

**TOWN OF WEDDINGTON  
REGULAR PLANNING BOARD MEETING  
WEDDINGTON TOWN HALL  
NOVEMBER 28, 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 November 28, 2016 with Chairman Dorine Sharp presiding.

Present: Chairman Dorine Sharp, Vice-Chairman Rob Dow, Brad Prillaman, Barbara Harrison, Jim Vivian, Bruce Klink, Interim Planner Nadine Bennett and Administrative Assistant Tonya Goodson

Absent: Gerry Hartman

Visitors: Walton Hogan, Jonathan Keith, Weston Boles

**Item No. 1. Open the Meeting.** Chairman Dorine Sharp opened the meeting at 7:04 p.m.

**Item No. 2. Determination of Quorum/Additions or Deletions to the Agenda.** There was a quorum. Item 5G description changed and is reflected in these minutes. Old Business Item B will be moved to after New Business.

Ms. Barbara Harrison moved to approve the change to the agenda. Vice-Chairman Rob Dow seconded the motion with votes recorded as follows:

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

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

**A. October 24, 2016 Regular Planning Board Meeting Minutes.** Vice-Chairman Dow moved to approve the minutes from October 24, 2016. Dr. Bruce Klink seconded the motion, with votes recorded as follows:

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

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

**A. Review and Consideration of Sign for All Saints Anglican Church.** The Planning Board received the following memo along with the church sign and site plan.

You reviewed this sign at your October meeting and determined that it was too large. They have submitted this revision bringing the square footage below 30 square feet, as required.

Vice-Chairman Dow moved to send the Sign for All Saints Anglican Church to Council with a favorable recommendation. Mr. Brad Prillaman seconded the motion, with votes recorded as follows:

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

**Item No. 5 New Business.**

**A. Review and Consideration of the Falls at Weddington Phase I Map 3.** The Planning Board received the following memo from Interim Zoning Planner Nadine Bennett along with the Final Plat.

Falls at Weddington, LLC, has submitted a subdivision final plat application for Phase I Map 3 and Phase I Map 4 of the approved Residential Conservation Subdivision, The Falls at Weddington, located off Antioch Church Road.

**Project Information:**

The Falls at Weddington Subdivision preliminary plat consists of 185 lots and was approved on December 8, 2014. The subdivision is located on both sides of Antioch Church Rd and is being developed by Falls at Weddington, LLC, as an RCD conservation subdivision.

**Construction Documents**

US Infrastructure is currently waiting for:

- ☐ as-built survey for storm drainage
- ☐ NCDOT letter approving of street construction installed to date, and
- ☐ letter of acceptance from UCPW for water and sewer.

The Falls has noted that these are forthcoming.

**Recommended Conditions of Approval:**

1. Bond estimates to be approved by the Town's engineering consultant
2. Bond instruments to be reviewed and approved by the Town Attorney and the final bond instruments must be submitted to the Town prior to recording of the final plat.
3. Construction Documents to be approved by the Town Engineer
4. Each remaining lot to be recorded in the Falls at Weddington subdivision shall include on its Deed a statement that any roads in the subdivision that are not accepted by NCDOT are private and not the responsibility of the Town of Weddington and shall be maintained by the Falls at Weddington 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 on any roads not accepted by NCDOT. All speed limits within the subdivision shall be no greater than 25 mph.
6. Coordinate with USPS and DOT to provide cluster mailboxes within subdivision.

**Planning Board Action:**

Recommend Approval/Recommend Approval with Conditions/Recommend Denial

**B. Review and Consideration of the Falls at Weddington Phase I Map 4.** The Planning Board received the above memo along with Map 4.

Vice-Chairman Dow moved to send the Falls at Weddington Conservation Subdivision Conditional Zoning Final Plat Phase I Map 3 and Phase I Map 4 to Council with a favorable recommendation with the recommended 6 conditions. Ms. Harrison seconded the motion with votes recorded as follows:

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

NAYS: None

**C. Review and Consideration of a Modification of the Subdivision Ordinance Section 46-76(g) Cul-de-sac for Graham Allen subdivision.** The Planning Board received the following memo from Interim Planner Bennett along with the Modification Request and Overall Site Plan for Graham Allen.

Graham Allen subdivision is requesting a modification of the subdivision ordinance from Section 46-76(g), related to cul-de-sac length. Cul-de-sacs are limited to 600 feet in length. Graham Allen is requesting a 1,026' cul-de-sac due to the shape of the lot. Generally, a subdivision would add a stub street to a neighboring property to shorten the cul-de-sac (which is measured from a through street). However, this property is bordered on all sides by conservation land for Brookhaven and Vintage Creek subdivisions. This gives them no ability to stub.

**Sec. 46-15. - Modifications.**

(a) *Authorization.* The town council may authorize a modification of these regulations when, in its opinion, undue hardship may result from strict compliance with these regulations. Such a modification shall be granted only to the extent that is absolutely necessary and not to an extent which would violate the intent of this chapter.

(b) *Procedure.* A petition for any such modification shall be submitted in writing by the subdivider to the subdivision administrator. The petition shall include:

- (1) The precise nature of the proposed modification of this chapter.
- (2) The reasons that the need for the modification has occurred.
- (3) A plat of the subject property drawn to a scale, suitable for recordation in the office of the appropriate county register of deeds, in which the property is located, indicating: North arrow, Dimensions of the subject property, The precise dimensions of the modification requested.
- (4) The grounds for the modification and all facts relied upon by the subdivider.

(c) *Review and recommendation.* The subdivision administrator shall review the petition and submit his written comments and recommendations with the petition to the planning board. The planning board shall consider the modification request and make a recommendation regarding the modification to the town council. The modification request and any recommendation from the planning board may be handled simultaneously by the planning board with the plat approval process for such subdivision and shall be subject to all submittal and recommendation deadlines and guidelines associated with such plat approval process.

(d) *Consideration by town council.* The town council shall consider the modification request once a recommendation has been received from the planning board, or the time for planning board review has elapsed with no recommendation having been forwarded, whichever comes first. In granting any modification, the town council shall make the findings required in this subsection, taking into account the nature of the proposed subdivision, the existing use of land

in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No modification shall be granted unless the town council finds that:

- (1) There are special circumstances or conditions affecting said property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.
- (2) The modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- (3) The circumstances giving rise to the need for the modification are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this chapter.
- (4) The granting of the modification will not be detrimental to the public health, safety and welfare or be injurious to other property in the territory in which said property is situated.
- (5) The modification will not vary the provisions of [chapter 58](#) applicable to the property.

In approving modifications, the town council may require such conditions as will, in its judgment, secure substantially the objectives and standards or requirements of this chapter.

*Culs-de-sac.*

- (1) Permanent dead-end streets shall not exceed 600 feet in length in conventional subdivisions unless necessitated by topography or property accessibility and if the town council grants a modification per [section 46-15](#). In conservation subdivisions, culs-de-sac may be greater than 600 feet in length in order to prevent the degradation and development of primary and secondary lands within the subdivision, thereby conserving the integrity of the conservation subdivision by preserving open space in an unaltered state. Culs-de-sac in conservation subdivisions shall not inhibit emergency vehicular access. The planning board shall review the sketch plan and existing resource and site analysis plan for a conservation subdivision that proposes culs-de-sac greater than 600 feet in length. Measurement shall be from the point where the centerline of the dead-end street intersects with the center of a through street to the center of the turnaround of the cul-de-sac. The distance from the edge of pavement on the vehicular turnaround to the right-of-way line shall not be less than the distance from the edge of pavement to right-of-way line on the street approaching the turnaround. Cul-de-sac pavement and right-of-way diameters shall be in accordance with NCDOT design standards. Designs other than the "bulb" end design with a circular right-of-way will be subject to the approval of the Division Engineer of the Division of Highways, North Carolina Department of Transportation and the town council after review on an individual basis. Culs-de-sac in conventional subdivisions shall not be allowed where connection with an existing street is possible.

The Planning Board discussed the fact that in addition to abutting conservation land the parcel also borders a power line easement making connectivity on that border impossible.

Vice-Chairman Dow moved to send the cul-de-sac modification request for Graham Allen Subdivision 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  
NAYS: None

**D. Review and Consideration of Text Amendment to add Section 46-79 Blasting to the Town Ordinances.** The Planning Board received the following memo.

As a follow-up to our October discussion, this is the suggested language for blasting:

**Sec. 46-79 Blasting**

- (a) Blasting permits are issued by the Union County Fire Marshal.
- (b) Any applicant for a blasting permit shall submit a copy of said application to the Town 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 send a copy of the blasting permit to the Town. The applicant shall notify in writing the Town 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.
- (d) 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.

Vice-Chairman Dow moved to send Section 46-79 Blasting Language to Town Council with a favorable recommendation. Ms. Harrison seconded the motion with votes recorded as follows:

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

**E. Review and Consideration of Text Amendment to Section 58-270 (h) to remove protest petitions from the Town Ordinances.** The Planning Board received the following memo.

Protest petitions were eliminated in 2015. [S.L. 2015-160](#) allows written protests to be filed with the city clerk and requires those objections be presented to the council, but provides that a simple majority is required to adopt the amendment.

This probably slipped past Weddington because it has never been an issue here. However, this is necessary to be in compliance with State statute.

~~(h)A written application of protest may be filed with reference to any proposed change or amendment to the zoning map. In case of a protest against such change, an amendment shall not become effective except by favorable vote of three fourths of the town council. For purposes of this subsection, vacant positions on the council and members who are excused from voting shall not be considered members of the council for calculation of the requisite three fourths vote. To qualify as a protest, the application must be signed by the owners of either 20 percent or more of the area included in the proposed change or five percent of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area~~

~~proposed to be rezoned. A street right of way shall not be considered in computing the 100-foot buffer area as long as that street right of way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the town may rely on the county tax listing to determine the owners of potentially qualifying areas. This section shall not be applicable to any amendment, which initially zones property added to the territorial coverage of this chapter as a result of annexation or otherwise.~~

~~(1) No protest against any proposed change shall be valid or effective unless it is in the form of a written application actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment, and unless it shall have been received by the town clerk in sufficient time to allow the town at least two normal workdays excluding Saturdays, Sundays and legal holidays before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the application.~~

~~(2) All protest petitions shall be on a form prescribed and furnished by the zoning administrator and such form may prescribe any reasonable information deemed necessary to permit the zoning administrator to determine the sufficiency and accuracy of the application.~~

**(H) If any resident or property owner in the city submits a written statement regarding a proposed amendment, modification, or repeal to a zoning ordinance to the clerk to the board at least two business days prior to the proposed vote on such change, the clerk to the board shall deliver such written statement to the Town Council. If the proposed change is the subject of a quasi-judicial proceeding under G.S. § 160A-388, the clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the board shall not disqualify any member of the board from voting.**

Vice-Chairman Dow moved to send the text change for the elimination of protest petitions to Council with a favorable recommendation. Mr. Prillaman seconded the motion with votes recorded as follows:

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

**F. Discussion of Section 58-16 Accessory Uses and Structures and definition of Building Footprint.** The Planning Board received the suggested text changes.

Interim Planner Bennett brought up that when permits are done the Town looks at the full square footage of the house in determining how large the accessory structure could be. The actual language says building footprint which is just the first floor of the house. She brought up the issue of the accessory structure being residential in nature. She said there were no clear guidelines for what that means and doesn't think there is any way to enforce it because you can't have design guidelines for houses. She asked the Planning Board what their intent is for accessory structures. The accessory structure can't be taller than the primary structure.

The decisions that were made about accessory structures that are NOT in the information included in the packet:

- New text will make clear that we will use the building footprint of the principal structure and the building footprint of the accessory structure. We will not consider the second floor of an accessory structure.
- New text will add wording to clarify that it is the cumulative square footage of accessory structures that counts towards the total square footage allowed in accessory structures.

**G. Review and Consideration of Text Amendment to add "Gross Area/Acreage of a tract of land" to Section 58-4 Definitions of the Town Ordinances.** The Planning Board received the following memo.

Because of the issue we had with Weddington Pond and Highway 84 with lot lines extending to the center of the road, we are adding a definition of "Gross area/acreage for a tract of land":

**Sec. 58-4. - Definitions.**

*Grocery store* means a retail store greater than 3,000 square feet in area which sells a wide variety of fresh produce, canned and packaged food items, small household goods and similar items which are consumed and used off-premises. In addition, a grocery store may contain a section where prepared foods are sold and consumed on-premises in a specially designated sit-down area. The sale of prepared foods for on-premises consumption, however, must be clearly subordinate to the sale of food and goods intended for consumption and use off-premises. The sale of fuel at fuel stations shall not be permitted at grocery stores.

*Gross area/acreage of a tract of land* is the total square footage of a parcel excluding [area contained in a](#) current DOT easement that the developer will be deeding to NCDOT.

*Gross floor area* means the total area of a building (in square feet) measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Vice-Chairman Dow moved to send Section 58-4 definitions with the additional highlighted verbiage to Town Council with favorable recommendation. Mr. Prillaman seconded the motion with votes recorded as follows:

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

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

**B. Review of average lot sizes in selected conservation subdivisions.** The Planning Board received the following memo along with the parcel size map.

Pursuant to our conversation at the October Planning Board meeting, I am including information on lot sizes in conservation subdivisions.

The following is information that Dorine had previously put together. I have also included numbers for specific subdivisions, as well as a map showing lots in the town that are one acre or smaller. Any lots shown on the map that are without any color are larger than 43,460 square feet. I have a large copy of the map for the meeting. I realize the small one is difficult to see.

Information provided by Chairman Sharp:

Traditional subdivision

100 acres yields approximately 78 homes after reduction for 10 acres of open space, and approximately 12 acres for entranceway, roads, etc.

Current Conservation Subdivisions

100 acres

50 acres buildable

50 acres conservation land

-12 acres

=38 acres for 78 homes

$38 \times 40,000 = 1,520,000$  sq. ft. available for the 78 homes or approximately 19,500 sq. ft. average lot size

Suggest raising the minimum lot size to 16,000 sq. ft. to allow flexibility in lot layout considering where the building pad will be placed on the lots.

Consider creating another option of about 1/3 open space calling it 35%

100 acres

65 acres buildable

35 acres conservation land

-12 acres

=53 acres for 78 homes

$53 \times 40,000 = 2,120,000$  sq. ft. available for the 78 homes or approximately 27,000 sq. ft. average lot size

Suggest using a minimum lot size of 24,000 sq. ft. for the same reasons as above. Building setback would need to be established.

Comparison of ratios of per 1000 of sq. ft. to number of acres buildable.

$40/90=0.44$        $24/65=0.37$        $16/50=0.32$

Information provided by Interim Planner Bennett:

Lake Forest Preserve:

146 lots

Average lot size: 19,007 square feet

Smallest lot: 15,681 square feet

Largest Lot: 29,330 square feet

Open Space/Amenities: 146 acres

Hadley Park:

62 lots

Average lot size: 19,002 square feet

Smallest lot: 15,062 square feet

Largest Lot: 23,993 square feet

Open Space/Amenities: 34 acres

Stratford Hall:

Average lot size: 21,575 square feet

Smallest lot: 15,160 square feet  
Largest Lot: 36,827 square feet  
Open Space/Amenities: 18.6 acres

Gardens on Providence:

Average lot size: 19,842 square feet  
Smallest lot: 17,278 square feet  
Largest Lot: 43,493 square feet  
Open Space/Amenities: 27.5

The following items were discussed:

1. Mr. Prillaman would like to see more space between the lots.
2. The lakes, falls and sharp ravines should be saved to give the developers the opportunity to still develop the land at current fair market value. There needs to be enough leeway for them to be able to do that.
3. If the developer had to have bigger lots they would have people's backyards going to the middle of the creek. Fertilizer would go right to the edge of the creek. After it rains then the fertilizer will go into the creek. The point is to keep a buffer around the creeks and ponds by making them part of the conservation land and not have someone's backyard going into the middle of the pond.
4. Mr. Prillaman thinks some of this can be accommodated by having an exception clause as opposed to the norm. His biggest objection is how close the houses are together. Weddington used to be just big estate lots. Now there are lots that aren't.
5. Vice-Chairman Dow said when you drive into Weddington its like Gardens on Providence. When you are in the middle of the neighborhood the houses are close together. When driving by you are looking at big open fields and lakes.
6. Mr. Prillaman would like to find a way to bring the minimum lot size down to a maximum percentage of the neighborhood.
7. The flip side is if you create density, you create more open space somewhere else. It's a tradeoff.
8. The Town requires 50% open space for conservation. The Town requires a yield plan based on the traditional subdivision. Regardless of how big or small the Town makes the minimum, the averages will be about the same because they will be able to put x number of houses on half of the property. If we increase side yard setbacks to make it appear more like conventional subdivisions and if you start requiring larger road frontages by either more acreage or setbacks then you are taking away the developers motivation for building a conservation subdivision.
9. If the average went from 19,000 down to 18,000 and your smallest size went up to 16,000 you will have the same situation. That smallest lot size will be larger and it will be more conducive to what we have here in the town. The average lot size might come back down a little bit but you will have the same yield.
10. Vice-Chairman Dow said it is arithmetically impossible. The confusion was when one subdivision had one section on one side of the road and another section on the other side and the density per acre was not the same. If you take one tract and take 50% of the property for development and 50% for open space and apply the yield plan numbers to that there will be an average lot size of about 20,000 square feet.

11. Mr. Prillaman's concern is not what the average lot size is. It is the exception to the rule at the bottom. He feels the Town would be much better served instead of having 30 lots at 19,000 square feet to have 30 lots at 18,000 square feet and make the other small lots bigger. The one or two small lots are usually because of an odd shaped property. He would rather have less 23,000 square foot lots and more 15,000 square foot lots. You are reducing the top end and bringing up the bottom end.
12. Vice-Chairman Dow said he would be alarmed by a trend that pulled average lot sizes down. He doesn't see how that can happen with the yield and with 50%.

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

Interim Planner Bennett informed the Planning Board that there will be a new Planner on board by the next meeting.

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

**A. Report from the November Town Council Meeting.** The Planning Board received a copy of the agenda from the November 14, 2016 Regular Town Council Meeting.

**Item No. 9. Adjournment.** Mr. Prillaman moved to adjourn the November 28, 2016 Regular Planning Board Meeting. Vice-Chairman Dow seconded the motion with votes recorded as follows:

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

NAYS: None

The meeting adjourned at 8:33 p.m.

Dorine Sharp, Chairman

Attest:

Tonya M. Goodson