

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
WEDDINGTON TOWN HALL
JANUARY 26, 2015 – 7:00 p.m.
MINUTES**

The Planning Board of the Town of Weddington, North Carolina, met in a Regular Session in the Town Hall Council Chambers, 1924 Weddington Road, Weddington, NC 28104 on January 26, 2015, with Chairman Dorine Sharp presiding.

Present: Chairman Dorine Sharp, Vice-Chairman Rob Dow, Jennifer Romaine, Bruce Klink, John Giattino, and Jim Vivian, Town Planner Julian Burton and Administrative Assistant Tonya Goodson

Absent: Jeff Perryman

Visitors: Chase Kerley, Max McLeod, Philip Gterrez, Ken Chapman, Britt Lowry

Item No. 1. Open the Meeting. Chairman Dorine Sharp opened the meeting at 7:01p.m.

Item No. 2. Determination of Quorum/Additions or Deletions to the Agenda. There was a quorum. Chairman Dorine Sharp suggested that New Business be moved before Old Business.

AYES: Vice-Chairman Dow, Romaine, Klink, Giattino, and Vivian
NAYS: None

Item No. 3. Approval of Minutes.

A. November 24, 2014 Regular Planning Board Meeting Minutes. Vice Chairman Rob Dow moved to approve the minutes as presented. Mrs. Jennifer Romaine seconded the motion, with votes recorded as follows:

AYES: Vice-Chairman Dow, Romaine, Klink, Giattino, and Vivian
NAYS: None

B. December 15, 2014 Regular Planning Board Meeting Minutes. Dr. Bruce Klink moved to approve the minutes as presented. Mrs. Romaine seconded the motion, with votes recorded as follows:

AYES: Vice-Chairman Dow, Romaine, Klink, Giattino, and Vivian
NAYS: None

Item No. 4 New Business.

A. Review and Consideration of the Final Plat – Map 1B for Atherton Estates. The Planning Board received the following memo from Town Planner Burton along with a Final Record Plat of Atherton Estates Map.

Shea Homes submits a final plat application for 13 lots of the approved 130 lot Conventional Subdivision on 170.81 acres located on Weddington Road. Map 1 (12 Lots) was previously approved by the Council on August 11th, 2014.

Application Information:

Subdivision Name: Atherton Estates

Date of Application: December 15th, 2014
Applicant/Developer Name: Shea Homes, Chase Kerley
Owner Name: Shea Atherton
Property Location: Weddington Road, Weddington-Matthews Road, and Cox Road
Existing Zoning: RCD and R-40
Proposed Zoning: R-40
Existing Land Use: Residential Conservation and Traditional Residential (no change required)
Existing Use: Vacant Land
Proposed Use: Single Family Residential Subdivision
Parcel Size: An assemblage of 170.81 acres (Map 1B is 14.45 acres).

Project Information:

The Atherton Estates Subdivision is a proposed 130 lot subdivision on 170.81 acres comprised of six parcels. The subdivision is located on and accessed by Weddington Road, Weddington-Matthews Road and Cox Road and is being developed by Shea Homes as a conventional subdivision.

A conventional subdivision is permitted by right in the R-40 and RCD zoning districts per the *Weddington Zoning Ordinance*. A conventional subdivision requires a minimum of 40,000 square foot lots and a minimum of 10% open space.

Background Information:

- A pre-sketch conference was held January 3, 2013.
- Public Involvement Meetings were held on Tuesday, November 19th on-site from 12:00pm-2:00pm and Thursday, November 21st at Town Hall from 4:30-6:30pm.
- The Zoning Administrator approved the Sketch Plan on October 30th, 2013.
- The Town Council approved the Preliminary Plat on January 13th, 2014.
- The Town Council approved Final Plat Map 1 on August 11th, 2014.

General Information:

- Map 1B is 13 lots on 14.45 acres.
- The applicant is required 10% or 16.53 acres of open space after dedicating 4.45 acres of right-of-way to NCDOT and one acre for the future amenity area. .61 acres of open space is included in Map 1B.
- Development standards are as follows:
 - o Minimum lot size - 40,000 sq. feet
 - o Minimum lot width - 120 feet
 - o Minimum front yard setback - 50 feet
 - o Minimum rear yard setback – 40 feet
 - o Minimum side yard setback – 15 feet
 - o Minimum corner side yard setback – 25 feet
- Lot 20 is the smallest lot within Map 1B at 40,065 square feet

Infrastructure

- All lots in Map 1B are septic lots, and the applicant has preliminary approval of the septic plan from Union County for all of the lots.
- Lots 16 and 32 have repair fields located in common open space behind lots 39-44, and lot 35 has both the repair field and the drainfield located in common open space behind lots 39-44. All three lots utilize a 12 foot septic easement to access the repair/drainfields which runs along Wheatberry Hill Drive, and then runs along the property line between lots 39 and 40. No

residential lots in Map 1B contain any repair fields or drainfields serving another residential lot, and no residential lot contains more than one repair field and/or drainfield.

- DOT has provided proof of approval for all three connections (Weddington Road, Cox Rd. Weddington-Matthews Rd).

Environment and Natural Resources

- The plan has received approval from DENR for the erosion and sedimentation control plan, and for water quality II.
- DENR has provided approval for the two bank embankments.

Bonds and Covenants

- Bond estimates for both water and infrastructure are currently being reviewed by USI.
- Declared Covenants, Conditions and Restrictions (CCR's) for Atherton are currently being reviewed by the Town Attorney.

Additional Information

- The Lighting Plan for the entire subdivision was approved by the Planning Board on July 28th, 2014.

Recommended Conditions of Approval:

1. Performance and Maintenance Bonds to be approved by the Town Council.
2. Approval of CCR's by Town Attorney.
3. Each remaining lot to be recorded in the Atherton subdivision shall include on its Deed a statement that any roads in the subdivision that are not accepted by NCDOT are private and not the responsibility of the Town of Weddington and shall be maintained by the Atherton Homeowners Association or its Developer.
4. Vehicle control signs including but not limited to stop signs and speed limit signs shall be installed by the Developer and maintained by the Homeowners Association on any roads not accepted by NCDOT. All speed limits within the subdivision shall be no greater than 25 mph.
5. Final proof of approval for all of septic systems from Union County for all of the lots included in Map 1B.

Planning Board Action:

Recommend Approval/Recommend Approval with Conditions/Recommend Denial

Chairman Sharp suggested that the same line that is shown on the preliminary plat on lot 29 (Pumpkin Seed Court) be put on this plat so it is clear where one ends and the other starts. It should match what was filed. This was agreed upon.

Vice Chairmen Dow moved to send the final plat to Council with a favorable recommendation along with the 5 conditions of approval. Dr. Klink seconded the motion, with votes recorded as follows:

AYES:	Vice-Chairman Dow, Romaine, Klink, Giattino, and Vivian
NAYS:	None

B. Review and Consideration of Conditional Zoning for All Saints Anglican Church. The Planning Board received the following memo from Town Planner Burton along with the following: Public Involvement Meeting comments and concerns, All Saints Anglican Church Narrative, Transportation Assessment Review, and Site Topo Plan.

All Saints Anglican Church requests a conditional rezoning for All Saints Anglican Church located off Hemby Road. The submitted plan is Phase I of a multiphase plan, and includes a multi-purpose building, parking, and stormwater management facilities. Phase II (future) will include a new worship space and 40 additional parking spaces.

Application Information

Date of Application: October, 14th 2014

Applicant/Owner Name: All Saints Anglican Church

Parcel ID#: 06-120-012Q

Property Location: 5328 Hemby Road

Existing Zoning: RCD

Proposed Zoning: RCD (CZ)

Existing Use: Vacant

Proposed Use(s): multi-function building for 240 members (200 average attendance on Sundays)

Parcel Size: 7.95 acres

General Information

- The applicant proposes a Church in accordance with *Section 58-58 (2)a* of the *Weddington Zoning Ordinance*.
- The required Public Involvement Meetings for this project were held on November 19th, and November 20th, 2014.
- The *Weddington Zoning Ordinance* requires that all CZ Applications go through the Construction Document process per *Section 58-271*. The applicant is aware that the Town has a revised Stormwater ordinance, and the construction documents will include all necessary engineering plans for stormwater management. Any significant changes to the site plan due to the design or review of the construction documents may require the applicant to submit a revised CZ application.

Development Standards (for a Church in the RCD zoning district):

- Minimum Lot Area-3 acres
- Front Setback-75 feet
- Rear Setback-40 feet
- Side Setbacks-50 feet
- Maximum Building Height - 35 feet except as permitted in *Section 58-15*

Access and Parking:

- The site plan shows two points of access on Hemby Road. The Church has yet to obtain driveway permits for the access plan, and will be required to do so as a condition of a conditional rezoning approval.
- The applicant is required to submit a Traffic Impact Analysis (TIA) as part of this application. Justin Carroll did recommend that a TIA be conducted by the applicant, and it was submitted to Justin Carroll on December 17th. Justin provided his findings on December 19th, and it is included in your packet. Justin concluded the impact of Phase I would not necessitate improvements to Hemby Road or improvements to the intersection of Weddington-Matthews Road and Hemby Road.

Screening and Landscaping:

- The applicant is required to provide a 42 foot landscaped buffer around the property, as required in *Section 58-8*. The applicant has proposed that a portion of the landscaping be delayed until

Phase II (noted on site plan). Staff recommends that the Planning Board consider granting the request with a specific timeframe attached to the delay, in case Phase II is never completed.

- All trees included in screening and landscaping are listed in the Town of Weddington Approved Plant Species List. Applicant should ensure that variety of azalea and spirea are included on the Approved Plant List as well.

Additional Information:

- This site is not within a regulatory flood plain.
- A lighting plan is not part of this submittal and is addressed in the conditions.
- The applicant provided Proof of Septic approval to Town Staff. Water will be provided with final approvals from Union County.

Recommended Conditions of Approval:

1. Any engineering associated with construction document submittals must be reviewed and approved by Town Engineer, Bonnie Fisher with USI, according to the Construction Plan Guidelines.
2. County Water plans to be approved by Union County Public Works.
3. All signage must comply with *Chapter 58, Article 5* of the *Weddington Code of Ordinances*.
4. Any future proposed Lighting Plan must be approved by the Town Council and shall comply with Town Lighting Ordinance.
5. Any future revisions to the approved site plan and other approved documents must comply with *Section 58-271 (i)* of the *Weddington Zoning Ordinance*.
6. Prior to commencement of construction, Construction Documents shall be approved by the Weddington Town Council in accordance with Section 58-271 of the *Weddington Code of Ordinances*.
7. Varieties of azalea and spirea must be included on the Town's approved plant species list, unless the applicant receives administrative approval for a variety not included in the list.
8. Landscaping with a southern boundary abutting Tax Parcel 06120012 (as shown on site plan) must be completed concurrent with Phase II, or within 3 years of the Conditional Zoning Approval for Phase I, or when zoning permit is issued for TP 06120012, whichever comes first.

Planning Board Action:

Recommend Approval/Recommend Approval with Conditions/Recommend Denial

Attachments:

1. Narrative from Applicant
2. Site Plan/Architectural Drawings
3. Summary of PIM Comments
4. TIA review letter from Justin Carroll

Public Involvement Meeting

The required Public Involvement Meetings for this project were held on November 19th, and November 20th, 2014. Comments, questions, and concerns from residents attending the PIMs are listed below, and any clear applicant responses are shown in italics.

Properties located at the rear of the site/Landscaping:

1. Will there be any additional screening/landscaping where trees are more sparse?
2. Could there be a fence or some kind of physical separation between the church property and the residential properties? This could prevent children (both from the church and from the residences) and church-members from inadvertently trespassing onto each other's properties.

3. Could evergreens be included in the screening/landscaping to provide a more dense screen?
4. The 42 foot buffer is too small for this size church.

Lighting:

1. Will the lighting shine onto nearby properties?
 - *All lighting will be required to meet the Town of Weddington Lighting Ordinance which includes full cut-off fixtures. These fixtures direct light downwards and they should mitigate any disruption from lights at night.*
2. Will lights be turned off at a certain time?
 - *The church would like to keep security lighting on at night, but would consider limiting the amount of lights that are on after hours.*

Hours of Operation:

1. What are the hours of operation?
 - *All weekly functions should conclude by 9/9:30 PM*
 - *Sunday services start at 9:30 AM*

Traffic:

1. How will additional traffic be controlled?

Noise:

1. Will there be any conditions placed on approvals to mitigate noise?
 - *The church is not one with a lot of athletic/loud functions*

Chairman Sharp suggested the following additional conditions.

9. Prior to commencement of construction, the applicant must obtain approved driveway permits from DOT.
10. Nothing may be planted or constructed within 10 feet of the fire hydrant located on the property
11. Landscaping along the rear property line to be supplemented with evergreen bushes/trees sufficient to provide visual screening.
12. No bell shall be installed without an approved amendment to the conditional zoning approval.

Mr. John Giattino motioned to send the All Saints Anglican Church Conditional Rezoning request to Council with a favorable recommendation including the 12 conditions of approval that was noted. Mr. Jim Vivian seconded, with votes recorded as follows:

AYES: Vice-Chairman Dow, Romaine, Klink, Giattino, and Vivian

NAYS: None

Item No. 5. Old Business

A. Review of Traffic Impact Analysis Draft. The Planning Board received the following memo from Town Planner Julian Burton along with a copy of the Appendix C and a draft of the Process and Procedures Manual.

The packet contains draft copies of the Traffic Impact Analysis Ordinance, and the supplementary Process and Procedures Manual, both of which are modeled off the Town of Huntersville. Staff re-formatted both documents with updated numbering and references to create a clean copy for Planning Board review. The track changes show subsequent changes to content by Staff, and those changes have also been reviewed at a high level by Justin Carroll, the Town's traffic consultant.

Process and Procedures Manual

The main changes in the Process and Procedures Manual align the overall TIA process with our subdivision and conditional zoning submittal process. At the December meeting, the Planning Board recommended removing the signalized intersection section of the Process and Procedures Manual. However, Justin Carroll recommended that we keep that section in the document. He stated that “NCDOT may not require a study where the Town would; these parameters should be used in the study.”

TIA Ordinance

Level of Service

Level of Service (LOS) is a term used to describe prevailing conditions and their effect on traffic. Broadly interpreted, the Levels of Service concept denotes any one of differing combinations of operating conditions which may occur as a roadway is accommodating various traffic volumes. Level of Service is a qualitative measure of the effect of such factors as travel speed, travel time, traffic interruptions, freedom to maneuver, safety, driving comfort, and convenience. Six Levels of Service, A through F, have been defined by the 1965 Highway Capacity Manual, published by the Transportation Research Board.

The Town of Huntersville uses Intersection Capacity Utilization (ICU) Methodology to calculate LOS. It directly relates to traffic demand and available capacity for key intersection movements regardless of present signal timing. The result of summing the requirements of the conflicting key movements plus an allowance for clearance times is expressed as a decimal fraction. The ICU decimal fraction (percentage) can be translated to a Level of Service as shown below:

A < 55.0%*
B >55% to 64.0%
C >64% to 73.0%
D >73% to 82.0%
E >82% to 91.0%
F >91% to 100.0%
G >100% to 109.0%
H >109%

* Note: An ICU value equal to 55.0% would be LOS A, while an ICU of 55.1 % is LOS B.

A brief description of the conditions expected for each ICU LOS follows:

LOS A, ICU ≤55%: The intersection has no congestion. A cycle length of 80 seconds or less will move traffic efficiently. All traffic should be served on the first cycle. Traffic fluctuations, accidents, and lane closures can be handled with minimal congestion. This intersection can accommodate up to 40% more traffic on all movements.

LOS B, >55% to 64%: The intersection has very little congestion. Almost all traffic will be served on the first cycle. A cycle length of 90 seconds or less will move traffic efficiently. Traffic fluctuations, accidents, and lane closures can be handled with minimal congestion. This intersection can accommodate up to 30% more traffic on all movements.

LOS C, >64% to 73%: The intersection has no major congestion. The majority of traffic should be served on the first cycle. A cycle length of 100 seconds or less will move traffic efficiently. Traffic fluctuations, accidents, and lane closures may cause some congestion. This intersection can accommodate up to 20% more traffic on all movements.

LOS D, >73% to 82%: The intersection normally has no congestion. Most of the traffic should be served on the first cycle. A cycle length of 110 seconds or less will move traffic efficiently. Traffic fluctuations, accidents, and lane closures can cause significant congestion. Sub optimal signal timings can cause congestion. This intersection can accommodate up to 10% more traffic on all movements.

LOS E, >82% to 91%: The intersection is right on the verge of congested conditions. Many vehicles are not served on the first cycle. A cycle length of 120 seconds is required to move all traffic. Minor traffic fluctuations, accidents, and lane closures can cause significant congestion. Sub-optimal signal timings can cause significant congestion. This intersection has less than 10% reserve capacity available.

LOS F, >91% to 100%. The intersection is over capacity and likely experiences congestion periods of 15 to 60 consecutive minutes. Residual queues at the end of green are common. A cycle length over 120 seconds is required to move all traffic. Minor traffic fluctuations, accidents, and lane closures can cause increased congestion. Suboptimal signal timings can cause increased congestion.

LOS G, >100% to 109%: The intersection is up to 9% over capacity and likely experiences congestion periods of 60 to 120 consecutive minutes. Long queues are common. A cycle length over 120 seconds is required to move all traffic. Motorists may be choosing alternate routes, if they exist, or making fewer trips during the peak hour. Signal timings can be used to distribute capacity to the priority movements.

LOS H, >109%: The intersection is 9% or greater over capacity and could experience congestion periods of over 120 minutes per day. Long queues are common. A cycle length over 120 seconds is required to move all traffic. Motorists may be choosing alternate routes, if they exist, or make fewer trips during the peak hour. Signal timings can be used to distribute capacity to the priority movements.

NCDOT uses the Highway Capacity Manual to calculate LOS, which uses seconds of delay per vehicle as the benchmark. The general definitions for each LOS grade will be similar to those above. Justin has recommended that we use Highway Capacity Manual as the required methodology in our ordinance so that it aligns with DOT.

Huntersville determined an acceptable base LOS for each zoning district, and required mitigation if developments lowered the LOS from the adopted LOS grade shown in the table in Section III. Huntersville has more defined zoning districts than Weddington, and likely has more contrast between zoning districts than Weddington. Therefore, Staff proposes that the Town require the developer to calculate the background LOS (existing), and then require the developer to mitigate any impacts if the development is shown to lower the LOS from the background grade. Justin Carroll indicated that it would be fair to simplify the process for Weddington, but said that LOS levels A-C are all considered acceptable. Therefore, he recommended that we only require mitigation if the LOS levels are below a C. For example, Justin would recommend that we do not require mitigation if an intersection drops from an A to a B.

Impact Area

Staff proposed a similar change to Section IV, which deals with Impact Area. Again, Huntersville has more land uses and types of development than Weddington, and they define the impact area differently for each type of development. Staff proposes that we simplify it for Weddington, and use a general

definition that would apply to the entire Town, as shown in the changes made to Section IV. Justin Carroll stated that he thinks this would be acceptable.

Chairman Sharp suggested that Town Planner Julian Burton put back in signalized intersections and write out HCM (Highway Capacity Manual)

Chairman Sharp suggested Town Attorney Anthony Fox and Justin Carroll get clean copies.

Town Planner Burton will give to Justin first and then send to Town Attorney Fox.

Chairman Sharp said this would be Appendix C in our ordinance.

This topic will be included in the agenda for the next Planning Board Meeting.

B. Review and Consideration of Draft Policy Recommendations for the Town Center. The Planning Board received a copy of the Policy Recommendations for the Weddington Town Center.

Chairman Sharp suggested this be on the next Planning Board Meeting after the Town retreat. The Planning Board Members will email any comments to Town Planner Burton.

Item No. 6 Update from Town Planner. The Planning Board received the following update memo from Town Planner Burton:

- The applicant for the West property (Laurel Grove Lane/Antioch Church Rd) has submitted a revised sketch plan with access provided solely from Antioch Church Rd. PIMs will be held on February 3rd and 4th, and the preliminary plat will likely be heard at the February 23rd Planning Board meeting.
- The LDS church on Hemby Road has submitted an application for a Conditional Zoning major amendment to resolve some issues with the initial construction of the church. The application will likely be heard at the February 23rd Planning Board meeting.

Item No. 7. Other Business

A. Report from the January Town Council Meeting. The Planning Board received a copy of the January Town Council Meeting agenda as information.

Item No. 8. Adjournment. Vice Chairman Dow moved to adjourn the January 26, 2015 Regular Planning Board Meeting. Dr. Klink seconded the motion with votes recorded as follows:

AYES:	Vice-Chairman Dow, Romaine, Klink, Giattino, and Vivian
NAYS:	None

The meeting adjourned at 9:01 p.m.

Dorine Sharp, Chairman

Attest:

Amy S. McCollum, Town Clerk

Minutes transcribed by Tonya Goodson