

**TOWN OF WEDDINGTON  
REGULAR PLANNING BOARD MEETING  
WEDDINGTON TOWN HALL  
OCTOBER 24, 2016 – 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 24, 2016 with Chairman Dorine Sharp presiding.

Present: Chairman Dorine Sharp, Vice-Chairman Rob Dow, Brad Prillaman, Barbara Harrison, Jim Vivian, Bruce Klink, Gerry Hartman, and Administrative Assistant Tonya Goodson

Absent: None

Visitors: Kim Fisher, Walton Hogan, Mark VanDine, Mike Sealy, Pender McElroy, Mike Kissel, Bob Davis, Liz Callis, Mike Smith

**Item No. 1. Open the Meeting.** Chairman Dorine Sharp opened the meeting at 7:00 pm.

**Item No. 2. Determination of Quorum/Additions or Deletions to the Agenda.** There was a quorum.

**Item No. 3. Approval of Minutes.**

**A. September 26, 2016 Regular Planning Board Meeting Minutes.** Ms. Barbara Harrison moved to approve the minutes from September 26, 2016. Mr. Gerry Hartman seconded the motion, with votes recorded as follows:

AYES: Vice-Chairman Dow, Prillaman, Harrison, Vivian, Klink, Hartman  
NAYS: None

**Item No. 4. Old Business.**

**A. Review and Consideration of Preliminary Plat for the Major Subdivision Weddington Pond (previously Sugar Magnolia).** The Planning Board received the following memo along with Overall Site Plan.

**The Town Council sent this back to the Planning Board with concerns that the amount of open space provided does not meet the 50% of gross acreage of the tract. Bonterra Builders has revised the plat to show the parcel size after the DOT roadway dedication.**

Staff also recommends that we allow the subdivision to remove the stub to The Woods since The Woods is a PRD (gated community) and their plans do not show any connector to Weddington Pond.

**Weddington Pond R-CD Conservation Subdivision Conditional Preliminary Plat**

Bonterra Builders submits a subdivision preliminary plat application for an 18 lot Residential Conservation Subdivision on 20.51 acres located off Weddington Road (Highway 84). The Planning Board approved the Sketch Plan on December 22<sup>nd</sup>, 2015.

**Application Information:**

Date of Application: May 1<sup>st</sup>, 2016

Applicant/Developer Name: Bonterra Builders

Parcel ID#: 06156005; 06126004; 06126004A

Property Location: Weddington Road

Existing Zoning: R-CD

Proposed Zoning: R-CD (Conservation Subdivision through the Conditional Zoning process)

Existing Land Use: Residential Conservation

Proposed Land Use: Residential Conservation (CZ)

Parcel Size: 20.51 acres.

### **Project Information:**

Weddington Pond is a proposed 18 lot subdivision on 20.51 acres. The subdivision is located on Weddington Road and is being developed by Bonterra Builders, as an R-CD conservation subdivision.

A conservation subdivision must base the number of proposed lots on a yield plan per *Section 46-42* of the *Weddington Subdivision Ordinance*. This yield plan must show the number of lots that would be allowed if the tract was developed as a conventional subdivision with 40,000 square foot lots. Conservation subdivisions shall be density neutral (same number of lots as would be permitted in a conventional subdivision). The site density is 0.92 dwelling units per acre.

### **Conservation Land Summary:**

*Section 58-58 (4)* of the *Weddington Zoning Ordinance* stipulates that a minimum of 50% of the gross acreage must be retained as conservation land. Conservation lands must remain conservation lands in perpetuity. This is often done by requiring conservation easements and/or review and approval of neighborhood CCR's. Conservation lands are broken down into three tiers and given different priorities. Weddington Pond has provided 9.482 acres of conservation lands. Easements and right-of-ways are not included within the conservation lands.

### **Utilities**

- Weddington Pond is to be served by Union County Public Water and Sewer.

### **Access and Traffic Analysis**

- The subdivision will be accessed by one entrance on Weddington Road, and the plan also includes a road stub for future connectivity.
- The Town Planner, in coordination with Justin Carroll, determined that the subdivision did not meet the threshold for a formal Traffic Impact Analysis.
- The property is near to the Rea Road extension, but will not be directly impacted by the road improvements.

### **PIMS**

- PIMs were held on November 2<sup>nd</sup>, and November 3<sup>rd</sup>, both at Town Hall and on-site.
- Questions were general in nature and did not indicate any significant concerns about development of the property.

### **Additional Information:**

- Lot 15 is the largest lot at 20,668 square feet or .48 acres.
- Lot 7 is the smallest lot at 14,583 square feet or .34 acres.

### **Construction Documents**

USI has provided approval of the stormwater concept plan, and provided one round of review comments on the full set of construction documents.

### **Recommended Conditions of Approval**

1. Final Construction Document approval from US Infrastructure prior to any construction.
2. Construction document approval from UCPW prior to any construction.
3. The entrance monument to be placed in the entrance road median. Plans for the entrance monument to be approved by the Planning Board and Town Council.
4. Provide verification from NCDOT that the state will take over the entrance road Weddington Pond Blvd without the required four driveway cuts. **(Done)**

### **Planning Board Action for the Conditional Rezoning:**

Recommended approval with conditions (August 22, 2016)

### **Planning Board Action:**

Approve/Approve with Conditions/Deny

Mr. Brad Prillaman recused himself from the discussion.

Vice-Chairman Dow said the last survey was done almost 100 years ago. He agrees that it is unfair to consider the total plot size because it is part of what DOT owns and they can't use or develop it. Vice-Chairman Dow agrees that the Planning Board should interpret and look into a text change to clarify this.

Chairman Sharp said that Weddington Pond shows connectivity to the Woods. The Woods is a gated subdivision and they are not going to connect. She does not think the connectivity is required. Chairman Sharp suggested that Weddington Pond remove that connection to the Woods.

Vice-Chairman Rob Dow moved to send the Preliminary Plat for the Major Subdivision Weddington Pond to Council with the 4 conditions with a favorable recommendation to Town Council. Mr. Hartman seconded the motion, with votes recorded as follows:

AYES: Vice-Chairman Dow, Harrison, Vivian, Klink, Hartman

NAYS: None

**B. Review and Consideration of the Woods Final Plat Phase 1.** The Planning Board received the following memo along with the Final Record Map Phase I, Exhibit A (Delineation of Map 1 and Map 2), and Phase 1 Conditions for Approval and Conditional Approval.

This item was referred back to us by the Town Council at their last meeting.

Chairman Sharp explained the solution that the Town Council and the Woods came up with. The solution was to divide the project into Map 1 and Map 2. Map 1 can be approved now without any issues with Rea Road. Map 2 would have to be conditionally approved at a future date.

The Planning Board received a copy of the Woods Final Plat, Phase 1 – Conditions for Approval and Conditional Approval at the meeting and Exhibit A – Delineation of Map 1 and Map 2.

### **The Woods Final Plat, Phase 1 – Conditions for Approval and Conditional Approval:**

WHEREAS, the Developer and the Town acknowledge the unique posture of the Woods development, its 2007 preliminary plat submittal/approval and its final plat submittal and the unknown alignment of the Rea Road Extension; and

WHEREAS, the Developer and the Town recognize that the preliminary plat called for a second entrance to the Wood development to connect to the future Rea Road Extension; and  
WHEREAS, the Developer believes that the Rea Road Extension connection requirement is not required since the Rea Road Extension is not an existing road at the time of final plat approval; and  
WHEREAS, the Town disagrees with that interpretation and believes that the Rea Road Extension connection is a requirement of the preliminary plat; and  
WHEREAS, the Town and the Developer seek to resolve this issue by providing for the approval of Map 1 of the Woods Final Plat, Phase 1 with conditions and the conditional approval of Map 2 of the Woods Final Plat, Phase 1 with conditions; and  
WHEREAS, the Developer has volunteered to construct a deceleration lane for traffic entering the subdivision along Highway 84, and the Town has agreed to accept such offer; and  
WHEREAS, the Developer agrees to the following final plat approval process and waives any rights, claims or actions as to this approach:

A. Map 1 and Map 2 of the Woods Final Plat Phase 1.

The Woods Final Plat, Phase 1 shall include the consideration and approval of Final Plat, Phase, Map 1 with conditions and the conditional approval of Final Plat, Phase 1 Map 2 with conditions. Map 1 shall include that part of the Woods subdivision as shown on the attached Exhibit A shaded in green, said area running south of Highway 84 and including lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, and 113, containing 65 total lots. Map 2 shall include that remaining part of the Woods subdivision as shown on the attached Exhibit A unshaded, said area running north of the Rea Road Extension and including lots 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, and 124, containing 59 total lots.

B. Map 1 shall include the following Conditions of Approval:

1. Add a note to the plat stating the community septic field area located in the area identified in Map 1 of the development cannot be used for single family homes until those septic fields are abandoned.
2. Bond estimates to be approved by the Town's engineering consultant for Map 1.
3. Bond instruments to be reviewed and approved by the Town Attorney, and the final bond instruments must be submitted to and approved by the Town prior to recording the final plat for Map 1.
4. Each lot to be recorded in Map 1 of the Woods subdivision shall include on its Deed a statement that any roads in the subdivision are private and not the responsibility of the Town of Weddington and shall be maintained by the Woods Homeowners Association or its Developer.
5. Vehicle control signs including but not limited to stop signs and speed limit signs shall be installed by the Developer and maintained by the Homeowners Association. All speed limits within the subdivision shall be no greater than 25 mph.
6. Coordinate with USPS and DOT to provide cluster mailboxes within the area of subdivision shown in Map 1.
7. Any entry monuments require Planning Board approval. Details of the Entrance (Gate House, Gate, and Turnaround) were approved by the Town Council in 2007 as part of the PRD Conditional Use Permit.
8. A temporary gravel turnaround shall be constructed at the ends of Arbordale Lane East and Kilchurn Lanes large enough for a fire truck to turn around. These turnarounds may be eliminated when construction of these roads are continued into the area in Map 2.

C. Map 2 may be Conditionally Approved with the following Conditions of Approval:

1. Add a note to the plat stating the community septic field area located in the area identified in Map 2 of the development cannot be used for single family homes until those septic fields are abandoned.
2. Bond estimates to be approved by the Town's engineering consultant for Map 2.
3. Bond instruments to be reviewed and approved by the Town Attorney, and the final bond instruments must be submitted to and approved by the Town prior to recording the final plat for Map 2.
4. Each lot to be recorded in Map 2 of the Woods subdivision shall include on its Deed a statement that any roads in the subdivision are private and not the responsibility of the Town of Weddington and shall be maintained by the Woods Homeowners Association or its Developer.
5. Vehicle control signs including but not limited to stop signs and speed limit signs shall be installed by the Developer and maintained by the Homeowners Association. All speed limits within the subdivision shall be no greater than 25 mph.
6. Coordinate with USPS and DOT to provide cluster mailboxes within the area of the subdivision shown as Map 2.
7. Any entry monuments require Planning Board approval. Details of the Entrance (Gate House, Gate, and Turnaround) were approved by the Town Council in 2007 as part of the PRD Conditional Use Permit.
8. Arbordale Lane South will include an entrance stub that will provide connectivity to the Rea Road Extension when construction occurs.
9. No plat for Map 2 shall be filed with Union County until the final corridor alignment of the Rea Road Extension identified in the Record of Decision by NCDOT (the "Final Corridor Alignment"), has been made public subject to the conditions listed above and the following:
  - a. The Final Corridor Alignment shall remain as shown on Exhibit A or shall not require any changes to the lots shown on Map 2;
  - b. Subject to all of the above conditions being met, the conditionally approved plat shall become the approved final plat and the mayor may sign the mylars and Map 2 may be recorded with Union County; or
  - c. If, the Final Corridor Alignment is changed from the alignment shown on Exhibit A or requires changes to any of the platted lots in Map 2, final plat approval of Map 2 shall not occur without the review and approval of the revised plat for Map 2 by the Planning Board and the Town Council. The 2007 Town Subdivision Ordinance would continue to be applicable. Minor changes would be considered as lot line revisions as applicable.
10. No construction may take place on the amenity center lot until a conditional use permit has been obtained and approved by the Town Council.

Chairman Sharp explained that Map 1 is a final plat approval with conditions and Map 2 is a conditional approval with conditions. When you get final plat approval you have 90 days to meet your conditions and get the mylar signed. Map 2 will not happen right away which is why it is a conditional approval with conditions. Chairman Sharp went over the Map 1 conditions and explained that they are the same as last month with the exception of No. 8. On Map 2 1-7 Conditions are the same. No. 8, 9 and 10 are new conditions. If there are no changes to the lots at that time, The Woods has final approval and they do not have to come back to the Town. Item C will take care of the other circumstance.

Vice-Chairman Dow moved to send the Final Plat Phase 1 Map 1 with the included conditions to the Town Council with a favorable recommendation. Mr. Prillaman seconded the motion with votes recorded as follows:

AYES:	Vice-Chairman Dow, Prillaman, Harrison, Vivian, Klink, Hartman
NAYS:	None

Vice-Chairman Dow moved to send conditional approval of the Final Plat Phase 1 Map 2 with the included conditions to Town Council with a favorable recommendation. Mr. Prillaman seconded the motion with votes recorded as follows:

AYES: Vice-Chairman Dow, Prillaman, Harrison, Vivian, Klink, Hartman  
NAYS: None

**Item No. 5 New Business.**

**A. Review and Consideration of Sign for All Saints Anglican Church.** The Planning Board received the following memo from Interim Zoning Planner Nadine Bennett along with a drawing of the entry monument.

On July 13<sup>th</sup>, 2015, the Town Council approved (with conditions) the conditional rezoning for All Saints Anglican Church located off Hemby Road. The Town Council approved construction documents on October 12, 2015. The church is now applying for their sign permit.

The zoning approval included the following condition:

3. All signage must comply with Chapter 58, Article 5 of the Weddington Code of Ordinances.

As this is not a “church campus,” I believe the regulations of 58-152(e) (signs on all other nonresidential uses in an R district) apply. Per this section, the church is allowed one identification and one bulletin board sign. No sign shall be greater than 30 square feet.

You will note that the sign included in your packet is greater than 30 square feet. Section 58-149(f) states that, “the maximum sign area varies by type and use. Unless otherwise specified in the ordinance, the maximum total sign area per side shall be 50 square feet, and the total text area per side (including logos) shall be no greater than 20 square feet.”

According to the sign company, Julian advised that they would be allowed 50 square feet of signage. I am not sure how Julian would have arrived at this interpretation, and when I emailed, he said that he has no memory of a conversation about this signage.

As the interim planner without a history dealing with the church, I did not feel comfortable making the final decision on this and wanted to give the Planning Board a chance to weigh in. A representative of the sign company will be at the meeting.

The Planning Board discussed what is considered as part of the sign. Everyone agreed that the cross is part of the structure and should not be considered in the size requirements.

Chairman Sharp has requested to be advised as to where the sign will be located.

Vice-Chairman Dow moved to table this topic to the next Planning Board meeting. Dr. Bruce Klink seconded the motion with votes recorded as follows:

AYES: Vice-Chairman Dow, Prillaman, Harrison, Vivian, Klink, Hartman  
NAYS: None

**B. Review and Consideration of Text Amendment to Appendix I. – List of Acceptable Plant Species of the Weddington Zoning Ordinance to add items to the list.** The Planning Board received the following memo from Interim Zoning Planner Bennett.

We received a landscape plan for the Atherton Phase 3 buffer. The plan listed a number of plant species that were not specifically listed in our ordinance. The landscape architect who submitted the plan noted that our current plant list is dated and could use a refresh. He advised that plant lists “can’t (and shouldn’t) be all inclusive, yet they should provide for variety and flexibility in plant selections, which in turn, adds to the variety and aesthetics of a locale.” He suggested the following language (to which I made minor revisions):

Alternate plant varieties, hybrids, cultivars, subspecies, etc. of those species (or varieties, hybrids, cultivars, etc.) listed may also be submitted for plan review and approved at the discretion of the Zoning Administrator.

This language makes sense to me and will solve the short term issue of the Atherton plan. However, I also believe that it might be best (in the future) to take the plant list out of the ordinance and make it a standalone document referenced in the ordinance instead. This way, the list could evolve and change without constant text amendments.

#### APPENDIX I. - LIST OF ACCEPTABLE PLANT SPECIES

Alternate plant varieties, hybrids, cultivars, subspecies, etc. of those species (or varieties, hybrids, cultivars, etc.) listed may also be submitted for plan review and approved at the discretion of the Zoning Administrator.

Botanical Name	Common Name
LARGE MATURING TREES	
Abies firma	Japanese fir
Acer platanoides	Norway Maple
Acer rubrum	Red Maple
Acer saccharinum	Silver Maple
Saccharum	Sugar Maple
Altis laevigata	Sugar hackberry
Amelanchier Canadensis	Serviceberry
Betula negra	River Birch
Carya illinoensis	Pecan
Carya glabra	Shagbark hickory
Carya cordiformis	Pignut hickory
Cedrus deodara	Deodar cedar
Celtis occidentalis	Hackberry
Cryptoeria japonica	Japanese cryptomeria

Mr. Prillaman moved to send the Updated List of Acceptable Plant Species to the Town Council with a favorable recommendation. Dr. Klink seconded the motion with votes recorded as follows:

AYES: Vice-Chairman Dow, Prillaman, Harrison, Vivian, Klink, Hartman  
 NAYS: None

**C. Review and Consideration of Text Amendment to Section 46-45(b) (1), Section 58-54(3) I 3 iv, Section 58-58 (3) I 3 iv and Section 58-58 (4) I 3 iv of the Weddington Zoning Ordinance maintenance bonds.** The Planning Board received a copy of the proposed changes.

Chairman Sharp explained that State Law has changed. The Town used to get an estimate for the road bonds and the Town would keep 1.5 times the amount. We can now only keep 1.25 times the amount. Chairman Sharp went over the changes to reflect the State Law.

Mr. Prillaman moved to send the Text Amendments to the Town Council with a favorable recommendation. Ms. Harrison seconded the motion with votes recorded as follows:

AYES: Vice-Chairman Dow, Prillaman, Harrison, Vivian, Klink, Hartman  
NAYS: None

**D. Discussion of Minimum Lot Size in Conservation Subdivisions.**

Mr. Prillaman has noticed that the plans coming to the Board have an average lot size of 1/3 acre. Weddington was founded upon a premise of 1 acre minimum lot size. He thinks this changes the neighborhoods to look like all the other neighborhoods around. He wanted to start a discussion about increasing that limitation back up to 15,000 square feet. He does not want to see the Town come back to 0 lot lines with small space between houses. He feels that the large lots are going away.

Interim Planner Bennett will look what lots are between 12,000-13,000, 13,000- 14,000 and 15,000 in the following neighborhoods:

- Gardens on Providence
- Stratford Hall
- Hadley Park
- Lake Forest Preserve

This will be added to the Planning Board Agenda for November.

**E. Discussion of adding Blasting to the Weddington Zoning Ordinance.** The Planning Board received the following Text that Previous Town Planner Julian Burton recommended.

Add Section 46-79 to the Subdivision Ordinance

**Sec. 46-79 Blasting**

- Any developer or property owner shall provide the Town of Weddington with an approved blasting permit from Union County before proceeding with any blasting. The approved application shall be submitted to the Town at least two weeks prior to the blasting and include the beginning and ending date of the blasting period.
- No blasting shall occur outside the hours of 9 am – 5 pm.

**This is the text from the Village of Marvin:**

**150.079 BLASTING.**

- Blasting permits are issued by the Union County Fire Marshal.
- Any applicant for a blasting permit shall submit a copy of said application to the village along with a certificate of insurance evidencing all insurances carried by the applicant.

- (C) After receipt of blasting permit from the Union County Fire Marshal, the applicant shall notify in writing the village and all occupants and owners of residences and businesses adjoining the property where the blasting will occur of the intention to use explosives at least 48 hours before each blast.

**From the Town Code for Blowing Rock:**

Chapter 12A – Regulating Blasting and the Detonation of Explosives

(A) Covering. All blasting operations shall be covered in such a manner as to prevent fragments of rock, gravel, earth, trees, or other substances or materials from being thrown against or upon lots, buildings, utility lines, or any street or highway.

(B) Hours of Detonation. Hours of detonation shall be limited to daylight hours, no earlier than 8:00 a.m. or later than 5:00 p.m., Monday through Friday, except by special exception specifically authorized by the Town Administrator. Blasting shall also be prohibited on the following legal holidays: New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day.

(C) Water Quality Protection. Water is a precious resource and measures shall be taken to protect ground water quality as found in the nearest well within 500 feet of the blasting location. Post blast testing shall be done no sooner than 24 hours or no later than 48 hours following a blast. Turbidity in wells tested shall be no greater than that which existed prior to the blasting as established in the preblast survey.

(D) Notification. Any person detonating explosives shall first notify the Administrator that a blast is planned. Such notification shall be received at least twenty-four (24) hours prior to the planned detonation and shall give the time (within plus or minus one hour) of the planned detonation and the location where the blasting is to be done. The person detonating the explosives shall give an equivalent notice to each property owner that is located within 500 feet of the proposed blasting location.

Interim Planner Bennett suggested the Planning Board take the text from Marvin A, B (clarify that approved), C and Blowing Rock B. Chairman Sharp will put this in the form of a Text Amendment for the next Planning Board Meeting.

**Item No. 6. Update from Town Planner.**

Chairman Sharp introduced Interim Planner Bennett. The plan is for her to be here until December.

Chairman Sharp and Interim Town Planner Bennett walked a parcel behind Providence Fire Department with the Developers. There are 3 owners with 3 different parcels that the developers are considering purchasing. They did not know about the power lines going in.

Threshold Church and Map 1 and 2 of Enclave plus monument and landscape documents were approved by Council.

**Item No. 7. Other Business.**

**A. Report from the October Town Council Meeting.** The Planning Board received a copy of the agenda from the October 10, 2016 Regular Town Council Meeting.

**Item No. 9. Adjournment.** Mr. Prillaman moved to adjourn the October 24, 2016 Regular Planning Board Meeting. Ms. Harrison seconded the motion with votes recorded as follows:

AYES: Vice-Chairman Dow, Prillaman, Harrison, Vivian, Klink, Hartman  
NAYS: None

The meeting adjourned at 8:40 p.m.

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Dorine Sharp, Chairman

Attest:

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Tonya M. Goodson