

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, FEBRUARY 24, 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 February 24, 2014, with Chairman Dorine Sharp presiding.

Present: Chairman Dorine Sharp, Bruce Klink, Jennifer Romaine, Jeff Perryman, John Giattino and Jim Vivian, Administrative Assistant Tonya Goodson and Town Administrator Amy McCollum

Absent: Vice-Chairman Rob Dow

Visitors: Hy Nguyen, Jim Katsoudas, Richard Callahan, Mike Crates, Hap Pearce, Bob McGarty, Bill Price, Adam Spisak, Nancy Anderson, R.A. Galloway, E.N. Galloway, Barbara Harrison, Robert Thomson, Michael Smith and Bill Deter

Item No. 1. Open the Meeting. Chairman Dorine Sharp called the February 24, 2014 Regular Planning Board Meeting to order at 7:05 pm.

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. Approval of Minutes.

A. January 27, 2014 Regular Planning Board Meeting Minutes. Mr. Jeff Perryman offered one correction to the minutes. Mr. John Giattino moved to approve the January 27, 2014 Regular Planning Board Meeting minutes with the one correction mentioned. Mr. Bruce Klink seconded the motion, with votes recorded as follows:

AYES: Giattino, Klink, Romaine, Perryman and Vivian
NAYS: None

Item No. 4. Old Business. There was no Old Business.

Item No. 5. New Business.

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

Carolina Renovated Properties, LLC submits a subdivision preliminary plat application for a 15 lot Conventional Subdivision on 22.06 acres located on Hemby Road.

Application Information:

Subdivision Name: Bard Property

Date of Application: January 21, 2014

Applicant/Owner/Developer Name: Carolina Renovated Properties, LLC

Parcel ID#: 06-147-004 (7.06 acres), 06-147-004B (11.23 acres) and 06-123-127A (3.78 acres)

Property Location: Hemby Road, between Weddington Woods subdivision and the Bromley subdivision

Existing Zoning: RCD

Proposed Zoning: RCD

Existing Land Use: Residential Conservation
Existing Use: Vacant Land
Proposed Use: Single Family Residential Subdivision
Parcel Size: 22.06 acres

Project Information:

The Bard Property Subdivision is a proposed 15 lot subdivision on 22.06 acres comprised of three parcels. The subdivision is located on and accessed by Hemby Road and is being developed by Carolina Renovated Properties, LLC as a conventional subdivision.

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

Background Information:

- Public Involvement Meetings were held on Tuesday, February 18, 2014 on-site from 12:00pm-2:00pm and Monday, February 24, 2014 at Town Hall from 4:30-6:30pm.
- The Zoning Administrator approved the Sketch Plan on December 9, 2014.

Preliminary Plat Information:

- The minimum lot size is 40,000 square feet. The smallest lot proposed is lot 2 at 40,220 square feet.
- The applicant is required 10% or 2.16 acres of open space after dedicating .50 acres of right-of-way to NCDOT. The applicant has provided 19.53% or 4.21 acres of open space.
- The open space is listed as “lots” 18-21 on the site plan.
- The applicant has also provided a 50 foot required thoroughfare buffer along Hemby Road. This buffer is not included in the open space calculations.

RCD Minimum Yard Regulations:

- Front Yard Setback—50 feet
- Rear Yard Setback—40 feet
- Side Yard Setbacks—15 feet
- Lot Width—120 feet as measured at the front yard setback
- Applicant has met all required setbacks per the *Weddington Zoning Ordinance*.

Additional Information:

- The Sketch Plan has been approved by the Zoning Administrator. The Preliminary Plat will now be reviewed by both the Planning Board and Town Council. Following approval of the Preliminary Plat, the applicant will have two years to apply for the Final Plat. The Final Plat can be submitted in multiple phases.
- The Bard Property is to be served by Union County Public Water and Sewer.
- The North Carolina Department of Environment and Natural Resources (NCDENR) is reviewing the erosion and sedimentation control plans.
- There is an existing stream and wetlands towards the rear of the site. The applicant has provided a 100 foot stream buffer and has also stated that the wetlands will remain. The pond at the rear of the site will not remain.
- The applicant shows two new fire hydrants along the main road.
- The applicant will dedicate 25 feet of right-of-way along Hemby Road in accordance with the LARTP and MUMPO Thoroughfare Plan. There will also be a 50 foot thoroughfare buffer along Hemby Road in accordance with the Weddington Subdivision and Zoning Ordinances.

The Bard Property 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. Road names to be approved by Union County E911;
5. Plans for subdivision entry monument to be approved by the Planning Board.
6. Construct a golf course style swale at the rear of Lots 1 & 2.

The Planning Board also received the following:

- Subdivision Preliminary Plat Application
- GIS Map
- Cover Plan
- Existing Conditions and Site Demolition Plan
- Site Plan
- Grading and Drainage Plan
- Erosion Control Plan – Initial Phase and Final Phase
- Landscape Plan
- Road Profiles and Site Details

Mr. Jim Katsoudas presented on behalf of Carolinas Renovated. He stated, "We own a 22-acre tract on Hemby Road. We propose a 15-lot subdivision by-right. We have our engineer consultants (DPR) with us and they are doing the work. Hy Nguyen and Richard Callahan are here to address any questions on the engineering.

Chairman Dorine Sharp - The big concerns from the Public Involvement Meetings are ingress and egress from the subdivision. Hunter Lane is close up the road and there is some concern about the sight lines.

Mr. Hy Nguyen – The speed limit out here is 45 miles per hour. We have submitted our schematic plan to NCDOT for review. We will go through the process with NCDOT and the Town engineer. We will meet the sight distance requirements.

Chairman Dorine Sharp – This is not something the developer would do but we could recommend to the Town that they consider petitioning NCDOT to lower the speed limit on Hemby Road to 35 miles per hour. This was a suggestion that came up to try to control how far somebody travels in six seconds. The other concern that was raised was behind Lots 1 & 2 with the contour and possible additional run-off going towards Weddington Woods. We spoke with the developer and he said he would be agreeable to a condition that they would construct a golf course style swale that would push the water towards the natural flow/drainage.

Mr. Jeff Perryman – I noticed in the additional information you said that DENR was reviewing your erosion and sediment control plans. Have they said anything about any wetland mitigation or have they reviewed the site and said "you are not going to be disturbing any"? I know that is a big issue for them that if you disturb something you have to compensate someplace else.

Mr. Richard Callahan – We are not impacting the wetlands or the creek.

Mr. Perryman – So that does not need to be a condition that DENR has signed off on the plan?

Mr. Callahan – We have submitted plans to DENR but have not received comments. We have met with the Army Corp of Engineers as well and they have reviewed the wetland delineation map.

Mr. Giattino - Do they do any studies regarding the chemicals that will be used on the lawns? Do they take that into consideration with the buffer?

Chairman Sharp – That is why you have the 100’ buffer and it should remain undisturbed. That provides the filtration for the water going down to the stream.

Mr. Giattino – Is beyond that buffer deeded property?

Mr. Callahan – The area behind Lots 7-9 is all common open space. You can’t disturb anything back there. There is a deeded environmental easement sitting on top of it.

Chairman Sharp – Condition #6 is to construct a golf course style swale at the rear of Lots 1 & 2. They have agreed to that condition. They have to call these open space lots now. So what we ask is that you put a note on the plat that Lots 16-21 are nonbuildable lots

Mr. Callahan – That data is on the cover sheet on the far right chart under lot summary. We can add that on to the site plan if that makes you feel more comfortable.

Mr. Jim Vivian - On Lots 6 & 8 approximately from the front setback back to that buffer line, is that about 100 feet?

Mr. Callahan - On Lot 8 there is a 70’ setback. There is probably another 60 feet for a building pad deck and then you have that no build line which is the buffer line.

Chairman Sharp –They did say they did not plan to clear cut. They are going to put in the roads and just clear the building pad area for the houses.

Mr. Vivian - Did you give any consideration along the sewer easement of a trail going back into that land area?

Mr. Hy Nguyen – We provide an easement for future connection for recreation purposes.

Mr. Callahan - Isn’t there a note between Lots 9 and 10 at the very bottom inside the buffer area saying 15 foot COS easement.

Mr. Hy Nguyen – That is correct.

Chairman Sharp – That gives the residents access to get back to the common open space.

Mr. Callahan – We are allowing a common access point so that if the homeowners want to build a walking trail.

Mr. Perryman – When you expect to have your final plat for us to look at?

Mr. Hy Nguyen – Once we go through the process with your engineer and get approval from DENR it might take up to three months from now.

Mr. Perryman – When do you expect to hand over the first key?

Mr. Katsoudas – We anticipate by the end of summer we will have all of the infrastructure in place and we can start from there. It could be by the end of the year.

Mr. Perryman – Have you talked to Union County Public Works about the water situation? Have they given you any indication that they will approve you to hook onto their system if we don't have plans to have some type of resolution to our water issues here in Weddington?

Mr. Hy Nguyen – We have submitted the storm water sketch plan to the County as part of the process. So far they have approved our sketch plan.

Mr. Perryman – You do know that right now we have a low water pressure situation.

Mr. Hy Nguyen – I do understand that.

Mr. Perryman - I see on your plan that you plan to put two more fire hydrants in. The Town is in litigation right now with some residents who don't want a water tower as it is currently being proposed out in this area. I understand this is preliminary. Do you have any indications from the Public Works if they intend to sign off on this if the water pressure issue is not addressed?

Mr. Hy Nguyen – So far what I have heard from them is that the process of us submitting the plans will go through. If something comes up that they don't have the capacity then they will let us know.

Mr. Perryman moved to submit the Preliminary Plat for the Bard Property to Town Council with a favorable recommendation with the five conditions noted in Town Planner Cook's memo plus the 6th one which would be to include a golf course style swale to help mitigate runoff problems on the rear of Lots 1 & 2.

AYES: Giattino, Klink, Romaine, Perryman and Vivian

NAYS: None

B. Public Hearing – Review and Consideration of Temporary Use Permit – Big Muddy Challenge.

Chairman Sharp opened the public hearing to consider the Big Muddy Challenge Temporary Use Permit.

Town Administrator Amy McCollum swore in the following individuals wishing to give testimony: Adam Spisak and Nancy Anderson

The Planning Board received the following memo from Town Planner Cook:

Local Fit Finder, LLC (Adam Spisak) submits an application for a Temporary Use Permit. The applicant is proposing a full day event called The Big Muddy Challenge. The event will take place at the Hunter Farm located at 13616 Providence Road on Saturday, June 28th, 2014.

Application Information:

Date of Application: January 30, 2014

Applicant's Name: Local Fit Finder, LLC (Adam Spisak)

Property Owner's Name: Nancy Anderson

Parcel ID#: 06-150-044, 06-150-044D and 06-150-044E
Property Location: 13616 Providence Road, Weddington (The Hunter Farm)
Existing Zoning: R-CD
Existing Use: Agricultural
Proposed Temporary Use: Race Event
Property Size: 47.658 Acres
Event hours: 8:00am-4:30pm on Saturday, June 28th, 2014

Required Information:

- Projected attendance is approximately 2,500-4,000 people.
- Certificate of Liability Insurance has been provided to the Town.
- Union County Sheriff's Office will provide certification of review of traffic and crowd control. However, traffic and crowd control will be handled by an outside agency.
- Certification of Review from Union County Health Department has been submitted (not yet completed-condition of approval).
- A Union County Mass Gathering permit will be issued the day of the event, if needed per Christy Ford of Union County Environmental Health.
- Only independent vendors will be selling items. Therefore, The Department of Revenue does not need to issue a Temporary Sales and Use ID Number.

Additional Information:

- Property owner Nancy Anderson has signed the Temporary Use Application.
- Security and crowd control will be provided by security personnel in accordance with the Union County Sheriff's Office.
- Providence Volunteer Fire Department will be on site for fire protection and EMS services. There will also be a first aid station staffed by an on-site Registered Nurse.
- Parking will be provided by Weddington United Methodist Church. Staff has received written approval from the Church for the event parking.
- The organizers have stated that all sound from the event will abide by all *Town of Weddington Code of Ordinances*.
- Trash receptacles and port-o-johns will be placed throughout the property.
- The location for all proposed uses can be found on the Site Plan.
- The organizers will install one (1) temporary banner on site for the event consistent with the *Town of Weddington Temporary Sign Ordinance*. The organizer will also be permitted no more than two (2) temporary off-premises special event directional signs consistent with *Sec. 58-151* of the *Town of Weddington Temporary Sign Ordinances*.
- This applicant has not applied for a TUP within the last year.

In accordance with the provisions of *Article I, Section 58-13* of the *Weddington Zoning Ordinance*, the property owners and the owners of the parcels of land abutting the property involved in the Temporary Use Application have been sent notification of this evening's public hearing. The property involved in the hearing was posted February 10, 2014.

Staff has reviewed the application and submitted documents and finds the Temporary Use Permit Application to be in compliance with the *Weddington Zoning Ordinance* with the following exceptions:

1. Certification of Review from Union County Health Department;
2. The applicant agrees to work with Zoning Administrator to address any complaints that may be received.

The Planning Board also received the Temporary Use Permit Application, map of the area and the following narrative of the event:

**TOWN OF WEDDINGTON
TEMPORARY USE PERMIT APPLICATION
SECTION 58-13 – TEMPORARY USES INCLUDING PUBLIC EVENTS
Additional Information**

Narrative of Event:

The Big Muddy Challenge was created for parents to share the adventure race experience with their children and friends. Families utilize each-other's strengths and spirits over our two mile course to reach the finish line. The goal of each event is to provide a priceless family bonding activity along with an exciting new way to promote physical activity, sportsmanship and a sense of accomplishment.

BMC organizers are committed to ensure each family race event promotes positive health, wellness and family spirit in each community in which we partner. Furthermore, Big Brothers Big Sisters is a partner of Local Fit Finder and a portion of Big Muddy Challenge event's proceeds support the local chapter (Big Brothers Big Sisters of Charlotte). The event will take place at the Hunter Farm located at 13616 Providence Road on Saturday, June 28th.

Points of Note:

- The Weddington United Methodist Church (event sponsor) is providing full use of their parking lot for all event attendees. Written approval gained from Tonya Tapp and can be provided if required.
- Race participant check in begins at 8am. The first race wave starts at 9am followed by subsequent waves every 15 minutes until approximately 4pm.
- Security and crowd control will be provided by Union County Sheriff's Office and/or other security personnel.
- Providence Volunteer Fire Department will be providing fire protection and EMS services.
- Proof of Insurance is on file.
- Event signage will adhere to the Town of Weddington requirements.
- All sound from the event will abide by all Town of Weddington requirements.
- Event Organizer Application has been submitted to Christy Ford at the Union County Environmental Health. She has verbally expressed confidence that there will be no challenges with this event.

Mr. Adam Spisak – We are called a Mud Run. The reason that we are expanding in Charlotte, Richmond and all the way up to DC in a six month time is because we make a very deliberate effort for our mission to engrain ourselves with local communities. We are a family event. We have an age range to date of ages 6-72 running our courses. It is different than the Tough Mudder or some of the others out there. There is no fire, barb wire or electricity. We focus entirely that over this roughly two mile course, it is an experience for the families to share. Of that age range we have four different teams that cover three generations: 8 year olds, late 30s, early 40s and then the grandfather. You won't see that in many races. Very different from what does exist today of the road race or fun run there is a huge difference in our mind and the reason we are having these conversations is if I am cheering on my son or daughter or a spouse that is a very different experience but probably won't think about or talk about it nearly as long as if he or she and I participate in that type of activity with them.

Ms. Jennifer Romaine – On the application it says at the time there will be no retail sales of food or merchandise. In the memo it says only independent vendors will be selling items.

Mr. Spisak – We are working through that. Local Fit Finder is not selling anything. Big Brothers, Big Sisters may sell customized merchandise. They are keeping 100% of the proceeds. My organization is not selling anything. If there is a food vendor, per Christy Ford's note they will be evaluated by the Union County Health Department.

Ms. Nancy Anderson – Jennifer are you asking about food?

Ms. Romaine – It is a conflict of information.

Mr. Spisak – I am comfortable to remove the blanket statement saying that there will be no sales.

Ms. Romaine – The proceeds support Big Brothers and Sisters of Charlotte. Is there no local organization? We are not the Charlotte community. Is there a more localized organization?

Mr. Spisak – We are a partnership with Big Brothers, Big Sisters as a whole. Based off our relationship with them, Big Brothers, Big Sisters of greater Charlotte is that organization.

Mr. Giattino - Is this a charity event – a 401C?

Mr. Spisak – We are an LLC.

Mr. Giattino - This is a business and part of the proceeds are going to be donated to a charity. What part of the proceeds?

Mr. Spisak – It ranges on a number of things like participants etc. In general – we are between 10-25% goes to the charity.

Mr. Giattino - 80 to 90% is profit minus operating costs.

Ms. Romaine – When the Providence Volunteer Fire Department is on site for these events are they paid to be on site or is this something they just offer as a service to the community?

Ms. Nancy Anderson – In the past when we have had events, Providence VFD prefers to stay at their station given their location and our location and the way the median cuts are on Providence Road. They can get to us in three minutes.

Chairman Sharp – This statement under points of note that they will be on site.

Ms. Romaine - It says on site for fire protection and EMS services.

Chairman Sharp – The narrative of the event should be changed to say that Providence Volunteer Fire Department will be providing...

Ms. Anderson – Sometimes they like to bring the trucks for the kids. The last two events they just declined. Especially now we have paid staff where it was just volunteers before.

Mr. Giattino -You expect 2,500-4,000 people. That is about 500-1,000 cars.

Chairman Sharp – How long does the average person stay?

Mr. Spisak – The course takes about 47 minutes. We are very specific with the venues we select. People tend to be there about 90 minutes. When you see that number and think about that across the course of the day and the staggered start times that is what makes it a little bit easier from a logistical standpoint.

Mr. Giattino – The church is providing parking? Is there any parking on the property?

Ms. Anderson – Just for the volunteers. That is less than they have on a Sunday for church services.

Ms. Romaine – How are they getting from the parking to the event?

Mr. Spisak – There is a sidewalk and directional signs as well as my staff helping to direct.

Ms. Romaine – It will be foot traffic from the parking lot to your location?

Mr. Spisak – The church has 600 parking spaces. They have two lots. One directly behind the buildings and then there is a secondary parking lot by the Family Life Center.

Mr. Giattino – You will be directing folks to park there so they are not parking at the Harris Teeter?

Ms. Anderson – That is why you have the directional signs showing where the event parking is located. We will direct them into where the light is. They will just walk a short distance where my old driveway used to be which is right past the Polivka Property. They are not going to come in the vehicle driveway. They will walk into the pedestrian entrance to the farm.

Mr. Bruce Klink - Who is this open to?

Mr. Spisak – It is open to the public.

Mr. Klink - What is the registration fee?

Mr. Spisak – It is tiered. The closer you get to the event the price goes up. Early Bird is \$59 and six weeks out it is \$69 and then \$79. This is parent child together as opposed to individual registration fee.

Mr. Giattino – Every two people it is about \$69 or \$79?

Mr. Spisak – For every additional child or adult it is roughly \$30 for each additional.

Mr. Perryman – You mention in your notes that the crowd control may be handled by an outside agency. Can you elaborate on that and what their credentials are and will the Union County Sheriff sign off on whoever is doing this?

Mr. Spisak – Based off an event last year we will have two events between today and June 28. We typically have a staff of up to 10 people entirely dedicated to traffic and crowd control. That is one part of the conversation I have had with the County Sheriff's Office. There is an open conversation about having some off duty officers there to just patrol the parking lot if needed in addition to the staff that I am providing.

Ms. Anderson – Since we have the motor speedway out here and we are right in right out of the farm and there are protected turn lanes in and out on north and south bound lanes the Sheriff's Department thinks that is way more than adequate.

Mr. Perryman – If the County was not going to be here doing it with their staff that they had looked at your plan and looked at what the potentials were and said yes this is acceptable and we understand what you are doing.

Chairman Sharp – And that they are not going to be parking at the shopping center.

Mr. Perryman – When you have this many people over that period of time, when someone registers do you then tell them when their start time is.?

Mr. Spisak – Part of the registration process is you select your start time and the criteria based on how old you are because we want 6 year olds running with younger people.

Chairman Sharp – They register ahead of time and not the day of the event.

Ms. Spisak – When we talk about 8 am check in we are gathering hard copy, waiver forms and doing a formal ID check.

Ms. Romaine – Do you have to carve the trail out?

Mr. Spisak – It is open and it exists and we will mark it with directional signs.

Ms. Anderson – What will generally happen especially that time of year – it will just be mowed.

Chairman Sharp – Do you soak it with water to make it muddy?

Mr. Spisak – The ponds have spill ways. We will be creative, as we always are, to make sure the course runs through areas to remain appropriate to our name.

Chairman Sharp – You will use natural existing features.

Mr. Spisak – Yes.

Chairman Sharp asked Ms. Anderson the following Findings of Fact:

Findings of Fact:

The proposed temporary use will not materially endanger the public, health, welfare and safety. Yes, it will not. In fact, it promotes health and welfare.

The proposed temporary use will not have a substantial negative effect on adjoining properties. It will not have a negative effect on adjoining property owners given the limited amount of time, space and there are no permanent structures that are going to be built.

The proposed temporary use is in harmony with the general purpose and intent of the ordinance and preserves its spirit. The application is in general harmony with the ordinance and the spirit because it is a family oriented event and it promotes a sense of unity and again health and welfare.

The proposed temporary use is held no more than three times (3) per year at any particular location – that is correct. This is the first event I have had within the last 12 months.

Chairman Sharp closed the public hearing.

Mr. Giattino – I think it is a neat event but it presents to me that this is a business event. This is not a charity event and only 20% is going to charity.

Chairman Sharp – Our ordinance does not say it has to be an event for charity.

Mr. Giattino – This event clearly is a profitable business event. Is that ok under the ordinance?

Chairman Sharp – Yes. There is no restriction there.

Mr. Perryman moved to approve the Temporary Use Permit for the Big Muddy Event to be held on June 28th at the Hunter Farm based on the following Findings of Fact:

- A. The proposed temporary use will not materially endanger the public, health, welfare and safety – Yes it will not. In fact this event promotes health and welfare.
- B. The proposed temporary use will not have a substantial negative effect on adjoining properties – It will not based on its limited amount of time, the space that is used and no permanent structure is being built for this event.
- C. The proposed temporary use is in harmony with the general purpose and intent of the ordinance and preserves its spirit – It is in general harmony with the spirit of the ordinance. It is a family oriented event and promotes a sense of community, health and welfare.
- D. The proposed temporary use is held no more than four times (4) per year at any particular location – No it is not. This is the first event of this kind for our Town this year.

Approval based on the following two conditions:

- Certification of Review from Union County Health Department.
- The applicant agrees to work with Zoning Administrator to address any complaints that may be received.

Mr. Vivian seconded the motion with votes recorded as follows:

AYES: Giattino, Klink, Romaine, Perryman and Vivian

NAYS: None

Mr. Spisak – What does Condition #2 mean?

Chairman Sharp – If you want to do this event again say in six months or a year if we receive complaints that we would expect that modifications would be made to address those complaints before we would issue another permit in the future.

Mr. Perryman – Perfect example is the Drum Strong Event that is held here every year. There were some issues with noise and lights.

C. Review and Consideration of Proposed Text Amendments – NCDOT Street Policy. The Planning Board received a copy of the proposed text amendments.

Chairman Sharp – The Town of Weddington has decided that they are not going to take over the roads that NCDOT has said they will not take. The idea is that these will be public roads maintained by the Homeowners Association. We discussed this in length at the Town Retreat. It is at least a 3-step process. This is the first step to make sure the ordinances have what we need. The next step is currently being worked on by the Town Attorney as to how are we going to ensure that this information is readily available to people who purchase in those neighborhoods. If you go back to December's Town Council

Meeting and read the minutes you will see that they had a lengthy discussion about putting notification on the deeds or putting it on the plat, where it needs to be and how it needs to be written. That is something that the Town Attorney is currently working on. They can't sell any lots until the final plat is approved. The other step we are also looking at is the road standards. You will see that I reference NCDOT standards. There has been some discussion among the Council as to if they want to require tougher and more stringent standards so the roads will last 25 years instead of 20 years. It has been suggested that we look at the City of Charlotte's road standards because Charlotte maintains its own roads and it appears that they are more stringent than NCDOT.

Chairman Sharp reviewed the text amendment with the Planning Board. She stated, "Section 46-7 will now read: *No subdivision street shall be accepted or maintained by the Town despite any offer of dedication.* They will offer the road to the Town. The Town will then inspect the road. That gives us the right to do the inspections and make sure it is all up to standards. Once the roads meet our specifications we will turn down the offer.

Ms. Romaine – Who does the inspection?

Chairman Sharp – I assume we will use US Infrastructure.

Ms. Romaine – That is an extra cost?

Ms. McCollum – The costs would be charged back to the developer?

Chairman Sharp – Yes. They will go through the same process. But then when the process is over the Homeowners Association will take over the road instead of NCDOT.

Ms. Romaine – What HOA is capable of maintaining roads?

Chairman Sharp – It is the same thing as a gated community maintaining their roads. On the second page it shows items that need to be included with the final plat submission. I have added between 5 and 6 a new item 6 which states: The final plat shall include a written maintenance agreement recognizing that the streets will not be accepted or maintained by the Town and containing provisions for perpetual maintenance of the streets by the developer and/or the Homeowners Association. This is the checklist that shows what has to be included on the preliminary plat and has to be included with the final plat. A copy of any proposed deed restrictions or similar covenants is currently what is listed. I have added the following: Before the approval of the final plat, the developer shall submit to the Town evidence that the developer has created a Homeowners Association whose responsibilities will include perpetual maintenance of the streets. Such evidence shall include filed copies of the articles of incorporation, declarations and homeowner's association bylaws. .

Mr. Giattino – That implies maintenance to whatever standards we set forth.

Chairman Sharp – Yes. For now, we are keeping the following statement: A copy of the approved roadway plan submitted to the appropriate office of the State Department of Transportation for any major subdivision. They may still require that because the subdivision entrance road is emptying onto a NCDOT thoroughfare. We were going to ask John Underwood from NCDOT what that process is going to be.

Chairman Sharp reviewed the road standards and buffering along thoroughfares language. She noted that every neighborhood has to have a Homeowners Association. If the Homeowners Association is not maintaining their roads then the Town can step in and say you have to take care of this. We can require

them to put up a bond if they don't take care of the road. This is identical to what we do for gated communities.

Mr. Giattino – Are there any minimal guidelines that we are going to be looking for about funds allocated for maintenance?

Chairman Sharp – I think Jordan has contacted some people about what it cost to maintain roads. I had gotten a figure of \$3,500 per mile per year to maintain. This will be an ongoing process. They have to have an incorporated Homeowner's Association in order to get the final plat approval.

Mr. Perryman – What will tide this situation over until this subdivision gets built out and occupied and you get a full number of people that can contribute and help maintain it is the bonds that developer will willingly put up?

Chairman Sharp – The bonds guarantee the roads get completed.

Ms. McCollum – The performance bond is to make sure the roads are built to the standards that they are supposed to. We keep the maintenance bond until NCDOT takes over the roads. I am not sure how that will change in this new process.

Chairman Sharp – The maintenance bond would not be released until the Homeowners Associations financial statements show that they are collecting enough money in dues each year to cover that item on their financials.

Mr. Perryman – If you have a development which has 30 home sites but you only have six or seven residents in there and the developer goes away, how will they maintain that street until it gets completed?

Chairman Sharp – The Homeowners Association will have to take it over. We do have the performance and maintenance bonds that bridge the gap.

Chairman Sharp – Our engineer recommends to us a bond amount. There will have to be parameters given to her. She has certain areas she looks at for the performance bond. The Council will have to set what will be the instructions given to the engineer.

Ms. McCollum – The key is how many years will that maintenance bond need to last?

Mr. Vivian moved to send the proposed text amendment to the Town Council with a favorable recommendation. Mr. Perryman seconded the motion, with votes as follows:

AYES:	Giattino, Klink, Romaine, Perryman and Vivian
NAYS:	None

D. Review and Consideration of Proposed Text Amendments – Section 58-54 (Open Space in R-40).
The Planning Board received a copy of the following text amendment:

Sec. 58-54. R-40 single-family district.

The R-40 single-family district is established to provide for residential development at low densities consistent with suitability of the land and the rural character of the town.

(1) *Permitted uses.* Permitted uses within the R-40 district shall be as follows:

- a. All permitted uses in the R-60 zoning district.
- b. Open space. **Any subdivision that is 6 acres or more in aggregate shall be required to provide that a minimum of ten percent of the gross area of the subdivision, exclusive of any required minimum 50-foot buffers along thoroughfares, consists of common open space.**

Chairman Sharp – If you recall when we reviewed the Graham Hall Subdivision it was made up of two R-40 parcels. Any parcel that was six acres or more was rezoned to R-CD which has a 10% open space requirement for traditional subdivisions. This particular subdivision was two R-40 parcels that were put together and there is no requirement for open space in R-40. I am suggesting that under the R-40 permitted uses to expand on the open space element. Any subdivision that is six acres or more in aggregate shall be required to provide that a minimum of 10% of the gross area of the subdivision exclusive of any required minimum 50' buffers along thoroughfares consist of common open space. This is treating it as if it were a traditional subdivision. Even if it is six acres and you put out that 50' buffer you would still get about ½ acre of open space which is why we chose six acres to begin with.

Mr. Giattino moved to send the proposed text amendments to the Town Council with a favorable recommendation. Mr. Klink seconded the motion, with votes as follows:

AYES: Giattino, Klink, Romaine, Perryman and Vivian
 NAYS: None

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

- The Town Council continued the Preliminary Plat for the six lot Graham Hall subdivision. The Council asked that the applicant look into adding a right turn lane on Weddington-Matthews Road into the subdivision.
- 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.
- Staff has received a Conditional Zoning Permit Application from Weddington United Methodist Church for a sanctuary, parking lot and athletic field's addition. This is not yet on an agenda.
- The following items will be on the March 10th Town Council agenda:
 - Graham Hall Subdivision Preliminary Plat (continued)
 - Corner Lot Definition Text Amendment
 - Wedding, Banquet and Reception Center Text Amendment
- The following items may be on the March 24th Planning Board agenda for discussion:
 - Weddington United Methodist Church CZ Application
 - Conservation Subdivision Setback Text Amendment

Item No. 7. Other Business.

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

Item No. 8. Adjournment. Mr. Perryman moved to adjourn the February 24, 2014 Regular Planning Meeting. Ms. Romaine seconded the motion, with votes recorded as follows:

AYES: Giattino, Klink, Romaine, Perryman and Vivian
 NAYES: None

The meeting adjourned at 8:39 p.m.

Attest:

Dorine Sharp, Chairman

Amy S. McCollum, Town Clerk