

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
WEDDINGTON TOWN HALL
1924 Weddington Road
Weddington, NC 28104
JUNE 25, 2018 – 7:00 P.M.**

AGENDA *(amended at meeting)*

1. OPEN THE MEETING
2. DETERMINATION OF QUORUM/ADDITIONS OR DELETIONS TO THE AGENDA
3. APPROVAL OF MINUTES
 - A. May 29, 2017 Regular Planning Board Meeting Minutes
- **** 4. NEW BUSINESS
 - A. Review and Recommendation of a Modification of the Subdivision Ordinance Section 46-76(g) Cul de Sac for Weddington Acres (formerly Graham Allen) Subdivision
 - B. Review and Consideration of Minor Subdivision for Wesley Chapel Volunteer Fire Department for a Portion of Parcel Number 06177015
 - C. Presentation of Town Survey Results
 - D. Discussion of Meeting with Randall Arendt
- **** 5. OLD BUSINESS
 - A. Discussion of Marginal Access Street
6. UPDATE FROM TOWN PLANNER AND REPORT FROM JUNE TOWN COUNCIL MEETING
7. ADJOURNMENT

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
WEDDINGTON TOWN HALL
JUNE 25, 2018 – 7:00 P.M.
Minutes
Page 1 of 9**

1. OPEN THE MEETING

Chairman Dow opened the meeting at 6:58 p.m.

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

Quorum was determined with all Planning 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 and Town Clerk Karen Dewey

Visitors: Bill Deter, Sean Paone from WT Dickson

Chairman Dow suggested switching Old Business and New Business on the agenda. The Planning Board unanimously agreed.

3. APPROVAL OF MINUTES

A. May 29, 2018 Regular Planning Board Meeting Minutes

Board member Hartman requested that his question of the applicant for the Woodford Chase Subdivision asking how he sees reasonable use of property be included in the minutes and corrected the spelling of roundabout.

<i>Motion:</i>	Board member Hartman made a motion to approve the May 29, 2018 Regular Planning Board minutes as amended.
<i>Second:</i>	Board member Harrison
<i>Vote:</i>	The motion passed with a unanimous vote.

**** 4. NEW BUSINESS**

**A. Review and Recommendation of a Modification of the Subdivision Ordinance
Section 46-76(g) Cul de Sac for Weddington Acres (formerly Graham Allen)
Subdivision**

Mr. Paone was present for the applicant. Ms. Thompson presented the staff report. Graham Allen is requesting a modification of the subdivision ordinance from Section 46-76(g), related to cul de sac length. The request is for a 1,026 foot long cul de sac due to the shape of the lot. Originally, Planning Board recommended approval for at 762 ft. long cul de sac and the Town Council approved the modification after they requested the applicant eliminate flag lots. The applicant is re-applying to go back to original plan. The applicant has agreed to

construct a right turn taper lane off of Weddington Matthews Road because of concerns raised in individual conversations with Town Council members. Also, the PRD was approved by Town Council. Staff recommends two conditions if the Planning Board forwards the modification with a favorable recommendation:

- The amendments to the construction plans shall be reviewed and approved by staff.
- The revised plat shall be reviewed by Planning Board and approved by Town Council.

Chairman Dow asked if the applicant is going back to their original plan. Mr. Paone responded that they are, with slight differences: there is more open space. The change from original plan of over 700 foot cul de sac to a modified original plan from 2016, a 1025 foot cul de sac.

Ms. Thompson stated that there have been internal conversations between Applicant and some Councilmembers. The Council didn't see a safety concern with the cul de sac length, however, they would be more in favor of this plan if there was a right turn taper lane from Weddington Matthews Road into the subdivision. The Applicant is willing to add a right turn taper lane and the concept has been reviewed and approved by DOT.

Board member Hogan asked why the applicant wanted to go back to the original plan. He inquired if it was because of the cost. The applicant responded that yes, it was.

Chairman Dow gave some background on the subdivision: when the applicant came in with the original plan, the interim planner lead them to believe there was no other alternative, the Planning Board approved it and sent to the Town Council. The Council had issue with the long cul de sac. After some interactions with the developer, other options became feasible. The Council sent the plans back to the Planning Board, who unanimously recommended approval to the Town Council. The Town Council voted unanimously to approve the plan. Chairman Dow stated that the Applicant has an approved preliminary plat that meets town ordinance. He asked what material facts in the findings have changed since the last presentation. Ms. Thompson responded that there were no changes.

Mr. Paone stated that after looking at the cost estimates, the additional cul de sac length makes the lower section lots larger. The modification for cul de sac length will give flexibility to move the houses on the lots to avoid placing them against the power easement.

Board member Vivian stated that he liked the original approved plan. He believes that the cul de sac length is not worth going back and forth on.

Board member Prillaman asked if the objective is to go back to the original submitted plan. Mr. Paone responded that it is, with the exception of the larger lots and elimination of the flag lots and the addition of the right turn taper lane into the subdivision.

Chairman Dow stated that the applicant has an approved plan already. The Planning Board is being asked for a recommendation of a plan that has already been turned down.

Board member Hartman asked how many cul de sacs are 1000 feet or near that length. Chairman Dow responded that has been brought up a lot; there are a lot of them and about 90% were approved by the County prior to Weddington zoning. He stated that until about 7 or 8 years ago, the Town had a 900 foot limit, but wanted 600 foot and let developers ask for a modification. There is a safety issue at some point.

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 elongated nature of the existing property, the environmental conditions, and the Town of Weddington Subdivision requirements (40,000 sq ft lots, detention ponds, etc) make accessing the southern portion of the property challenging without the proposed +1,000 linear feet roadway.* The Planning Board agrees that there are not special circumstances that will deprive the applicant of the reasonable use of his land. The applicant is in possession of an approved plan that meets the ordinances.
2. ***The modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner.*** Applicant response: *The requested modification will allow the applicant to develop the southern portion of the property while maintaining a majority of the natural wetland areas that are included within the property.* The Planning Board agrees that this modification is not necessary; there is already an approved plan.
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 ordinance.*** Applicant response: *The subject property has a unique shape in that it is elongated, which limits the ability to provide multiple roadway infrastructure in a cost effective manner. The topography and environmental conditions of the site also eliminate the options to provide roadway connectivity to adjacent properties.* The Planning Board agrees that the approved plan already takes this into consideration.
4. ***The granting of the modification will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which said property is situated.*** Applicant response: *The proposed modification will be constructed to provide proper emergency access to all subdivision lots. The development will meet all other Town of Weddington Subdivision requirements. The modification requested for this property should not affect other property in the area.* The Planning Board agrees that the longer the cul de sac, the more isolated the houses become and thus a higher safety risk.
5. ***The modification will not vary the provisions of the Town of Weddington Subdivision Ordinance applicable to the property.*** Applicant response: *The proposed subdivision will meet all other Town of Weddington guidelines other than any items previously approved by the Town of Weddington Planning Board, Staff, or Town Council.* The Planning Board agrees that in approving this modification, it would vary the already approved plan, with a variance.

The Planning Board responses to all findings of fact are in the negative.

Motion: Board member Hartman made a motion to forward the Subdivision Modification Application to Town Council with an unfavorable recommendation as they are already in possession of a

modification approval and there has been no significant material change in the findings of fact that led to the original determination.

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

Mr. Paone asked: if the applicant wants to increase the cul de sac by only 100 feet, is the problem the length or the fact that there is already an approved plan that the Planning Board has issue with.

Chairman Dow responded that in his opinion, it's both. He stated that if the Town Council has changed their minds about the cul de sac limits, then the proper thing would be to start discussion and work on the pros and cons of the process of changing the ordinance. There is a limit for the cul de sac length, and the longer it is stretched, the more it is going against the ordinance.

B. Review and Consideration of Minor Subdivision for Wesley Chapel Volunteer Fire Department for a Portion of Parcel Number 06177015

Ms. Thompson presented the staff report: Wesley Chapel Volunteer Fire Department is seeking a minor subdivision for the property located at the northeast corner of Rea and Reid Dairy Road. It is a total of 1.718 acres and is zoned R40-Conditional. The conditional site plan for a fire station was approved on June 11, 2018. 7:34. The proposed minor subdivision is in general conformity with the Town of Weddington Zoning and Subdivision Ordinances; therefore staff recommends approval with conditions listed:

1. Certificate of approval signature block needs to be amended to wording of section 46-40(c)(7) for the Planning Board chair to sign.
2. Add the name, address, and telephone number of the owner and developer in the signature block.
3. The use of the parcel and adjacent parcels shall be noted.
4. The zoning for the property needs to be amended to R-40 Conditional – WCVFD.
5. Add the township to the location data in the title block.

The Planning Board is the approving authority for a minor subdivision.

Chairman Dow commented that this application is not from the property owner. Ms. Thompson responded that she has a signed affidavit from the property owner. He asked if there are other factors to be considered in the approval of this subdivision. Ms. Thompson responded that just the subdivision checklist. He asked if the property has water and sewer. Ms. Thompson responded that the property does not have sewer. Chairman Dow asked if a soil test has been done. He asked if UCPW needs to sign off for a septic field. Ms. Thompson stated that it is part of the subdivision checklist, but usually just to see if the lot is large enough to build a home. If UCPW cannot sign off on the septic, then the fire department would share a utility easement with their neighbor.

Board member Vivian commented that the capacity for this building is significantly larger than for a single family home. Ms. Thompson stated that the septic is a different process than for this approval of a division of a piece of property. The checklist requires a septic report, and that is typically to check if a lot is large enough to fit a single family home.

Chairman Dow stated that this use is more strenuous than for a single family home. He believes the Board should approve the subdivision subject to UCPW septic approval, just like all the other subdivisions. If the applicant doesn't get approval, they can come in with the easements. Ms. Thompson stated that the easement approval can be done administratively, so it would be ok to move forward with approval tonight.

Chairman Dow believes that the Board should give this subject approval based on UCPW approval for the septic field.

Board member Hartman asked if the Board would want to subject the approval on the completion of the entire subdivision checklist. Ms. Thompson commented that the 5 conditions are what is left incomplete from the checklist, in addition to the septic approval.

Board member Harrison commented that the sewer line is about 1000 feet away. Ms. Thompson stated that she believes that connecting to the sewer line eventually is the goal.

Chairman Dow asked the Board if they were comfortable approving the subdivision with a 6th condition for sewer approval.

- Motion:** Board member Hartman made a motion to approve a minor subdivision for Wesley Chapel Volunteer Fire Department with the conditions listed and the additional condition that septic must be approved by Union County Public Works.
- Second:** Board member Prillaman
- Vote:** The motion passed with a unanimous vote.

C. Presentation of Town Survey Results

Ms. Thompson highlighted the survey results. There were 994 survey responses. Of those, there were 965 unique responses. There were 26 responses from duplicate IPs. Most of those were couples responding to the survey. There were 3 residents that acknowledged that they took it twice so they could add something to their response. Over all there was a 31% of household response rate. There were 62 subdivisions represented. 39 % of respondents have lived here 10 or more years. The responses were well represented by age and length of residency.

Pace of growth: 47% say it is too fast; 30% say fast. Over half of the respondents in total believe the pace of growth is fast.

The majority of residents say if there has to be new development, make it park or open space. 17% of respondents want no new development.

Preferred residential types: the majority of the written notes say to bring back the larger lots. Ms. Byers believes there may have been some confusion about the conservation subdivision and lot size question.

54% of the respondents support conservation districts and 46% do not.

In terms of nonresidential development: small or locally owned business is preferred; and traditional recreation and tourism.

66% of respondents would not like to see more business.

Preferred style of eatery: Towns can regulate types of uses more than actual brand. 30% said no eateries. 52% said sit-down or some sort of fine dining. Only 1% said fast food.

Current shopping locations: a lot of the respondents go into Charlotte, Wesley Chapel & Matthews.

Transportation concerns: the top concern is traffic. There are specific comments and discussion of specific roads available within the detail of the survey summary. Road conditions had a lot of comments.

Responses concerning walkability: 46% respondents said it is important; 38% said that it isn't important, and 16% don't care.

Existing parks and open space: 54% satisfied with existing parks and open space; 46% are not.

Preference of pathways: if the Town would put in paths, what kind would residents like: 44% greenway; multi use paths 29%; 22% none; 6% other. In the transportation section of the survey, there were requests for bike lanes.

When asked if a new park is a good town investment, 65% said yes.

Services: 49% say the current noise, lighting and sign ordinances are adequate, 14% responded that they are not adequate and 38% are not aware of what the ordinances are.

Police & Fire: adequate; large majority of respondents don't want to increase.

Other Services: respondents want more services, but 34% don't want to pay more for them.

There was a stated concern to recreate a sense of identity especially in light of fast growth from respondents.

The #1 reason to move here is schools. It's rural, larger lots, quality of life, proximity to Charlotte, and low taxes were also mentioned.

Analysis:

- Responses to various questions were similar across voting districts
- Younger respondents supported new parks and other modes of transportation
- Tenure (1-10 year) were more open to commercial spaces; access to public transportation and a new park
- RCD residents supported the conservations subdivisions more than people that lived

in conventional subdivisions (70%).

Implications:

- Slow or stop growth in terms of residential or commercial.
- Reevaluate RCD density – ½ acre versus 12,000 sq ft seems to be a little more palatable
- County-Town cohesion-roads are not town responsibility.
- Public Education – frustrated with redistricting; need to understand that Town has no say but maybe consider a way that Town and County can work together
- Code Enforcement – Nuisances – there is a lot of confusion about code enforcement and what codes there are to actually be enforced. (i.e. sheds falling down, etc.); if there isn't code for certain nuisances, there isn't anything to be enforced.
- No Commercial growth.
- Invest in Parks & Green Spaces.

Chairman Dow commented that the respondents that live in a community with large open spaces want more parks.

Board member Hogan stated that he got the feeling that people didn't know the difference between the RCD and R40 subdivisions. He expressed the need for public education on the distinction.

Chairman Dow stated that there is a misconception that the Town has control or input in the schools or public roads. He asked Ms. Thompson if staff receives a lot of calls that the Town can't do anything about. She responded that about 50% of the complaints are those that are not covered by any ordinance or is out of the Town's control.

Board member Hogan stated that his takeaway from the results is that the Town is in good position to look down the road to plan. He believes the perception is that runaway growth is causing Weddington to disappear.

Chairman Dow stated that the Town cannot stop growth, but it can control what it looks like.

D. Discussion of Meeting with Randall Arendt

Ms. Thompson stated that after the survey, she noticed there are a lot of misconceptions with RCD subdivisions. She pulled tax values from GIS and discovered that the smaller lots had higher tax base. Mr. Arendt has presented a review of the zoning and subdivision ordinances regarding the conservation subdivisions (*hereby included for the record*). She asked that the Planning Board look at what they don't like and do like from the RCD subdivisions.

The meeting with Mr. Arendt is July 10th and will include a visit to The Enclave and Harlow's Crossing subdivisions and any others the Planning Board would like to visit.

Chairman Dow stated that Gardens on Providence one of the first RCD subdivisions and has some interesting features. He believes that is a good subdivision for viewshed buffer. Ms. Thompson stated that she likes Lake Forest Preserve because there are little pockets of open

space between the houses. Hadley Park has open space that is unusable. The houses are all back to back.

Chairman Dow asked Ms. Thompson if there is anything she would like the Board to do to prepare for the meeting. She answered that the Board should gather topics they want Mr. Arendt to cover and choose subdivisions to visit. There will be a public presentation at 7pm on the 10th an internal meeting on the 11th.

Board member Hartman asked about active and passive open spaces. Mr. Paone responded that active open spaces have to meet certain criteria and passive open spaces generally include buffers and are inaccessible.

Board member Godfrey asked what influence Weddington has over the other municipalities that abut us. Chairman Dow responded that extra territorial jurisdiction can give zoning rights to areas surrounding the Town.

**** 5. OLD BUSINESS**
A. Discussion of Marginal Access Street

Chairman Dow commented that a lot of these problems come back to fundamental subdivision design. There is nothing in the Town's ordinance that says which way houses should face. The Town doesn't have anything that says "where possible, homes should face internal subdivision streets". He feels that is the source of a lot of problems. All lots should face internal streets where possible. There would be no issue with the Reese Gibson property. We can get a lot of information and input from Mr. Arendt.

Board member Harrison stated that her subdivision has CCRs that require houses to face internal roads. She asked if all subdivisions require that.

Chairman Dow stated that Weddington never had this problem until the economy took a dive. Property values were cut and track builders are coming in and figuring out how to get around the ordinances.

Ms. Thompson explained that there is language in the RCD ordinance that covers some of the concerns. She combined all the road standards from both and moved them into the general street standards section.

Chairman Dow stated that the Town needs to set standards and if an applicant has a special case, the modification needs to be applied for before sketch plan approval. Ms. Thompson stated that the town approved the change that requires the modification to be approved before sketch plan is approved.

Chairman Dow asked the Board if they had any questions regarding Marginal Access Streets to pose to Mr. Arendt.

Board member Hartman mentioned asking about passive and active open spaces.

Ms. Thompson mentioned asking about the RCD cul de sac limits.

Chairman Dow stated that he was strictly speaking about the marginal access street language.

Board member Hartman agreed that the core of the problem is that the Town doesn't have consistent standards. Board member Prillaman stated that after reading through Ms. Thompson's edits to the language, he sees that the Town has created an RCD functionality that doesn't necessarily follow the RCD recommendations. The Town has created a hybrid. Some issues wouldn't have happened because how the project would have been built. Once the meeting with Mr. Arendt happens, some of those issues would be resolved.

Chairman Dow asked the Board how they want to approach this issue.

Board member Harrison agreed to wait on this topic and get guidance from the meeting with Mr. Arendt.

Board member Hogan stated that he would be interested in getting the Board thoughts after meeting with Mr. Arendt.

The Planning Board agreed to read through the changes Ms. Thompson made in the Marginal Access Street language and wait until after the meeting with Mr. Arendt to tackle the Marginal Access Street issue.

6. UPDATE FROM TOWN PLANNER AND REPORT FROM JUNE TOWN COUNCIL MEETING


Ms. Thompson stated that the Town Council approved the Woodford Chase modification application for a longer cul de sac and the preliminary plat. The Town Council also approved the Wesley Chapel Volunteer Fire Department Conditional Rezoning and reviewed the survey results.

7. ADJOURNMENT

Motion: Board member Prillaman made a motion to adjourn the June 26, Regular Planning Board meeting at 8:30 p.m.
Second: Board member Hartman
Vote: The motion passed with a unanimous vote.

Adopted: July 23, 2018


Robert Dow, Chairman


Karen Dewey, Town Clerk

