

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, JANUARY 28, 2013 - 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 28, 2013, with Chairman Dorine Sharp presiding.

Present: Chairman Dorine Sharp, Vice-Chairman Rob Dow, John Giattino, Jennifer Romaine, Janice Propst and Jim Vivian and Town Planner Jordan Cook and Town Administrator Amy McCollum

Absent: Jeff Perryman

Visitors: Joe Whaley and Jeremy Schumacher

Item No. 1. Open the Meeting. Chairman Dorine Sharp called the January 28, 2013 Regular Planning Board Meeting to order at 7:04 p.m.

Item No. 2. Determination of Quorum/Additions or Deletions to the Agenda. There was a quorum.

Town Planner Jordan Cook asked to add to the agenda the following item: Discussion of the Land Use Plan Process.

Ms. Janice Propst moved to approve the agenda as amended. Mr. Jim Vivian seconded the motion, with votes recorded as follows:

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

Item No. 3. Approval of Minutes.

A. December 17, 2012 Regular Planning Board Meeting Minutes. Ms. Propst moved to approve the December 17, 2012 Regular Planning Board Meeting minutes. Ms. Jennifer Romaine seconded the motion, with votes recorded as follows:

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

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

Item No. 5. New Business.

A. Review and Consideration of the Final Plat for Bromley, Map 6. The Planning Board received the following memo from Town Planner Jordan Cook:

Toll NC 11, LC submitted an application on December 12, 2012 for approval of the Final Plat of Map 6 in the Bromley subdivision located off of Hemby Road.

Project Information:

The Bromley Subdivision is an approved 120 lot subdivision on 151.60 acres. The subdivision is located on Hemby Road. Bromley is being developed by Toll Brothers as an R-CD conventional subdivision.

Map 6 is comprised of nine lots, lots 81-89 (tax parcel 06-147-007) and was given Preliminary Plat approval on January 10, 2006. Included on Map 6 is Lot 89 that was previously recorded on Map 2.

The original deadline to submit the Final Plat was January 10, 2008. However, the Permit Extension Act of 2009 and 2010 essentially “froze time” from 2007 to 2010 giving Toll Brothers until January 10, 2014 to submit their Final Plat(s). The submitted Final Plat for Map 6 is identical to the approved Preliminary Plat showing Map 6.

Map 6 Information:

- Map 6 is nine lots and 9.567 acres.
- Map 6 is not required open space on its own. The Bromley Subdivision has provided 15.84 or 10.5% acres of open space in accordance with the *Weddington Zoning Ordinance*.
- Development standards are as follows:
 - Minimum lot size- 40,000 sq. feet
 - Minimum lot width- 120 feet
 - Minimum front yard setback- 50 feet
 - Minimum rear yard setback – 40 feet
 - Minimum side yard setback – 15 feet
 - Minimum corner side yard setback – 25 feet
- Lot 87 is the smallest lot within Map 6 at 40,170 square feet.
- Water and sewer services are provided by Union County Public Works (approvals on file).
- A copy of the approved Declared Covenants, Conditions and Restrictions (CCR’s) for Bromley are on file at Town Hall.
- US Infrastructure has previously reviewed and approved the Preliminary Plat.
- All roads are built to NCDOT standards (final 1” layer of asphalt to be added after construction). Road names and addresses have been approved by Union County E911.
- All NCDENR, NCDOT and Union County approvals and permits are on file with the Town. These approvals were required during the Preliminary Plat process.

The Bromley Map 6 Final Plat has been found to be in general compliance with the Town of Weddington Zoning and Subdivision Ordinances with the following exceptions:

- Performance and Maintenance Bonds to be approved the Town Council. USI currently reviewing the bond estimates.

The Planning Board also received the following:

- Application for Submittal of Subdivision Preliminary Plat
- Site Plan #1 – Preliminary Plan for Bromley
- Final Plat for Bromley Map 6 and a Revision of Bromley Map 2 (Lot 89) – 9.567 Acres

Vice-Chairman Dow – Do you recall meeting me?

Mr. Jeremy Schumacher – Yes, you are the adjacent land owner.

Vice-Chairman Dow – Have you received any information from Mark Houle regarding the matter we discussed?

Mr. Schumacher – No sir.

Vice-Chairman Dow – Lot 86 is a panhandle lot. The plat looks fine except you will see the lake has a dry drain field going right under that panhandle in which they built a large culvert. They put a headwall at each side of the culvert. I mentioned it to Ken Dowd and we were going to work it out and never got to it. I saw the surveyors out there doing the final shooting and I told them that the headwall was on my property. They advised me that it was not and I told them to shoot it again. They did and found that 3 feet of it is on my property. What do we do about things like that?

Town Planner Cook – I would tell anybody that called Town Hall that it is a neighbor to neighbor issue. It is a civil matter. The Town would not typically get involved.

Vice-Chairman Dow – I think I can sit here and judge this plat as a plat and have no problem with it.

Mr. Schumacher advised he and Vice-Chairman Dow could get together to work it out.

Vice-Chairman Dow – The stub road and the bridge is going to be a private road forever.

Mr. Joe Whaley - We are still working with NCDOT to see if we can get that bridge accepted by them for public maintenance. We have not abandoned that process yet.

Chairman Sharp - It still has to be built to NCDOT standards.

Vice-Chairman Dow – It was not. The preliminary plat that came in was from that bridge on was going to be private roads. They built a wooden bridge that they thought was aesthetically pretty. NCDOT would not take a wooden bridge.

Mr. Whaley - Right now we have to call it a private road because NCDOT will not accept the bridge. At some point in the future we have a stub road coming out of Mr. Dow's property, and then we would be able to change that to a public road at least up to the bridge because the roads are built to public standards.

Chairman Sharp – From the bridge north is that in a different final phase?

Mr. Whaley - The bridge has already been recorded on Map 2 and is already accepted as a public road by NCDOT. Lot 89 was included.

Vice-Chairman Dow – You have done the final plat?

Mr. Whaley - Yes, from where the bridge starts on Fernhurst up to Bromley Drive has already been recorded as a public right-of-way. Lot 89 was previously recorded on Map 2 and we are revising it to show it on Map 6 because we are adding some easements on that lot 89 and it was just cleaner.

Vice-Chairman Dow – Do we know that NCDOT will take a road like that?

Mr. Whaley - We are working with them to get them to accept the bridge. They will take a road in the future when the Dow property gets developed and connects to Fernhurst. They will take the public road then and we will re-record it as a public right-of-way so that we can dedicate it to NCDOT.

Chairman Sharp - I believe it is in the restrictive covenants that they have to maintain anything that NCDOT does not. We require that all roads be built to NCDOT standards and even if they are private roads they have to meet the NCDOT checklist.

Vice-Chairman Dow - Is it good planning to have a stub road? What you are saying would be great if NCDOT would take it over if it was ever extended.

Chairman Sharp - The bridge is existing. Can they get to this property without going across the bridge?

Mr. Whaley - Not currently. We anticipate in the future that we would have a public road in there.

Chairman Sharp - If there was a road connecting to it then NCDOT might be more likely to take this over at that time.

Vice-Chairman Dow – A future road connecting to the stub would not be a dead-end because it was going into a private road. Obviously I have a stake if you feel that it is a conflict, I will not vote. This is my property here and it goes to Matthews-Weddington Road. The reason that this was put in here and the reason that this actually touches is so that at a future date if wanted or needed for connectivity this road could go all the way through. This is private now because of the bridge. They could in fact put a gate up if they do not like what is done here.

Chairman Sharp - Can we record a note on the plat?

Vice-Chairman Dow – Or check on it with NCDOT. The last thing I want to do is have a 92 year old mother die and not be able to sell the property because I have a 1,400 foot cul-de-sac dead end.

Chairman Sharp - You are worried about future connectivity to this road.

Vice-Chairman Dow – Yes and I would think the Town would be as well.

Chairman Sharp - What Vice-Chairman Dow is saying is that unless NCDOT takes it over the neighborhood may be able to stop them from connecting.

Vice-Chairman Dow – What about if the HOA decides they would rather keep that private than having people driving through their neighborhood. The whole point of the stub is killed.

Ms. Propst moved to withdraw Vice-Chairman Dow from discussion and voting on this matter due to a conflict of interest. Mr. Giattino seconded the motion, with votes recorded as follows:

| | |
|-------|-----------------------------------|
| AYES: | Vivian, Propst, Romaine, Giattino |
| NAYS: | None |

Vice-Chairman Dow left the table during the discussion.

Ms. Romaine - There is no ordinance saying there has to be connectivity because it is a private road.

Chairman Sharp – The question becomes if NCDOT does not take over this road then could they prohibit another development from connecting to their private road and allowing pass through traffic?

Ms. Propst - We can't add any kind of note that says they would have to allow this to be a thoroughfare in the future?

Chairman Sharp - I am not sure we can make a requirement of the HOA to keep that road open.

Mr. Vivian - We need to find out from NCDOT.

Mr. Whaley - It is our expectation that it would be a public road in the future once connectivity gets there.

Chairman Sharp – Would the Planning Board have an issue with this if it remained a private road? We allow private roads as long as they are built to NCDOT standards.

Ms. Propst - For connectivity yes I do.

Chairman Sharp - We can't guarantee one way or the other what the neighborhood would or would not allow. If I am the adjacent developer and I build my road right up to the edge of their road we don't know what the people in that neighborhood would say. I don't see why they would create any kind of barrier or barricade to stop that from happening but I cannot say that would be the case.

Ms. Romaine - It would stay a private road if NCDOT would not take it over because the bridge is not built according to NCDOT specifications. Is the road built to NCDOT standards?

It was advised yes.

Ms. Romaine - But to get from Point A to B you have to cross the bridge.

Mr. Schumacher – NCDOT is reluctant to accept maintenance of a wooden bridge. From a structurally sound standpoint and the specifications as far as the load that it is able to carry those items are in accordance with their standards.

Chairman Sharp - If it doesn't get taken over by NCDOT then the HOA takes over liability and responsibility for the road.

Ms. Romaine - And they could gate it.

Chairman Sharp – I don't know if they can gate it.

Mr. Giattino - As a Planning Board, do we have the latitude to deny something based on potential?

Chairman Sharp – What is required by the ordinance? The ordinance requires that the road be built to NCDOT standards and that it be stubbed to an adjacent property for future connectivity which is what they have done.

Town Planner Cook - There are no conflicts with the ordinance.

Mr. Giattino - There is nothing in consideration of possibly encumbering another land owner's property?

Chairman Sharp – I think it would be potentially up for negotiation between the adjacent landowner whenever the property is developed assuming it does not get taken over by NCDOT. If we knew it was going to be made a private road, would we turn this down? It still meets the ordinance. We have some roads that have been stubbed intentionally to keep from being called a cul-de-sac because they don't meet the cul-de-sac length. The distance from the center of Bromley Drive to where it is stubbed is 540 feet.

Mr. Whaley - It is an ongoing discussion with NCDOT. Since we have had no development, we haven't pushed it but now we will be pushing it. We should know within six months to a year. It is our desire that everything be taken over.

Mr. Schumacher – I represent Toll Brothers but I am also the president of the HOA. I have all kinds of incentive to understand what I need to budget for either Toll Brothers or for the HOA to maintain that. I need to understand if it is going to be private or not so that we are reserving the appropriate amount to maintain that road. The sooner I know the better.

Chairman Sharp – If it were going to be private forever and never be taken over by NCDOT does it meet the ordinance?

Town Planner Cook – Yes.

Chairman Sharp – I am having a hard time determining where the line is separating what we are approving tonight versus what is previously been approved.

Mr. Whaley - L24 is the line.

Chairman Sharp - The bridge was not on a previous plat. It is on this plat.

Mr. Whaley – It is south on L24.

Mr. Whaley went up to the desk to show where the bridge was located and other items.

Town Planner Cook - We are asking if this complies with the Zoning Ordinance. There seems to be confusion. The checklist does say existing buildings or other structures water courses, railroads, bridges, culverts, storm drains both of the land to be subdivided and immediately joining should be shown on the final plat. The bridge is not shown on this final plat. I think the confusion that I am hearing and not seeing the bridge on here would be justification to wait the 31 days to review.

Mr. Vivian – And would also give us time to get clarification from NCDOT on the bridge.

Chairman Sharp – We all thought the bridge was at C18 because that seems to be where the topo indicated it. We are going to need a revised plat showing the bridge and anything you can get us from NCDOT to let us know where they are in the process. The checklist clearly says that the bridge should be on the final plat. This is a very difficult map to look at.

Ms. Romaine - The bridge is built to the standards of NCDOT. Can fire trucks travel on it? Are there fire hydrants shown on the plat?

Mr. Whaley – Yes and Lot 84 shows a fire hydrant easement.

Chairman Sharp – Do you have anything that says that the bridge was built to NCDOT standards? Has anyone inspected that?

Town Planner Cook – I can check with our Town Engineer.

Mr. Whaley – Is there anyway to have the plat go to Town Council for approval conditional upon us meeting your standards for the bridge. We have a pending sale on one of these lots that we do not want to lose.

Chairman Sharp – Does the Board feel comfortable sending it to the Town Council conditioned upon seeing the bridge on the final plat?

Mr. Whaley – I can put the bridge on the final plat before it goes to Town Council.

Town Planner Cook – You can add conditions that bring it into compliance. The Planning Board shall in writing recommend approval, conditional approval with the recommended changes to bring this plat into compliance.

Mr. Vivian - I cannot see sending it to Town Council when we do not know what we are sending to Town Council.

Chairman Sharp - If we send it to Town Council the conditions would be that they show the bridge on the final plat and that Jordan can verify that this bridge has met NCDOT standards.

Mr. Giattino moved to send the final plat for Bromley, Map 6 to the Town Council with a favorable recommendation contingent upon the plat showing the correct location of the bridge prior to the review and vote by Town Council, the Town having verification that the roads and bridge are built to NCDOT standards and the performance and maintenance bonds to be approved the Town Council. Ms. Propst seconded the motion, with votes recorded as follows:

| | |
|-------|---------------------|
| AYES: | Giattino and Propst |
| NAYS: | Romaine and Vivian |

Chairman Sharp broke the tie; voting in the affirmative.

Mr. Shumacher - What if it turns out upon further exploration that the bridge is part of the previously recorded Map 2?

Chairman Sharp - If you find any irregularities then I suggest you bring it to us and not to the Town Council.

Mr. Whaley – It is my understanding that the bridge is south of L24. I think that I may have my flood lines shown incorrectly.

Chairman Sharp - If your flood lines are going to change, we can't send it to Council.

Chairman Dow returned to participate in the meeting at 7:53 p.m.

B. Review and Consideration of a Proposed Text Amendment to Section 58-60 – M-X Review Process. Town Planner Cook reviewed the proposed text amendment with the Planning Board:

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.

Mr. Giattino moved to send the proposed text amendment to the Town Council with a favorable recommendation. Ms. Propst seconded the motion, with votes recorded as follows:

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

C. Discussion of the Land Use Plan Process. Town Planner Cook stated, “We had the first meeting on January 24. Chairman Sharp and I are reviewing the factual information in the first three chapters of the Land Use Plan. We are going to begin working on the last two chapters. We also sent the Land Use Plan to the Town Attorney to make sure if there are any legal requirements that we do not take those out. I also prepared a map of the current uses in Town. The map also includes FEMA floodplains, lakes, bodies of water, current water and sewer lines and I am working with the county on future water and sewer lines and transmission lines. The Town Council wants to take this map and draw their vision. Right now we only have three land use designations. I think the feeling is that is not an accurate description of what is on the ground. I think they are going to take this map and draw their vision individually and get together this Thursday and discuss. This Thursday they are also going to discuss the Planning Board’s role in updating the Land Use Plan. There are several workshops scheduled.”

Chairman Sharp advised that the Council would like for someone from the Planning Board to attend these meetings to know what is going on. She advised that she would be at the January 31 meeting. Mr. Giattino volunteered to attend the February 11 Meeting and Mr. Vivian and Ms. Propst offered to attend the February 13 meeting.

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

- The Land Use Plan Survey was closed on Monday, November 19th. We received about 680 responses out of approximately 3,400 surveys for a 20% response rate. CCOG presented the results to the Town Council at their last meeting. Survey results can be found at www.townofweddington.com. The Town Council will now have bi-weekly workshop meetings beginning on Thursday, January 24th to discuss the Land Use Plan. At the January 24th meeting, each member of the Town Council will create a “future land use map” showing their vision of the Town for the next 5-10 years. Their maps will be discussed and from those maps the actual Land Use Plan may be changed. Factual and legally required portions of the Land Use Plan will also be reviewed during the first meeting or two. There will be a total of six meetings held every other Thursday from 4-6pm. At these meetings the Council will review the Land Use Plan chapter by chapter. The new Land Use Plan will be completed by March 31, 2013.
- Polivka International has submitted a portion of their construction documents. The Planning Board will act as the Design Review Board for the elevations and construction document review.
- The Town of Weddington issued the following permits in 2012:

New Homes-89
Upfits (Interior Modifications to Home) and Additions-71
Accessory Structures (Pools, Detached Garages, Buildings, etc.)-37
Certificates of Compliance (Homes Completed)-50

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.

- Town Attorney Anthony Fox has provided feedback on the proposed Agritourism and Agricultural Use Definition text amendments. This will be an item for the Retreat.
- I had a conference call with Charlotte Planning Director Jonathan Wells to discuss the extension of the Weddington-Charlotte Annexation Agreement. This agreement is set to expire in 2014 and includes Marvin and Stallings. This can be discussed further at the Retreat.
- There will be a discussion about Temporary Use Permits at the Retreat.
- The Town Council will hold a Public Hearing on the following text amendments at their February 11th meeting:
 - Entry Monument Signs Text Amendments (Sections 58-9 and 58-152)
 - Text Amendment to Appendix I-List of Acceptable Plant Species
- The following items may be on the February 25th Planning Board agenda for discussion:
 - Transportation Impact Analysis (TIA) Text Amendment-requirement for residential subdivisions to submit TIA
 - Beulah Church Road Major Subdivision

Item No. 7. Other Business.

A. Report from the January Town Council Meeting. The Planning Board received a copy of the January Town Council Meeting agenda as information. Chairman Sharp advised that she and Vice-Chairman Dow had been requested to attend the Town Council Retreat on February 22 and advised that one additional person from the Planning Board could attend. Mr. Vivian advised that he would like to attend if no one else from the Planning Board would like to. It was determined that Chairman Sharp, Vice-Chairman Dow and Mr. Vivian would represent the Planning Board at the Council retreat.

Item No. 8. Adjournment. Vice-Chairman Dow moved to adjourn the January 28, 2013 Regular Planning Board Meeting. Ms. Propst seconded the motion, with votes recorded as follows:

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

The meeting adjourned at 8:19 p.m.

Chairman Dorine Sharp

Attest:

Amy S. McCollum, Town Clerk