

**TOWN OF WEDDINGTON  
REGULAR PLANNING BOARD MEETING  
MONDAY, AUGUST 23, 2021 – 7:00 P.M.  
WEDDINGTON TOWN HALL  
1924 WEDDINGTON ROAD  
WEDDINGTON, NC 28104  
AGENDA**

1. Call to Order
2. Determination of Quorum
3. Approval of Minutes
  - A. May 24, 2021 Planning Board Regular Meeting
4. Old Business
5. New Business
  - A. Review and Discussion of Planning Board Duties and Responsibilities
  - B. Review and Discussion of Conditional Zoning Process
  - C. Review and Discussion of Conservation Subdivisions
6. Update from Planner and Report from the June/July/August Town Council Meetings
7. Board member Comments
8. Adjournment



**TOWN OF WEDDINGTON  
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MONDAY, MAY 24, 2021 – 7:00 P.M.  
WEDDINGTON TOWN HALL  
MINUTES  
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**1. Call to Order**

Chairman Hogan called the meeting to order at 6:59 p.m.

**2. Determination of Quorum**

Quorum was determined with all board members present: Chairman Walt Hogan, Vice Chair Ed Goscicki, Board members Steve Godfrey, Travis Manning, Jim Vivian, Jen Conway, and Manish Mittal.

Staff: Interim Planner Leamon Brice, Town Clerk/Interim Administrator Karen Dewey

**3. Approval of Minutes**

**A. April 26, 2021 Planning Board Regular Meeting**

*Motion:* Vice Chair Goscicki made a motion to approve the April 26, 2021 Planning Board Regular Meeting Minutes.

*Second:* Board member

*Vote:* The motion passed with a unanimous vote.

**4. Old Business**

**A. Discussion of Providence Road Corridor**

The Planning Board discussed options to begin study of the Providence Road Corridor:

- Meet and have informal discussion with owners of larger properties
- List tools town has to help implement agricultural preservation (tax credits, leasing development rights, “current use” zoning)
- Survey, open discussion with residents

Staff will work on map of Providence Road corridor with properties, owners, and acreage listed.

**5. New Business**

None.

**6. Update from Planner and Report from the May Town Council Meeting**

None

**7. Board member Comments**

None

**8. Adjournment**

**Motion:** Board member Godfrey made a motion to adjourn the May 24, 2021 Regular Planning Board Meeting at 7:47 p.m.

**Second:** Board member Vivian

**Vote:** The motion passed with a unanimous vote.

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

\_\_\_\_\_  
Walt Hogan, Chairman

\_\_\_\_\_  
Karen Dewey, Town Clerk

DRAFT

## Review of Planning Board from the Unified Development Ordinance

### **D-301 Planning Boards**

#### **D. Powers and duties generally.**

1. To prepare, review, maintain, monitor, and periodically update and recommend to the Town Council a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis.
2. To facilitate and coordinate citizen engagement and participation in the planning process.
3. To develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
4. To advise the Town Council concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by G.S. 160D-604.
5. To exercise any functions in the administration and enforcement of various means for carrying out plans that the Town Council may direct.
6. To provide a preliminary forum for review of quasi-judicial decisions, provided that no part of the forum or recommendation may be used as a basis for the deciding board.
7. To perform any other related duties that the Town Council may direct.

### **D-501 Planning**

**B. Adoption and Effect of Plans.** Plans shall be adopted by the Town Council with the advice and consultation of the planning board. Adoption and amendment of a comprehensive plan is a legislative decision and shall follow the process mandated for zoning text amendments set by G.S. 160D-601. Plans adopted under this UDO may be undertaken and adopted as part of or in conjunction with plans required under other statutes, including, but not limited to, the plans required by G.S. 113A-110. Plans adopted under this UDO shall be advisory in nature without independent regulatory effect. Plans adopted under this UDO do not expand, diminish, or alter the scope of authority for development regulations adopted under this UDO. Plans adopted under this UDO shall be considered by the planning board and Town Council when considering proposed amendments to zoning regulations as required by G.S. 160D-604 and G.S. 160D-605. If a plan is deemed amended by G.S. 160D-605 by virtue of adoption of a zoning amendment that is inconsistent with the plan, that amendment shall be noted in the plan. However, if the plan is one that requires review and approval subject to G.S. 113A-110, the plan amendment shall not be effective until that review and approval is completed.

**D-604. Planning board review and comment.** All proposed amendments to this UDO or zoning map (specifically including any CZ rezoning) shall be submitted to the Planning board for review and comment. If no written report is received from the planning board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment

without the planning board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

#### **D-607**

##### **A. Text Amendment to this UDO.**

1. Application
2. Staff Review
3. **Planning Board review and recommendation.** The Planning Board shall review a requested text amendment and make a recommendation to Town Council. Upon making a recommendation, the planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Town Council.

##### **B. Zoning Map Change (that is not a conditional zoning request)**

1. Application
2. Staff Review
3. **Planning Board review and recommendation.** The Planning Board shall review a requested zoning map change and make a recommendation to Town Council. Upon making a recommendation, the planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Town Council.

##### **C. Conditional Rezoning.**

1. Pre-App meeting
2. Site analysis/yield plan
3. **On Site Visit and Charette Process (conservation residential development only).**
4. Application/site plan
5. Community Meeting
6. Staff Review/Report
7. **Planning Board review and recommendation.** The Planning Board shall review a requested zoning map change and make a recommendation to Town Council. Upon making a recommendation, the planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been

adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Town Council.

Additional Duties:

Quasi-judicial Decisions: Variances and Appeals heard by the Board of Adjustments

Historic Preservation Commission

Stormwater Review Board



## Review of Conditional Rezoning Process

### C. Conditional Rezoning.

1. **Preapplication meeting (required for conservation residential development only).**

Any person contemplating a conditional rezoning is strongly encouraged to have a preapplication meeting with the Administrator in order that questions may be answered, and that the applicant may gain a better understanding of the requirements of this UDO. A preapplication meeting is required for conservation residential developments.
2. **Existing Resource/Site Analysis Plan and Yield Plan (conservation residential development only).** The following information shall be submitted for all proposed conservation residential developments:
  - a. Existing resources and site analysis plan, which shall be prepared to provide the developer and the Town with a comprehensive analysis of existing conditions, both on the proposed development site and within 500 feet of the site (for tracts of 100 acres or less) or 1,000 feet of the site (for tracts over 100 acres).
  - b. A yield plans. A yield plan designed to be density neutral (i.e., allow for the same number of lots as could be platted under applicable subdivision requirements as a conventional subdivision, with a minimum lot size of 40,000 square feet). Yield plans must show all proposed lots, streets, rights-of-way, and other pertinent features that would be required for a sketch plan for major conventional subdivisions as identified in **Appendix 2**. Although the yield plan must be drawn to scale, it need not be based on a field survey. However, the yield plan must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, considering the presence of wetlands, floodplains, steep slopes, existing easements or encumbrances and, if unsewered, the suitability of soils for subsurface sewage disposal.
3. **On Site Visit and Charette Process (conservation residential development only).**
  - a. **On-site visit/charrette.** After preparing the existing resources and site analysis map and prior to the submission of the site plan, the Applicant shall schedule time to walk the property with the Administrator, Planning Board members, and adjacent property owners. The purpose of this visit is to familiarize staff and Planning Board members with the property's special features, and to provide them an informal opportunity to offer guidance to the applicant regarding the tentative location of secondary conservation areas, potential house locations and street alignments. A notice giving the date, time and purpose of the meeting shall be sent by the Town to adjacent property owners at least ten days prior to the site walk. The Applicant shall distribute copies of the existing resources and site analysis plan at the on-site meeting. Applicants, their site designers, and the landowner shall participate to show the Town the property's special features. Comments made by town officials or staff and consultants shall be interpreted as being only suggestive and advisory. It shall

be understood by all parties that no formal recommendations can be offered, and no official decisions can be made during this on-site visit. It is a work session of the Planning Board and is duly noticed in the standard manner for all public meetings.

- b. **Design charrette.** Immediately following the site visit the applicant shall sit down with the Administrator and on-site visit attendees to review the findings and begin the four-step process below. Sketch plans shall be prepared as "overlay sheets" to be lain on top of the existing resources and site analysis plan, both prepared at the same scale, to facilitate cross-comparison.
  - i. **Step one: Designation of conservation lands.** During the first step, all potential conservation areas, both primary and secondary, shall be identified, using the existing features/site analysis map. Primary conservation areas shall consist of those features described in section D-901(c)(20). Secondary conservation areas shall comprise at least half of the remaining land and shall include the most sensitive and noteworthy natural, scenic, and cultural resources as described in section D-901(c)(20). Guidance as to which parts of the remaining land to classify secondary conservation areas shall be based upon discussions at the on-site meeting plus the design standards and specific conservation standards in section D-901(c)(20). An overall goal is to minimize fragmentation of the conservation lands and to maximize connectivity among its parts, and with conservation lands on adjoining properties.
  - ii. **Step two: House site location.** During the second step, potential house sites are tentatively located. Generally, house sites should be located no closer than 100 feet from primary conservation areas. Such sites may be situated 50 feet from secondary conservation areas to permit the enjoyment of scenic views without negatively impacting primary conservation areas.
  - iii. **Step three: Street alignment and trail networks.** The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical manner, and in laying out a network of informal trails connecting neighborhood areas with open space features within the conservation lands. When lots and access streets are laid out, they shall be located in such a way that avoids or at least minimizes impacts on both primary and secondary conservation areas.
  - iv. **Step four: Drawing in the lot lines.** The fourth step consists of drawing in lot lines around potential house sites. Each lot must contain a buildable area of sufficient size to accommodate a single-family detached dwelling and customary accessory uses, including, but not limited to, storage buildings and garages, patios and decks, lawns, and driveways. Individual wells and septic systems, where these are to be

provided, may be located within the undivided conservation lands if sufficient space is not available on the lots.

**4. Application, including Site Plan.** See **Appendix 2** for requirements.

**5. Community Meeting.**

- a. Before the Planning Board review, the applicant must provide the Administrator with a written report of at least one community meeting held by the applicant.
- b. Reasonable notice of the required community meeting must be given to nearby property owners and to affected and interested parties in accordance with public notice policies. Such notice shall, at a minimum, be given as follows:
  - i. A notice shall be sent by first class mail by the Town to adjacent property owners within 1,300 linear feet, as measured from the exterior boundaries of the proposed development up to the Town limits, not less than ten days prior to the date of the meeting. The notification shall contain information regarding the meeting time and locations as well as a general description of the proposal. The applicant shall reimburse the Town for all expenses incurred for such notifications.
  - ii. A meeting notification sign shall be posted by the Town in a conspicuous place at the property not less than ten days prior to the meeting.
- c. The Applicant's report to the staff, which shall be included in the planning board report, shall include a listing of persons and organizations contacted about the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the application made by the applicant as a result of the meeting.
- d. The adequacy of the meeting and the meeting report must be considered by the Planning Board but is not subject to judicial review.

**6. Staff Review and Report.** Staff shall review the site plan and all relevant information and prepare a report.

**7. Planning Board review and recommendation.** The Planning Board shall review a requested zoning map change and make a recommendation to Town Council. Upon making a recommendation, the planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Town Council.

**8. Public Hearing Before Council (after notice as provided above; including citizen comment as noted above).**

**9. Council Decision.**

- a. Conditional zoning district decisions are a legislative process. Conditional zoning district decisions shall take into account applicable adopted land use plans for the area and other adopted land use policy documents and/or ordinances.
  - b. A statement analyzing the reasonableness of the proposed rezoning shall be prepared for each application for a rezoning to a conditional district and evaluated by the Town Council.
  - c. The Town Council shall have the authority to:
    - i. Approve the application as submitted.
    - ii. Deny approval of the application.
    - iii. Approve the application with modifications that are agreed to by the applicant; or
    - iv. Submit the application to the Planning Board for further study. The application may be resubmitted to the Planning Board with any modifications that are agreed to by the applicant. The Planning Board shall have up to 30 days from the date of such submission to make a report to the Town Council. Once the Planning Board issues its report, or if no report is issued within that time period, the Town Council can take action on the application in accordance with this subsection.
  - d. In the Town Council's sole discretion, it may hold additional public hearings on an application at any time before it takes a final vote to approve or deny that application.
  - e. In approving an application for the reclassification of a piece of property to a conditional zoning district, the planning board may recommend, and the Town Council may request that reasonable and appropriate conditions be attached to approval of the application. Any such conditions may relate to the relationship of the proposed use to the surrounding property, to proposed support facilities (e.g., parking areas, pedestrian circulation systems), to screening and landscaping, to the timing of development, to street and right-of-way improvements, to water and sewer improvements, to provision of open space, or to any other matters that the planning board or Town Council may find appropriate or the applicant may propose. Such conditions to approval may include dedication of right-of-way or easements for streets and/or utilities to serve the development. The applicant shall have a reasonable opportunity to consider and respond to any such proposed conditions prior to final action by the Town Council.
- 10. Amendment Procedures for Approved Conditional Districts.**
- a. Changes to an Approved Conditional Zoning. Except as provided in Subsection B. below (Administrative Amendment Process for Minor Changes), changes to an approved Conditional Zoning or to the conditions attached to it shall be treated the same as amendments to these regulations or to the zoning maps and shall be processed as a legislative decision in accordance with the procedures in this UDO.
  - b. Administrative Amendment Process for Minor Changes

- i. Application for an Administrative Amendment. Any request for an administrative amendment shall be pursuant to a written letter, signed by the property owner, to the planning staff detailing the requested change. Upon request, the Applicant must provide any additional information requested. Accompanying the letter shall be the applicable fee for administrative review.
- ii. Authority to Approve an Administrative Amendment. The Administrator shall have the delegated authority to approve an administrative amendment change to an approved Conditional Zoning. The standard for approving or denying such a requested change shall be that the change does not significantly alter the Zoning Plan or its conditions and that the change does not have a significant impact on abutting properties. Significant changes to an approved Zoning Plan that cannot be considered through an administrative amendment include the following:
  - (1) Increasing the number of buildings (specifically including residential dwelling units);
  - (2) Adding driveways to thoroughfares.
  - (3) Reducing parking spaces below the minimum standards.
  - (4) Reducing the area or intensity of landscaped or screening buffers or yards.
  - (5) Reducing required open space.
  - (6) Increasing the total number of subdivided lots.
- iii. The Administrator shall always have the discretion to decline to exercise the delegated authority either because the Administrator is uncertain about approval of the change pursuant to the standard or because a rezoning petition for a public hearing and Town Council consideration is deemed more appropriate under the circumstances. If the Administrator declines to exercise this authority, the Applicant must file a rezoning petition for conditional zoning approval I in accordance with the procedures set forth herein.