



**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY SEPTEMBER 23, 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 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.*
4. Approval of Minutes
 - A. August 26, 2024 Planning Board Regular Meeting
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.*
6. Old 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.
7. New Business
 - A. Discussion and Possible Recommendation of an application by Keystone Custom Homes requesting Conditional Zoning Approval for a 12-Lot Subdivision located on Deal Road
 - B. Discussion and Possible Recommendation of text amendments to the Town of Weddington Unified Development Ordinance
 - i. Section D-917A.O. Buffering.
 - ii. Section D-607 Weddington Specific Process Steps for Legislative Decisions.
8. Update from Town Planner and Report from September Town Council Meeting
9. Board member Comments
10. Adjournment



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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 Chairman Travis Manning, Board members Manish Mittal, Rusty Setzer, and Bill Deter present. Vice Chair Amanda Jarrell and Board members Nancy Anderson and Chris Faulk were absent.

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

Visitors: Gayle Butler, Jim Bell, John Allen, Christopher Neve, Mark Momsen, Keith Fenn, Chad Emerine, Melissa Emerine, Collin Brock

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. No Board members had a conflict of interest.

4. Approval of Minutes

A. August 26, 2024 Planning Board Regular Meeting

Motion: Board member Setzer made a motion to approve the August 26, 2024 Planning Board minutes.
Second: Board member Deter
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 keystone plan Union county environmental health approval. Location of the road and lights shining into the homes across the street and offered suggestions to avoid that.

6. Old 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.

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 to the October Planning Board meeting.

Second: Board member Setzer

Vote: The motion passed with a unanimous vote.

7. New Business

A. Discussion and Possible Recommendation of an application by Keystone Custom Homes requesting Conditional Zoning Approval for a 12-Lot Subdivision located on Deal Road

Mr. Gordos presented the staff report: The applicant is proposing the development of a 12-lot conventional development subdivision on 17 acres tentatively known as Elysian at Weddington. The subdivision contains a single entrance on Deal Road with a 50' buffer (per UDO) along the thoroughfare. Existing homes along Deal Road can be found to the north and east. Weddington Middle School is directly south of the property. Currently zoned RCD. A small detention point is located within the 10% required open space between school and project site. Cul de sac is about 700 linear feet. The cul-de-sac island will ultimately be decided by NCDOT. A conventional subdivision with 12 lots and only requires one entry and no TIA. The Applicant is proposing a reduced buffer to 50-feet with supplemental evergreen plantings. This project meets the land use plan and is does not have any plans for sidewalk amenities. Applicant could provide a path but that could potentially end up as a queue for school drop-off for non-residents of the subdivision. This is a traditional septic development with conventional drainage field and repair areas. Union County will do approvals and testing. The Town does not review for septic plans.

The applicant Collin Brock with V3 Southeast and Keith Fenn with Keystone Homes presented the project. Mr. Brock reviewed the buffer and the current screening and the planned appropriate supplemental plantings.

Board member Deter asked if there are front-loading garages.

Applicant responded that they are a custom home builder and the client dictates the design. They don't typically do less than two-car garages, but it will be decided by the client.

Board member Deter asked if the county approved the location of the septic fields.

Applicant responded that their soil scientist placed the fields where they were most conducive to septic. The County was testing the site today and will continue tomorrow.

Board member Deter commented on the buffer requirement. He asked if the applicant has looked to see if a 100-foot buffer could be accommodated

Applicant responded that they did consider a 100-foot buffer. They found neither enough frontage nor square footage for a 100-foot buffer. There is currently screening there, and they will add to it.

Board member Deter asked if the entrance lined up with the house across the street. Applicant responded that 6000 Deal Road is completely offset and does not line up with the subdivision entrance.

Board member Mittal asked if there was a plan for a sidewalk. Applicant responded that they were keeping with the natural areas like most of the communities in town. Because of the proximity to the school, an additional concern is that people outside of the neighborhood would use the sidewalk or walking path to cut through the neighborhood to avoid the drop off lines.

Chairman Manning commented that Weddington Hills has a similar proximity to the school campus and they do have walking trails to schools for kids to get to the campus.

The Applicant responded that their concern with a potential cut through is a liability. At this point there is no plan for a trail system.

Chairman Manning asked what assumptions were made with the size of the septic drainage fields. The Applicant responded that they are planning for five bedrooms. Chairman Manning asked if that was enough square footage for the system and repair. The applicant confirmed that Union County will dictate if there is enough room for design. Lot lines may have to be shifted to accommodate the septic.

Chairman Manning if the road would be cut in and keep the lots as natural. The applicant responded that it was the intention to keep as much natural as possible.

Board member Deter commented that other applicants have been held to the 100-foot thoroughfare buffer and the plans show driveways inside the side setback.

The applicant responded that they are purposely taking advantage of the lot line and side setback adding to the current 50-foot buffer. Further down Deal Road homes adjacent to this property have no buffer at all.

Board member Deter commented that the 100-foot buffer is important in case the road gets widened or another easement is needed.

The applicant responded that they have looked at the NCDOT 10-year plan and there isn't anything for road widening in the plans.

Discussion continued around the requirement of 100-foot thoroughfare buffer.

Board member Setzer asked if the applicant could squeeze the thoroughfare buffer from 50 to 75 feet.

The applicant responded that homes are about 100 feet off the road. The area is wooded now, and they will leave it wooded. Added with the building setbacks, the buffer between the thoroughfare and the homes will be close to 75 feet.

Motion: Board member Deter made a motion to not recommend to Town Council because of the buffers.

Board member Mittal stated that the UDO gives the option of a 50-foot buffer with screening plantings. This applicant has chosen that option.

Mr. Gordos stated that the UDO indicates that buffer width may be reduced with additional screening plantings.

Board member Setzer stated that it sounds like this meets the letter of the UDO.

Staff agreed that it does with provided supplemental screening.

Board member Mittal stated that he doesn't see a reason to reject as the UDO states 50 feet as an option. He asked if there is a possibility of increasing the buffer to make it close to 70 or 75 feet. The applicant responded that maybe on one side otherwise would have to start the entire project over.

Board member Setzer asked about the kind of proposed vegetation in the buffer. The Applicant responded with the orientation of the site facing true north, they are proposing solid, fast growing evergreens, hollies and the right kind of vegetation that can take the morning sun and afternoon shade.

Board member Deter asked if there were parameters in the UDO for plantings.

Board member Mittal stated he sees no reason to reject it as it meets the UDO.

Chairman Manning stated there is a motion on the table. There is no second. The motion dies

Motion: Board member Setzer made a motion to recommend an application by Keystone Custom Homes requesting Conditional Zoning Approval for a 12-Lot Subdivision located on Deal Road for approval with the conditions of staff approval of the final buffer plantings and to add 10-15 feet to the buffer.

Second: Board member Mittal

Vote: The motion passed with 2 votes in favor: Board member Setzer and Mittal and 1 vote opposed: Board member Deter.

B. Discussion and Possible Recommendation of text amendments to the Town of Weddington Unified Development Ordinance
i. Section D-917A.O. Buffering.

Mr. Gordos presented the staff report. At the September 9, 2024 meeting, the Town Council requested staff to prepare an amendment modifying the requirements buffering residential development from adjacent properties to a greater degree than those currently existing in code. Specifically, Section D-917A(O) allows a developer to choose between two options ("buffers") when proposing a new development along an existing roadway. The intention is to provide screening, at developer expense, between new construction and the road with visual screening: trees and evergreens.

A buffer at least 100 feet wide of existing woodland providing adequate visual screening throughout the year is required. The buffer width may be reduced to 50 feet if plantings are installed to include year-round screening.

While codified as a choice, developers are currently advised that only a 100-foot-wide buffer will be accepted under conditional zoning consideration by Town Council and 50-foot screening is discouraged at application. to provide clarity, reference to "50 feet" would be removed from subsection O. Buffering in the Unified Development Ordinance. Reference to not allowing earthen berms would also be removed, as they have been applied previously (and recently) to other residential subdivisions constructed in the Town of Weddington.

Board member Mittal asked if this creates a hardship.

Mr. Gordos responded that removing the 50-foot buffer option removes some design flexibility. A requirement of 100 feet is not a small requirement that can take useful land away from the

developer. However, the town preference is 100 feet and the burden falls on the applicant to meet that.

Chairman Manning commented that the landowner also carries the burden. Board member Deter stated that this doesn't eliminate the 50-foot option. With 50 feet established as the minimum, that's where all proposals go. There is conflict between what the UDO says versus what the Council says. Applicant can request a 50-foot buffer as a conditional zoning request.

Board member Setzer commented that the NCDOT will be taking right of ways out of the buffer areas as roads are being widened so a wider buffer would be better in the future.

Board member Mittal stated that the 50-foot option is still available to the applicants.

Chairman Manning asked if the tear drop cul de sac requirement can be removed as well. Mr. Gordos noted the suggestion.

- Motion:** Board member Deter made a motion to recommend a text amendment to remove the last sentence of 917A.O(1)b. that reads: "The buffer width may be reduced to 50 feet if plantings are installed to include year-round screening".
- Second:** Board member Mittal
- Vote:** The motion passed with a unanimous vote.

Chairman Manning stated for the record that he is in opposition of removing the 50-foot berm option.

Board members discussed berms.

Board member Deter stated his belief that if berms are done correctly, they protect the viewshed. There are references to berms throughout the UDO, taking the language that prohibits them will give the Council options to leave those references in.

Board member Setzer commented that from the standpoint of construction, berms cut down on auto noise and berms are typically where developers unload bad soils and rocks cleared from the development area and that saves on the trucks hauling away.

Board member Mittal stated that berms are not permitted right now. Mr. Gordos responded that currently, berms are not permitted, but staff is proposing to strike the language.

Board member Deter asked when there were berms allowed before if there were any requirements or descriptions and if those need to be included in the UDO. Mr. Gordos responded that it is preferable not to. With conditional zoning, officials can decide.

Board member Deter asked if the applicants define size of berm on plan. Mr. Gordos responded that the applicant should. Chairman Manning commented that types of planting should also be on the plan

Mr. Gordos clarified that the text amendment would remove 917A.O(1)c. “Earthen berms are not a permitted design approach as they are inherently nonrural and would inappropriately alter the rural character, even if landscaped”

Motion: Board member Setzer made a motion to recommend a text amendment to remove 917A.O(1)c. “Earthen berms are not a permitted design approach as they are inherently nonrural and would inappropriately alter the rural character, even if landscaped”.

Second: Board member Mittal

Vote: The motion passed with a unanimous vote.

ii. Section D-607 Weddington Specific Process Steps for Legislative Decisions.

Mr. Gordos presented the staff report: At the September 9, 2024, Town Council meeting, Council requested staff to prepare an amendment modifying the requirements of applicants who propose a conditional zoning amendment. A Conditional Zoning Application form is required in order to process any conditional zoning project such as a major subdivision (>6 units) or any nonresidential development. On Page 2 of 3 of this application, it states the following: The Zoning Administrator shall present any properly completed application to the Planning Board at its next regularly scheduled meeting occurring at least 15 days after the application has been deemed complete and ready for submission to the Planning Board. The Planning Board, by majority vote, may shorten or waive the time provided for receipt for a completed application. The Town of Weddington Planning Board expects a full agenda, staff report, and materials packet for consideration at least five days in advance of the meeting date in order to review the information presented by the Town Planner. The Town Planner requires additional days to prepare the staff report and ensure the submitted materials are finalized. While the 15 days required in the application is intended to assist staff with enough time to create a thorough and complete staff report, the 15 days has also become an expectation of Weddington citizens in preparing to attend Planning Board meetings and knowing what items will be presented well in advance of the meeting date. Rules should be explicitly codified, not only stated on the application. Staff opinion is that the 15 days isn't a shot clock but supports staff in complete review of the application and writing of the staff report. There is also language that gives some discretion to the Planning Board: The Planning Board, by majority vote, may shorten or waive the time provided for receipt for a completed application.

Board members discussed the process steps for conditional zoning legislative decisions. Chairman Manning asked if this helps staff. Mr. Gordos stated that it clarifies when something should be due. It's not useful for staff if this is perceived as a shot clock, or mechanism to exclude items. The Zoning Administrator determines completeness. The intention is to provide enough time to prepare a thorough recommendation to the board. Applications are submitted months before it comes before the Planning Board. Community meeting, report, revisions, etc. Determination of completeness doesn't come at application, but at step 6.

Board member Setzer commented that deadlines are not nefarious. Deadlines allow staff time to react.

Mr. Gordos stated that this was prompted by the Council discussion earlier this month. One of the other actions was limit number of agenda items to be seen by the Planning. That will also restrict things coming forward.

Board member Mittal asked about the language giving the Planning Board the option to shorten or waive the time for receipt. Mr. Gordos stated that is how it is currently written. Board members Setzer and Mittal agreed that language should be struck

Board member Mittal asked how long it takes to verify the application is complete. Mr. Gordos responded that it varies, but this makes it clear that 15 days before the meeting he will be looking at things closely to determine if the project is ready for the board.

Motion: Board member Setzer made a motion to recommend a text amendment to Section D-607 Weddington Specific Process Steps for Legislative Decisions, of the Unified Development Ordinance to include the following language in step 6: The Zoning Administrator shall present any properly completed application to the Planning Board at its next regularly scheduled meeting occurring at least 15 days after the application has been deemed complete and ready for submission to the Planning Board. ~~The Planning Board, by majority vote, may shorten or waive the time provided for receipt for a completed application.~~

Second: Board member Mittal

Vote: The motion passed with a unanimous vote.

8. Update from Town Planner and Report from September Town Council Meeting

Mr. Gordos gave the update: Council discussed code changes. There will be several over the next few months coming before the Planning Board. One of the policy changes discussed was to limit number of projects presented to planning board and town council. Recommendation was that not more than 1 major item per meeting. This will take some management by staff. Today's one item of new business and code changes is intended format for major project and code amendments. Old business is another matter. When an application is tabled for more information and held over to old business, that is not considered the one item. There was a very explicit message from the council to limit number of items before the board. The RCD conservation subdivision text amendment the council opted for increasing front and side setbacks. That will have an impact on future proposals. Status of other subdivisions haven't changed. Things are in a holding pattern and those will trickle through. There won't be an agenda that will have 5 applications at once.

Chairman Manning asked if there was any movement on potential developments in pipeline. Mr. Gordos responded not to report at this time. Logistically, the queue must be worked out by staff.

Board member Setzer asked if the recommendation of 1 major item on agenda was just a recommendation. Mr. Gordos stated that it is not a text amendment, but a decision by council to do that for the future.

Board members discussed the policy. They expressed their general disagreement with the policy while agreeing that there should be some limits, one major item on the agenda a month may be too restrictive and put a burden on staff to manage the queue of projects. They discussed making a note to the Council that Planning Board doesn't need to be limited, they could handle at least 2 projects a month if staff isn't burdened.

9. Board member Comments

Board member Setzer: Thank you for coming out tonight. I appreciate your showing up and being here, stay engaged.

Board member Mittal: Thank you everyone. I hope Council thinks about that policy because that's something that will burden staff with the surge of developers coming in. We are putting a stop to that. Thank you for working on the UDO helps clear up the confusion for me and the developers.

Board member Deter: I want to thank people for coming. I think the important thing is that we're not here to do things fast, we're here to do things right. Sometimes that might be two. Sometimes could be more. I think the key focus is key is we're doing this long term that's what we gotta focus on.

Chairman Manning: I was made aware of an email to council today from some lobbyist group out of Charlotte. Weddington has basically been put on notice that we need to make decisions in our wheelhouse and not things that are state statutes and what other state agencies regulate. I'm sure Greg and Karen can send that email out as well. I got it from a private person. Weddington has been put on notice. We need to keep that in the back of our minds. Specifically, it was about septic systems and what state mandates a developer and homeowner can do with their land versus what a council can say "no we don't like it: to. Nobody has rejected anything but there's a lot of misinformation in the public and it's gotten the attention of a several large lobby groups in Charlotte that like to sue municipalities. We've already had one major lawsuit we don't need another one.

10. Adjournment

Motion: Board member Mittal made a motion to adjourn the September 23, 2024 Regular Planning Board Meeting at 8:09 p.m.

Second: Board member Setzer

Vote: The motion passed with a unanimous vote.

Approved: 28 October 2024