

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, AUGUST 25, 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 August 25, 2014, with Chairman Dorine Sharp presiding.

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

Absent: Jeff Perryman

Visitors: Jim Lineberger, Cheryl Sain and Ann Scott

Item No. 1. Open the Meeting. Chairman Dorine Sharp opened the meeting at 7:03 p.m.

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

Chairman Sharp requested that the Planning Board consider New Business prior to Old Business. Vice-Chairman Rob Dow moved to accept the agenda as amended. Mr. Jim Vivian seconded the motion, with votes recorded as follows:

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

Item No. 3. Approval of Minutes.

A. July 28, 2014 Regular Planning Board Meeting. Mr. Vivian requested a small wording change to the minutes.

Mr. John Giattino moved to approve the minutes with the change in wording. Ms. Jennifer Romaine seconded the motion, with votes recorded as follows:

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

Item No. 4. New Business.

A. Review and Consideration of the Preliminary Plat for Tuscan. The Planning Board received the following memo from Town Planner Julian Burton:

Jim Lineberger Land Acquisitions submits a subdivision preliminary plat application for a 13 lot Conventional Subdivision on 15 acres located off of Shagbark Lane. Two lots will be accessed off of Stirrup Ct.

Application Information:

Subdivision Name: Tuscan Ridge
Date of Application: July 25th, 2014

Applicant/Developer Name: Jim Lineberger Land Acquisitions
Owner Name: William and Kathryn Gruhn
Parcels 061-47-005, 061-47-019, 061-47-020G
Property Location: Shagbark Lane
Existing Zoning: R-40
Proposed Zoning: R-40
Existing Land Use: Traditional Residential (no change required)
Existing Use: Single Family Residential; Vacant
Proposed Use: Single Family Residential Subdivision
Parcel Size: 14.98 acres

Project Information:

The Tuscan Ridge Subdivision is a proposed 13 lot subdivision on 15 acres comprised of three parcels. 11 lots are located on and accessed by Shagbark Lane (2 accessed by Stirrup Ct.), and is being proposed as a conventional subdivision.

A conventional subdivision is permitted by right in the R-40 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, July 15th on-site from 9:00am-11:00am and Wednesday, July 16th at Town Hall from 5:00pm-7:00pm
- The Zoning Administrator approved the Sketch Plan on July 28th, 2014.

Preliminary Plat Information:

- The minimum lot size is 40,000 square feet. The smallest lot proposed is lot 10 at 40,201 square feet.
- The applicant is required 10% or 1.498 acres of open space. The applicant has provided 10.83% or 1.62 acres of open space. The 15 foot strip between lots 4 and 13 will provide a walking path connecting lots 11 and 12 to Shagbark Lane.
- The existing stream and wetlands located at the rear of lots 5, 13, and 4 will remain undisturbed.

RCD and R-40 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 Council previously approved a modification from the subdivision ordinance to allow an extension to the length of the existing culs-de-sac, Shagbark Lane. At the meeting, councilmembers voiced concerns about an increase in impervious development in relation to the

existing topography, and explained that stormwater runoff would be a concern when reviewing the preliminary plat.

- 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.
- Tuscan Ridge is to be served by Union County Public Water, and individual septic systems. Union County is currently processing final permits and septic locations for the subdivision.
- NCDOT is currently reviewing the roadway plan.
- The North Carolina Department of Environment and Natural Resources (NCDENR) is reviewing the erosion and sedimentation control plan.

Recommended Conditions of Approval

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. Development subject to review of erosion and sedimentation control plan by NCDENR.
5. Covenants, Conditions and Restrictions (CCRs) and Maintenance Plan and Maintenance Agreement shall be reviewed (by Town Attorney) and executed prior to Final Plat approval by Weddington Town Council;
6. Plans for any subdivision entry monument to be approved by the Planning Board;

Planning Board Action

Recommend Approval/Approval with Conditions/Denial

The Planning Board also received a copy of the Overall Site Plan.

Town Planner Burton – Our Town Engineer has not taken a full look at any of the calculations yet but after her first look she doesn't think Stirrup Court will be impacted but there may be some issues with Shagbark Lane.

Ms. Ann Scott with DPR Associates – We did recognize the drainage going down towards Shagbark Lane. We have added a proposed storm drainage and catch basin on the north side that picks it up. There is another catch basin on the other side that empties out into a low area on the south side. There is an existing 18" culvert under an adjacent driveway. We have done storm drainage calculations and the 18" existing culvert has the capacity for this flow.

Chairman Sharp confirmed that they are bringing water in from Hemby Road down Shagbark Lane to the end of the cul-de-sac. She also requested all of the fire hydrants be labeled as proposed. Chairman Sharp asked if they would allow the current residents of Shagbark to tap into the water.

Ms. Scott said it would be a public line and yes they will be able to do that.

Chairman Sharp stated that the numbering of the lots bothers her and that the ordinance says the numbers should be consecutive throughout the subdivision.

Ms. Scott – The reason for that is the existing house is Lot 13. It will not have a new builder on it. The current numbers were in the sketch plan and were approved. We have already pursued getting septic permits etc. with the current numbers.

Chairman Sharp asked if they had thought about putting actual addresses on the individual lots since they will have cluster boxes.

Town Planner Burton stated that Emergency Services is trying to decide what they will potentially require. They mentioned a possible post with a number on it.

Chairman Sharp asked that the title block also include Union County and Sandy Ridge Township. She suggested that the post office be asked to do curb side for Lots 11 and 12.

Ms. Scott said they could do a cluster box of two for Lots 11 and 12.

Chairman Sharp asked how water would get to Lots 11 and 12.

Mr. Jim Lineberger stated they would be well. Lot 13 is currently on a well but it will be hooked up to the water on Shagbark Lane.

Chairman Sharp wants the final plat labeled that Lots 11 and 12 will be on a well.

Mr. Lineberger - The existing septic will be the septic for Lot 4 and a new septic field will be created for Lot 13.

Vice-Chairman Dow moved to send this to Town Council with a favorable recommendation contingent on the six conditions of approval as listed. Mr. Giattino seconded the motion, with votes recorded as follows:

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

B. Review and Consideration of Final Plat for Graham Hall. The Planning Board received the following memo from Town Planner Burton:

Aiden Properties submits a final plat application for a conventional subdivision consisting of 6 lots accessed off of Weddington-Matthews Road.

Application Information:

Subdivision Name: Graham Hall
Date of Application: May 20th, 2014
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

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 40,309.
- 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 the 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.
- On January 27th, the Planning Board gave this project a unanimous favorable recommendation.
- On February 10th, the Town Council asked the applicant to research the feasibility of adding a right turn lane onto Weddington-Matthews Road as a safety improvement.
- The Planning Board reviewed the revised plan on March 24th, 2014 and recommended approval, and the Council approved the plat on April 14th, 2014.
- US Infrastructure provided approval for all construction documents and bond estimates.
- NCDOT provided staff with an approval letter for entrance off of Weddington-Matthews Road.

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 Graham Hall 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 Graham Hall 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. Road name to be approved by Union County.
6. Development subject to review and approval/permitting of construction documents by Union County Public Works.
7. Plans for subdivision entry monument to be approved by the Planning Board.

Planning Board Action

Recommend Approval/Approval with Conditions/Denial

The Planning Board also received a copy of the Final Plat.

Planning Board added the following to the Recommended Conditions of Approval

8. Add Sandy Ridge Township to the title block.
9. All addresses must be displayed according to Union County regulations.

Mr. Giattino moved to send the Graham Hall final plat to the Town Council with a favorable recommendation with the 7 conditions proposed by the Town Planner plus the 2 additional items added by the Planning Board. Mr. Bruce Klink seconded the motion, with votes recorded as follows:

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

C. Review and Consideration of Proposed Text Amendments to Sections 58-232, 58-233, 58-234, 58-235, 58-236 and 58-237 – Board of Adjustment The Planning Board received a copy of the proposed text amendment.

Vice-Chairman Dow moved to send the proposed text amendments to the Board of Adjustment Rules and Regulations to the Town Council with a favorable recommendation. Mr. Vivian seconded the motion, with votes recorded as follows:

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

Item No. 5. Old Business.

A. Update on Retreat Items. The following information was provided by Vice-Chairman Dow:

Traffic Impact Analysis Proposal

TIA is currently only required in MX development and CZ development. There are no set criteria, requirements, or methodology.

Purpose:

- 1} Continue to require TIA's for all MX and CZ development
- 2} Set threshold for the requirement of TIA's in subdivisions
- 3} Standardize criteria, requirements, and methodology for TIA reports
- 4} Add requirements of TIA submissions to development procedure checklist

Actions:

- 1} Develop TIA pamphlet with procedures and requirements
- 2} Add statement to application meeting that the Zoning Administrator will determine the need for a TIA.
- 3} Require a preliminary TIA at sketch plan phase
- 4} Add final TIA to the preliminary plat checklist

Town Planner Burton advised that he thinks NCDOT wants requirements but also flexibility on a case by case basis.

Vice-Chairman Dow will work with Town Planner Burton, the Town's Traffic Engineer and John Underwood from NCDOT to prepare a document and ordinance language regarding TIA's.

Buffering Requirements

The following information was provided by Ms. Romaine:

Weddington:

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:

b. Open space. Any subdivision that is six 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.

Sec. 58-58. R-CD residential conservation district.

The R-CD residential conservation district is established to allow uses that are similar in nature to other residential (R) districts in the town. The R-CD district provides a means of protecting conservation lands, especially those areas that contain primary and secondary conservation lands. Following are the regulations for conservation subdivisions and other land uses in the R-CD district:

i. Conventional subdivisions, provided that a minimum of ten percent of the gross area, exclusive of any required minimum 50-foot buffers along thoroughfares, of the subdivision consists of common open space. The ten percent open space requirement shall not apply in conventional subdivisions where each of the resultant lots has an area that equals or exceeds five acres. Any further subdivision of the tract into lots less than five acres in size shall require ten percent open space. Any such open space areas as herein provided, shall consist of principally viewsheds from the road, where applicable. Where a viewshed is not appropriate, open space shall consist of primary and/or secondary conservation lands, to the extent that they are found on the tract in question and shall be subject to the provisions of subsections (3)g—i and (4)h. of this section.

Waxhaw:

Buffers are only required for major subdivisions and not minor.

Section 9.21 contains our Tree Preservation and Protection Requirements (9.21.8), 9.21.A.2 has exterior perimeter requirements for single family subdivisions. A buffer must be preserved within 30 ft. of the perimeter of the subdivision. A buffer is also required within 20 ft. of the right of way.

Some other Sections you may be interested in are Section 9.21 Tree Preservation which also contains Tree Survey Requirements (9.21.7.F)

Section 9.8 Buffers, Screening and Landscaping has the standards for Ownership of Buffers and the conditions where the buffer can be contained in an individual lot (9.8.3), Maintenance of Required Buffers and Landscaping (9.8.6) and fines and replacement requirements for unapproved removal (9.8.7).

Marvin:

We require what we call a view shed buffer. This is a buffer that is along the road frontage of the property and varies in width from 85' to 285 feet. The depth is based on the following formula: $80 + (5 \times \text{site acreage}) = \text{viewshed buffer}$. Viewshed buffer may not exceed more than 30% of the total site. If the

parcel has more than one road frontage, the formula shall be used to calculate the buffer along the major road or roads. Along minor roads in this situation, the viewshed buffer shall be 85 feet.

We also require a 25' exterior tree preservation buffer along the perimeter of the property. A minimum 100' exterior tree preservation strip is required along the road frontage. This can be within the viewshed buffer described above. It is not in addition to the viewshed buffer. (See section 151.080 and 151.081 of the Marvin Code of Ordinances)

Minor subdivisions:

Viewshed buffers are required- based on same calculation as above.

Ms. Romaine suggested that the Planning Board answer the following questions:

1. What can we require legally for buffers?
2. How much land can we require for buffers including common area open space?

Ms. Romaine suggested continuing the discussion with the Town Council at the retreat.

Mr. Klink and Mr. Giattino will work on a formula for buffer calculations and what the variables are for each scenario.

All retreat items will be on next month's agenda.

B. Review and Consideration of Proposed Text Amendments to Development Standards for MX:

Mixed-Use Conditional District. Town Planner Burton – The Council has put together a committee to specifically deal with this issue. This gives the Town more time to look at it in a unified way. Committee members are Town Planner Burton, Ms. Jennifer Romaine, Mr. Jim Vivian and Chairman Sharp

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

- The Town Council acted on the following items on August 11th:
 - CZ for Threshold Church – Called for public hearing
 - Atherton Estates Final Plat Map 1 – approved with conditions
- The Town Council formed a committee to look into forming a guiding document and policy to regulate and contain new commercial development in the “Town Center” (area designated future business in the land use plan).
- The Haven (Weddington Preserve) and The Falls at Weddington are likely submitting Preliminary Plats within the next month or two.

Item No. 7. Other Business.

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

Item No. 8. Adjournment. Vice-Chairman Dow moved to adjourn the August 25, 2014 Regular Planning Board Meeting. Mr. Giattino seconded the motion, with votes recorded as follows:

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

The meeting adjourned at 8:34 p.m.

Dorine Sharp, Chairman

Attest:

Amy S. McCollum, Town Clerk

Minutes transcribed by Tonya Goodson