

**TOWN OF WEDDINGTON  
REGULAR PLANNING BOARD MEETING  
WEDDINGTON TOWN HALL  
1924 Weddington Road  
Weddington, NC 28104  
MAY 29, 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. April 23, 2017 Regular Planning Board Meeting Minutes
4. OLD BUSINESS
  - A. Review and Recommendation of a Modification of the Subdivision Ordinance Section 46-76 (g) Cul-De-Sac for Woodford Chase Subdivision
  - B. Discussion of Marginal Access Street
5. NEW BUSINESS
  - A. Discussion of Land Use Plan Revisions
6. UPDATE FROM TOWN PLANNER
7. REPORT FROM THE MAY TOWN COUNCIL MEETING
8. ADJOURNMENT

**TOWN OF WEDDINGTON  
REGULAR PLANNING BOARD MEETING  
WEDDINGTON TOWN HALL  
MAY 29, 2018 – 7:00 P.M.  
Minutes  
Page 1 of 7**

**1. OPEN THE MEETING**

Chairman Dow called the meeting to order at 6:57 p.m.

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

Quorum was determined with Chairman Rob Dow, Board members Walt Hogan, Barbara Harrison, Steve Godfrey, and Gerry Hartman present. Board members Jim Vivian and Brad Prillaman were absent.

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

Visitors: Bill Deter, Wes Hinson

**3. APPROVAL OF MINUTES**

A. April 23, 2017 Regular Planning Board Meeting Minutes

Chairman Dow made a correction to comments on page 4.

***Motion:*** Board member Hartman made a motion to approve the April 23, 2018 Regular Planning Board Meeting Minutes as amended.  
***Second:*** Board member Harrison  
***Vote:*** The motion passed with a unanimous vote.

**4. OLD BUSINESS**

**A. Review and Recommendation of a Modification of the Subdivision Ordinance  
Section 46-76 (g) Cul-De-Sac for Woodford Chase Subdivision.**

Ms. Thompson presented the staff report: In March, the Planning Board denied recommendation of the preliminary plat for the Woodford Chase Subdivision due to the cul-de-sac length and the need for a private road. The plat moved forward to Town Council in April. The Town Attorney thought that a marginal access street was required, but that cul de sac length request needed to go through the modification petition process. The Town Council tabled the review and approval of the preliminary plat, to wait for answers from NCDOT. The petition for the modification has to be reviewed and recommended by the Planning Board, and approved by the Town Council before a decision is made on the preliminary plat.

Applicant representative Wes Hinson presented the application.

Chairman Dow stated that this is a modification application, not a quasi-judicial hearing. The Planning Board will go through the findings of fact to determine if the application is in agreement with the Land Use Plan and ordinances. Chairman Dow stated that this review is strictly for the modification of the cul de sac length; the decision for that should be weighed on its own merit regardless of the other findings on the preliminary plat.

Board member Hartman asked if the sketch plan guaranteed a certain lot yield. Chairman Dow responded that the sketch plan doesn't guarantee the number of lots, the preliminary plat, if approved, shows the actual planned lots. Yield plans are only used as a basis for figuring the number of lots in conservation subdivisions. Ms. Thompson stated that applicants are vested after preliminary plat approval.

The Planning Board reviewed the Findings of Fact:

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.*** Applicant response: The site contains numerous circumstances and conditions affecting the property, including but not limited to, above ground and underground drainage and utility easements, encumbrances and potential future NCDOT roadway improvements to NC Hwy 84. Applicant is requesting modification to accommodate potential future NCDOT improvements, and as suggested by NCDOT engineer, the western drive connection on the approved Sketch Plan was removed resulting in a private street/cul-de-sac greater than 600 feet in length. NCDOT recommended moving curb cut down Hwy 84 to best accommodate future installation of super street bulb. Reducing the cul-de-sac to 600 feet would also compromise the buildable area resulting in the loss of at least one lot from the subdivision yield.

Chairman Dow stated that the Applicant claims the special circumstances are not caused by himself, but by the property and NCDOT; and he agrees with that if this was the only relative fix.

Board member Hogan asked if the original plan was approvable as submitted with the two entrances. Chairman Dow responded that it was. Board member Hogan stated that the developer is trying to accommodate the potential widening of Highway 84.

Chairman Dow responded that the original plan had two entrances but NCDOT wouldn't approve it that way. Board member Hogan concluded that the problem is NCDOT caused.

Chairman Dow stated that is true if the cul de sac modification is the only answer to develop this property. He doesn't believe there is a safety issue with the cul de sac modification; he is not satisfied with the applicant's conclusion that they are unable to get the same number of lots that would meet all the ordinances. His viewpoint is that there are options to developing this property that haven't been explored.

Board member Hartman stated that the cul de sac length isn't the issue; the issue is that the Planning Board doesn't believe this is the only way to develop property.

Board member Harrison asked if DOT will issue permits for two curb cuts. Mr. Hinson stated that they will issue a permit for two curb cuts, but DOT gives redline comments; they don't do an independent analysis overlaying their comments with respective municipalities' ordinances. They provide a set of comments and the applicants respond to what is the most reasonable. Mr. Hinson stated that once the comments are addressed to NCDOT satisfaction, then NCDOT gives the approval. One curb cut was suggested because of planned Highway 84 improvements and the elevation difference between Highway 84 and the planned subdivision road.

2. ***The modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner.*** Applicant's response: Approval of the private driveway and access easement at a length greater than 600 feet preserves the applicant's ability to develop the site as a conventional subdivision yielding acre lots and is consistent with the yield on the approved Sketch Plan. Further, approval accommodates NCDOT future roadway expansion of Hwy 84.

Mr. Hinson stated that in conversations with council, he was told that constituents preferred development of conventional subdivisions to conservation because of the larger lot sizes.

Chairman Dow asked if 8 lots would have the subdivision less enjoyable. Mr. Hinson stated that it would from the developer's perspective. The reduction to 8 lots is substantial because the development cost would no longer be spread over 9 lots, increasing the development cost per lot.

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.*** Applicant's response: The circumstances noted herein, and on the preliminary plat, are unique and specific to the physical characteristics of the subject site. Other parcels in the jurisdiction are not necessarily encumbered with the same magnitude of site constraints and subject to planned future NCDOT improvements.

Chairman Dow stated that the easements are not included in the lots. Mr. Hinson responded that the overall site usable space being roughly almost 2 acres less because those easements are unique to this site.

Board member Harrison agreed that it is a unique piece of property.

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.*** Applicant's response: Granting the modification to construct a marginally longer private street within a private street easement will not be detrimental or injurious in that it will still comply with maximum lengths allowed by NCDOT and by the Town in accordance with other portions of the subdivision ordinance. Further, the modification promotes the public health and safety by lengthening the distance between the NCDOT superstreet bulb configuration and the entrance to the proposed subdivision making for a safer means of ingress and egress to the subdivision.

Board member Hartman stated that the Board only saw one design for the subdivision. He is not convinced it cannot be developed differently.

Chairman Dow stated that the entrance would work better off Lester Davis Road, for public safety, rather than pulling out on Highway 84.

**5. *The modification will not vary the provisions of Chapter 58 applicable to the property.***

Applicant's response: Standards of Chapter 58 applicable to the subject property will not be varied by the requested modification. Conventional Subdivision standards defined by the Town of Weddington Zoning Ordinance will apply to proposed subdivision.

Board member Harrison stated that the question becomes how we found the preliminary plat had multiple reasons for a vote of no recommendation. She asked if Lester Davis Road can be taken into consideration for the entrance. She would rather see the entrance off Lester Davis Road; however, she wants to be sure that she's being fair in consideration of the modification application.

Chairman Dow stated that the Applicant is requesting a modification because they feel that they have shown no other way to build this subdivision and stay within town ordinances. He stated that if there were no other issue with the development, the approval of the cul de sac extension would be no problem.

Board member Hogan stated that in spite of how the Board thinks this subdivision might be done differently, the question is strictly the length of the cul de sac. He believes the hardships are caused by DOT, not by the applicant.

Chairman Dow disagreed, stating that it is assuming that there is no other way this property can be built and therefore the modification must be approved. Board member Hartman agreed. Board member Hogan asserted that this is only about the cul de sac length.

Board member Hartman responded that issues are being brought into this discussion add to more than the length of the cul de sac issue. To grant this modification is assuming that the sketch plan that meets all ordinances and will be approved.

Mr. Hinson stated that they have exhausted the different options for development. He stated that the modification is the result of a circumstance that has befallen the applicant, not applicant created. Mr. Hinson affirmed that the development cost of losing one lot is not only income loss.

Board member Hartman asked the applicant what his definition of reasonable would be. Mr. Hinson responded: Reasonable in the law is a reasonable person's standard. Each person could find a different standard for what is reasonable. In a small subdivision, a difference of a 12% lot reduction is substantial when concerning development costs to be folded back into 8 lots. There are a lot of things built into this design that are globally beneficial. The level of development, cost and infrastructure is not appreciated, if it was, it would color what is reasonable in everyone's mind. If the Planning Board knows what development costs are added by losing a lot; they are not only income loss, but also the expenses spread over the 8 remaining lots. Reasonable is what you could do but for the unique constraints on this

property. It would be unreasonable to let 250 extra feet on a cul de sac curtail rights one already has as a property owner.

- Motion:** Board member Hogan made a motion to forward the application for the modification of the Subdivision Ordinance from Section 46-76g, related to cul de sac length to the Town Council with a positive recommendation.
- Second:** Board member Godfrey
- Vote:** The motion did not pass with Board members Hogan and Godfrey voting in favor, and Board members Hartman and Harrison opposed. Chairman Dow voted against the motion to break the tie.

The Planning Board requested that the exact length for the cul de sac being requested is identified for the town council's review.

#### **B. Discussion of Marginal Access Street**

Ms. Thompson explained: one of the concerns in defining a Marginal Access Street is the definition of street in the town ordinances. Staff changed the language to Marginal Access Drive and defined it as a shared driveway easement which is parallel and adjacent to thoroughfares and which provides access to abutting properties and protection from through traffic.

Chairman Dow asked if using the word abutting gave any indication of orientation of the lots.

Ms. Thompson stated that the requirements for a marginal access drive should include: When a major subdivision adjoins a thoroughfare, as designated in town plans, and the lot fronts the thoroughfare because there is no alternative for a public road, the subdivider will be required to provide a marginal access drive.

Chairman Dow expressed concern that the developers are going to figure out that they can increase the yield, escape buffering requirements, and loss of public right of way, if they take lots along current thoroughfare and face them toward the road. If that is done, they gain all property that would have to have a buffer-they can single load the street with a marginal access drive, and not lose any of that roadway out of that lot and then double load the rest. He stated that throughout the Land Use Plan, rural community and keeping the green country look is mentioned. This marginal access drive is in effect motivating developers to completely usurp the Land Use Plan. Ms. Thompson responded that this will be advantageous to properties with a lot of length on a thoroughfare.

Chairman Dow stated that he would like to see the idea of requiring subdivision homes to face internal subdivision roads somewhere in the ordinance. Then the buffer and the public road requirement would kick in and the exemption would be for marginal access driveway to save the small odd pieces of property and keep curb cuts to a minimum.

Ms. Thompson suggested reviewing definitions, adding design standards to conventional subdivisions that match the conservation subdivision design standards and looking at requirements that should apply to all subdivisions, not just RCDs.

Board member Hartman suggested considering two more requirements to the marginal access drive standards: limitation of the total length of the drive and the number of lots the drive serves. He also stated that he agrees with Ms. Thompson to tackle design standards for conventional subdivisions and include a requirement that homes face internal streets and other standards in the RCD requirements that should apply to all subdivisions.

The Planning Board agreed that the Town Planner and Chairman Dow would work together and bring ideas for revising definitions and regulating marginal access drive to Planning Board for next month.

## **5. NEW BUSINESS**

### **A. Discussion of Land Use Plan Revisions**

Ms. Thompson asked if the Planning Board wants a time table to schedule the review of the Land Use Plan and work on the revisions. She suggested analyzing the plan one section at a time. The meeting with Randall Arendt will have an effect on the revisions as well as the survey results.

Chairman Dow asked what the Council wants. Ms. Thompson wants to get suggestions from the Planning Board first. Chairman Dow suggested a review and consideration of the results from the survey first, and then assess the Land Use Plan one section at a time, holding workshops with the Council and getting public input as well.

## **6. UPDATE FROM TOWN PLANNER**

Ms. Thompson gave an update: The survey is complete and raw data will be sent to the planning board. There were 993 respondents, which beat the 2012 survey number of respondents. She stated that if there are any suggestions for cross tabulating the survey results, please feel free to share them.

## **7. REPORT FROM THE MAY TOWN COUNCIL MEETING**

Ms. Thompson gave a report from the May Town Council meeting: NCDOT gave a presentation on plans for NC 16 synchronized street at Rea Road and the Tilley-Morris roundabout. The Council gave approval for Ms. Thompson to enter in a contract with Randall Arendt to review the town's conservation subdivision practices and ordinances. Planning Board and Council will meet with Mr. Arendt on July 10 and 11.

## **8. ADJOURNMENT**

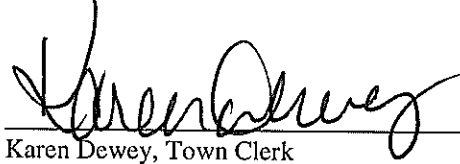
<i>Motion:</i>	Board member Hartman made a motion to adjourn the May 29, 2018 Regular Planning Board Meeting at 8:45 p.m.
<i>Second:</i>	Board member Hogan
<i>Vote:</i>	The motion passed with a unanimous vote.

Adopted: \_\_\_\_\_

6/25/2018



Rob Dow, Chairman



Karen Dewey, Town Clerk



