



**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY OCTOBER 28, 2024 – 7:00 P.M.
WEDDINGTON TOWN HALL
MINUTES
PAGE 1 OF 9**

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 Chair Amanda Jarrell, Board members Chris Faulk, Manish Mittal, Nancy Anderson, and Bill Deter present. Board member Rusty Setzer was absent.

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

Visitors: Harry Chilcot, Chad Emerine, Melissa Emerine, Basil Polivka Jr., Gayle Butler, Barbara Schick, John Schick, Stephen Overcash, Skylar DeMatteis

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 Travis Manning read the Conflict of Interest Statement. Board member Anderson stated that she will recuse herself as she is an adjoining property owner of the application being presented as agenda item number 6.A.

4. Approval of Minutes

A. September 23, 2024 Planning Board Regular Meeting

Staff amended the minutes to correct an attendance error. Board member Anderson was absent from the meeting.

Motion: Board member Mittal made a motion to approve the September 23, 2024 Planning Board Regular Meeting minutes.

Second: Board member Faulk

Vote: The motion passed with a unanimous vote.

Chairman Manning asked to amend the agenda to add item 6.B. Old Business Review of Council policy to limit application presentations on meeting agendas

Motion: Board member Deter made a motion to amend the agenda.

Second: Board member Mittal
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 Board member Anderson recusing herself and that he believes that action doesn't appear to be following the Rules of Procedure. He commented on the proposed application for the Polivka property that the buildings are listed as 9000 square feet and he believes they are 10,000 square feet. He expressed concern with the project meeting the goals of the Land Use Plan as this property is not in the downtown overlay and is not pedestrian friendly and he stated that while the project design has changed, the resident's sentiment regarding the project has not. Mr. Emerine commented on the submittal requirements in Appendix 2B of the UDO and that projects should be tabled if missing an item.

Basil Polivka – 13700 Providence Road – Mr. Polivka commented on the zoning application agenda item 6.A. He stated that the business is expanding, and they have appreciated being good neighbors in Weddington. He commented that the property was for sale for a time, but it is off the market.

Gayle Butler: Ms. Butler thanked the planning board for volunteering to serve. She commented on the Polivka application. Ms. Butler commented that this is commercial, and she does not want commercial outside of the downtown overlay. She stated that is not pedestrian friendly and is not easy to get to. She commented on the medical offices nearby in Waxhaw and Waverly and that the Town doesn't need any medical nor commercial space around here.

The Board briefly discussed Board member Anderson's recusal from the Polivka discussion. They determined while there is no financial conflict of interest, they believe the community may see otherwise and her recusal would 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.

Mr. Gordos presented 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 9,000 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. The development proposal does include one (1) change to the Development Standards already set forth in the Unified Development Ordinance (UDO). One structure does not meet height requirements based on proximity to a residentially zoned parcel. The development shall be governed by this Plan and all applicable requirements of the UDO. Council can grant relief as part of the conditional zoning approval. 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 13700 Providence Road, be recommended for approval with conditions:

- All buildings or structures within 50 feet of residentially zoned property shall be limited to two stories and shall have a maximum building height of 35 feet. The south building shall be limited to 35' and new building elevations shall be reviewed by staff for zoning compliance.
- Union County Environmental Health approval of the proposed lots for septic tanks and wells.

Mr. Gordos stated this is the only MX zoned property within the town. It is outside the downtown overlay. It was deferred from the last meeting so the applicant could assemble technical documents for engineering and sewer items.

Mr. Overcash stated that this project is a comparable use to the existing facility. It will be restricted to office and medical office use. The summary TIA showed very little impact. The building size has been reduced to 9,000 sq. ft. and meets or exceeds the floor area ratio requirements. The building height is currently at 40 feet and the UDO requires buildings adjacent to residentially zoned property within 50 feet of the property line have a height limit of 35 feet. The applicant stated his willingness to concede and lower the height to the required 35 feet. Regarding the stormwater concerns, the applicant brought an engineer who brought solutions to get the development to the 100-year flood requirements. Septic drawings are included in the packet. Mr. Gordos confirmed the application is complete.

Skylar DeMatteis discussed what will be completed to meet stormwater requirements. There will be a dry pond with sand filter. Sand will be removed and replaced. It will meet the town standards.

Questions from Planning Board:

Board member Deter asked why this should be considered since it came before Planning Board and Council and was rejected.

Mr. Overcash responded that the property owner has certain rights granted by the Town. This property is zoned MX and this project is well within the rules for the zoning.

Board member Deter stated that the council rejected this project for 3 buildings and another plan with just one building was presented and approved. He asked why the applicant expects to be approved this time.

Mr. Overcash responded that Providence Road has been widened with improvements. The area has changed. The community showed up and gave input to change the design and the applicant complied with the suggestions. Mr. Polivka stated that they have been good neighbors and they are asking to further develop the property with a modest 18,000 square feet. The business is expanding, and they need additional office space and they would like to be in Weddington.

Board member Faulk asked about the potential sale of the property. If it was planned of this or will be as a result of this. Mr. Polivka responded that the sale was not a part of this application.

Chairman Manning asked about the septic plan. Mr. Overcash explained the septic design.

The board discussed the building placement on the diagonal or perpendicular. Changing placement back to perpendicular would bring the project into compliance with the UDO. Mr. Overcash stated that the applicant is willing to lower the height to meet the 35-foot height requirement.

Board member Deter asked Mr. Gordos about the 50-foot buffer and the building height. Mr. Gordos responded that buildings in the MX zone have a maximum height of 40, but within 50 feet of a property line the height must be lowered to 35 feet. The board has two options: one to grant relief for code requirement D-917C(A)(3) or make a condition to bring the building height into compliance with the UDO.

Board member Faulk stated that these two buildings are not going to jeopardize the integrity of Weddington. Stormwater details were asked and answered. With impervious surface and runoff addressed. Septic is enough for a larger development than this and the Applicant is willing to bring the building height into compliance.

Mr. Gordos summarized that the items in question were addressed. Staff recommends requiring the building to meet height requirements as a condition for approval.

Motion: Board member Faulk made a motion to forward 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 Town Council with recommendation for approval with the condition that the applicant bring building height into compliance with the UDO.

Second: Board member Mittal

Vote: The motion passed with a majority vote: Board members Faulk, Mittal, and Jarrell voted in favor, Board member Deter opposed, and Board member Anderson abstained from the vote.

**** B. Review of Council Policy-**
Policy discussed at September Town Council Meeting.

Mr. Gordos reviewed previously discussed text amendments and Council policy to limit project presentations.

Council codified the 15-business day submittal requirement before any project is presented on the Planning Board agenda with the intention to give staff time to review and create a comprehensive staff report.

Board members discussed the policy and different scenarios.

7. New Business

A. Discussion and Possible Consideration of an entry for Beckingham subdivision under Section D-918. J. Fences and Walls Permitted Within Yard Areas.

Mr. Gordos summarized the item: Beckingham was approved in 2023. The plan had a proposed road stub to the adjacent parcel. As a part of the approval, it was determined that having that connection wasn't necessary. The applicant is asking to add a nicer entrance than is stated in the UDO with design aesthetics not approved by NCDOT. The applicant is asking for a deviation with private standards.

Mr. Tom Waters presented the design for the Beckingham entry with Connor Horn from WK Dickson. These are cosmetic changes: bar ditch street construction with raw edge and 1-foot ribbon concrete. At the entrance, add authentic decorative pavers. The connector to the adjacent property will be stubbed as conditioned by the approval.

Board member Deter asked what the plan was for the pavers through construction.

Mr. Waters responded that they are all-natural granite pavers and will be installed pre-construction as a part of the entry look for customers.

Chairman Manning asked about the ribbon curb being counted as a part of the travel lane or part of the road width. Mr. Waters responded that they are doing 24 feet of asphalt, the ribbon curb adds on to what was approved. He stated the entrance will have a stand-up curb to the gates through the first creek crossing.

- Motion:** Board member Deter made a motion to approve the cosmetic changes with entry pavers and ribbon concrete on the subdivision roads for the Beckingham 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.

B. Discussion and Possible Recommendation of text amendments to the Town of Weddington Unified Development Ordinance

i. Section D-917A. D. Lots in Floodplains

Mr. Gordos presented the staff report: Based upon the direction received from the Council, staff proposes amendments to Section D-917A. Specific Requirements for All Residential Development, and Section D-917B. Additional Specific Requirements for Conservation Residential Development, as well as Appendix 2B. These code and page sections were referenced directly by Council and changes reflect those directed to staff. These are recommended by members of the Town Council and were discussed at the meeting and brought for potential recommendation. This amendment would read Lots fully subject to flooding- no lots should be created totally in floodplain. This will provide requirements for partial flood plain. The town doesn't want to create any scenarios where an individual owns a lot with flood plain and they can't do anything with it, but we do want to limit what can be built in the flood plain. Staff recommends removing subsection C:

- c. Where only a portion of the proposed lot is subject to flooding as defined herein, such lot may be approved only if there will be available for building a usable lot area of not less than 10,000 square feet. The useable lot area shall be determined by deducting from the total lot area, the area of all yard setbacks required by the applicable zoning regulations and any remaining area of the lot lying within the area of the base flood (100-year flood) as shown on the flood boundary and floodway map described in Appendix 7 Floodplain Regulations

Buildable land still needs to be discussed. This section should be wholly rewritten and studied by this board. Council wants this removed and staff recommends removing item C.

Board member Faulk stated by removing this section which requires 10000 sq. ft of usable land in the flood plain, the rule does not stop an applicant from filing an exempt plat that cuts up the property that is in the flood plain to do Conditional Letter of Map Revision by fill and bring the land out of the flood plain. Through FEMA the flood line can be changed. Its more difficult to get 10000 sq. ft of buildable area. Removing this land makes the land more valuable.

- Motion:** Board member Faulk made a motion to forward a text amendment to Section D-917A.D. to remove Section D-917A.D.2(c). *Where only a portion of the proposed lot is subject to flooding as defined herein, such lot may be approved only if there will be available for building a usable lot area of not less than 10,000 square feet. The useable lot area shall be determined by deducting from the total lot area, the area of all yard setbacks required by the applicable zoning regulations and any*

remaining area of the lot lying within the area of the base flood (100- year flood) as shown on the flood boundary and floodway map described in Appendix 7 Floodplain Regulations to the Town Council with a recommendation for approval

Second: Board member Deter
Vote: The motion passed with a unanimous vote.

ii. Section D-917B. B. Minimum Open Space

Mr. Gordos stated this text would reduce minimum open space under additional specific requirements for RCD development. It currently reads that 50% of the gross acreage of tract would be required to be preserved as conservation. The amendment would strike out “gross” and make “net” and in the second sentence “No more than 20% of minimum required” to read “NONE of minimum required”.

Board members discussed concerns with taking critical conservation areas, like streams and other non-buildable land, out of the equation of land that is made to be conserved. That land will be left unprotected as conservation land, as conservation land is set aside in perpetuity. If the intent is to reduce development, this doesn’t meet that. If the wetlands aren’t protected in conservation requirements, the property owner can do what they please. Mr. Gordos stated the issue is in the strict language of the text. Staff is recommending against approval because the conservation areas are where the town should want to protect the unbuildable land. Defining buildable land needs to be comprehensive.

Board member Faulk stated that the town wants smart development and applications that come with high standards. The Board doesn’t want to open loopholes not intended to be opened.

Board member Deter recommend requesting from Council alternative text addressing the concerns expressed.

Mr. Gordos stated that developable land is referenced in other code sections, this amendment needs to be broader and more thorough.

Board members agreed that open space requirements need further discussion.

Motion: Board member Faulk made a motion to forward a text amendment to Section D-917B.B. Minimum Open Space to the Town Council with a recommendation for denial.

Second: Board member Anderson

Vote: The motion passed with a unanimous vote.

iii. Section D -917A. J. Cul-de-sacs.

Mr. Gordos presented: The Town code is designed to discourage long cul de sacs. Council has directed staff to look at current and customary design standards in the county and neighboring municipalities that would address safety and design concerns of the 1200-foot cul de sacs.

The Board discussed examples throughout town of long cul de sacs and how to avoid them when restricted by the features of the parcels.

Mr. Gordos stated that NCDOT approves road design, so removing the text that requires closes on cul de sacs less than 600 feet long with two one-way streets bounding a central island from the UDO

is appropriate. Staff is not recommending a change in length at this time as more information needs to be gathered.

Board members continued discussion of cul de sacs and the recommendation by staff to remove the language requiring the close. They will continue discussion of safety and design concerns after conducting some research on standards throughout the county.

Motion: Board member Faulk made a motion to forward a text amendment to Section D-917A.J. Cul-de-sacs to strike (4) *Cul-de-sacs less than 600 feet long shall generally be designed as "closes," with two one-way streets bounding a central "boulevard island" not less than 35 feet across. This can be easily accomplished by extending the outer edges of the turning half-circle perpendicularly to the street from which the cul-de-sac springs. The central open space offers opportunities for tree planting and "rain garden" infiltration areas for stormwater (particularly when the street pavement is sloped inward toward the central open space)* to the Town Council with a recommendation for approval.

Second: Board member Deter

Vote: The motion passed with a unanimous vote.

iv. **Appendix 2B.**

Mr. Gordos discussed submittal requirements. He asked for recommendations for modifications or revisions from the Board. There is room for improvement and will require significant modification. Mr. Gordos is asking for the board review and opinion.

Board members will review and make recommendations for clarity and efficiency.

Board member Anderson suggested having a review by two board members with expertise and Mr. Gordos to come up with recommendations.

Motion: Board member Anderson made a recommendation to table discussion and recommendation of a text amendment to Appendix 2B until board members review and present recommendation.

Second: Board member Jarrell

Vote: The motion passed with a unanimous vote.

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

Mr. Gordos gave the update. He thanked the Board members for their patience and commented that the code changes are a Council priority. The Mayor formed a subcommittee to review code items discussed and future code items. Board members Deter, Setzer, and Faulk are the subcommittee members. If there are any suggestions, bring them to the subcommittee and they can workshop it, making it easier for the Planning Board to review and recommend. Mr. Gordos reviewed the requirements for being placed on the agenda and the Council policy of one development item per monthly agenda.

9. Board member Comments

Board member Deter: I think that Travis has been running a tight meeting. It's been a two-hour meeting, so I think with the code stuff coming through there's going to be more of that. I think it was forward thinking of the Council to address putting in a policy to address one development at a time. If there were two more

developments here, we'd be here until 10:00-11:00 at night. As Greg said, there was a Subcommittee formed. It was discussed at the Council meeting. I don't know if anybody goes to the Council meetings. Being a retired guy, I can attend all those meetings. It may sound like I'm aware of some stuff that you guys aren't, I've been to the YouTube channel or sit in on the Council meeting. I appreciate the people that stayed. To Greg's point it was a very complex meeting and I think our discussion shows complexity and nuance that is required as texts are looked at, fixed, changed, or added to. Thank you.

Board member Mittal: Thank you everybody for your comments and thank you for staying to the end.

Board member Anderson: My only comment is that as a conservation person I am very much in favor, generally speaking, of conservation subdivisions. And I think that I would like to see the town be more proactive in trying to encourage that among developers. I know it's hard because we don't have sewer all over which is honestly required if you're going to make that work. It's something I'm very passionate about and I would like to see the town continue with that.

Board member Jarrell: A question: for us I feel – what is best course for us to take I feel like Planning Board and Town Council are very disjointed – for example not knowing about subcommittee or decisions to do one development project per meeting– I know that some people have relationships with each other that we don't all have. What is best course of action to have those conversations – why did this happen or what is the thought process. In coming here and going through things, listing everything that has been done. My question is what course of action is there to take: do I need to come to a council meeting and speak during public comment or do I just need to call somebody on the phone and ask those questions – is there a right way to do it? I just want to be more aware-I do watch the meetings on YouTube. I just want to have the conversations. Otherwise Happy Halloween.

Board member Faulk: Happy Halloween. I want to thank y'all for staying. Rusty would say stay engaged so I'll say it. Other than that, I'm looking forward to the weekend.

Chairman Manning: I want to echo Amanda's comments. The subcommittee caught me off guard. The one agenda item per meeting, I disagree with it. I think it's a slap in our professional careers. And what we can handle. I think it's going to cause a lot more stress on staff, especially Greg. When we have to table something, will they have to go to the back of the line? how does all this work when real money and real time invested in projects. I disagree with that decision. I think it was made hastily.

Board member Anderson: Maybe I'll go back and look at it, but what was the thought process of this. If you're on the calendar, just what happened last time, and you get bumped because your application isn't complete. What happens? Do Those people get bumped back? Kind of a logistics thing. I'm just surprised about it.

Chairman Manning: Thank you for being here.

10. Adjournment

- Motion:** Board member Deter made a motion to adjourn the October 28, 2024 Regular Planning Board meeting at 9:02 p.m.
- Second:** Board member Mittal
- Vote:** The motion passed with a unanimous vote.

Approved: 25 November 2024