

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, MAY 21, 2012 - 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 May 21, 2012, with Chairman Dorine Sharp presiding.

Present: Chairman Dorine Sharp, Vice-Chairman Rob Dow, Jack Steele, Janice Propst, John Giattino, Jeff Perryman and Jim Vivian and Town Planner Jordan Cook and Town Administrator/Clerk Amy S. McCollum

Absent: None

Visitors: Pamela Hadley, Barbara Harrison, Stephen F. Overcash, Paisley Gordon and Bob Rapp

Item No. 1. Open the Meeting. Chairman Dorine Sharp called the May 21, 2012 Regular Planning Board Meeting to order at 7:01 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. April 23, 2012 Regular Planning Board Meeting Minutes. Mr. Jack Steele noted a change to the minutes and he moved to approve the April 23, 2012 Regular Planning Board Meeting minutes with the amendment. Mr. Jeff Perryman seconded the motion, with votes recorded as follows:

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

Item No. 4. New Business.

A. Review and Consideration of Polivka Land Use Map Amendment. Chairman Sharp gave the Planning Board a document outlining sections from the Weddington Land Use Plan. She stated, "I went through the plan and picked out pertinent pieces. We are talking about a change to the future Land Use Map in the Land Use Plan. We are not talking about rezoning tonight. It states in the Land Use Plan that it is our guide through the end of 2012. It is still current. The Town Council is in the process of beginning to work on updating the Land Use Plan."

Chairman Sharp reviewed the following information with the Planning Board:

From the Weddington Land Use Plan:

Page 17, policy 9

Limit such development to small scale retail and service businesses, primarily serving Town residents, particularly specialty shops and restaurants and prohibit regional scale retail and service commercial establishments.

Policy 11

Ensure that land uses abutting residential development are compatible with the scale, intensity and overall character of existing and planned neighborhoods.

Land Use Categories, page 18

Existing commercially zoned parcels that lie in the vicinity of the “Town Center” or near the intersection of New Town Road and NC 16. This area is intended for neighborhood scale businesses that serve the needs of Weddington’s residents.

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Goal 2: To retain a single commercial center within the Town that occupies the same area as the existing commercial core. While businesses in the center will maintain the small-town scale needed to serve local residents, the design of the center should become more pedestrian-oriented.

Page 23

Policy 8: As this Plan is not an ordinance and is not in itself binding on the Town Council, before rendering zoning change recommendations or decisions, the Planning Board and the Town Council shall carefully consider the proposed change and its consistency with the goals and policies of this Plan.

Page 46

Commercial Development. As indicated previously, the Town has very limited commercial activity. The only commercial area in Weddington is located at the intersection of NC 16 and NC 84. Commercial development in Weddington is confined to that area located at the northeast quadrant of the intersection NC 16 and NC 84 (i.e., “Town Center.”) The existing commercial development is zoned for business, retail, and office uses. Uses are limited in nature and size; setback requirements are significant. Tenants in the shopping center include a grocery store, YMCA fitness center, two take-out restaurants, a mail delivery center, a gift shop, and an animal hospital. Adjacent to the shopping center is a small professional office complex and a convenience store. Weddington’s Town Hall lies adjacent to this shopping/office complex. All land that is currently zoned for commercial purposes in Weddington is found in the vicinity of the Town Center.

Page 46, last paragraph

Future commercial development in the Town should therefore be limited due to existing traffic volumes on major thoroughfares and overall community sentiment as reflected in the 2001 public opinion survey.

The Planning Board received a copy of the following memo from Town Planner Jordan Cook:

Mr. A. Basil Polivka requests a Land Use Map Amendment on his property located at 13700 Providence Road.

Application Information:

Date of Application: April 25, 2012

Applicant Name: Polivka International

Owner Name: Polivka Parking Solutions LLC

Parcel ID#: 06-150-045

Property Location: 13700 Providence Road

Existing Zoning: R-40
Proposed Zoning: R-40 (No proposed zoning change at this time)
Existing Land Use: Traditional Residential
Proposed Land Use: Business
Existing Use: Single Family Home (vacant)
Parcel Size: 5.064 Acres

General Information:

- Parcel 06-150-045 currently has a Land Use designation of Traditional Residential. The applicant proposes that this designation be changed to Neighborhood Business or Business as shown on the Land Use Map.
- The Land Use Plan is a document used to promote the Town’s vision and shall be used as a guide for future development.
- The Land Use Plan may be amended at any time by the Town Council; however, the Land Use Plan does state on Page 25 (attached) that “land use amendments may occur more frequently than policy changes but should not occur more than twice per year.” The last Land Use Map amendment was approved by the Town Council on October 10, 2011.
- The October 10, 2011 Land Use Map amendment changed the Spittle and Matthews properties, located along Weddington-Matthews Road property from Traditional Residential and Residential Conservation to Business. On June 14, 2010 a portion of Mike Treske’s property was changed to Business.
- A Land Use Plan or Map Amendment is not required a public hearing. However, the Town Council has typically held a public hearing for Land Use Amendments. The Town Council will call for a public hearing on this Land Use Map Amendment during their June 11 Town Council Meeting.
- Included in your packet are the following items:
 - Land Use Map Amendment request from A. Basil Polivka dated April 25, 2012
 - Land Use Map created by Overcash Demmit for Polivka International
 - Official Town of Weddington Land Use Map
 - Pages 6-8 of the Weddington Land Use Plan
 - Page 18 of the Weddington Land Use Plan
 - Page 25 of the Weddington Land Use Plan

The Planning Board also received the following:

- Letter dated April 25, 2012 from A. Basil Polivka to the Planning Board regarding the Land Use Map Amendment Request
- Land Use Map provided by Applicant
- Land Use Map provided by Town Planner
- Pages 6 to 8, 18 and 25 of the Weddington Land Use Plan

Mr. Stephen Overcash - We have been working with Polivka for several years trying to get something on this property. They are going to have the expense of bringing gravity sewer to the property. He lives in Weddington and loves the area. He has outgrown his office and would love to be in Town with his office. He owns the five acres across the street. We generated the Land Use Map in your packet because planning people have advised that you should not jump across the highway with commercial. If you look at your map, everything over there is shown as green and yellow and it looks like it is fields and single family residential. In fact it is very intense uses in terms of car generation at certain times. We came up with a designation for orange to show you that you are doing the right thing and you are getting all of your uses right there at the intersection on both sides. When you have commercial uses – single family residential does not like looking out the front door at commercial uses. Typically in towns you have commercial

looking at commercial and residential looking at residential. We want to put a very small office on that lot. There would be a little left over to lease. The area in front would be left open for a small park.

Vice-Chairman Dow – I appreciate what you are saying but that really is not relevant to a Land Use Map change.

Mr. Overcash – We would like to have a use that is less intense than the existing uses already there.

Town Planner Cook – The Planning Board a couple of meetings ago made it clear to me that they want to see the Land Use Plan first without discussing the rezoning/M-X portion of it.

Chairman Sharp – Once it is designated business it is not tied to a specific project until it is actually rezoned to M-X. What we need to decide tonight is do we believe that it is good for Weddington to designate that parcel as future business on the Land Use Map. Whatever we recommend will go to the Town Council and they will make the final decision.

Mr. Perryman – The rezoning that was done in October 2011 for the Spittle and Matthews properties and in June 2010 for Mr. Treske - is this request from Polivka consistent with those previous requests?

Town Planner Cook – Yes and they were just Land Use Map Amendments.

Vice-Chairman Dow – The request was consistent but the conditions are different. The conditions being that the Land Use Plan that we are operating under at this point, which hopefully will be updated soon, talks about prohibiting additional commercial development outside the Town center and to ensure that new commercial development is designed with pedestrian oriented features that provide safe, attractive and convenient linkages to the neighborhoods wherever practical. It is across what is now a four-lane highway. We are not talking about what these gentlemen want to build there. We are simply talking about the commercial use. Think about perhaps a different commercial use than they may intend. Those are the conditions that are different. The other three properties that were included in the Land Use Map were connected to and could be pedestrian friendly to our existing Town Center.

Mr. Jim Vivian – R-40 zoning on that tract is functionally obsolete. Five acres fronting on a four-lane thoroughfare across from a gas station, a pavement paradise parking lot and a retail center, next to a church with a daycare and south of Hunter Berry Farm, I do not get why we think that is going to be used for R-40.

Vice-Chairman Dow – While I may or may not agree with you, I feel bound by the goals in the current Land Use Plan. Whether that is inappropriate at this time is a good question.

Mr. John Giattino – The church and preschool is over there.

Mr. Steele – The church can go in any residential district.

Mr. Giattino – Folks use the crosswalks every Sunday to go to that church.

Vice-Chairman Dow – The fact is that churches and small daycares and schools are allowed in R-40. It falls under a whole different guideline system than we are dealing with.

Mr. Steele – I share a lot of Rob's concerns separate and apart from whether that piece of property is feasible from a residential standpoint. The Land Use Plan is through the end of this year. Town Council is in the process of doing a survey and considering what could be substantial amendments to the Land Use

Plan. To me it is nonsensical for this Planning Board to be rewriting a Land Use Plan that Town Council is going to be considering and adopting a new plan within a matter of months.

Ms. Propst – We added two properties in October.

Vice-Chairman Dow – That fit within the Land Use Plan.

Ms. Propst – Based on the way that you are interpreting it. To me all of this is the center core. Hunter Berry Farm has bus load after bus load of kids and they make \$6.50 a person for kids and \$7.50 for an adult to attend and they have events fall, spring and winter. That is a business. Then you have an academy and for a junior kindergartener to attend it costs \$4,400, a kindergartener \$5,000 and first through 6th grade is \$5,400. That is a business and this piece of property is sitting right in the middle of all of that.

Mr. Giattino – The design of the center should be more pedestrian oriented. The point that I am arguing is if it was not, people would not be walking across the street to go to the church and the preschool. That side of the road already is pedestrian oriented. They take the kids from that preschool and they walk them across this property to the farm every year.

Chairman Sharp read the following:

Page 21

Goal 2: To retain a single commercial center within the Town that occupies the same area as the existing commercial core. While businesses in the center will maintain the small-town scale needed to serve local residents, the design of the center should become more pedestrian-oriented.

Page 23

Policy 8: As this Plan is not an ordinance and is not in itself binding on the Town Council, before rendering zoning change recommendations or decisions, the Planning Board and the Town Council shall carefully consider the proposed change and its consistency with the goals and policies of this Plan.

Chairman Sharp - I think it is up to the Board to decide what is the area of the existing commercial core at this point in time. Do you consider that parcel occupies the same area as the existing commercial core and is this change consistent with the goals and policies of the Land Use Plan?

Vice-Chairman Dow – Janice, I agree with what you are saying about the church and schools and the traffic and also with the farm and the children. The problem I have is that those by zoning law are not commercial enterprises. This property is asking to be rezoned for commercial enterprise. That church cannot do anything other than what it does and neither can that agri-tourism business. This rezoning would be open to every type of commercial enterprise that is allowed within our M-X.

Ms. Propst - We get to decide what it is.

Vice-Chairman Dow – That is not what we are supposed to talk about now. It is not connected to the current shopping center so it does not add pedestrian flexibility to the current Town Center. Somewhere in here it talks about the current shopping center being the northeast corner of Providence and Highway 84.

Mr. Steele – I am not sure that the Planning Board has the authority to change the goals of the Land Use Plan set by the Town Council. Goal 2 says to retain a single commercial center. If you change the Land Use Plan to allow the commercial center to go on the west side of Providence Road, that is two commercial centers and not one. It also says occupy the same area as the existing commercial center. You basically have to ignore that language in order to jump across Providence Road and call that a single commercial

center. It also talks about commercial development is confined to the area located at the northeast quadrant of 16 and 84. I think everybody recognizes that single family residential is not appropriate any longer for that piece of property. The issue is whether it is appropriate for this Planning Board under the present circumstances to recommend amendments to the Land Use Plan. I do not think it is.

Mr. Giattino – The language in that plan is very non-specific. It is open to a lot of interpretation. The northeast quadrant could easily be extended across Providence Road.

Mr. Perryman – What bounds it on the back side?

Town Planner Cook – I believe it is completely surrounded by the farm.

Mr. Perryman – I am looking at this from a common sense approach. When I am driving down the road and I see the signs for the farm and the gymnastics place and I see the gas stations, church and daycare and that one piece of property sitting there I do not have a problem with considering that part of a Town core. I understand there is a difference of opinion that this specifically says northeast quadrant but again I think when you do have a business that does operate on the other side even though it is allowed through a different definition I hate to see a property owner being limited in their request because all we are doing is making a recommendation to the Town Council. The Town Council will make the final decision.

Vice-Chairman Dow – That does not eliminate us from trying to make the best decision.

Mr. Perryman – If I am going to lean one way or the way I would prefer to lean to the benefit of a property owner to make a petition to the Town Council and then let the Town Council as our elected folks make that final call. That is why I asked the question whether this request was consistent with the other ones that were made.

Vice-Chairman Dow – It is not. The other two were behind the shopping center adjoining the current commercial in the northeast quadrant. There is no question that they want to build commercial at some point. It was applied for and in my mind I voted for approval because it met all of the land use regulations. It was adjoining and it was in the correct area that was outlined and it could be pedestrian friendly.

Mr. Perryman – We have pedestrian traffic that goes back and forth across the road.

Vice-Chairman Dow – That is true. It takes a policeman standing out there to direct traffic at 9:00 in the morning until noon on Sunday to make that happen. That is not in my mind pedestrian friendly.

Mr. Perryman – If we are talking about limiting commercial activity to the Town core then what is happening at the corner of Hemby Road and Highway 16.

Chairman Sharp – We are working on that but it comes under the classification of agricultural uses. It is part of the farm.

Mr. Perryman – I respect your opinion and I understand what you are saying about the northeast quadrant. If we are on the fence about something I would personally rather favor the landowner and give them the opportunity to make a case before the Town Council.

Chairman Sharp – Regardless of which way we recommend, they still get to take this project to the Town Council. Our recommendation is only a piece of the entire presentation. The Planning Board has a lot of ideas of what should be changed and updated in the Land Use Plan but right now we cannot operate under what we think the plan should be. That is why we are asking the Town Council to get started on a revision.

What we have to do is carefully consider the proposed change and its consistency with the goals and policies of the plan. I agree that the plan needs to be updated. The goals and policies need to be updated.

Mr. Giattino – Your interpretation of what is written is different than my interpretation.

Mr. Vivian – If you look on Page 46 of the Land Use Plan it states, “Future commercial development in the Town should therefore be limited due to existing traffic volumes on major thoroughfares and overall community sentiment as reflected in the 2001 public opinion survey.”

Chairman Sharp - It says that it should be limited due to existing traffic.

Mr. Vivian – We have increased the capacity and the flow of that road out there which makes me think that is where we are going in the future.

Mr. Steele – I think we have unanimity that the Land Use Plan is obsolete. Our disagreement is whether or not we are bound by the existing Land Use Plan or are we willing to budge, ignore or interpret the Land Use Plan in such a manner as to enable it to be amended now as opposed to waiting for Council to do it.

Ms. Propst – It is only a recommendation. Mr. Spittle came and asked for the recommendation to change his property to future business and at that time this Planning Board chose to add the Matthews Property at the same time. She never even made a petition for her property.

Vice-Chairman Dow – I made the recommendation to add the Matthews property because in my mind it made sense not to leave a doughnut hole in what was outlined as our Town center. With all three of the parcels that were changed to business they fit within the parameters. Hopefully this new Council relies on this Board tremendously to come up with our best answer. In no way should we think that they have the final say so just go ahead and send it to them and see what they come up with. That is the wrong attitude. I have a great problem with that regardless of whether I think in the future that should be commercial and regardless of whether I think what is going around it would be okay with it being commercial. The fact is the Town and the community and the residents have said here is what we want - you try to make that happen. That is my job. I am going to do what I am told and when we need to change that then we need to do that.

Vice-Chairman Dow moved to send an unfavorable recommendation to the Town Council regarding the Polivka Land Use Plan Amendment. Mr. Steele seconded the motion. The vote is as follows:

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

The motion failed.

Mr. Perryman moved to send a favorable recommendation to the Town Council regarding the Polivka Land Use Plan Amendment. Ms. Propst seconded the motion. The vote is as follows:

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

The Planning Board requested that these minutes be submitted to the Town Council prior to the public hearing on this matter.

Item No. 5. Old Business.

A. Review and Consideration of Subdivision Sales Signs Text Amendment. The Planning Board received a copy of the following proposed text amendment. Town Planner Cook reviewed the text amendment with the Planning Board.

Subdivision Sales Signs-All New Text Below:

Section 58-4. – Definitions

Sign, subdivision sales, means a sign located at the entrance of a subdivision, identifying lots and/or homes for sale. Subdivision sales signs may be permitted only after the Final Plat is approved by the Town Council.

Sec. 58-151. - Temporary signs.

(c) *Subdivision sales signs.* One subdivision sales sign per entrance shall be permitted and shall require a sign permit, valid for one year and renewable annually as long as 10% (rounded up) or 10 lots, whichever is less (excluding septic and unbuildable lots) continue to be marketed for sale. Subdivision sales signs may be no greater than 20 square feet (including text and support structure) in area and six feet in height, measured from grade, and must be located behind the right-of-way line and out of the sight triangle at the subdivision entrance. No lighting of subdivision sales signs shall be permitted.

Mr. Steele requested that the following change be made to the amendment:

(c) *Subdivision sales signs.* One subdivision sales sign per entrance shall be permitted and shall require a sign permit, valid for one year and renewable annually as long as 10% (rounded up) or 10 lots, ~~whichever is less~~ (excluding septic and unbuildable lots), **whichever is less** continue to be marketed for sale. Subdivision sales signs may be no greater than 20 square feet (including text and support structure) in area and six feet in height, measured from grade, and must be located behind the right-of-way line and out of the sight triangle at the subdivision entrance. No lighting of subdivision sales signs shall be permitted.

Ms. Propst moved to send a favorable recommendation to the Town Council regarding the subdivision sales signs text amendment with the one change noted by Mr. Steele. Mr. Perryman seconded the motion, with votes recorded as follows:

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

Item No. 6. New Business.

A. Review and Discussion of Town Event Signs. Chairman Sharp reviewed this item with the Planning Board. She stated, “Currently the Town has an Easter Egg Hunt and they put a sign regarding the event on the Town Hall property. If the Town was doing a festival and had to get a temporary use permit then they would be allowed two off-premise signs. The Town is possibly going to be holding their festival with Marvin this year in the Town of Marvin. The way our ordinance is written they cannot put up any signs advertising the Weddington Town Festival in Marvin because it would be an off-premise sign because the event is taking place outside of the Town.”

Items Discussed:

- Develop text allowing these signs when the Town sponsors or co-sponsors an event.

- Vice-Chairman Dow suggested developing some type of temporary use sign process. Town Planner Cook questioned how the Town would deny a permit based on an event. He stated, “How do you say yes to one and no to another?”

The Planning Board agreed to allow staff to research with Attorney Fox on whether language could be drafted to allow two off-premise signs advertising an event outside of the Town which the Town is sponsoring or co-sponsoring. Individuals felt that this should only be allowed no more than two times per year.

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

- Construction of the NC 84 Weddington-Matthews Road Dual Lane Roundabout should begin in the next few months. NCDOT wants to begin work as soon as schools are out but may be delayed due to right-of-way concerns. After the Town Council voted not to donate the \$58,000 worth of right-of-way for the project, NCDOT asked that the Council express their desire for the roundabout project before proceeding. At their last meeting the Town Council voted 3-1 in support of the roundabout project. NCDOT has stated that they will discuss how to proceed and get back with the Town in the next couple weeks.
- NCDOT plans to start construction of the Weddington Church Road relocation this month. The project has been awarded to Boggs Paving. NCDOT held several meetings with adjacent landowners last month and has agreed to provide a vegetative buffer to those residents located in the Weddington Estates subdivision. NCDOT is continuing to talk with Daniel Healy (owner of the large house on Bluebird Lane) about the proposed road relocation and possible impacts to his pond.
- The Town has selected Clay Burch with GreenTek to install additional landscaping to the medians along Providence Road, Hemby Road and Rea Road. Councilman Thomisser, Councilwoman Harrison and I met with Clay last week to discuss the plan and potential contract. The contract should be finalized this week and work should begin on May 29th.
- The Agritourism and Agricultural Use Definition text amendments were on the February 27th Planning Board agenda (both received a favorable recommendation). These text amendments may be amended once more. Mayor Davidson, Dorine Sharp, Rob Dow and I plan to meet tomorrow to discuss these text amendments further. If amended, the Town Attorney and Planning Board will have another opportunity to review them before they are on a Town Council agenda.
- Polivka International Company submitted their MX Conditional Zoning Application along with a Land Use Map Amendment request. The Land Use Map Amendment must occur before the rezoning can take place per *Section 58-60* of the *Weddington Zoning Ordinance*. The Land Use Amendment will be on the May 21st Planning Board agenda. The Land Use Map Amendment will be on the June 11th Town Council Consent Agenda.
- I sent the Town Council the 2002, 2006 and 2007 Town surveys on April 12th. This was discussed at the Planning Retreat during the Land Use Plan update conversation. I asked that the Council have comments back to me by the end of this week.
- The Town Council approved the following text amendments at their May 14th meeting:
 - Shopping Center Signs
 - Temporary Use Banners
- The Town Council called for the Public Hearing on the following text amendment:
 - Section 58-233 Variance Text Amendment
- The following items may be on the June 25th Planning Board agenda for discussion:
 - Stillwell Site RCD Subdivision Application
 - Town Events Signs Text Amendment
 - Agritourism and Agricultural Use Definition Text Amendments

Item No. 8. Other Business.

A. Report from the May Town Council Meetings. The Planning Board received a copy of the May Town Council Meeting agendas as information.

Item No. 9. Adjournment. Mr. Steele moved to adjourn the May 21, 2012 Regular Planning Board Meeting. Mr. Giattino seconded the motion, with votes recorded as follows:

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

The meeting adjourned at 8:25 p.m.

Dorine Sharp, Chairman

Attest:

Amy S. McCollum, Town Clerk