

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, JUNE 25, 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 June 25, 2012, with Chairman Dorine Sharp presiding.

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

Absent: None

Visitors: Susan Matthews and Tom Slusher

Item No. 1. Open the Meeting. Chairman Dorine Sharp called the June 25, 2012 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. There were no additions or deletions to the agenda.

Item No. 3. Approval of Minutes.

A. May 21, 2012 Regular Planning Board Meeting Minutes. Ms. Janice Propst noted one correction to the minutes. Mr. Jeff Perryman moved to approve the May 21, 2012 Regular Planning Board Meeting minutes with the correction. Mr. John Giattino seconded the motion, with votes recorded as follows:

AYES: Vivian, Perryman, Giattino, Propst 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 Union Power's Proposed Text Amendment to Section 58-4 – Definitions. The Planning Board received a copy of a letter dated June 7, 2012 from Attorney Susan W. Matthews with Patrick, Harper & Dixon, LLP and the proposed text amendment for their review and

consideration:

**Union Power Cooperative's Proposed Text Amendment
to
Weddington's Code of Ordinances, Section 58-4 "Definitions"**

Essential services means publicly or privately owned facilities or systems for the distribution of gas, electricity, steam or water, the collection and disposal of sewage or refuse, the transmission of communications, or similar functions necessary for the provision of public services. The term "essential services" is divided into the following classes:

(1) *Class I.* Transmission lines, whether subterranean or overhead, including electrical, natural gas and water distribution lines, sewer gravity lines and pressure mains, underground septic tanks and drainfields, cable television and telephone transmission lines or similar utility lines. **Electrical lines and electrical transmission towers, except for non-monopole structures such as steel lattice towers, are exempt from all setbacks that would otherwise be required by this Ordinance.**

(2) *Class II.* Booster stations, pumping stations, switching facilities, substations, lift stations or other similarly required facilities in connection with telephone, nonwire communications, electricity, steam, water, water storage, sewer or other similar utilities. This classification is not intended to govern apparatus and functions set out in essential services class IV, more particularly defined below.

(3) *Class III.* Generation, production, or treatment facilities such as power plants, sewage treatment plants or similar utilities.

(4) *Class IV.* Subterranean neighborhood or cabinet-style switching facilities designed to handle telephone transmissions within the immediate vicinity of the town.

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

- I have met with and discussed this project in its entirety with Union Power representatives on two occasions. The first meeting was an introduction to the project where it became clear that our current setback requirements would not allow for reasonable expansion of transmission towers and/or lines. The second meeting took place at the Union Power sub-station on Beulah Church Road. At that meeting it became evident that their only options for new transmission towers and/or lines were a variance or a text amendment to our current Ordinance. I do not believe that a variance for a project of this magnitude is a viable option (variance for every property impacted and getting beyond the findings-of-fact) and think that a text amendment is the best route.
- After reviewing this text amendment and seeing the transmission lines and towers in the field, I fully support Union Powers proposed text amendment to Section 58-4.
- I have also reviewed the minutes from the May 24, 2010 Wesley Chapel Planning Board meeting where they approved this same text.

Attorney Susan Matthews spoke to the Planning Board regarding this proposed text amendment. She stated, "This is a very straight forward text change. It is one sentence to the definitions. It essentially exempts monopole towers and lines on those towers from the setback requirements. Right now your ordinance actually has zero foot setbacks in some of the zoning districts in either the front or the side yard.

It is not a complete deviation from your ordinance. It would allow Union Power and any other power company coming in installing a new line or expanding an old one not to have to look at each individual property and go through the variance request. It would allow them to simply ignore the setback requirements and go along the property lines. If Union Power or any electrical company were to come in now and build a new line or expand an existing line, it would be subject to the setback requirements meaning that the lines and the towers would have to be built well within said property which means your lines and your towers are going to be coming up to and adjacent to buildings and homes which is not in conformity with what the Town currently has in its existing electrical infrastructure. This would allow for a similar type of line and tower uniformity but it would also be considerably less destructive to the property owner and from an aesthetics standpoint. You probably want them along the roadway and not well within the property. For those reasons, we think the text amendment is the smallest change that we can make and still allow the power lines to be built in conformity with the existing lines in Weddington.”

Ms. Propst – I am concerned with how aesthetically the whole Town of Weddington looks. Coming here to the meeting tonight I did not see a lot of power poles coming up Highway 84. They are set back and not obtrusive. We have an easement on our property but it is at least hidden throughout our property.

Mr. Tom Slusher – There is something to be said about them being hidden particularly if they are in the woods. Where the problem comes in with lines like that is if the line were out on the road or we were going to rebuild the line and the property owner wanted to know if we could reposition the pole and get it on the property line, the answer would be “no” because it would have to stay in the front yard because we cannot put it anywhere else.

Ms. Propst - You are not necessarily saying you are going to put it in the front yard of everybody on Highway 84 or on 16. You are going to run property lines.

Mr. Slusher – We would like to have the option to do what the property owner would like for us to do.

Mr. Perryman – Is there anything else that would fall under this category that would be best along the property line and should be added to this since we are going to ask for a text amendment?

It was advised that the text amendment was requested by Union Power and Attorney Matthews was concerned if anything else was added that it may interfere with the approval process.

Chairman Sharp recommended acting on the proposed amendment and then to suggest Town Planner Cook research what other items should be added and possibly to initiate a second text amendment.

Mr. Perryman moved to send a favorable recommendation to the Town Council regarding the proposed text amendment to Section 58-4 Definitions. Mr. Giattino seconded the motion, with votes recorded as follows:

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

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

- Construction of the NC 84 Weddington-Matthews Road Dual Lane Roundabout should begin in the next month. The Town Council agreed to donate all needed right-of-way to NCDOT while NCDOT will relieve the Town of the \$13,425 for the Providence Road sidewalks. NCDOT is currently working on getting the Town a construction schedule.

- 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 in the medians along Providence Road, Hemby Road and Rea Road. The contract has been finalized and NCDOT has approved the encroachment agreement. Therefore, work will begin Monday, June 25th.
- The Agritourism and Agricultural Use Definition text amendments were on the February 27th Planning Board agenda (both received a favorable recommendation). These text amendments have been amended once more. Town Attorney Anthony Fox is currently reviewing them and they should be on the July Planning Board 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 was on the May 21st Planning Board agenda. The Land Use Map Amendment will be on the July 9th Town Council agenda for Public Hearing and Consideration. If the Land Use Plan Amendment is approved by Town Council, the applicant will proceed with the MX rezoning.
- 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. The Land Use Plan survey discussion will be on the July 9th Town Council agenda.
- Stillwell NC, LLC has submitted a sketch plan for a 90 lot RCD Conservation subdivision named Vintage Creek. This is the previous site of Annecy with the addition of 41.45 acres. The Public Involvement Meetings for this plan will occur on Monday, July 9th from 2-4 pm on-site and on Wednesday, July 11th from 6-8 pm at Town Hall. The Sketch Plan will be on the July 23rd Planning Board agenda.
- The Town Council approved the following text amendments at their June 11th meeting:
 - Section 58-233 Variance Text Amendment
- The Town Council called for the Public Hearing on the following items:
 - Subdivision Sales Sign Text Amendment
 - Polivka Land Use Plan Amendment
- The following items may be on the July 23rd Planning Board agenda for discussion:
 - Vintage Creek RCD Sketch Plan
 - Polivka MX Rezoning
 - Agritourism and Agricultural Use Definition Text Amendments

Chairman Sharp discussed with the Planning Board the conservation subdivision process and the M-X zoning process.

Item No. 7. Other Business.

A. Report from the June Town Council Meetings. The Town Council received a copy of the June 11, 2012 Town Council agenda as information.

Item No. 8. Adjournment. Mr. Perryman moved to adjourn the June 25, 2012 Regular Planning Board Meeting. Mr. John Giattino seconded the motion, with votes recorded as follows:

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

The meeting adjourned at 8:08 p.m.

Attest:

Dorine Sharp, Chairman

Amy S. McCollum, Town Clerk