



**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
TUESDAY MAY 28, 2024 – 7:00 P.M.
WEDDINGTON TOWN HALL
1924 WEDDINGTON ROAD
WEDDINGTON, NC 28104
AGENDA**

1. Call to Order
2. Determination of Quorum
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.*
4. Approval of Minutes
 - A. April 22, 2024 Planning Board Regular Meeting
5. Old Business
6. New Business
 - A. Discussion and Possible Recommendation of Text Amendment 2024-01 An Ordinance of the Town of Weddington amending the Unified Development Ordinance by amending section D-917C; Specific Requirements for Non-Residential Development, to correct an inconsistency with stormwater requirements; amending Section D-917D, Supplemental Requirements for Certain Uses, to correct an inconsistency with stormwater requirements; certifying consistency with the Town's Land Use Plan and proper advertisement; providing for severability and providing an effective date.
 - B. Discussion of R-CD minimum lot size.
7. Update from Town Planner and Report from the May Town Council Meeting
8. Board member Comments
9. Adjournment



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REGULAR PLANNING BOARD MEETING
MONDAY, APRIL 22, 2024 – 7:00 P.M.
WEDDINGTON TOWN HALL
MINUTES
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1. Call to Order

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

2. Determination of Quorum

Quorum was determined with all Board members present: Chairman Travis Manning, Vice Chair Amanda Jarrell, Board members Chris Faulk, Manish Mittal, Nancy Anderson, Bill Deter, and Rusty Setzer

Staff present: Town Planner Greg Gordos, Town Administrator/Clerk Karen Dewey

Visitors: Jim Bell, Tracy Stone, Christopher Neve, Chad Emerine, Melissa Emerine, Gayle Butler, Kim Topalian, Harry Chilcot, Tamara McDonald, Curtis McDonald, Kelly Stevens, Mark Stevens

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 Manning read the Conflict of Interest Statement. No Board members had a conflict of interest.

4. Approval of Minutes

A. March 25, 2024 Planning Board Regular Meeting

Motion: Board member Faulk made a motion to approve the March 25, 2024 Regular Planning Board meeting minutes as presented

Second: Board member Mittal

Vote: The motion passed with a unanimous vote.

5. Old Business

6. New Business

A. Review and Discussion of Pending Development Projects with Town Planner

Mr. Gordos, the new Town Planner, introduced himself and gave his professional background.

The board discussed questions given to Mr. Gordos by Board member Deter.

- The difference between Conditional and Conventional Zoning Districts. Conventional is considered by-right. Conditional zoning is the idea to submit a site plan and a list of uses and board votes. Anything over 6 lots triggers conditional zoning in Weddington.

Chairman Manning asked if a project was approved as conditional zoning and wanted to amend it, what would be staff approved and what would have to come back through the process? Mr. Gordos responded that changing the number of lots, or amount of open space would trigger a conditional zoning amendment, while moving trees or something else considered minor and more aesthetic that won't impact the development would be administratively approved.

- Can an owner petition to make any of these conventional zoning districts CZ? Mr. Gordos responded that yes, it gives town some control and gives the property owner more options for development.
- Difference between vested rights and development rights. Development rights generally refers to construction. If a home is approved, and not built within the year, the builder has to reapply. Vested rights are impacted by when the application is submitted, start of construction and typically deal with layout of subdivisions and final plats, construction is more development rights. Board member Deter asked for confirmation that vested rights are usually 2 years with the council able to extend up to 5 years. Mr. Gordos responded that there are extenuation circumstances that can allow for differences. Board member Faulk asked if the start of construction impacts vested rights, what if a development had to pause.
- Set back requirements discuss and clarify. Page 51J in UDO. Board discussed the setback requirements in the UDO.
- Neighborhood green required, "to the greatest extent possible". Is this enforceable? Mr. Gordos responded with his interpretation it is enforceable. He sees it as straightforward. Board members discussed neighborhood greens.

The Board discussed contract zoning, spot zoning and conditional zoning. Conditional zoning is a negotiation between the town and the developer and is not arbitrary. It is a voluntary agreement between the property owner/developer and the government.

The Board discussed the pros and cons of conditional zoning versus conditional use.

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

Mr. Gordos reviewed the current development projects:

- **Liberty Classical Academy**
 - CZ for Private School
 - Planning Board: 7/24/23 (Tabled)
 - Traffic PIM: 8/22/23
 - Planning Board: Denial
 - Town Council: TBD
- **Deal Lake Subdivision**
 - 93-lot conservation subdivision
 - Site Walk/ Charette: 11/28/23
 - Community Wastewater Treatment Plant

- Community Meeting May 2nd
- Planning Board: TBD
- **Rea/ Providence Subdivision**
 - Conventional subdivision, 56 lots
 - Community Meeting held March 26th
 - Sketch Plan reviewed; Awaiting CZ submittal
- **Ennis Road Subdivision**
 - Conventional subdivision, 14 lots
 - Community Meeting held February 13th
 - Planning Board: TBD
- **R-CD Text Amendment**
 - Lot Size, Yield Regulations, and Preservation of Continuous Forest
 - Planning Board: TBD

8. Board member Comments

Board member Setzer thanked everybody for taking the time to come out to the meeting. He thanked Mr. Gordos for the very helpful dialog.

Board member Mittal thanked Mr. Gordos for the conversation.

Board member Faulk thanked Mr. Gordos for the dialog. He apologized for missing the last month meeting and he is looking forward to being productive.

Board member Anderson commented that she would like the board members to consider creating a working group to review health and safety issues and making recommendations to Council and to discuss traffic management and the LARTP.

Vice Chair Jarrell thanked Mr. Gordos and stated that she is glad to have him here and excited to get to work.

Board member Deter commented that he is thrilled to be on the planning board, and he is thrilled to see all the people at the planning board meeting. It's nice to have people show up. He stated that he is looking forward to working with Mr. Gordos.

Chairman Manning welcomed Mr. Gordos and stated he is looking forward to working with him.

Mr. Gordos thanked the Planning Board for their time and patience. He stated he likes to stick to the agenda during meetings, so this meeting was not his standard practice. He commented that he wants to be as transparent as possible and he plans to be in town hall everyday during the week.

9. Adjournment

- Motion:** Board member Deter made a motion to adjourn the April 22, 2024 Regular Planning Board meeting at 8:04 p.m.
- Second:** Board member Faulk
- Vote:** The motion passed with a unanimous vote.

Changes are in red



ORDINANCE NO. 2024-XX

AN ORDINANCE OF THE TOWN OF WEDDINGTON, NORTH CAROLINA MAKING AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE BY AMENDING SECTION D-917C, SPECIFIC REQUIREMENTS FOR NON-RESIDENTIAL DEVELOPMENT, TO CORRECT AN INCONSISTENCY WITH STORMWATER REQUIREMENTS; AMENDING SECTION D-917D, SUPPLEMENTAL REQUIREMENTS FOR CERTAIN USES, TO CORRECT AN INCONSISTENCY WITH STORMWATER REQUIREMENTS; CERTIFYING CONSISTENCY WITH THE TOWNS LAND USE PLAN AND PROPER ADVERTISEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Weddington adopted Drainage, Stormwater Management, and Wetland Protection regulations on November 10, 2014; and

WHEREAS, the Town of Weddington adopted the Unified Development Ordinance on April 12, 2021 to comply with North Carolina General Statute 160D and to improve the organization of existing ordinances; and

WHEREAS, inconsistencies created with the adoption of new Drainage, Stormwater Management, and Wetland Protection regulations have not subsequently corrected; and

WHEREAS, the Town of Weddington desires for the Unified Development Ordinance to function effectively and equitably throughout the Town; and

WHEREAS, the Town of Weddington has determined where the Unified Development Ordinance needs clarification and revision; and

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON, NORTH CAROLINA:

Section 1. That Unified Development Ordinance, Section D-917C, Specific Requirements for Non-Residential Development, be amended to read as follows:

Section D-917C. Specific Requirements for Non-Residential Development.

A. Development Standards.

11. *Stormwater Management.* The post development rate of stormwater runoff from any lot shall not exceed the predevelopment rate of runoff for a ~~10-year~~ 100-year storm. The applicant shall provide, at a minimum, the following information to the Administrator as part of his application to obtain a zoning permit:

- a. An engineering report made and certified as true and correct by a registered engineer licensed to do business in the state. Such report shall include the following:

4. A statement indicating the rate of post-development stormwater runoff for the proposed building lot will not be greater than the predevelopment rate for a ~~10-year~~ 100-year storm.

Section 2. That Unified Development Ordinance, Section D-917D, Supplemental Requirements for Certain Uses, be amended to read as follows:

Section D-917D. Supplemental Requirements for Certain Uses

- K. Schools. Union County Public Schools (UCPS) is currently subject to 13 different sets of local land use regulations (12 different municipalities and Union County). Regulations vary from jurisdiction to jurisdiction, making it difficult to build new schools, renovate existing schools or locate mobile units in a consistent, timely, and cost-effective manner. As a part of the Union County Board of Education's adopted "Building Program Cost Saving Principles", UCPS is endeavoring to establish a standard zoning classification and standardized requirements for school construction regardless of the school's locale in Union County. Such standardization will result in: (i) equitable school facilities throughout the county; (ii) more efficient permitting of school facilities; and (iii) cost savings for the benefit of the taxpayers of Union County.

5. *Stormwater Management.* The post development rate of stormwater runoff from any lot shall not exceed the predevelopment rate of runoff for a ~~10-year~~ 100-year storm. The applicant shall provide, at a minimum, the following information to the Administrator as part of the application to obtain a zoning permit:

- a. An engineering report made and certified as true and correct by a registered engineer licensed to do business in the state. Such report shall include the following:

4. A statement indicating the rate of post-development stormwater runoff for the proposed building lot will not be greater than the predevelopment rate for a ~~10-year~~ 100-year storm.

Section 3. Amendments to the Unified Development Ordinance of the Town of Weddington (as originally adopted by Ordinance No. 2021-UDO) are hereby adopted to read as set forth in this Ordinance.

Section 4. The Town of Weddington does hereby certify that the amendments contained herein, as well as the provisions of this Ordinance, are consistent with and in conformance with the Town's Land Use Plan.

Section 5. Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared to be invalid.

Section 6. Notice of the proposed enactment of this Ordinance has been properly advertised in a newspaper of general circulation in accordance with applicable law.

Section 7. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST AND FINAL
READING AND ADOPTED

Honorable Jim Bell
Mayor

Attest:

Karen Dewey
Town Administrator/Clerk

From February 19, 2016 Town Council Minutes:

7. Residential Conservation District Subdivision Ordinance

- a. Minimum Lot Size**
- b. Balancing density development**

When the Falls at Weddington was developed in theory 50% open space was expected in both sections. But it could be certain areas are less and some more when split by a road. The question is what do we do about it, balance on both sides or are we allowing flexibility on both sides.

- Do we want to increase the minimum lot size?
- Do you want to see a change to Conservation Subdivisions and if so what sort of change do you want to take place?

Mr. Dow stated that all things relate to one another. The benefits and goals of a Conservation Subdivision are to maintain the green open area that we want when the town is totally built out.

Action-

- Send it back to the Planning Board to look at things that control our lot size, minimum size lot increase, and setbacks. There is a lot that can produce the type of development that the Town will be pleased with, the developer will profit from and the homeowner will be pleased with. A developer will be forced to be innovative with his design.

Action -

- Create a formula – a minimum density ratio.
- Take it on a case by case basis on the typography.
- Lot size minimum, minimum building line width, setbacks, flexibility, case by case, goals spread out.

Discussion from November 2016 Planning Board Meeting:

B. Review of average lot sizes in selected conservation subdivisions. The Planning Board received the following memo along with the parcel size map.

Pursuant to our conversation at the October Planning Board meeting, I am including information on lot sizes in conservation subdivisions.

The following is information that Dorine had previously put together. I have also included numbers for specific subdivisions, as well as a map showing lots in the town that are one acre or smaller. Any lots shown on the map that are without any color are larger than 43,460 square feet. I have a large copy of the map for the meeting. I realize the small one is difficult to see.

Information provided by Chairman Sharp:

Traditional subdivision

100 acres yields approximately 78 homes after reduction for 10 acres of open space, and approximately 12 acres for entranceway, roads, etc.

Current Conservation Subdivisions

100 acres
50 acres buildable
50 acres conservation land
-12 acres
=38 acres for 78 homes

38 x 40,000=1,520,000 sq. ft. available for the 78 homes or approximately 19,500 sq. ft. average lot size

Suggest raising the minimum lot size to 16,000 sq. ft. to allow flexibility in lot layout considering where the building pad will be placed on the lots.

Consider creating another option of about 1/3 open space calling it 35%

100 acres
65 acres buildable
35 acres conservation land
-12 acres
=53 acres for 78 homes

53 x 40,000=2,120,000 sq. ft. available for the 78 homes or approximately 27,000 sq. ft. average lot size

Suggest using a minimum lot size of 24,000 sq. ft. for the same reasons as above. Building setback would need to be established.

Comparison of ratios of per 1000 of sq. ft. to number of acres buildable.

40/90=0.44 24/65=0.37 16/50=0.32

Information provided by Interim Planner Bennett:

Lake Forest Preserve:

146 lots
Average lot size: 19,007 square feet
Smallest lot: 15,681 square feet
Largest Lot: 29,330 square feet
Open Space/Amenities: 146 acres

Hadley Park:

62 lots
Average lot size: 19,002 square feet
Smallest lot: 15,062 square feet
Largest Lot: 23,993 square feet
Open Space/Amenities: 34 acres

Stratford Hall:

Average lot size: 21,575 square feet

Smallest lot: 15,160 square feet
Largest Lot: 36,827 square feet
Open Space/Amenities: 18.6 acres

Gardens on Providence:

Average lot size: 19,842 square feet
Smallest lot: 17,278 square feet
Largest Lot: 43,493 square feet
Open Space/Amenities: 27.5

The following items were discussed:

1. Mr. Prillaman would like to see more space between the lots.
2. The lakes, falls and sharp ravines should be saved to give the developers the opportunity to still develop the land at current fair market value. There needs to be enough leeway for them to be able to do that.
3. If the developer had to have bigger lots they would have people's backyards going to the middle of the creek. Fertilizer would go right to the edge of the creek. After it rains then the fertilizer will go into the creek. The point is to keep a buffer around the creeks and ponds by making them part of the conservation land and not have someone's backyard going into the middle of the pond.
4. Mr. Prillaman thinks some of this can be accommodated by having an exception clause as opposed to the norm. His biggest objection is how close the houses are together. Weddington used to be just big estate lots. Now there are lots that aren't.
5. Vice-Chairman Dow said when you drive into Weddington its like Gardens on Providence. When you are in the middle of the neighborhood the houses are close together. When driving by you are looking at big open fields and lakes.
6. Mr. Prillaman would like to find a way to bring the minimum lot size down to a maximum percentage of the neighborhood.
7. The flip side is if you create density, you create more open space somewhere else. It's a tradeoff.
8. The Town requires 50% open space for conservation. The Town requires a yield plan based on the traditional subdivision. Regardless of how big or small the Town makes the minimum, the averages will be about the same because they will be able to put x number of houses on half of the property. If we increase side yard setbacks to make it appear more like conventional subdivisions and if you start requiring larger road frontages by either more acreage or setbacks then you are taking away the developers motivation for building a conservation subdivision.
9. If the average went from 19,000 down to 18,000 and your smallest size went up to 16,000 you will have the same situation. That smallest lot size will be larger and it will be more conducive to what we have here in the town. The average lot size might come back down a little bit but you will have the same yield.
10. Vice-Chairman Dow said it is arithmetically impossible. The confusion was when one subdivision had one section on one side of the road and another section on the other side and the density per acre was not the same. If you take one tract and take 50% of the property for development and 50% for open space and apply the yield plan numbers to that there will be an average lot size of about 20,000 square feet.
11. Mr. Prillaman's concern is not what the average lot size is. It is the exception to the rule at the bottom. He feels the Town would be much better served instead of having 30 lots at 19,000 square feet to have 30 lots at 18,000 square feet and make the other small lots bigger. The one or two small lots are usually because of an odd shaped property. He

would rather have less 23,000 square foot lots and more 15,000 square foot lots. You are reducing the top end and bringing up the bottom end.

12. Vice-Chairman Dow said he would be alarmed by a trend that pulled average lot sizes down. He doesn't see how that can happen with the yield and with 50%.

FEBRUARY 24, 2018 TC RETREAT MINUTES

PLANNING

A. Minimum Lot Size and Width

The Council discussed concerns over with minimum lot size and width. They agreed that the issue is the closeness of the homes to each other and adding to the lot size wouldn't accomplish mitigating that concern. They discussed the consequences of changing the lot width will have on the conservation subdivision and discussed the possibility of getting a land professional to come and consult them on adverse effects these changes would have on a subdivision.

They requested that when a sketch plan comes to the Planner, a few council members would like to look at it to give feedback on the overall design, without taking official review responsibility. They believed it's hard and at times unfair to make major changes to the plans after the engineering is completed which is when the council first sees the subdivision.

The Council discussed flexibility of changing viewshed buffers. They agreed to take a look at the options.