



**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY AUGUST 26, 2024 – 7:00 P.M.
WEDDINGTON TOWN HALL
MINUTES
PAGE 1 OF 8**

1. Call to Order

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

2. Determination of Quorum

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

Staff Present: Town Planner Greg Gordos, Town Administrator/Clerk Karen Dewey, Admin Assistant/Deputy Clerk Debbie Coram, Deputy Grant Wrenn

Visitors: Chris Walker, Christopher Neve, Tracy Stone, Alfred Pecalton, Tanner Bailey, George Walsh, Neil Rayson, Alexa Polivka, Marla Schopa, Gayle Butler, Walton Hogan, Melissa Emerine, Chad Emerine, Steven Overcash

3. Conflict of Interest Statement: *In accordance with state law, 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. Board member Anderson recused herself from discussion and vote from agenda item 7.A. Discussion and Possible Recommendation of an application by ODA Architecture requesting Conditional Zoning Approval for the development of a two-building office expansion located at 13700 Providence Road because she is an adjoining property owner.

Chairman Manning asked if Board member Anderson has any financial benefit from the project. She responded that she does not. The Board agreed that Board member Anderson can discuss and answer questions, but she is recused from a possible vote.

4. Approval of Minutes

A. June 24, 2024 Planning Board Regular Meeting

- Motion:** Board member Deter made a motion to approve the June 24, 2024 Planning Board Regular Meeting Minutes as presented
- Second:** Board member Jarrell

Vote: The motion passed with a unanimous vote.

5. Public Comments: *Individuals are allowed 3 minutes to speak and must only comment on current agenda items. A maximum of 30 minutes is allocated to the Public Comment Period. The time limit may be extended at the discretion of the Chairman.*

Chad Emerine 953 Eagle Road. Mr. Emerine commented on the incomplete application for agenda item 7.A. He expressed concern that this project is outside of the downtown overlay and when the first project was approved, the stormwater requirement was for a 25-year flood and now the requirements are for 100-year. Mr. Emerine expressed support for the minimum RCD lot size to be increased to 20,000 sq feet and increasing the side and front setbacks.

Melissa Emerine 953 Eagle Road. Ms. Emerine commented that she doesn't believe the town needs additional medical buildings. She expressed her concern that the additional buildings will create risk for pedestrians crossing Providence Road to the shopping center. She asked about the septic system and the kinds of testing done. Ms. Emerine expressed her opposition to the additional buildings.

Steven Overcash – applicant. Mr. Overcash stated that he is representing the applicant and is willing to answer any questions.

Gayle Butler 5146 Panhandle Circle. Ms. Butler commented on her concern with the Polivka project and the possible traffic issues. She expressed that the town doesn't need additional medical buildings and this project is not in Weddington's brand.

6. Old Business

A. Discussion and Possible Recommendation of O-2024-04 amending the Town of Weddington Unified Development Ordinance Section D-703.E. Lot and Building Standards Table.(minimum lot size) for R-CD Conservation zoning districts.

Mr. Gordos presented the staff report: At its meeting of June 24, 2024, the Planning Board, as a part of a discussion regarding changes to the requirements for a R-CD (Conservation) subdivision, requested staff to prepare an amendment modifying the requirements lot size, width, and other dimensions with consideration for several options. The Planning Board discussed comparison between subdivisions created with careful design consideration versus contemporary submittals which may not meet the intent of the original creation of open space development. Based upon the direction received from the Planning Board, staff proposes amendments to Section D-703E. Lot and Building Standards Table (Table 2) with at least three separate text amendments for consideration. The Board can select "Option A", "Option B", "Option C", or any combination thereof, or choose to leave the dimensional requirements for R-CD (Conservation) as adopted.

Board members discussed Option "A" which mirrors existing RE zoning with 20,000 sq. ft lots, Option "B" with 15,000 sq. ft. lots and Option "C", with 18,000 sq. ft lots. Option C was floated as a compromise. Lot width to be increased to 100 ft. Board members discussed preserving backyards and not making setbacks more restrictive than the R-40 standards.

Board member Anderson asked if making lot size bigger would impact the number of lots. Mr. Gordos responded that the lot count is guided by the yield plan. Board member Anderson also asked if increasing

the lot size will discourage RCD development. Mr. Gordos responded that staff intention is not to discourage RCD development by increasing lot size.

Board member Setzer asked if changing the lots size requirement would impact infrastructure. Would there be room for lots and infrastructure. Mr. Gordos responded that can't be said at this time.

Board member Jarrell commented that if the lots size is increased and setbacks are increased, will that decrease the amount of yard usable for the homeowner. The board members discussed setback requirements and lot width requirements.

Board member Deter proposed increasing the minimum lot size to 18,000 sq ft and requiring the average size of the lots to be 20,000 sq. ft. Minimum lot width required is proposed to be changed to 100 feet and minimum front set back to remain at 20 feet, rear setback requirement be increased to 40 feet and side setbacks to be increased to 12 feet.

Board member Faulk commented that 15,000 sq. ft. is a small bump up. 18,000 with the 20,000 average square feet will give incentive for conservation development. He stated his support for Option "C" with adding the average lot size requirement.

- Motion:** Board member Deter made a motion to recommend for approval to the Town Council Text Amendment O-2024-04 increasing the minimum lot size requirement for RCD Subdivisions to 18,000 square feet and require an average lot size in proposed RCD developments to be 20,000 square feet and also increase the side setback requirements to 12 feet, rear setback requirement to 40 feet, and minimum lot width to 100 feet.
- Second:** Board member Faulk
- Vote:** The motion passed with a unanimous vote.

7. New Business

A. Discussion and Possible Recommendation of an application by ODA Architecture requesting Conditional Zoning Approval for the development of a two-building office expansion located at 13700 Providence Road.

Mr. Gordos presented the staff report: The applicant, operating on-site as Polivka International, is proposing the development of two new office/medical office buildings to the east of the current office building. The two buildings are 10,000 square feet of space each in two stories; closer to Providence Road but behind the current retention pond for stormwater. These buildings are angled towards the entrance along Providence per community feedback provided in one of two Community Meetings held for the project. Hunter Farm is directly to the north of the site. Weddington Methodist Church is to the south. Harris-Teeter grocery store and other commercially zoned uses are found to the east, as is Town Hall.

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. This proposal matches the existing character of office use and the property is properly zoned MX, Mixed Use. Land uses permitted in the MX zone also need to be explicit to avoid allowing mercantile

commercial uses that should be in the Business zones, continuing use for office spaces and medically offices as requested.

It is the recommendation of staff that the request for Conditional Zoning to allow for the development of a two office/medical office building generally located at Providence Road and Weddington Road, be recommended for approval with conditions.

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:

1. The routing of stormwater for the predevelopment and post-development conditions of the proposed building lot.
2. Calculations showing the peak estimated rates of runoff using a ten-year return period for predevelopment and post-development conditions for the lot, including each stream leaving the proposed building lot.
3. Calculations, plans, and specifications for stormwater retention/detention facilities or other means to effect peak rate attenuation.
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 100-year storm.

A statement from the owner acknowledging responsibility for the operation and maintenance of required retention/detention facilities, and to disclose such obligation to future owners.

A dedicated Landscape Plan shall be submitted meeting all landscape and buffer requirements of the Town of Wedding Unified Development Ordinance (Section D-918. General Requirements.)

Board member Deter commented on the responsibility of the applicant to submit a complete application. He specified that septic details and stormwater requirements were not included in the application.

Motion: Board member Deter made a motion to table discussion of the application for 30 days to give the applicant the opportunity to provide all the information required in the UDO.

Board member Anderson asked about the submittal requirements to be provided at this stage in the process. Board members discussed the development application process. Board member Deter asked if there had been a septic analysis done to determine if the existing system would support the additional buildings. Mr. Deter read a statement from the staff report: "A lack of detail in the submittal in regard to stormwater, septic, setback, parking dimensions, and landscaping make determining full compliance challenging without more detail in the site plan". Mr. Overcash stated that it was not requested of him to present those items.

Chairman Manning called for order in the meeting. Chairman Manning asked for clarification in the procedure. Mr. Gordos stated that there is no policy to set order of presentation. Mr. Gordos clarified that the level of detail in the site plan is schematic in nature and serves as a preliminary plat consideration in conditional zoning. Not all details are completed. Site plan consideration is roughly compared to preliminary plat in conditional zoning consideration.

Board member Deter withdrew the motion to allow the applicant to make their presentation.

The applicant, Mr. Overcash presented the application. This process has been ongoing over a year. He reviewed the changes made to the plan after the community meeting feedback and the different

steps that have been taken, the applicant has completed a septic design with calculations, a traffic study. To ask for 100% civil set of plans at this point without the conditional zoning approval isn't right. The elevations of the buildings were changed to be more visually appealing and the layout of the buildings on the property was changed.

Chairman Manning asked was the original septic system designed for the two additional buildings. Mr. Overcash said that it was not.

Board member Setzer questioned why the applicant was adding two more buildings when only one building was agreed to in 2012 and why would the board consider recommendation. Chairman Manning asked if that agreement was in writing. Mr. Overcash responded he doesn't have recollection of that agreement. Board member Deter clarified that the original building was for Mr. Polivka's employees and with two additional buildings are not only for Mr. Polivka's employees. Ms. Polivka stated that they have been receiving a lot of inquiries for office space in the area.

Mr. Overcash asked about the agreement for one building as he doesn't remember it as a condition. Mr. Gordos clarified that from staff perspective this is a conditional zoning and the town has a new UDO and would rather stick to current standards.

Board member Faulk asked if what was presented is the final building configuration. Mr. Overcash responded that it was. Board member Faulk asked if any preliminary work has been done on the stormwater retention. Mr. Overcash responded that it can be provided. It can be a condition as a part of the permitting process. Board member Faulk stated that he would rather see these presented so the public sees what the Board sees, even with a rough number on the retention.

Board members discussed the setback next to the church and the height of the buildings. UDO Section D-917C(A)(3) requires all buildings or structures within 50 feet of residentially zoned property be limited to two stories and have a maximum building height of 35 feet. The left building is 28 feet from the property line. Board member Jarrell commented that while it is a residentially zoned property, the church is not a residential development, so it is her opinion that the height doesn't really matter.

Board member Deter stated that septic and stormwater are the two biggest issues in town right now. The requirements for submittal are referenced on the application and the burden should not be on the Town Planner to get the missing elements of the application submittal. Board member Deter reviewed the missing pieces of the application.

- Motion:** Board member Deter made a motion to table the recommendation of an application by ODA Architecture requesting Conditional Zoning Approval for the development of a two-building office expansion located at 13700 Providence Road until the September 26, 2024 Regular Planning Board meeting.
- Second:** Board member Faulk
- Vote:** The motion passed with a majority vote: Board members Jarrell, Faulk, Setzer, and Deter voted in favor. Board member Anderson abstained from voting.

~~B. WITHDRAWN Discussion and Recommendation of an application by Classica Homes requesting Conditional Zoning Approval for the Weddington Grove Development, a 9-lot subdivision located at 3308 Forest Lawn Drive, parcel number 06063001.~~

Mr. Gordos stated that this application was withdrawn after the agenda was drafted at the applicant's request. Staff has not determined if the application will be on a future agenda.

C. Discussion and Possible Consideration of an entry sign for Luna Subdivision under Section D-918.J. Fences and Walls Permitted Within Yard Areas

Mr. Gordos reviewed Section D-918 Subdivision entry and perimeter walls and entry monuments are not required to be of any specific height or style but are subject to review and approval of the planning board prior to the start of construction.

Board members reviewed the submitted plans for the entry monument for the Luna Subdivision that was approved as a conditional zoning in November 2023. Chairman Manning asked about the lighting. The applicant stated that low underneath the metal roof LED lighting is planned and some uplighting/landscape lighting. Board member Anderson commented to the applicant that plantings can be too big in a couple years and may cover the sign. The applicant agreed.

- Motion:** Board member Setzer made a motion to approve the submitted entry sign for the Luna Subdivision under Section D-918.J. Fences and Walls permitted within yard areas
- Second:** Board member Faulk
- Vote:** The motion passed with a unanimous vote.

8. Update from Town Planner and Report from the July and August Town Council Meetings

- **Deal Lake Subdivision**
 - 93-lot Conservation subdivision
 - Site Walk/ Charette: 11/28/23
 - Community Meeting: 5/2/24
 - 2nd Community Meeting: 7/16/24
 - Planning Board: TBD
- **Rea/ Providence Subdivision**
 - Conventional subdivision, 54 lots
 - Planning Board: 6/24/24, TABLED
- **3308 Forest Lawn Drive**
 - Conventional subdivision, 9 lots
 - Community Meeting: 7/11/24
- **7112 New Town Road**
 - Prop. Land Use: Churches, Synagogues and Other Places of Worship
 - Community Meeting: 5/22/24, 6/20/24
 - Planning Board: TBD
- **Deal Road (Keystone)**
 - Conventional subdivision, 12 lots
 - Community Meeting: 7/24/24

- **149 S. Providence Road (Empire)**
 - Conventional subdivision, 34 lots
 - Community Meeting: 6/27/24
- **13700 Providence Road**
 - 2 additional buildings, MX (CD) zoning
 - Community Meeting: 6/10/24
 - 2nd Community Meeting: 8/5/24

9. Board member Comments

Board member Deter: I appreciate everybody coming out. That's what we're supposed to say at every meeting. It is a true statement though. I'm glad to see people getting involved. I think we're making really good progress as a Planning Board with our discussions of topics. I can tell that Greg and the Staff are really busy with stuff coming down the road here.

Board member Setzer: Thank you to Greg and Karen as always. Thank you folks for coming out tonight, it's always good to see participation.

Board member Anderson: I have a question: does the board have a policy about members meeting individually with developers when people reach out. I ask that because people have reached out and I don't want anyone to think I'm speaking for the board. I was uncomfortable so I wanted to be able to say it's against the policy.

Board member Jarrell: I have the same question.

Board member Faulk: I make it very clear I'm not speaking for the board. If they want my insight, that's for them to use or not. I'm not holding back with them either.

Board member Deter suggested meeting at Town Hall with the Planner.

Board member Setzer stated that he declines the meeting requests.

Board member Anderson: I always want to get community input; people come to the farm and ask questions and talk to me. I want to be open, but it felt awkward, so I didn't participate.

Chairman Manning stated that there isn't a policy and they are allowed to approach board members.

Board member Jarrell stated that as a real estate agent talking to a builder recently that held meetings with board members, and it doesn't feel transparent and I think our board should be transparent. She stated she has mixed feelings about it. First day of school- thank you to all of the teachers in Weddington and the EC teams. They are awesome.

Board member Faulk: Thank you to staff and everyone for coming. Looking forward to the next one.

Chairman Manning: I'll piggyback on Amanda's comment-first day of school. I appreciate our deputies in the area. I know they responded to several car accidents today, hopefully with no major injuries. School's back in session! I appreciate everybody coming out.

10. Adjournment

Motion: Board member Deter made a motion to adjourn the August 26, 2024 Regular Planning Board Meeting at 8:36 p.m.

Second: Board member Faulk

Vote: The motion passed with a unanimous vote.

Approved: September 13, 2024