

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

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

Absent: None

Visitors: Ed Seeley, Matt McLaren, Dale Stewart, Mark Kime, Jonathan Keith, Matt Levesque, Davis Simmons, Jack Sherrie, Lauren Kerley, Shem McGirt, David Brown, JoAnn Brown, Stephen Jansen

Item No. 1. Open the Meeting. Chairman Dorine Sharp opened the meeting 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. Approval of Minutes.

A. September 22, 2014 Regular Planning Board Meeting. Vice-Chairman Rob Dow moved to approve the minutes as presented. Mr. Jeff Perryman seconded the motion, with votes recorded as follows:

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

Item No. 4. New Business.

A. Review and Consideration of Stormwater Ordinance. The Planning Board received a copy of the proposed Division 6. Drainage, Storm Water Management & Wetland Protection Draft dated September 18, 2014.

Town Planner Julian Burton reviewed the changes with the Planning Board. He advised that Town Attorney Anthony Fox has not looked at the text yet and that the proposed changes made to the Ordinance are from Town Engineer Bonnie Fisher with US Infrastructure.

Chairman Sharp asked about the note on page 9 and the blanks under Extension of Time. She suggested the Planning Board recommend the number 90 days go in the blank.

Town Planner Burton stated that the note is just for informational purposes. He agreed that 90 days is reasonable and that the Zoning Administrator may grant a 30-day extension.

Vice-Chairman Dow moved to accept the 90/30 day modifications and send to Town Council with a favorable recommendation. Mr. Jim Vivian seconded the motion, with votes recorded as follows:

Vice-Chairman Dow amended his motion to allow Ms. Fisher and Town Attorney Fox to include any modifications that they feel necessary.

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

B. Review and Consideration of Proposed Text Amendments to Section 46-76 and 58-4 – Buffering.
The Planning Board received a copy of the proposed text amendment.

Vice-Chairman Dow moved to amend this item to include Section 58-4. Mrs. Jennifer Romaine seconded the motion, with votes recorded as follows:

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

Chairman Sharp, Vice-Chairman Dow, and Town Planner Burton came up with a proposal for the text amendment and Vice-Chairman Dow advised that he met with Mayor Bill Deter and Councilman Don Titherington on this item.

Vice-Chairman Dow - They thought the table was in some ways redundant. We have a 15% maximum for under 10 acres. We have this table that doesn't treat all property fairly. With the safeguard of the 15% there already, we thought we could eliminate the acreage step-down from 10 and less and just allow the 15% to step it down. The Zoning Administrator will still have leeway with the 10% addition. Our discussion was that we will still keep the chart for the measurement of trees per foot in the buffer. It would simplify things and make it more fair through all sizes of property to just let the 15% take care of it. Even with the chart there are extremely small strange parcels of land that are going to need some relief from even the chart. That is covered under our modifications agreement that they can always come in. If they have a piece of property that the zoning or regulations make unusable then they can come in and ask for relief for that particular piece of property.

Chairman Sharp – There was an indication that at least a couple of the members want the buffer to be 100 feet.

Vice-Chairman Dow – That is true - 100 will be well under 15% on a lot of properties. We should consider bumping it to a 100-foot buffer with 15% max and do away with the chart.

Chairman Sharp brought attention to the Planning Board that on the back side of the Amendment A and B are in red but should be in black. They are not new.

Chairman Sharp recommends the following:

1. Totally eliminate the line in the table that says width and replace with depth.
2. #4 above the table - Cross off the last sentence and change the first sentence to read: The Buffer requirement is 100 feet for subdivisions which is the minimum distance separation from the edge of the road right-of-way. The table 46-76 lists the required planting of trees and shrubs within this buffer. If the required buffer exceeds 15% of the total acreage of the parcel, the Zoning Administrator may reduce the required buffer to an amount equal to 15%.
3. Modify the definition of open space replacing the third sentence with a statement regarding the location of the open space.

Dr. Bruce Klink moved to send the buffering language from Section 46-76 and revised definition of open space to Town Council with a favorable recommendation with the changes that were discussed. Mr. John Giattino seconded the motion, with votes recorded as follows:

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

C. Review and Consideration of Preliminary Plat for Weddington Preserve. The Planning Board received the following memo from Town Planner Burton:

Pulte Homes submits a subdivision sketch plan application for a 48 lot Residential Conservation Subdivision on 58.06 acres located on Lochaven Road.

Application Information:

Date of Application: August 22nd, 2014

Applicant/Developer Name: Pulte Home Corporation

Owner Name: Hopewell Farms Limited Partnership

Parcel ID#: 06-153-025

Property Location: Lochaven Road

Existing Zoning: RCD

Proposed Zoning: RCD (Conservation Subdivision through the Conditional Zoning process)

Existing Land Use: Residential Conservation

Proposed Land Use: Residential Conservation

Existing Use: Vacant Land

Parcel Size: 58.06 acres

Project Information:

Weddington Preserve Subdivision is a proposed 48 lot subdivision on 58.06 acres. The subdivision is located on and accessed by Lochaven Road and is being developed by Pulte Homes as an RCD conservation subdivision.

A conservation subdivision must base the number of proposed lots on a yield plan per *Section 46-42* of the *Weddington Subdivision Ordinance*. This yield plan must show the number of lots that would be allowed if the tract was developed as a conventional subdivision with 40,000 square foot lots and 10% open space. Conservation subdivisions shall be density neutral (same number of lots as would be permitted in a conventional subdivision). The site is 0.84 dwelling units per acre.

Conservation Land Summary:

Section 58-58 (4) of the *Weddington Zoning Ordinance* requires that a minimum of 50% of the gross acreage must be retained as conservation land. Conservation lands must remain conservation lands in perpetuity. This is often done by requiring conservation easements and/or review and approval of neighborhood CCR's.

- 32.15 acres (56.4%) of the 57.02 acres will remain conservation land.

Additional Information:

- Weddington Preserve is to be served by Union County Public Water and Sewer.
- The Town has received signed and notarized letters from the owners allowing Pulte Homes to represent them in the Sketch Plan and Preliminary Plat process.
- The applicant has provided the required 100 foot buffer along Lochaven Road. The applicant will also dedicate 1.04 acres of right-of-way to NCDOT along Lochaven Road.

- A right turn lane into the property is being proposed by the applicant.
- Traffic improvements at the intersection of Lochaven Road and Providence Road are to be coordinated with the NCDOT driveway permit.
- The Town of Weddington is currently updating their stormwater ordinance, and is concerned about stormwater impacts from proposed developments. The applicant has provided USI with pre and post calculations for stormwater runoff, and will continue to coordinate with USI during any additional construction document review.
- Public Involvement Meetings (PIM) were held in 2013 on Wednesday, November 20th, on-site and Wednesday, December 14th at Town Hall. Property owners within 1,300 feet of the property were notified of the PIM's.

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; (Added by Town Planner Burton – The Applicant should coordinate with USI to insure that there has been a complete submittal of construction documents before the preliminary plat goes before the Town Council.)
3. Development subject to review and approval/permitting of construction documents by Union County Public Works;
4. Declaration of Conservation Easement and Restrictions shall be reviewed (by Town Attorney) and executed prior to Final Plat approval by Weddington Town Council;
5. Maintenance Plan and Maintenance Agreement shall be reviewed (by Town Attorney) and executed prior to Final Plat approval by Weddington Town Council;
6. Covenants, Conditions and Restrictions (CCRs) shall be reviewed (by Town Attorney) and executed prior to Final Plat approval by Weddington Town Council;

Chairman Sharp – The title block is supposed to contain the name of the owner. The engineering company is in the title block.

Town Planner Burton will get documentation that all the road names have been approved by Union County Communications 911.

Mr. Matt Levesque with ESP Associates went over some of the minor changes that the Town and neighbors requested.

Chairman Sharp noticed that Penwick Court only contains three driveway cuts at the corner of Lot #20. She said NCDOT will not take over a road unless there are five driveway cuts on any given street. She suggested they reconfigure Penwick Court and Newbern to ensure sufficient driveway cuts.

Mr. Levesque will look into this and will be discussing further with NCDOT.

Mrs. Jennifer Romaine asked if the Town Council has any information from NCDOT on the left hand turn on Providence into Lochaven.

Mr. Davis Simmons with ESP Associates - We have done a survey to layout the turn lane. We also met with NCDOT to make sure we are designing it appropriately.

Chairman Sharp added two conditions.

7. Documentation to be provided that road names have been approved by Union County Communications.
8. Review lots 17-23 to fix roads with only three curb cuts.

Mr. Vivian moved to send to Council with a favorable recommendation with the conditions of approval as submitted and modified by the Zoning Administrator plus the additional two conditions that Chairman Sharp stated. Mr. Perryman seconded the motion, with votes recorded as follows:

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

D. Review and Consideration of Preliminary Plat for Falls at Weddington. The Planning Board received the following memo from Town Planner Burton:

Falls at Weddington, LLC, submits a subdivision preliminary plat application for a 185 lot Residential Conservation Subdivision on 234.49 acres located off of Antioch Church Rd.

Application Information:

Date of Application: April 25, 2014

Applicant/Developer Name: Falls at Weddington, LLC

Parcel ID#: 06093007; 06093008A

Property Location: Antioch Church Rd.

Existing Zoning: RCD

Proposed Zoning: RCD (Conservation Subdivision through the Conditional Zoning process)

Existing Land Use: Residential Conservation

Proposed Land Use: Residential Conservation (CZ)

Existing Use: Vacant Land

Parcel Size: 234.49

Project Information:

The Falls at Weddington Subdivision is a proposed 185 lot subdivision on 234.49 acres. The subdivision is located on Antioch Church Rd. and is being developed by Falls at Weddington, LLC, as an RCD conservation subdivision.

A conservation subdivision must base the number of proposed lots on a yield plan per *Section 46-42 of the Weddington Subdivision Ordinance*. This yield plan must show the number of lots that would be allowed if the tract was developed as a conventional subdivision with 40,000 square foot lots. Conservation subdivisions shall be density neutral (same number of lots as would be permitted in a conventional subdivision). The site density is 0.79 dwelling units per acre.

Conservation Land Summary:

Section 58-58 (4) of the Weddington Zoning Ordinance stipulates that a minimum of 50% of the gross acreage must be retained as conservation land. Conservation lands must remain conservation lands in perpetuity. This is often done by requiring conservation easements and/or review and approval of neighborhood CCR's.

- During the Sketch Plan phase, the Planning Board asked the applicant to show the percentage of conservation land on both the east and west sides of Antioch Church Road. The applicant provided that information in the preliminary plat. The west side contains 55.9% conservation land and the east side contains 38.7%. The total amount will remain 52.7% conservation lands.

- Easements, necessary for utilities, lowered the total conservation land percentage from the 59.9% shown on the Sketch Plan.

Additional Information:

- The layout shifted slightly from that shown on the Sketch Plan because the applicant provided a larger buffer against the existing subdivision, Antioch Woods, and relocated the southern access point on Antioch Church Road to provide better sightlines. Both of these points were discussed at the Planning Board meeting on June 23rd, 2014.
- The Falls at Weddington is to be served by Union County Public Water and Sewer.
- Lot 74 is the largest lot at 33,024 square feet or .76 acres
- Lot 115 is the smallest lot at 12,303 square feet or .28 acres.
- The applicant will create 2 access points along Antioch Church Road, and create a third access point by extending Amanda Drive from the Vintage Creek subdivision.
- The Falls at Weddington subdivision will contain public roads. These roads must be built to NCDOT standards and approved by NCDOT.
- The Town of Weddington is currently updating their stormwater ordinance, and is concerned about stormwater impacts from proposed developments. The applicant has provided USI with pre and post calculations for stormwater runoff, and will continue to coordinate with USI during any additional construction document review.
- Public Involvement Meetings (PIM) were held at Town Hall on Wednesday June 18th, 2014, and on-site on Thursday, June 19th, 2014. Property owners within 1,300 feet of the property were notified of the PIM's.

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. Declaration of Conservation Easement and Restrictions shall be reviewed (by Town Attorney) and executed prior to Final Plat approval by Weddington Town Council;
5. Maintenance Plan and Maintenance Agreement shall be reviewed (by Town Attorney) and executed prior to Final Plat approval by Weddington Town Council;
6. Covenants, Conditions and Restrictions (CCRs) shall be reviewed (by Town Attorney) and executed prior to Final Plat approval by Weddington Town Council;

Chairman Sharp stated Sandy Ridge Township needs to be included in the title block. She wanted the landowner's name clarified.

Mr. Jonathan Keith with Falls at Weddington, LLC noted the comment and went through changes since the sketch plan was approved. Road names have been approved.

Chairman Sharp said #4 needs to be corrected plus the development summary.

Mr. Mark Kime and Mr. Matt McLaren stepped up to answer questions.

Chairman Sharp added two conditions:

7. Provide documentation that Union County Communications has approved road names.

8. Fix development summary notes regarding smallest lot size.

Mr. Giattino moved to send the Falls at Weddington Preliminary Plat to Town Council with the six conditions submitted by the Zoning Administrator plus the two added tonight with a favorable recommendation. Mr. Perryman seconded the motion, with votes recorded as follows:

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

E. Review and Consideration of Proposed Text Amendments to Section 46-45. The Planning Board received a copy of the proposed text amendment.

Vice-Chairman Dow moved to send Section 46-45 text changes to Town Council with a favorable recommendation. Mr. Vivian seconded the motion, with votes recorded as follows:

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

F. Review and Consideration of Proposed Text Amendments to Section 46-49. The Planning Board received a copy of the proposed text amendment.

Vice-Chairman Dow moved to send Section 46-49 text changes to Town Council with a favorable recommendation. Mr. Perryman seconded the motion, with votes recorded as follows:

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

G. Review and Consideration of Proposed Text Amendments to Section 46-75 and 46-76. The Planning Board received a copy of the proposed text amendment.

Mr. Giattino moved to send Section 46-75 and 46-76 text changes to Town Council with a favorable recommendation. Dr. Klink seconded the motion, with votes recorded as follows:

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

Vice Chairman-Dow moved to recess for the Special Town Council Meeting. Mr. Perryman seconded the motion, with votes recorded as follows:

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

The Planning Board took a recess and reconvened at 8:37 p.m.

H. Review and Consideration of Weddington Roadway Standards. The Planning Board received a copy of the Roadway Standards.

Town Planner Burton stated that this is a section that is not in the Town ordinance and is a separate document that Town Engineer Fisher put together.

Chairman Sharp said this would be referenced to in the Town Zoning Ordinances. This document can be updated and modified without changing the ordinance. She suggested the Planning Board take the definition in 58-4 from thoroughfare and replace with the text from this document.

Town Planner Burton said the roads will be better built but not wider.

Vice-Chairman Dow moved to send the Town of Weddington Roadway Standards to Town Council with a favorable recommendation. Mr. Vivian seconded the motion, with votes recorded as follows:

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

I. Review and Consideration of Construction Plan Guidelines. The Planning Board received a copy of the Construction Plan Guidelines.

Town Planner Burton stated this was submitted by Town Engineer Fisher around the same time as the storm water text and is more in draft form than the Roadway Standards.

Chairman Sharp asked if the Planning Board will put something in the ordinance to make sure the storm water ponds in subdivisions and conditional zoning are inspected once a year. She suggested a check system at the Town Hall. The Planning Board will need to come up with the best way to get it accomplished.

Vice-Chairman Dow moved to send the Town of Weddington Construction Plan Guidelines to Town Council with a favorable recommendation. Mr. Perryman seconded the motion, with votes recorded as follows:

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

J. Review and Consideration of Proposed Text Amendments to Section 58-52, 58-53, 58-54 and 58-58. The Planning Board received a copy of the proposed text amendment.

Town Planner Burton advised that under conditional uses remove “and their customary related uses” in all four residential classifications.

Mr. Perryman moved to send the text amendments to Section 58-42, 58-53, 58-54 and 58-58 with a favorable recommendation to the Town Council with the one amendment. Mr. Giattino seconded the motion, with votes recorded as follows:

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

K. Review and Consideration of Proposed Text Amendments to Section 58-271. The Planning Board received a copy of the proposed text amendment.

Town Planner Burton will get Town Attorney Fox to review.

Vice-Chairman Dow moved to send the text amendment to Section 58-271 to Town Council with a favorable recommendation. Mr. Vivian seconded the motion, with votes recorded as follows:

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

Item No. 5. Old Business.

A. Update on Retreat Items. Vice-Chairman Dow presented to the Town Council at their last meeting the Planning Board discussions and vote to pursue the Huntersville model and seek authority to employ the necessary staff to draft a document for Weddington. The Council gave the go ahead. Town Planner Burton met with Justin Carole and discussed methods of doing this. Mr. Carole suggested the Planning Board go through it first.

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 October 13th:
 - Text amendments for Board of Adjustment Revisions – Approved
 - Tuscan Ridge Preliminary Plat – Approved with Conditions
- Staff has received a conditional zoning application for All Saints Anglican Church. The PIMs will be held mid-November and will likely be on the November Planning Board agenda.
- Staff has received the Construction documents for Threshold Church. They will be on the November Planning Board agenda.

Item No. 7. Other Business.

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

Item No. 8. Adjournment. Mr. Perryman moved to adjourn the October 27, 2014 Regular Planning Board Meeting. Mr. Vivian seconded the motion, with votes recorded as follows:

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

The meeting adjourned at 9:06 p.m.

Dorine Sharp, Chairman

Attest:

Amy S. McCollum, Town Clerk

Minutes transcribed by Tonya Goodson