

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
WEDDINGTON TOWN HALL
1924 Weddington Road
Weddington, NC 28104
APRIL 23, 2018 – 7:00 P.M.**

AGENDA

1. OPEN THE MEETING
2. DETERMINATION OF QUORUM/ADDITIONS OR DELETIONS TO THE AGENDA
3. APPROVAL OF MINUTES
 - A. March 26, 2017 Regular Planning Board Meeting Minutes
4. OLD BUSINESS
5. NEW BUSINESS
 - A. Review and Consideration of Conditional Rezoning from R-40 to R-CD for a portion of parcel number 06177015 for Wesley Chapel Volunteer Fire Department to construct a single story fire department
 - B. Review and Consideration of a Text Amendment to Section 46-76 (c) Marginal Access Street and 46-9 Definitions
 - C. Review and Consideration of Text Amendment to Section 46-15 titled Modifications
 - D. Review and Consideration of a modification of the Subdivision Ordinance Section 46-76 (g) Cul-de-sac for Woodford Chase Subdivision.
6. UPDATE FROM TOWN PLANNER
7. REPORT FROM THE APRIL TOWN COUNCIL MEETING
8. ADJOURNMENT

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
WEDDINGTON TOWN HALL
MARCH 26, 2018 – 7:00 P.M.
Minutes
Page 1 of 5**

1. OPEN THE MEETING

Chairman Rob Dow called the meeting to order at 7:00 p.m.

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

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

Staff Present: Town Administrator/Planner Lisa Thompson, Town Clerk Karen Dewey

Visitors: John Ross, Bill Deter, Marty Davis, Alix Phillips, Council member Mike Smith, Anne Marie Smith, Lidia Kondratuk, Michael Shea

3. APPROVAL OF MINUTES

A. February 26, 2017 Regular Planning Board Meeting Minutes

Board member Vivian asked to amend the minutes to include his question about the Planning Board not being invited to participate at the Council Retreat.

Motion: Board member Hartman made a motion to approve the February 26, 2017 Regular Planning Board Meeting Minutes as amended.
Second: Board member Hogan
Vote: The motion passed with a unanimous vote.

4. OLD BUSINESS

A. Review and Consideration of Woodford Chase Preliminary Plat/Construction Plans

Ms. Thompson reviewed the issues listed by the Planning Board at the February 26, 2018 meeting:

1. The cul-de-sac is too long.
2. The cul-de-sac requires a bulb at the end. DOT did not want a bulb at that location, maybe a suggestion would be to shift the location of the end of the road and put a bulb.
3. In the past, the Town has only allowed a private access driveway easement where there is no other alternative.
4. After the widening of 84, the front yard setbacks will be diminished.
5. No buffering (viewshed) for the houses facing 84.
6. It will require Council to grant the use of the private right of way.

John Ross from Eagle Engineering presented an example of this parcel developed as an R-CD subdivision. He stated that this plan would only provide for 6 buildable lots that are smaller in area than the proposed conventional plan. Mr. Ross addressed the issues the Planning Board had with the original design and presented options that he believed to be a reasonable compromise. He stated

that he recognizes that the Town Council has to approve the longer cul-de-sac and the private access driveway easement. He proposes an additional 40 foot setback from the private access right of way to create a greater separation from Highway 84 to the front of any structures. He also proposed a 30 foot wide tree save area that will front all of the lots, with clearing in the buffer for driveways only. Mr. Ross also proposed additional plantings at the end of the cul-de-sac.

Chairman Dow stated that he believes that the only way the applicant can accommodate 9 lots in this subdivision is to face the houses toward Highway 84 so there is no requirement for a 100 foot buffer. He stated that the Planning Board wants a reasonable use of the property to protect the quality and standards of the town and follow the ordinances.

Chairman Dow stated that the applicant has 9 lots that are larger than 1 acre. He asked the applicant if they can't get at least 6 lots with half or quarter acres with an R-CD. The applicant stated that with the flood plain, drainage easements, and utility easements, there is not enough room for another lot.

Board member Prillaman asked if setbacks for a conventional subdivision are different from setbacks for an R-CD. Chairman Dow responded that they are, however, buffering is allowed as part of the conservation space in an R-CD. The Applicant stated that with a conventional subdivision there is not 100 foot wide buffer requirement and the lots extend in to the flood plain.

Mr. Hinson, representing the property owner, stated that they believe a higher quality subdivision plan is being presented over an R-CD plan.

Chairman Dow stated that in order for the Planning Board to forward this plan to the council with a favorable recommendation, it is contingent upon the Council granting the private access driveway and extending the cul-de-sac length. The cul-de-sac waiver isn't a big deal, but the exemption is based on the fact that there is no other alternative. He stated that if the developer submitted a yield plan that was strictly adherent to the ordinances, there would probably only be 6 lots. The Applicant stated that if they planned for driveway cuts on Highway 84, there would be 9 lots.

Chairman Dow stated that the applicant has the right to push the plans on to Council for approval with exemptions for the cul-de-sac length and the private access drive. He stated that he doesn't see an approvable yield plan for 9 lots.

Board member Hartman asked Mr. Ross if two road cuts on to Highway 84 were approved. Mr. Ross responded that NCDOT would allow two road cuts, but because of the elevation difference, they opted for only one.

Board member Prillaman asked how many lots would there be without the exemptions being granted. Ms. Thompson responded that the applicant would probably lose a lot. Board member Prillaman stated that six lots should be the starting point because that is how many can be done without exemptions.

Chairman Dow stated that the buildable acreage of this parcel is 7 plus acres, so there can be 7 one acre lots. The question is does the Council feel like they are lowering the standards of development in the Town so that they can get a few more lots.

Mr. Ross asked: aside from the ordinance issue regarding the private access drive, which would the Board rather see built. Chairman Dow stated that he would rather own a house in an R-CD subdivision. He stated that it is a personal preference and doesn't really have a place here.

- Motion:** Board member Hartman made a motion to forward the Preliminary Plat/Construction Plans for Woodford Chase Subdivision to Town Council with an unfavorable recommendation based on non compliance with town ordinances: the length of cul-de-sac, requirement for a private road, and the yield plan, and the Planning Board feels the R-CD could offer a better option.
- Second:** Board member Vivian
- Vote:** The motion passed with a unanimous vote.

5. NEW BUSINESS

A. Review and Consideration of Final Plat for Harlow's Crossing-Phase 1 Map 2

Ms. Thompson presented the staff report: M/I homes is seeking approval of their final plat application for 22 of 71 lots on 117.64 acres located at the northeast and northwest corners of Weddington-Matthews Road and Beulah Church Road/Hemby Road intersection. The Town Council approved the final plat application for Harlow's Crossing phase 1, map 1 on November 13, 2018 which included 20 lots. This is an R-CD subdivision and it meets the 12,000 square foot minimum lot size and meets the R-CD setbacks. Staff recommends approval of the final plat phase 1, map 2 of the Harlow's Crossing subdivision with the conditions that the maintenance plan and agreement and the CCR's are reviewed by the town attorney prior to recording. Marty Davis from M/I Homes is present to answer any questions.

Chairman Dow asked if there were any substantial changes in the plans. Ms. Thompson responded that there were not.

Board member Prillaman asked about a gate that is required. Ms. Thompson responded that the gate is on Map 3 and will be reviewed when that is submitted for approval. She stated that the preliminary covenants for the maintenance of the gate have been reviewed and the trees that were disturbed along the Waybridge Subdivision have been replaced to the satisfaction of the neighbors.

- Motion:** Board member Hartman made a motion to forward the Final Plat of Harlow's Crossing Subdivision Phase 1, Map 2 to the Town Council with a favorable recommendation with the conditions that the maintenance plan and agreement and the CCRs are reviewed by the town attorney prior to recording.
- Second:** Board member Prillaman
- Vote:** The motion passed with a unanimous vote

B. Review and Consideration of Final Plat for Atherton Subdivision-Phase 2 Map 4

Ms. Thompson presented the staff report: Shea Homes is seeking approval of their final plat application for 30 lots of the approved 130 lot subdivision. The maintenance agreement and HOA covenants for the entire subdivision were reviewed and recorded. A HOA is established for the community. Staff noted some minor revisions to the maps that will be corrected before the plat is sent to Town Council. Michael Shea is here to answer any questions.

Chairman Dow noted that the vicinity map area outlined is not the same area as depicted on the map and it doesn't include septic easements. He also asked if the amenity area has been built. The Applicant responded that it was approved and built; this area is behind the amenity area.

Motion: Board member Hartman made a motion to forward the Final Plat of Atherton Subdivision Phase 2, Map 4 to Town Council with a favorable recommendation with the conditions that the performance bonds are approved by the Town prior to recording the plat, the number of lots in the notes be amended from 31 to 30, sheet 3 is revised to state the correct map number, and the vicinity map is corrected to show the accurate area on the plat and include the sewer easement.

Second: Board member Prillaman

Vote: The motion passed with a unanimous vote.

6. UPDATE FROM TOWN PLANNER

Ms. Thompson presented an update: Staff presented an ordinance regulating donation boxes last month. Planning Board recommended use of accessory structure definition for donation boxes, it is not a permitted use and the accessory structure has to be incidental and has to be subordinate to the primary structure on a property. She asked the Town Attorney Anthony Fox and he stated that the town could use that ordinance to place the property owner in violation so there is no need to move forward with a donation box ordinance.

The Wesley Chapel Volunteer Fire Department conditional district site plan has an issue with the right of way. The Applicant will go through right of way abandonment process to make the right of way line the same as the property line. The Applicant will not have to purchase ROW, but will have to go through the abandonment process. Staff plans to run the abandonment process concurrently with the rezoning, so Planning Board should see it at the April meeting and approval will be conditional on the right of way abandonment.

Ms. Thompson stated that she has spoken with a developer about a church proposal for Refuge Ranch Ministries on the southwest corner of Rea Road and Highway 16. There should be an application submitted in the next two months.

7. REPORT FROM THE MARCH TOWN COUNCIL MEETING

Ms. Thompson presented the report from the March Town Council Meeting. Council has called for a public hearing for the Wesley Chapel Volunteer Fire Department rezoning at Rea and Reid Dairy Roads. The Council heard a presentation from Arborbrook for a satellite campus of their school located at the Crossroads Church site on Highway 84.

8. ADJOURNMENT

Motion: Board member Prillaman made a motion to adjourn the March 26, 2018 Regular Planning Board Meeting at 8:00 p.m.
Second: Board member Godfrey
Vote: The motion passed with a unanimous vote.

Adopted: _____

Robert Dow, Chairman

Karen Dewey, Town Clerk

TOWN OF W E D D I N G T O N

MEMORANDUM

TO: Chairman and Planning Board

FROM: Lisa Thompson, Administrator/Planner

DATE: April 23, 2018

SUBJECT: Wesley Chapel Volunteer Fire Dept - Conditional Rezoning Request

The Wesley Chapel Volunteer Fire Department requests a conditional rezoning to construct a single-story fire department at the northeast corner of Rea and Reid Dairy Road.

Application Information

Date of Application: February 7, 2018
Applicant/Owner Name: Wesley Chapel Volunteer Fire Department
Parcel ID#: a portion of 06-177-015
Property Location: northeast corner of Rea and Reid Dairy Road.
Existing Zoning: R40
Proposed Zoning: R40 (CZ)
Existing Use: Vacant
Proposed Use(s): Fire station (including an area to store vehicles and living facilities for fire fighters)
Parcel Size: 1.718 acres

General Information

The applicant proposes an emergency service facility in accordance with *Section 58-54 (2)e* of the *Weddington Zoning Ordinance*. All conditional uses are required to go through the conditional rezoning process in *Section 58-271* of the *Weddington Zoning Ordinance*.

The required Public Involvement Meetings for this project were held on March 5, 2018 from 2:00-4:00 on site and 5:00-7:00 PM at Town Hall. Approximately 11 people attended the meetings. Questions and comments are listed below:

- Heavy traffic during drop-off and dismissal at elementary school inhibiting Fire Department reactions to emergencies
- Effect on the Hemby Road fire station with staffing and equipment
- Sirens in the middle of the night near the residential area
- Driveway location/access: off Rea Road or Reid Dairy Road

- Additional costs to residents
- Size of the building
- What area will be served
- Water capacity
- Sewer/septic capabilities
- Future zoning possibilities-can it be commercial?
- Sufficient area for fire truck maneuvering

Development Standards (for a Fire Station in the R40 zoning district):

Minimum Lot Area- 40,000 sq ft.

Front Setback-75 feet

Rear Setback-40 feet

Side Setbacks-15 feet (plus 10' for corner lot)

Maximum Building Height - 35 feet

Access and Parking:

The site plan shows a single access point off Reid Dairy Road. The applicant will be required to obtain driveway permits from NCDOT as a condition of a conditional rezoning approval.

A parking stall is required to be 9'x 20'. The applicant is providing 10'x 20' parking stalls. Drive aisles shall be adequate in width to accommodate two-way traffic unless one way traffic is noted. The applicant proposes a 26' wide drive aisle. Fire stations require one space per employee during the shift of greatest employment. 8 parking spaces are required and 15 are provided.

Justin Carroll, the Town's traffic engineer is not requiring a TIA. Mr. Carroll provided his findings on March 16th, and they are included in your packet.

Screening and Landscaping:

The applicant is required to provide an 18 foot landscaped buffer in the rear, as required in *Section 58-8 of the Weddington Zoning Ordinances*. The buffer will be planted with 4 trees and 20 shrubs per 100 linear feet. The applicant proposes to keep the existing tree line where practical and supplement plantings where needed. The parking areas along the street sides are required to be screened along with the dumpster enclosures and refueling area. CMU with a brick veneer is proposed to screen the utility areas.

Elevations:

Elevations depict recesses and projections, windows, patterns and textures every 100'. Windows and entryways total at least 60 percent of the facade length abutting a public street. Windows shall be clear, transparent glass. Materials include brick and fiber cement with a metal roof. The schematic elevations meet the architectural design standards in *Section 58 Article 5 of the Weddington Zoning Ordinances*.

Lighting

The location of pole mounted lighting is shown, but a photometric plan and specifications of the light are not part of this submittal and it is addressed in the conditions.

Next Steps

The *Weddington Zoning Ordinance* requires that all CZ Applications go through the Construction Document process per *Section 58-271*. The construction documents will include all necessary engineering plans for stormwater management.

In addition the Planning Board and Town Council will review the detailed elevations, landscape plan, lighting plan, construction plans at that time.

Any significant changes to the site plan due to the design or review of the construction documents may require the applicant to submit a revised CZ application.

Recommend Conditions of Approval:

1. County septic and water plans to be approved by Union County Public Works.
2. All signage must comply with *Chapter 58, Article 5* of the *Weddington Code of Ordinances* which includes Planning Board review and approval.
3. Any future proposed Lighting Plan must be approved by the Town Council and shall comply with Town Lighting Ordinance.
4. Prior to commencement of construction, Construction Documents shall be approved by the Weddington Town Council in accordance with *Section 58-271* of the *Weddington Code of Ordinances*. Any significant changes to the site plan shall cause the applicant to resubmit through the conditional rezoning process.
5. Prior to commencement of construction, the applicant must obtain approved driveway permits from DOT.
6. Applicant must align the landscape buffer requirements with the proposed stormwater management design at construction document submittal to ensure that grading within the buffers does not infringe on the buffer requirements.

Attachments:

Narrative from Applicant
Site Plan/Architectural Drawings
TIA review letter from Justin Carroll

TOWN OF WEDDINGTON

MEMORANDUM

TO: Chairman and Planning Board

FROM: Lisa Thompson, Town Administrator/Planner

DATE: April 23, 2018

SUBJECT: Text Amendment to Section 46-76 (c) Marginal Access Street and 46-9; Definitions

A marginal access street is a minor street that runs parallel to a thoroughfare which provides access to abutting properties. The intent is to eliminate curb cuts to keep traffic moving safely.

The town staff and town attorney's interpretation of the ordinance is that if lots abut a thoroughfare, a marginal access street is required, except where the town council finds it impractical, which in that case shared driveways or other options may be available that meet the intent of the ordinance. Because the subdivision ordinance allows for modifications, staff simplified the language to require the marginal access street and removed the language about impracticality. If it's impractical to provide a marginal access street, findings through Section 46-15 need to be determined.

In addition, through previous subdivision approvals, a marginal access street has been approved as a private driveway easement allowing each property owner the right to use the easement. The true definition of a street requires public or private (when permitted through PRD) right of way. Staff clarified the language to require right of way instead of allowing driveway easements. The concern is long term shared maintenance of the driveways and emergency vehicle accessibility.

Last of all, staff included a statement requiring the marginal access street be built to NCDOT standard, a 30' buffer between the marginal access street and the through street, and updated the definitions to reference the CTP maps.

Section 46-76. Road Standards and buffering along thoroughfares.

(c) Marginal access street. ~~Where a tract of land to be subdivided~~ When a major subdivision adjoins a ~~major or minor~~ thoroughfare as designated on the ~~town zoning map~~ LARTP or the Comprehensive Transportation Plan maps, **and the lots front the thoroughfare because there is no other alternative**, the subdivider shall be required by ~~the town council~~ to provide a marginal access street parallel to the ~~major~~ thoroughfare or reverse frontage on a minor street for the lots to be developed adjacent to the ~~major~~

thoroughfare. **A marginal access street shall be a dedicated public right-of-way. A private right-of-way may only be allowed when permitted by Section 58-23 titled Planned Residential Developments. A marginal access street shall not be considered a private driveway easement.** Where reverse frontage is established, private driveways shall be prevented from having direct access to the thoroughfare. ~~In cases where it is not feasible or practical for the subdivider to provide a marginal access street, or when the town council determines that the installation of a marginal access would result in a less desirable subdivision design, the town council may grant an exception to the requirement for a marginal access street. In granting said exception the town council shall find that the spirit and intent of this chapter are preserved and that circumstances particular to the subject property, such as topography or shape of the tract, exist to warrant the exception.~~ The marginal access street shall be a minimum of 30' from the thoroughfare and a visual screen between the roadways shall be provided. The marginal access street shall be built to NCDOT standards.

Section 46-9 Definitions

Street means a dedicated and accepted public right-of-way for vehicular traffic, or a private road, when permitted by this chapter. The term "street" includes, but is not limited to, any road, freeway, highway, expressway or thoroughfare.

Street, collector, means streets which carry traffic from minor streets to the system of major streets.

Street, marginal access, means a minor street which is parallel to and adjacent to **thoroughfares** ~~major streets and highways~~ and which provides access to abutting properties and protection from through traffic.

Streets, minor (residential), means a street which is used primarily for access to the abutting properties.

Thoroughfare, major, means a major thoroughfare as designated by the **Comprehensive Transportation Plan** ~~Mecklenburg Union Thoroughfare Plan~~ or Local Area Regional Transportation Plan (LARTP) and adopted by the town, as amended from time to time. The term "major thoroughfare" includes any other routes as designated by the town.

Thoroughfare, minor, means a minor thoroughfare as designated by the **Comprehensive Transportation Plan** ~~Mecklenburg Union Thoroughfare Plan~~ or Local Area Regional Transportation Plan (LARTP) and adopted by the town, as amended from time to time. The term "minor thoroughfare" includes any other routes as designated by the town.

TOWN OF WEDDINGTON

MEMORANDUM

TO: Chairman and Planning Board

FROM: Lisa Thompson, Town Administrator/Planner

DATE: April 23, 2018

SUBJECT: Text Amendment to Section 46-15 titled Modifications

Section 46-15 allows the subdivision ordinance to be modified if the applicant can show there are special circumstances or conditions affecting the property that the strict application of the ordinance would deprive the applicant the reasonable use of his land. This is similar to a variance for a zoning ordinance requirement; however it gets Planning Board review and Town Council approval versus a Board of Adjustment ruling. It is not quasi-judicial.

Recent applications have needed modifications to make their yield plan or sketch plan work.

Staff is proposing language to clarify when in the review process the modification is to take place. Amended language is in **Bold**.

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 the need of a 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:
 - a. North arrow.
 - b. Dimensions of the subject property.
 - c. 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 **sketch plan for a conservation subdivision; however a modification shall be granted prior to the zoning administrator's approval of a sketch plan for a conventional subdivision.** ~~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 of the Weddington Zoning Ordinance 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.

TOWN OF WEDDINGTON

MEMORANDUM

TO: Chairman and Planning Board
FROM: Lisa Thompson Town Administrator/Planner
DATE: April 23, 2018
SUBJECT: Subdivision Modification

E. Reece Gibson 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.

In making a decision on this modification, the Planning Board and Council shall take in account Section 46-15 of the Code of Ordinances:

Sec. 46-15. - Modifications.

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.

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.

Attached

Petition
Approved Sketch Plan
Preliminary Plat