

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, JANUARY 27, 2014 – 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 27, 2014, with Chairman Dorine Sharp presiding.

Present: Chairman Dorine Sharp, Vice-Chairman Rob Dow, Jennifer Romaine, Jeff Perryman, John Giattino and Jim Vivian and Town Administrator Amy McCollum

Absent: Bruce Klink

Visitors: Janice Propst, Pamela Hadley, Bill Deter and Barbara Harrison

Item No. 1. Open the Meeting. Chairman Dorine Sharp called the January 27, 2014 Regular Planning Board Meeting to order at 7:00 p.m.

Item No. 2. Determination of Quorum/Additions or Deletions to the Agenda. There was a quorum. There were no additions or deletions to the agenda.

Item No. 3. Special Recognition – Janice Propst. Chairman Sharp recognized Janice Propst for her years of service to the Town on the Planning Board, Board of Adjustment and Historic Preservation Commission and for spearheading the “Then and Now Tent” at the recent Weddington Festival.

Ms. Propst - I enjoyed serving and I am going to continue to help Councilwoman Harrison with events.

Item No. 4. Approval of Minutes.

A. November 25, 2013 Regular Planning Board Meeting Minutes. Vice-Chairman Rob Dow moved to approve the November 25, 2013 Regular Planning Board Meeting minutes. Mr. Jeff Perryman seconded the motion, with votes recorded as follows:

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

B. December 16, 2013 Regular Planning Board Meeting Minutes. Vice-Chairman Dow moved to approve the December 16, 2013 Regular Planning Board Meeting minutes. Mr. Perryman seconded the motion, with votes recorded as follows:

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

Item No. 5. Old Business. There was no Old Business.

Item No. 6. New Business.

A. Review and Consideration of the Preliminary Plat for the Graham Hall Conventional Subdivision. The Planning Board received the following memo from Town Planner Jordan Cook:

Aiden Properties submits a preliminary plat application for a six lot Conventional Subdivision on 6.90 acres located on Weddington-Matthews Road.

Application Information:

Subdivision Name: Graham Hall
Date of Application: November 19, 2013
Applicant/Developer Name: Aiden Properties
Owner Name: Aiden Properties
Parcel ID#: 06-117-005 and 06-117-005A
Property Location: Weddington-Matthews Road
Existing Zoning: R-40
Proposed Zoning: R-40
Existing Land Use: Traditional Residential
Proposed Land Use: Traditional Residential
Existing Use: Vacant Land
Proposed Use: Single Family Residential Subdivision
Parcel Size: 6.90 acres

Development Standards:

- Minimum lot size- 40,000 square feet
- Minimum lot width- 120 feet
- Minimum front yard setback- 50 feet
- Minimum rear yard setback- 40 feet
- Minimum side yard setback- 15 feet

Preliminary Plat Information:

- The entire site is 6.90 acres and is comprised of two parcels. A total 0.88 acres are being dedicated to NCDOT per the *Weddington Subdivision Ordinance*.
- The smallest lot is Lot 5 at 40,000 square feet.
- The applicant is not required open space as this subdivision is being developed as a by-right R-40 conventional subdivision. However, the applicant has provided a 36 foot required road buffer along Weddington-Matthews Road.
- The area in road buffer will be maintained by the HOA. The applicant also proposes supplemental landscaping in the buffer area. This landscaping will be in accordance with *Section 46-76 of the Weddington Subdivision Ordinance*.
- A 498 foot cul-de-sac road (Graham Hall Court) will be constructed.
- All six lots will utilize Union County water and sewer.
- The property does not lie within a special flood hazard area.
- The existing structures on the property will be removed.

The Graham Hall R-40 Conventional Subdivision Preliminary Plat has been found to be in general compliance with the Town of Weddington Zoning and Subdivision Ordinances with the following conditions:

1. Development subject to review and approval/permitting of construction documents, driveways permit(s), etc. by NCDOT;
2. Development subject to review and approval of construction documents by Town's Engineering Consultant, US Infrastructure;
3. Development subject to review and approval/permitting of construction documents by Union County Public Works;
4. Plans for subdivision entry monument to be approved by the Planning Board;
5. Road name to be approved by Union County.

The Planning Board also received the following information:

- Subdivision Preliminary Plat Application
- Preliminary Subdivision Site Plan
- Storm Drainage and Grading Plan
- Erosion Control Plan
- Roadway and Storm Drainage Profiles – Site Construction Details
- Soils Map

Chairman Sharp - Note #6 says that all development improvements shall be in accordance with the NCDOT standards and specifications manual. Should it say construction of all roadway development improvements and also is the manual called Standards and Specifications for Roads and Structures?

Mr. Faulk – I believe so and these are the standard notes that are provided to us by NCDOT.

Vice-Chairman Dow - It needs to say that all development improvements within NCDOT's right-of-way shall be in accordance with the Standards and Specifications for Roads and Structures Manual.

Planning Board added Condition #6 to fix the wording for Note #6 as discussed.

Chairman Sharp – We will have something in place regarding roads before they come in for their final plat approval. We are going to consider the roads public but maintained by the HOA which will be noted on the documents. We are working on text amendments for this right now. It will be similar to what gated communities have in their text.

Mr. Jeff Perryman – I got an email about a month ago saying that the Town is being sued over the water tower. The whole approval process is now in litigation so we do not know if or when a water tower is going to be built here. Right now we have fire hydrants that are below pressure or have no pressure at all. We already have subdivisions that people cannot shower and run their dishwasher at the same time. Without a date certain of knowing that the Town is going to have additional water pressure, how can we vote to approve something?

Chairman Sharp – This is a permitted by right subdivision. The Town does not control the water or the sewer. How long will it be before you request final plat approval?

Mr. Faulk – This could happen very quickly – 2014.

Chairman Sharp – We do not know when this is going to be settled.

Mr. Perryman – Knowing the situation right now and having no date of how long this could last in the courts, how can we assure the people that are buying these lots that they will have water? It says that all 6 lots will utilize Union County water and sewer. How are we going to tell them that we voted to approve something without knowing if it is available?

Chairman Sharp – Union County sends this developer a letter and says we will provide water to your subdivision; that is all that we can require. We have not declared a moratorium on development and we are not in control of the water. We have to go back to what Union County tells the developer.

Ms. Jennifer Romaine - It is not even the new homes it is existing homes as well.

Mr. Perryman – Right now we have people that do not have water.

Ms. Romaine – We have subdivisions that have a stigma attached to them because of this.

Mr. John Giattino – Do you have a commitment from Union County that they will provide water and sewer?

Mr. Faulk – These plans still have to get approved by them.

Vice-Chairman Dow – That is one of the conditions that we listed.

Mr. Perryman – If you said they were going to be on well and septic I would not say anything but knowing that we are going to put homes on a system that is already by everyone's acknowledgement insufficient. As the people that are supposed to be representing the interests of people wanting to live here is this something that we need to acknowledge either with a note to Council or something that says you have submitted this but we have low pressure?

Chairman Sharp – I believe that we would address that if necessary at final plat because they cannot sell any lots until the final plat is approved. They are required to hook up to Union County water because they are within the proximity of water lines.

Mr. Faulk – They have to do a water pressure test as well.

Vice-Chairman Dow – We are here to protect and serve. The County has to build schools and there are times when there are trailers in periods of fast development and then the trailers are gone as the County builds more schools. It is not our responsibility.

Mr. Perryman – There are other subdivisions coming up for consideration. I think as public servants we need to acknowledge in some way or put a note on the plat.

Chairman Sharp - I do not think we address that until we get to final plat. The water is not our responsibility as the Town. I understand that you want to let future homeowners know that there may be an issue. It is the same thing with the roads. There is going to be something possibly regarding roads and water when you get to the final plat phase. We are going to have to ask the Town Attorney also. Our responsibility is to make a recommendation based on the ordinances and the ordinances state that new subdivisions are to hook up to the Union County water system and there is a condition that this be approved and accepted by Union County Public Works.

Mr. Perryman – It would be understood or acknowledged that if you hook on to the system it has sufficient pressure for you. If we were not facing a lawsuit you would not hear me speak. A note that says we understand this subdivision meets all of the ordinance specifications as a permitted use; however, the Planning Board acknowledges that the Town is in litigation regarding the water tower. We are adding more to a system that cannot handle more.

Chairman Sharp - This almost approaches trying to come up with an Adequate Public Facilities Ordinance which we have been told that we cannot do.

Vice-Chairman Dow discussed that Union County has brought on line more water from Anson County and from Catawba/Lancaster.

Mr. Faulk –They are going to pressure test this and if it does not meet their standards of pressure they are going to fail the system.

Ms. Romaine - It does state in our Land Use Plan about quality of life. Water pressure and water supply to homes does affect a person's quality of life. We do have an obligation even though it is not in our jurisdiction.

Vice-Chairman Dow moved to send a favorable recommendation to the Town Council for the preliminary plat for the Graham Hall Subdivision with the conditions noted in Town Planner Cook's memo along with the condition of rewriting Note #6. Mr. Jim Vivian seconded the motion, with votes recorded as follows:

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

B. Review and Consideration of a Proposed Text Amendment – Corner Lot Definition. Chairman Sharp reviewed the following text amendment with the Planning Board.

Sec. 58-4. Definitions.

Lot, corner, means a lot which occupies the interior angle at the intersection of two street lines which make an angle of more than 45 degrees and less than 135 degrees with each other. Corner lot includes lots with a side lot line that abuts a thoroughfare buffer. See subsections 58-208(1)a. and (1)b.

Chairman Sharp - When we reviewed Atherton Estates one of the concerns we had was that the lots on Highway 84 that are adjacent to the thoroughfare buffer and if that roadway is ever widened those houses would be very close to the road. Those are not considered corner lots in the ordinance so they only have a 15 foot side lot setback. What this definition would do is redefine those as corner lots so the setback for the side lot line that is closest to the road instead of 15 feet would now be 25 feet. We are sitting the house further back from the road. We are not changing the rear setback that is 40 feet. It is only if the side of the lot is adjacent to the buffer zone.

Mr. Vivian - I was thinking about defining it further like having interior corner lots and exterior corner lots. I am a growing advocate of pushing houses back off of thoroughfares.

Vice-Chairman Dow - If you want to increase the viewshed then you need to increase the buffer.

Vice-Chairman Dow moved to send a favorable recommendation to the Town Council for the text amendment to the corner lot definition. Mr. Giattino seconded the motion, with votes recorded as follows:

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

C. Review and Consideration of a Proposed Text Amendment – Wedding, Banquet and Reception Center. Chairman Sharp reviewed the following text amendment with the Planning Board:

Sec. 58-52 (R-80), 58-53 (R-60), 58-54 (R-40) and 58-58 (R-CD).

The R-80 single-family district is established for areas of very low density residential development which is compatible with the land development plan's concept of retaining the rural character of the community. Densities need to be low due to the suitability of land, lack of public water and sewer, and the compatibility of surrounding development.

- (1) *Permitted uses.*
 - a. Single-family dwellings.
 - b. Mobile homes, classes A and B.
 - c. Agricultural uses. Structures housing poultry or livestock and waste removed from any structure shall be located no closer than 150 feet from any property line except that structures housing horses shall be located no closer than 60 feet from any property line. Corrals for bovine and equine animals are exempt from these setbacks.
 - d. Horse farm or academy. Structures housing horses shall be located no closer than 60 feet from any property line. Waste removed from any such structure shall be located no closer than 150 feet from any property line.
 - e. Family care home for up to six clients, provided that such home is not located within a one-half mile radius from an existing family care home.
 - f. Essential services, classes I and IV.
 - g. Customary home occupations in accordance with section 58-7
 - h. Day care centers, small group.
- (2) *Conditional uses.* The following uses may be permitted by the town council in accordance with section 58-271. The council shall address review criteria for each use which is contained in section 58-271
 - a. Churches, synagogues and other places of worship, and their customary related uses.
 - b. Public and private schools serving all grades, including preschool facilities.
 - c. Golf courses, parks, playgrounds and community recreational centers (both public and private).
 - d. Country clubs, fraternal, social and other civic organizations.
 - e. Emergency governmental service facilities, including police, fire and rescue.
 - f. Cemeteries.
 - g. Essential services, classes II and III.
 - h. Clubs.
 - i. Community centers.
 - j. Public parks and recreational facilities.
 - k. Private airstrips, provided that:
 1. The airstrips may be used only by the owners of the land on which the same is located; provided, however, if the airstrip is

- located on a bona fide farm, any airplanes engaged in crop dusting may use such airstrip in connection therewith;
- 2. No flying lessons shall be conducted in airplanes flying from or to the airstrip;
- 3. No commercial sales of airplanes, parts or fuel shall be conducted at the airstrip;
- 4. The airstrip shall have been approved by the appropriate state and federal agencies.
- l. Telecommunication towers.
- m. Libraries.
- n. Planned residential developments, subject to the requirements of section 58-23
- o. Amateur radio towers. An amateur radio tower may also be located on a lot that contains another principal use or structure. In no instance, however, shall the amateur radio tower be located in the front yard of a lot containing another principal structure.
- p. Government or town facility.
- q. Land application of biosolids.
- r. Agritourism.
- s. ~~Wedding, banquet and reception centers provided the lot is at least five acres. However, nothing shall prohibit one or more of these uses from being combined on a single five-acre lot. These uses shall not produce levels of noise or electronically amplified sound that is audible at levels greater than 60 db beyond the boundary of the property on which the facility is located. Further, no electronically amplified sound shall be audible beyond the property boundary between the hours of 10:00 p.m. and 9:00 a.m.~~

Sec. 58-60. MX mixed-use conditional district.

The MX mixed-use conditional district is hereby established in order to accommodate a highly limited type of mixed-use development in accordance with the intent described in subsection 58-5(3)b. Development in a MX mixed-use district may only occur in accordance with the requirements for conditional zoning as outlined in section 58-271. MX district rezonings shall only occur in areas designated for future business in the land use plan.

After the public hearing, but prior to consideration of the rezoning request, the town council will either verify that the rezoning request is reasonable and consistent with the future land use map or will consider a change to the future land use map so that the rezoning would conform with the future land use map.

- (1) *Permitted uses.*

- a. Offices and office buildings. Following is a list of examples of the types of offices permitted in an MX district. Although this list is not intended to exhaust the types of office uses permitted, other types of office uses are permissible only if they will not produce levels of noise, traffic, pedestrian activity or disturbances that exceed the levels of noise, traffic, pedestrian activity or disturbances commonly associated with the types of office uses listed below:
1. Doctor's office.
 2. Insurance agency.
 3. Real estate agency.
 4. Stock brokerage firm.
 5. Tax preparation service.
 6. Travel agency.
 7. Small animal veterinary clinic.
- b. Retail uses. Following is a list of examples of the types of retail uses permitted in an MX district. Although this list is not intended to exhaust the types of retail uses permitted, other types of retail uses are permissible only if they will not produce levels of noise, traffic, pedestrian activity or disturbances that exceed the levels of noise, traffic, pedestrian activity or disturbances commonly associated with the types of retail uses listed below. Such retail uses may be in freestanding buildings or within a larger building:
1. Antique shop.
 2. Arts and crafts store.
 3. Athletic goods shop.
 4. Automobile parts store.
 5. Bakery, retail.
 6. Barbershop and beauty shop.
 7. Book and stationery store.
 8. Clothing store.
 9. Computer/electronics store.
 10. Dance and gymnastic studio.
 11. Department/variety store.
 12. Dry cleaning service outlet (excluding dry cleaning and laundry plants).
 13. Fabric stores.
 14. Floor covering, wallpaper, paint and window covering stores.
 15. Florist and gift shops.
 16. Grocery stores.
 17. Hardware stores.
 18. Jewelry stores.

19. Music stores.
20. Pharmacies.
21. Photocopying shops.
22. Tailor, dressmaking and millinery shops.
23. Toy and hobby stores.
24. Video stores.
- c. Restaurants (excluding freestanding drive-in, drive-through and fast-food restaurants).
- d. Schools.
- e. Shopping centers.
- f. Essential services, classes I and II.
- g. Libraries, public.
- h. Town government buildings and facilities (indoors).
- i. Bank teller machines.
- j. Banks and financial institutions.
- k. Post offices.
- l. Postal stores and contract stations.
- m. Convenience stores (restrictions may be added by the town council, such as restrictions governing ingress/egress to the convenience store from major roads, architectural review, number of gas pumps, height of canopy, site location, hours of operation, etc.).
- n. Day care centers provided the lot is at least three acres.
- o. Conference centers.
- p. Wedding, banquet and reception centers provided the lot is at least five acres. However, nothing shall prohibit one or more of these uses from being combined on a single five-acre lot. These uses shall not produce levels of noise or electronically amplified sound that is audible at levels greater than 60 db beyond the boundary of the property on which the facility is located. Further, no electronically amplified sound shall be audible beyond the property boundary between the hours of 10:00 p.m. and 9:00 a.m.**

Chairman Sharp - A while back the Town Council moved wedding and banquet centers from M-X to residential. The current Town Council has asked us to put it back to where it was.

The Planning Board discussed the history of the text amendments regarding wedding, banquet and reception centers.

Mr. Perryman – Do you know what are the specific concerns?

Chairman Sharp – They believe that it is more of a commercial business and should be zoned accordingly.

Mr. Perryman – Is this board ready to look at all the permitted uses?

Chairman Sharp – Not tonight. I think that is something that we need to do.

Mr. Perryman – We have gone back and forth on this. If this Board and the Council is ready to go through this whole list and take anything that is a commercial operation...

Vice-Chairman Dow – How do you define commercial?

Mr. Perryman – A service that is provided for money whether it is a private school or a private golf course. If I go there and am paying money for a service or a good to me that is a business. I do not see any difference between a country club hosting a wedding or banquet than what we are defining now as a wedding and banquet facility. I think a country club would have just as much traffic and noise.

Chairman Sharp and Town Administrator McCollum advised that this item was on the Retreat agenda for the Council to discuss.

Mr. Perryman – Unless we are going to look at the entire list and use the same criteria, it is not fair to the property owner or someone who wants to build something. If I wanted to do a wedding and banquet facility all I would have to do is call it a country club.

Vice-Chairman Dow – Let's not lose track of what the Planning Board does. We are supposed to be the ones that know the rules and regulations and to make sure that it fits within our zoning regulations. We are not supposed to say, "Yes, I love that" or "I do not like that." That is not our job. We simply say that it meets all of the things or not. Council makes those policy decisions. Council would like to see from the Planning Board text for how to fit this back to M-X. This Board does not make policy. We need a better definition of commercial. We do need to go through this list and better clarify what is business and what is commercial. We need to look at it and make sure it is fair.

Mr. Perryman - As long as we are saying we are going through this list and we are going to make sure that we do not have Function A and Function B which are materially the same and one you have to be rezoned to do and one you do not have to.

Vice-Chairman Dow discussed that there were many criteria that needed to be considered other than if the items have the same functions.

Chairman Sharp - We were asked to provide text that removes banquet and wedding centers from conditional zoning and replaces it in M-X rezoning. That was what we were asked to do and then it is up to the Town Council if they approve or not.

Vice-Chairman Dow – When we are voting on this we are not voting on whether we want to do it or not. We are simply voting on does the text say what they have asked us to accomplish.

Ms. Romaine - When it was presented to the other direction it was not presented in that manner.

Chairman Sharp - Feel free to contact the Council and advise that you do not agree with this. We are the ones that dot the "i's" and cross the "t's" without an opinion. It is very hard to be objective and not subjective.

Vice-Chairman Dow moved to send the proposed text amendment to the Town Council with a favorable recommendation. Mr. Vivian seconded the motion, with vote recorded as follows:

AYES: Giattino, Vivian, Romaine and Vice-Chairman Dow
NAYS: Perryman

Item No. 7. Update from Town Planner. The Planning Board received the following update memo from Town Planner Cook:

- The Town Council approved the Preliminary Plat for the 131 lot Atherton Estates subdivision. The Council added a condition requiring a left turn lane on Weddington-Matthews Road into the subdivision.
- Staff has received a Sketch Plan application for the 15 lot Bard Property subdivision located on Hemby Road. This plan will be on the February 24th Planning Board agenda. Public Involvement Meetings are scheduled for Tuesday, February 18th from 12 noon to 2:00pm on-site and Monday, February 24th from 4:30 to 6:30pm at Town Hall.
- Staff has received a Sketch Plan application for the six lot Ascot Estates subdivision located on Weddington Road across from the WCWAA. This is not yet on an agenda.
- The Town Council approved the following text amendments at their last meeting:
 - Fire Hydrant Easement Text Amendment
 - Floodplain Ordinance Text Amendment
- The following items will be on the February 10th Town Council agenda:
 - Graham Hall Subdivision Preliminary Plat
- The following items may be on the February 27th Planning Board agenda for discussion:
 - Bard Property Subdivision Preliminary Plat
 - Big Muddy TUP
 - Text Amendments addressing the new NCDOT Subdivision Street Policy
 - R-40 Open Space Text Amendment
- The Town of Weddington issued a total of 436 permits in 2013. Following is a breakdown:
 - New Homes-150
 - Compliance Certificates-114
 - Accessory Structures (Pools, Detached Garages, Buildings, etc.)-49
 - Upfits (Interior Modifications to Home) and Additions-123

In 2012 the Town issued 89 permits for new homes, 71 upfit and addition permits, 37 accessory permits and 50 certificates of compliance permits. In 2011 the Town issued 51 permits for new homes, 74 upfit and addition permits, 31 accessory permits and 42 certificates of compliance permits. In 2010 the Town issued 34 permits for new homes, 80 upfit and addition permits and 51 accessory permits.

Item No. 8. Other Business.

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

Planning Board was advised that Jordan Cook has resigned his position as the full-time planner but will stay on with the Town part-time until a new planner is hired.

Town Administrator McCollum informed the Planning Board that the Town Council's Retreat will be held February 6 and 7 and Chairman Sharp and Vice-Chairman Dow will be attending on behalf of the Planning Board. Chairman Sharp asked that if any members had concerns that they wanted brought before the Council to please send her or Vice-Chairman Dow the information in an email.

Item No. 9. Adjournment. Vice-Chairman Dow moved to adjourn the January 27, 2014 Regular Planning Board Meeting. Mr. Vivian seconded the motion, with votes recorded as follows:

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

The meeting adjourned at 8:16 p.m.

Dorine Sharp, Chairman

Attest:

Amy S. McCollum, Town Clerk