a given.

Board member Prillaman – Agreed. What was the exception, became the rule. The mindset has changed.

Board member Hogan suggested raising the minimum lot size but allowing the developers to plead their case if they want to go less than a certain size, i.e. a hardship with the land.

The Board agreed with this concept.

Motion: Board member Prillaman moved to recommend to Council a text amendment to change the minimum lot size in an RCD from 12,000 square feet to 15,000 square feet, and for circumstances that cause undue hardships due to topography, easements, floodplains, and the like, the developer may apply to the Town Planner for relief from the minimum requirement. However, under no circumstance shall the minimum lot area be less than 13,000 square feet.

Second: Board member Hogan

Vote: The motion passed with a 5-1 vote

Board members Hartman, Klink, Prillaman, Harrison, and Hogan in favor.

Board member Vivian opposed.

7. UPDATE FROM TOWN PLANNER

Ms. Thompson presented the update: Staff has received preliminary plat construction plans for the Deal Road Subdivision. The Tilley Morris roundabout at Weddington Matthews Road was chosen for funding at CRTPO with engineering starting in 2019 and construction slated for 2021.

NCDOT is closing Tilley Morris to connect the roundabout at the Ardrey Kell Extension behind Waverly. Ms. Thompson shared the video of the Rea Road Extension virtual construction from the NCDOT meeting.

8. REPORT FROM THE JUNE TOWN COUNCIL MEETING


Ms. Thompson reported that in the June Regular Meeting, the Town Council approved the Small Cell Telecommunication Facility Text Amendment, approved the Carrington Final Plat, approved the Tuscan Ridge Lots 11 & 12 Final Plat, discussed a noise ordinance and a nuisance ordinance and will discuss the nuisance ordinance again in order to provide direction to the Planning Board. The Council also discussed conducting a town survey and the Town has a new Board of Adjustment Attorney, Terry Sholar with Perry, Plyler, Bundy, and Long.

9. ADJOURNMENT


Motion: Board member Hartman moved to adjourn the meeting
Second: Board member Prillaman
Vote: The motion passed with a unanimous vote.

The June 26, 2017 Regular Planning Board Meeting adjourned at 9:19 p.m.

Adopted: 7/24/2017



Rob Dow, Chairman


Karen Dewey, Town Clerk

Land Use Plan Annual Review - July 2017

The Town continues to support the goals and policies of the land use plan. Below is a list of items reviewed by the Planning Board over the past year and how they continue comply with the plan:

- Sketch Plans - Weddington Matthews Rd Subdivision and Deal Road Subdivision.

Both plans protect scenic views with a 100' viewshed buffers along the thoroughfares and 50% open space to conserve wetlands, floodplain, and other environmentally sensitive lands. Both plans required public involvement meetings to solicit participation and input. All new development is proposed as single family homes.

- Preliminary Plats/Construction plans - Carrington Subdivision, Threshold Church and Weddington Pond Subdivision.

Through this process natural resources are preserved and adjacent properties are protected. Restrictions were placed for grading and clearing, protecting floodplain, waterways and erosion control. Drainage areas, soils and impervious surface were all factored in as part of the stormwater calculations to protect downstream properties from off-site run-off. The plan review considered the Town's roadway standards and included appropriate turn lane improvements and site distance regulations to help with congestion management.

- Rezoning/CUP amendment - Deal Road Subdivision, Threshold Church and Weddington Swim and Racquet.

Visual effect from surrounding properties and roadways were protected with adding and maintaining buffers and conditions were taken into account for conditional zoning processes.

- Entry monuments, Amenity Center, and Signs - the Enclave, Atherton Amenity Center, and All Saints Anglican Church.

The reviews ensured the plans were consistent with the Town's quality and aesthetic values.

- Final plats – The Falls, Atherton Estates, Vintage Creek, The Enclave, The Woods, Carrington and Tuscan Ridge.

This process allowed the board to review CCR's and maintenance plans and agreements, and bond amounts to ensure properties were properly maintained and constructed prior to construction of homes.

- Text amendments:

The Board supported the Town's existing 600' cul-de-sac length requirement to help with connectivity and distribute traffic.

Text amendments on political signs, maintenance bonds, and protest petitions were approved to keep the Town ordinances current with state statute regulations.

The board recommended language on addressing and cluster mailboxes to streamline processes.

Definitions and requirements for accessory structures and gross acreage of land were clarified.

The board recommended new regulations on blasting that included notification of residents, and a small cell telecommunication ordinance was added that will regulate modern technology to protect aesthetics within the town.

Town Council Retreat Topics

- Greenways/connectivity

The board discussed greenways and has information to bring to the Town Council for comment.

- RCD – Lot Sizes

The board continues to discuss lot sizes to ensure the goals and objectives of the land use plan are still being met with current development.

- Downtown Overlay

The board is requested to review the overlay district to ensure that the type, location, and scale of existing commercial and future commercial development in the Town is sufficient to protect property values and serve the residents. Development shall be limited to small-scale retail and service businesses, particularly specialty shops and restaurants. Open space preservation shall be included yet standards shall push for a cohesive design and site layout.

The Town recently purchased property in the overlay district.

- LARTP Update

The Town Council is in the process of updating the LARTP to ensure the goals and objectives for intersections and thoroughfares are being met.