



**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, OCTOBER 23, 2023 – 7:00 P.M.
WEDDINGTON TOWN HALL
MINUTES
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1. Call to Order

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

2. Determination of Quorum

Quorum was determined with all Board members present: Chairman Ed Goscicki, Vice Chair Travis Manning, Board members Manish Mittal, Amanda Jarrell, Jen Conway, Gordon Howard, and Chris Faulk

Staff: Town Planner Robert Tefft by phone, Town Administrator/Clerk Karen Dewey, Deputy Clerk/Administrative Assistant Debbie Coram, Deputy Grant Wrenn

Visitors: Henry Chilcot, Richard Ramirez, Georgina Sanz, Ivan Merritt, Kami Merritt, Bill Deter, Robert Price, Max Bank, Beth Baily Johnston, George Walsh, Ryan Switzer, Mike Morse, Sam Johnson, Tracy Stone, Danny Ellis, Anne Ellis, Kim Topalian, Debra O'Hara, Wanda Shaver, Sherri McGirt, Colleen Blanchard, Tom Blanchard, Jim Bell, Chris Walker, Christopher Neve, Tom Waters, Kristin Dillard,

3. Conflict of Interest Statement: *In accordance with the state government ethics act, it is the duty of every Board member to avoid conflicts of interest. Does any Board member have any known conflict of interest with respect to any matters on the agenda? If so, please identify the conflict and refrain from any participation in the matter involved.*

Chairman Goscicki read the Conflict of Interest Statement. No board members had a conflict of interest.

4. Approval of Minutes

A. September 25, 2023, Planning Board Regular Meeting

Motion: Board member Conway made a motion to approve the September 25, 2023 Planning Board Regular Meeting minutes
Second: Board member Manning
Vote: The motion passed with a unanimous vote.

5. Old Business

A. Discussion and recommendation of an application by Toll Brothers, Inc. requesting Conditional Zoning approval for the Luna Development, an 18-lot conventional subdivision generally located at 5932 Weddington–Matthews Road.

Mr. Tefft presented the staff report: The applicant is proposing the development of an 18-lot conventional development subdivision to be known as Luna. The subdivision will extend the existing Delaney Road right-of-way from the Bromley neighborhood, as well as tie-in at the intersection of Weddington-Matthews and Cox Road. The development proposal does not include any changes to the Development Standards already set forth in the Unified Development Ordinance (UDO). The development shall be governed by this Plan and all applicable requirements of the UDO.

At its meeting of September 25, 2023, the Planning Board discussed the development proposal, ultimately deciding to continue discussion until additional information could be provided regarding frontage landscaping, sight distance along Weddington-Matthews Road, and stormwater. The applicant has provided additional information regarding each of these topics for the Boards consideration.

Staff provides the following Land Use Plan Consistency Statement for consideration: While the development proposal can be found to be generally consistent with the adopted Land Use Plan, there are Goals and Policies for which compliance cannot be determined at the present time based upon the level of plans required to be submitted for this phase of development. In addition, while there may also be Goals and Policies for which there may be reason for concern, positive findings can nonetheless be made in support of this development proposal.

Board member Conway asked the applicant the timeframe for build out. The applicant responded the build cycle would be 2 years. Board member Conway asked if the subdivision would access stormwater between the 2 lots in Bromley. The applicant responded that there is an existing easement and they intend to connect to that. The drainage area is much smaller draining into that pond and current system and there is no disruption to current property owners.

Board member Faulk asked if the applicant would provide additional screening to keep the neighborhoods separate. The applicant responded that there would be screening on the east side of the property. Board member Faulk asked if the stormwater counts is Bromley's overload. The applicant responded yes.

Motion: Vice Chair Manning made a motion to forward the Conditional Zoning Application for the Luna Development to the Town Council with a recommendation for approval
Second: Board member Faulk
Vote: The motion passed with a unanimous vote.

Land Use Plan Consistency Statement:

While the development proposal can be found to be generally consistent with the adopted Land Use Plan, there are Goals and Policies for which compliance cannot be determined at the present time based upon the level of plans required to be submitted for this phase of development. In addition, while there may also be Goals and Policies for which there may be reason for concern, positive findings can nonetheless be made in support of this development proposal.

Motion: Vice Chair Manning made a motion to forward the Land Use Plan Consistency Statement to the Town Council with a recommendation for approval.
Second: Board member Conway
Vote: The motion passed with a unanimous vote.

6. New Business

A. Discussion and Recommendation of an application by Provident Land Inc requesting Conditional Zoning Approval for the Beckingham Development, a 38-lot subdivision located on Lochaven Road, parcel numbers 06153016 and 06153054A.

Mr. Tefft presented the staff report: The applicant is proposing the development of a 38-lot conventional subdivision to be known as Beckingham. As proposed, the subdivision would have one means of ingress/egress from an access point on the north side of Lochaven Drive; however, there is also a proposed stub out towards an existing developed residential property along the northwest side of the subject property that may be an option for ingress/egress in the future. In addition, the request also includes the rezoning of the 60.621-acre parcel (06153016) from R-CD to R-40, consistent with the balance of the overall development site.

Pursuant to Unified Development Ordinance (UDO) Sections D-703(B)(3) and (6), Conditional Zoning (CZ) districts are zoning districts in which the development and use of the property is subject to the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying the CZ district, and the agreed upon site-specific development requirements, to the particular property. All the property specific standards and conditions (typically including a site plan) are incorporated into the zoning district regulations. Furthermore, the Town Council has the authority to increase, tighten, add, vary, modify, or waive specific conditions or standards as a part of the CZ process. While there are several Development Standards proposed as a part of this development proposal, none of these would constitute a change to the Development Standards already set forth in the UDO. That said, the proposed subdivision does require that a specific standard be waived, which is not included in the proposed Development Standards. *UDO Section D-917A(K)(5) Two points of ingress and egress onto an adjoining public road from subdivision containing more than 15 lots is required.* As the subdivision consists of 38 lots, two points of ingress/egress are required; however, the applicant is proposing only one point of ingress/egress. It is noted that Lochaven Road is the road upon which the proposed subdivision has frontage, and this frontage is only approximately 600 feet in length. While it is theoretically possible to provide two points of access within this distance, there is likely very little benefit that this would provide as all the traffic would still need to be carried by

Lochaven Road. Additionally, if a second ingress/egress point was to be provided, the easternmost of these points would likely be inappropriately located to an existing intersection on the south side of Lochaven Road. Thus, to require two points of ingress/egress for this project does not appear warranted.

UDO Section D-917A(J)(2) When cul-de-sacs end in the vicinity of an adjacent undeveloped property capable of being developed in the future, a right-of-way or easement shall be shown on the final plan to enable the street to be extended when the adjoining property is developed.

While there are no undeveloped parcels adjacent to the proposed subdivision, there is a large (19.259 acre) parcel along the northwest side of the subject parcel with a single-family home. The proposal includes a proposed stub out to this property should it be redeveloped.

Based upon review of the proposal, staff provides the following Land Use Plan Consistency Statement for consideration:

The development proposal will be consistent with those uses surrounding the subject parcels, as well as being in keeping with the Town's established aesthetic values, and single-family residential character. Accordingly, the development proposal has been found to be generally consistent with the Goals and Policies of the adopted Land Use Plan and positive findings can be made in support of this development proposal.

It is the recommendation of staff that the request for Conditional Zoning to allow for the development of a 38-lot conventional subdivision be recommended for approval.

The applicant, Mr. Waters presented the Beckingham project.

Board member Faulk asked if it is required to create the stub at the end of Darby Drive to the developed parcel next door. It's a stub to private property that has a home, he doesn't see the need. The applicant stated it is a private right of way.

Board member Mittal asked if the NCDOT would maintain the improvements the applicant was proposing to Lochaven Road. The applicant responded they would enter an encroachment agreement with NCDOT, and the improvements would be up to NCDOT standard.

Board member Howard asked if the applicant had contacted the homeowner of the adjacent developed property where the road would be stubbed. The applicant responded that there has been no contact with that owner. Board member Howard stated his appreciation for the applicant listening to the neighbors and mitigating the issues.

Board member Conway agreed that the stub could be a cul-de-sac, and this will be a gated community and the adjacent property is a private home.

Vice Chair Manning asked if the septic system was approved by Union County and how big a repair area was needed. The applicant responded that it is a panel blocked septic system and is approved by Union County. It's being used to avoid clearing trees for septic fields.

Board member Jarrell asked if the septic system was one that homeowners can take care of themselves. The applicant responded that it is more accessible than a conventional system

Chairman Goscicki asked about building in the stream buffer and floodplain and if homeowners will receive notice about restrictions on unbuildable land. The applicant stated that there will be deed restrictions and a specific conveyance document that will clearly state that stream buffers cannot be built on.

Motion: Board member Conway made a motion to forward the application for conditional zoning approval for the Beckingham Subdivision to the Town Council with a favorable recommendation with the conditions that were presented in the application (page 5) and the applicant will remove the stub road.

Second: Board member Howard

Vote: The motion passed with a unanimous vote.

Motion: Board member Conway made a motion to approve the Land Use Plan Consistency Statement presented by staff to include:

Land Use Goal 3: Minimize the visual effect of development from surrounding properties and roadways.

Land Use Goal 4: To maintain the Town's strong single-family residential character.

Land Use Policy 5: Ensure that development is consistent with the Town's quality and aesthetic values, thereby protecting property values.

Land Use Policy 11: Ensure that land uses abutting residential development are compatible with the scale, intensity, and overall character of existing and planned neighborhoods.

While the development proposal can be found to be generally consistent with the adopted Land Use Plan, there are Goals and Policies for which compliance cannot be determined at the present time based upon the level of plans required to be submitted for this phase of development. In addition, while there may also be Goals and Policies for which there may be reason for concern, positive findings can nonetheless be made in support of this development proposal.

Second: Board member Howard

Vote: The motion passed with a unanimous vote.

7. Update from Town Planner and Report from the October Town Council Meeting

Mr. Tefft presented the update:

- **Liberty Classical Academy**
 - CZ for Private School

- Community Meeting 5/3

- Planning Board tabled recommendation until additional traffic meeting 7/24
- Traffic PIM 8/22
- Planning Board 12/23
- **Ennis Road Subdivision**
 - Conventional 12 lot subdivision
 - Public Information Meeting 8/21
 - Planning Board TBD
- **John Walker Matthews Property**
 - Recommended Approval 9/25
 - Public Hearing/ Council Approved 10/9
- **LDS Temple**
 - 345 Providence Road
 - No application submitted
- **Luna Subdivision**
 - Conventional subdivision of 18 lots
 - Public Information Meeting held 8/15
 - Planning Board 9/25; 10/23
- **Beckingham Subdivision**
 - Public Information Meeting 9/12
 - Planning Board 10/23

8. Board member Comments

Board member Faulk: Both of those subdivisions are right up our alley of what we want to see here. I enjoyed that. Hope the rest of Weddington does. Great meeting.

Board member Conway: This is what would I expect from any developer coming forward. It was a pleasure.

Board member Howard: I echo that. Lochaven is a good template. I'm sure it helps staff when they come in with details, even if they're not required, helps residents and the Planning Board to see the full picture of what is on the table. It eliminates the ambiguity.

Board member Jarrell: The Conditional Zoning training that we had was super helpful.

9. Adjournment

- Motion:** Board member Manning made a motion to adjourn the October 23, 2023 Regular Planning Board meeting at 8:06 p.m.
- Second:** Board member Mittal
- Vote:** The motion passed with a unanimous vote.

Approved: November 27, 2023