

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, SEPTEMBER 24, 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 September 24, 2012, with Chairman Dorine Sharp presiding.

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

Absent: None

Visitors: Barbara Harrison, John Temple, Stephen F. Overcash, Pamela Hadley, Pat Harrison and Robert Wadsworth

Item No. 1. Open the Meeting. Chairman Dorine Sharp called the September 24, 2012 Regular Planning Board Meeting to order at 7:02 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. August 9, 2012 Special Town Council and Planning Board Meeting Minutes. Mr. Jeff Perryman moved to approve the August 9, 2012 Special Town Council and Planning Board Meeting minutes. Vice-Chairman Rob Dow seconded the motion, with votes recorded as follows:

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

B. August 27, 2012 Regular Planning Board Meeting Minutes. Vice-Chairman Dow moved to approve the August 27, 2012 Regular Planning Board Meeting minutes. Mr. Jim Vivian seconded the motion, with votes recorded as follows:

AYES: Vivian, Perryman, Propst, Giattino, Romaine 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 Polivka M-X Rezoning. The Planning Board received the following memo from Town Planner Jordan Cook:

Polivka International Company, Inc. requests a MX (Mixed Use) Conditional Zoning Rezoning for a 15,000 square foot office building located at 13700 Providence Road, Weddington, NC.

Application Information

Date of Application: April 24, 2012

Applicant Name: Polivka International Company, Inc.

Owner Name: Polivka Parking Solutions LLC
Parcel ID#: 06-150-045
Property Location: 13700 Providence Road (Hwy. 16)
Existing Land Use: Business
Existing Zoning: R-40
Proposed Zoning: MX
Existing Use: Vacant House
Proposed Use: 15,000 square foot office building
Parcel Size: 5.06 Acres

General Information-MX Rezoning

- The applicant proposes a 15,000 square foot, two-story brick office building on Providence Road.
- The office building will be accessed by two driveways along Providence Road. The required Public Involvement Meetings for this project were held on July 25th and August 16th, 2012. The meeting on July 25th was held on site at 13700 Providence Road. The meeting on August 16th was held at Weddington Town Hall.

Minimum Standards for Office Uses in the MX Zoning District:

Minimum Front Yard Setback-25 feet from any public road right-of-way
Minimum Side Yard Setbacks-28 foot buffer is required, not a setback
Minimum Rear Yard Setback-28 foot buffer is required, not a setback

Access and Parking:

- The site will be accessed by two entrances from Providence Road. Both entrances will have 18 foot travel lanes with a ten foot landscaped median. NCDOT has provided feedback on the proposed plan and has stated that the proposal will have no significant impact on surrounding roads and/or intersections.
- The middle entrance will serve as the main entrance to the site. There may be a left hand turn lane going north off of Providence Road if approved by NCDOT.
- The applicant is required 50 parking spaces for the 15,000 square feet of office (1 space per employee during the shift with greater employment plus 1 space for each 300 square feet of gross floor area.). The applicant has provided 70 parking spaces, therefore complying with *Section 58-175* of the *Weddington Zoning Ordinance*.
- Parking spaces and loading zones also meet the minimum size standards set in *Section 58-175* and *58-176* of the *Weddington Zoning Ordinance*.
- A Traffic Impact Analysis was submitted on August 9, 2012 and has been reviewed by the Traffic Engineer hired by the Town and reviewed by NCDOT. The applicant and the Town's traffic engineer have exchanged comments and continue to work through the Traffic Impact Analysis.

Screening and Landscaping:

- Screening and landscaping will be provided by using several types of trees and shrubs. The applicant is required a 28 foot buffer around the perimeter of the property per *Section 58-8* of the *Weddington Zoning Ordinance*. The applicant has provided a 28 foot buffer around the perimeter of the property. The applicant will also provide internal landscaping within parking areas and islands.
- The proposed landscaping plan does comply with *Section 58-8* of the *Weddington Zoning Ordinance*. All proposed plants are permitted in *Section 58-384* of the *Weddington Zoning Ordinance*.

- The MX zoning district requires 10% of the gross acreage of the project to be open space. The applicant is required 21,041 square feet of open space and has provided 74,202 square feet of open space, therefore complying with *Section 58-60 (2) n* of the *Weddington Zoning Ordinance*.

Elevations:

- Elevations of all buildings have been provided. Materials on the building include: hardy plank siding, brick veneer, fiberglass columns and fiberglass shingles.
- Proposed buildings are within scale and have similar physical relationships as abutting properties as required in *Section 58-271* of the *Weddington Zoning Ordinance*. Proposed building height also complies with *Section 58-60 (2) f* of the *Weddington Zoning Ordinance*.
- The Planning Board will serve as the Design Review Board for this project.

Additional Information:

- Adjacent Property Uses are as follows:
 North: Parcels containing single family house and farmland (The Hunter Farm)
 South: Weddington United Methodist Church
 East: Providence Road (four lane highway with concrete median)
 West: Parcels containing single family houses and farmland (The Hunter Farm)
- A lighting plan has been submitted and will be reviewed by the Town's Lighting Engineer (plans included).
- Water to be provided by Union County Public Works once rezoning is approved by the Town Council.
- Sewer to be provided by septic tank approved by Union County Health Department.
- Stormwater management to be handled by sand filter/detention pond in accordance with *Weddington Zoning Ordinance* and NCDENR.

Conditions of Approval:

1. Water Plans and allocation must be approved by Union County Public Works;
2. Lighting Plan must be approved by Town Lighting Engineer;
3. All engineering must be approved by Town Engineer;
4. NCDOT driveway permit must be approved by NCDOT;
5. Traffic Impact Analysis must be approved by Town Traffic Engineer;
6. All signage must comply with *Chapter 58, Article 5* of the *Weddington Zoning Ordinance*;
7. Prior to the commencement of any construction, the Town Council must approve Construction documents in accordance with *Section 58-271 (h)* of the *Weddington Zoning Ordinance*;
8. Applicant must provide detention volume controls for a 25-year storm; (Town Planner Cook advised that this condition is above and beyond due to the sensitivity of the Highgate neighborhood. He stated, "You have heard some of the complaints from the Highgate neighbors about the water/stormwater runoff. Based on conversations with our engineer they have recommended that the applicant provide these volume controls for a 25-year storm. We typically ask for a 10-year storm.")
9. Any future revisions to the approved site plan and other approved documents must comply with *Section 58-271 (i)* of the *Weddington Zoning Ordinance*.

Staff has reviewed the application and submitted documents and finds that the MX Rezoning Application is in compliance with the *Town of Weddington Zoning Ordinance* with the aforementioned Conditions of Approval.

The Planning Board also received a copy of the following:

- Conditional Zoning Application

- Aerial Map
- Zoning Map
- Land Use Map
- Letter from Mike Garbark with Union County Public Works dated September 20, 2012 advising that the site plan for 13700 Providence Road has been reviewed by Union County Public Works and county water is accessible along Providence Road; however, county sewer is not accessible.
- Union County Health Department – On-Site Wastewater Treatment and Disposal System Improvement Permit
- Sets of Plans include Illustrative Plan and Notes, Illustrative Elevations, Open Space Plan and Proposed, Landscaping Plan, Grading, Storm Drainage, and Stormwater BMP Plan, Stormwater BMP Details and Drainage Map and Electrical Site Plan

It was advised that any lighting plans would need to be reviewed by a lighting engineer contracted by the Town.

Chairman Sharp – What about hours of operation? We specified lighting restrictions with the Daycare Center that after a certain time of night lighting was only for security purposes and the structure could not be lit up. The Council has approved the change of this parcel on the Land Use Plan Map from residential to business but what we are looking at tonight is a request to rezone this particular parcel. It has not been rezoned to business and it has only been indicated that the Council believes it is appropriate for that parcel to be future business. The advantage of the MX zoning is what you see is what you get. If we recommend the rezoning, we are recommending the rezoning for this particular project and if they decide not to do this project it reverts back if the Town Council does not vote to approve it.

Mr. John Giattino - Are there any changes to the architecture or anything?

Chairman Sharp - The architecture itself will come during the construction phase. The picture is not what we are looking at tonight. We are looking at the site plan and the fact that it will be a 15,000 square foot two story office building.

Town Planner Cook - You can look at the elevations and make some type of determination of what you think the building may look like. You have a comfort level knowing that they are going to have to come back again through the construction document process and the Planning Board is going to serve as the Architectural Review Committee. Those elevations could certainly change but this site plan should not change.

Chairman Sharp - They could change the actual look of the building between now and the time construction documents are submitted.

Mr. John Temple – I represent Polivka International. We have one intention. We just want to build an office building and have our team work out of that building. We also understand that the design process will come through this board. We have an initial design that we like with brick and it has a southern colonial look to the building. We also will work with whatever group we need to work with if we are successful in working through this project. Steven Overcash is our architect.

Mr. Vivian - Is there a set purpose in mind for the two entrances as opposed to one?

Mr. Overcash - It has to do with the one being able to get in a little easier and one is furthest north. The one in the middle the owner really liked this center drive which would be the main drive for most people when you are really focusing on the building as you come up the hill.

Chairman Sharp - NCDOT has not indicated that they have any issues with two curb cuts?

Mr. Overcash – No, they have reviewed it and they said it would have a minimal impact the way it is designed with the left over.

Mr. Vivian - When I went on the subject property, there are two structures there. In talking with Mr. Temple he said that Providence VFD plans to burn one of the structures as practice. There is an unbelievable old tree there and if you are having this campus setting and trying to set it off on the hill, I think it is a shame aesthetically to risk torching that tree.

Mr. Temple – The tree is on the top of the hill to the right. We are definitely taking that into consideration. One of the things that I have really appreciated working through the process is that we have been listening to what people have said to us regarding certain issues. That was an issue that was brought to my attention and I have discussed it with the owner.

Vice-Chairman Dow - The problem with that is on the topo the dotted lines are the current. The solid lines are after construction. They are going to move about 4' of dirt. That tree has to come down with this design.

Mr. Overcash - Not necessarily. There are ways to create retaining walls. It looks like it could be very close to being in this courtyard. We could certainly do a retaining wall to maintain the root structure and drip line and save that tree. We need to get it located on the survey accurately.

Mr. Temple - The fire department has asked us for permission to use the house as a burn practice. We are trying to figure out how to do that. What we wanted to do was use the garage to store materials during construction and then after construction that would go. We don't want to leave materials out in the open. We want a neat construction site.

Mr. Perryman read sections from the traffic plan. He questioned if DOT's approval or statement saying that there is no significant impact is contingent on the left turn lane?

Town Planner Cook - DOT has reviewed and provided comments based on the same site plan that we are looking at. DOT has provided their no impact statement based on that left hand turn lane. The traffic impact analysis was prepared by the applicant and was sent to both our traffic engineer and to DOT. There is a little bit of disagreement between our traffic engineer and DOT. DOT does not think there is a huge impact. Our engineer thinks that the left turn lane or the other entrance is not necessarily needed. These are DOT roads. It is going to be up to the Planning Board or Town Council to make those conditions. I am not sure how much our traffic engineer can make all of these recommendations if DOT is not requiring it.

Mr. Perryman - That left turn lane was part of their list?

Town Planner Cook – Yes, they have reviewed that and said there is no impact but they will also have to approve a driveway permit for that driveway cut.

Chairman Sharp - That second bullet says that the middle entrance will serve as the main entrance and Providence Road may have a left turning lane accessing this entrance. It looks to me like the left turn lane is for the north entrance. That bullet needs to be corrected before it goes to the Town Council. The left turn lane is not for the main entrance which is the center one. It's the north entrance.

Town Planner Cook - They have not approved the cut. They have said that based on the site plan there is not a significant impact by putting that left turn lane in or really by putting both of those driveway cuts in.

Mr. Perryman - The final approval on that traffic analysis is the Town Council?

Town Planner Cook - Yes the Town Council can take the traffic engineer's comments and make those conditions.

Mr. Overcash - The Town Engineer recommends to go down the road where there is an existing left over. We felt that there was some danger there because everybody goes so fast. It is a safer maneuver than trying to u-turn it 700 feet north of the site.

Mr. Vivian - Has there been any consideration given for the surface material?

Mr. Overcash - We have talked about it but we have not done an in-depth study. The detention pond was not designed with impervious material. We wanted it designed for the worst case. This is designed to asphalt and concrete. We certainly want to consider those more impervious surfaces.

Chairman Sharp - I think when the applicant was here previously he had indicated that he was planning to use some type of impervious surface.

Mr. Temple - Yes, he has a product that he has developed. Since his product has come out another product has come out as well. He is using it exclusively on some major projects and it allows the water to seep through it. We are very much committed to build it as green as possible.

Chairman Sharp - Would you have a problem with that being a condition? We could make it a certain percentage would need to be impervious.

Mr. Temple - As a Planning Board we are listening to what you are saying but we are very open to going as green as possible.

Mr. Perryman - I know on some previous projects that had come before the Planning Board where they were planning to build using a septic system initially with the plans being that when county sewer became available then there would be a connection option. Is that the intent here?

Mr. Overcash - We have not even discussed that. It is so far out in the future. We are living with the septic system for now. Who knows if you get sewer in 20 years what we will do at that point.

Vice-Chairman Dow - In the beginning I thought this was going to be an office building for Polivka International. Now I understand that a great deal of the space will be leased. I assume now since you have applied for MX office business you are looking at the list in that category office only.

Mr. Overcash - Including potentially medical office which is broken out separately in your list.

Vice-Chairman Dow - You have no idea what they will be obviously. You don't have tenants?

Mr. Temple - We have confidentially talked with people who are interested and they are physicians.

Chairman Sharp - The number of parking spaces was one space per employee. If half the building is going to be leased, how did you come up with a number of employees when calculating parking?

Town Planner Cook - They assumed that 15,000 square feet would be used for office.

Mr. Overcash – The reason we are a little over in parking is to anticipate medical.

Vice-Chairman Dow – How many do you think will be on the top floor with Polivka?

Mr. Temple - There are over 100 employees that work for Polivka but that is all over the United States. At the present location which is just down the road they have seven people working out of there. The objective is to move the accounting office from Ohio to Charlotte which would be another three which would be ten. We are also looking at hiring another potential estimator to help come on the team. You could have 11 to 12 people work out of that office.

Mr. Overcash - Healthcare is usually 1 per 200 which translates into 37-38 spaces.

Vice-Chairman Dow - Jordan you mentioned that our traffic engineer was having some problems. What are the concerns that they have to work through?

Town Planner Cook – The traffic engineer disagrees with the recommendation for a left over at Access 1. The second bullet states, “An analysis should occur that includes the mid block u-turn section between Hemby Road and the proposed site Access 1. This attractive and efficient option will replace the need to have a left over constructed at Access 1. This will provide adequate access to the site maintain the integrity of the left lane storage while significantly reducing the cost of construction. The third item – considering the proposed site design in the deletion of the left over would be an option to delete one of the driveways from the site. It appears that one driveway can handle the number of trips for a 15,000 square foot office building. Further analysis can provide if my assumptions are correct that the deletion of a driveway will improve the capacity of NC 16 while also reducing the cost of construction. If the driveway is deleted is preferred that the southern most driveway go away.”

Mr. Overcash - They went to great length to talk about stacking here at 5:00 p.m. and someone trying to turn left. The beauty of an office building is you are not trying to get into the office building at 5:00 p.m. You are leaving at 5:00 p.m. He just ignored the fact that we don't have coffee shops and restaurants where people are trying to get in there. I see very few people trying to turn left in there at 5:00.

Chairman Sharp - Leaving the office building you would have to turn right?

Ms. Propst - They are going to have more than one option to turn. When they turn right they can turn left at Providence at 84. If they can't make it through those three lanes of traffic to get over they are going to have another light almost 100' down the road.

Mr. Temple - I understood the logic when I read the report except for if you are heading south and if there was a turn lane you could go in there to make that left it would be less dangerous. I have actually tried that myself. People coming out of that light at Weddington pick up speed and you are in the left hand turn lane and if there is traffic coming the other way now they are waiting behind you or they are going around you. I almost got hit the first time. It is a safety issue for me to say that left over further up the road is a better deal. I would question the safety of that decision.

Vice-Chairman Dow – No, it staggers out with a long acceleration lane. You can go 45 miles an hour and get in the left hand lane. The one that is right across from Highgate's second entrance and it has a cutout on the other side so you can make the left hand turn.

Mr. Temple - I stand corrected. I will look at the other one.

Vice-Chairman Dow – On the retention pond - when I look at the topos and I am not an engineer but I know water levels. You are going to have to build up the Providence Road side of that retention pond. How high will that go – six or seven feet?

Mr. Overcash – We are digging down and landscaping. It is not berming up.

Vice-Chairman Dow – So on the top side you are cutting down.

Ms. Propst - It says plus emergency bypass for 50 year storms. You are really saying this pond covers a 50 year storm.

Mr. Overcash – It would. We are designing to the 25 year storm because we were asked to. I talked to the engineer it is up to 50. It is less water leaving the site than it is today. We are bettering the situation.

Vice-Chairman Dow - I see the perimeter lighting and the parking area lighting. Are you going to want lights on the building like flood lights from the ground up at the façade in the evening?

Mr. Overcash - I don't think so. We have that porch so we might leave a couple of lights on that porch for security so it is not so dark up there.

Vice-Chairman Dow - It talks about brick and hardy plank. Am I to assume that the back will be hardy plank?

Mr. Overcash – The whole thing is brick. Sometimes we make the eaves out of the hardy plank. It is 95% brick on four sides.

Vice-Chairman Dow – Back on the topo, I want to make sure that the other members understand and that I understand if I am reading this right. I am on Page RC-5 and it talks about the site area being 4.84. Is that incorrect?

Mr. Overcash – Yes Jordan asked us to correct that. It is 5.06 acres - the difference came between a tax map and a survey.

Vice-Chairman Dow - It talks about a disturbed area plus or minus all of it. I want you to understand that we are clear cutting this entire lot minus anything you can fight for. All of the planting around that will grow hopefully. It looked to me like this flattened up this area through here and you cut into this and steepen that property line bank a good bit.

Mr. Overcash – Yes, at the back.

Vice-Chairman Dow - And then let it flood down through here. What concerned me was that it looked like a lot of the runoff from this high area here was going to come down across your road and there was no catch on this side. What am I missing or is it all going to dump out here?

Mr. Overcash looked at the map with Vice-Chairman Dow and discussed at the table with the members.

Town Planner Cook - USI has looked over the plans twice. I can certainly ask them to look at that.

Mr. Vivian - Has there been recently any conversation with the church to make common connectivity at the rear so that people could come out with the light?

Mr. Overcash - I think that bridge was burned.

Mr. Temple – I do not know if it is burned but the answer is no there hasn't been any conversation.

Mr. Vivian - If it means that we can work with it and avoid some of these left turns are you open to that? I am saying that I could be a part of that conversation. I am a member of that church. It seems that is a perfect way to come out and turn left. It is overflow parking and it is a win-win.

Mr. Temple - No one has approached us and we have not approached them. If they approached us would we engage in conversation? Absolutely - we would listen to what the proposal would be.

Town Planner Cook – The first submittal a year and half ago I did bring that up with them and I know there was some conversation.

Chairman Sharp - I think the church didn't want any extra traffic coming from the office complex through their property especially because they have school children there. They did not want increased traffic on the church property.

Mr. Vivian – Can I try to find out about that?

Mr. Overcash – Connectivity is good. It helps everyone.

Chairman Sharp – Is the school not at the rear of the church.

Mr. Vivian – It is in the new building.

Ms. Propst – There is a nursery school still here which has lots of cars during the middle of the day.

Vice-Chairman Dow - Did our engineer come up for a 15,000 square foot building and this type use what a typical in and out day is?

Town Planner Cook - Their engineer did and NCDOT replied to that and said that is not going to have enough of an impact.

Vice-Chairman Dow – I am not worried from a traffic standpoint. I am just asking trips in and trips out.

Chairman Sharp – A lot of that would depend on who the tenants are.

Town Planner Cook - The study assumptions were taken from ITE trip generation manual 8th edition and a 15,000 square foot office building would generate 310 daily trips.

Chairman Sharp – Jordan has provided us with nine conditions of approval. We have come up with some other ideas that we may want to attach as conditions.

The Board asked that the language be found that was done recently for the daycare center regarding lighting after hours.

Mr. Vivian – Is there a requirement that the lighting has to be can fixtures?

Chairman Sharp – The actual fixtures have to be on the approved list. They have to be hooded and shielded.

Mr. Giattino - Typically office buildings are cleaned after hours.

Chairman Sharp – I am talking about the parking lot not in the building.

Vice-Chairman Dow - Do you have any intended hours of use of this building?

Mr. Overcash – 8-5.

Vice-Chairman Dow - You aren't envisioning putting a 24-hour veterinary office.

Mr. Overcash – We are not planning to have a 24-hour call center.

Ms. Propst – But the vet cannot have overnight care at this vet.

Chairman Sharp – We are not talking about interior lighting.

Chairman Dow - Minimal lighting for security after a certain time of night we can add as a condition.

Mr. Giattino discussed some type of condition that they do not have any type of 24-hour office use.

Chairman Sharp – I do not believe we can restrict who they lease to. If they wanted to have a 24 hour urgent care veterinary or medical clinic we cannot restrict that. If you are concerned about that then you might not want to recommend the rezoning.

Mr. Temple - The people that I am in contact with are just physicians. They want to move from Charlotte to Weddington with their practice. We are not planning to be open 24 hours. To drive by and see black is not healthy. I do not think it should be lit up like Christmas either.

Ms. Propst - I don't think you can ask someone to save a tree. This town is going to build Rea Road and cut down 150 acres of trees. If they can save the tree, that is great.

Chairman Sharp - We could say if they can't save the tree they need to submit documentation to Jordan explaining why not. Also, what about the asphalt being some type of impervious surface.

Mr. Perryman - That is a worthy goal but not sure about the percentage.

Town Planner Cook – I think that is similar to the tree. If possible if it works, I think it is a great idea.

Mr. Propst - We didn't ask the church to do it.

Chairman Sharp – Do we want to make some sort of condition regarding that or do we want to leave that alone.

Mr. Vivian – I think you can have a statement saying every effort will be made.

Chairman Sharp – That is not measurable. The condition needs to be measured.

Mr. Perryman - It would only be helping you if you were able to do that because that would negate the need do all this grading.

Chairman Sharp - Regardless of what they do, they have to follow this plan that would not affect anything.

Gentleman from Audience - The retention pond is so close to Providence Road. That can really become an eye sore and then you have some fencing that would have to go around that?

Chairman Sharp - There is sufficient landscaping between Providence Road and the retention pond.

Gentleman - I live in Steeple Chase Subdivision. Originally there was a sewer line that was going to go across Hunter Farms down through my back yard. Can you make a condition so that in the future that would never happen? A condition that says they must tap in at Providence Road?

Chairman Sharp - A condition that any sewer connections in the future must be at the front of the property.

Mr. Propst - How would it ever happen anyway?

Gentleman - If they come to you guys and want expansion on a property and no longer use the existing septic system and now we have to revisit going through Steeplechase to tie-in at Highgate.

Chairman Sharp - Any future sewer connections to a sewer system must be through the front of the property. You can't cut across Hunter Farms and go to Steeplechase or over to Kings Manor Drive.

Town Planner Cook – In the conditional zoning district of our ordinance it does say that the Planning Board can suggest and the Town Council may request that reasonable and appropriate conditions be attached to the approval of the application. Any such conditions may relate to the relationship with the proposed use to the surrounding property to the proposed support facilities screening, landscaping, etc.

Town Administrator McCollum read information regarding the previous lighting condition placed on the daycare - Security lights in the parking lot can be turned on one hour before starting business and one hour after closing business.

Chairman Sharp - If the office building opens at 8 and closes at 6 then the lighting would go off at 7am and on at 7pm.

Town Administrator McCollum also read the following: The lights will be on from dusk to dawn or approximately between the hours of 5:30 p.m. until 7:30 a.m. during winter months and 7:30 p.m. until 6:30 a.m. during summer months. In the actual approval it says security lights in the parking lots can be turned on 1 hour before starting business and 1 hour after closing business.

Chairman Sharp - Exterior lighting is minimized to security lighting only from one hour after the last business closes until one hour before the first business opens.

Mr. Giattino – That is not what that says. That may be what we want.

Ms. Propst - He doesn't want the place to be totally black all night long. Mr. Overcash talked about having some type of lighting somewhere on the building that is minimal like a porch light.

Chairman Sharp – The porch lights and the parking lights is the only lighting that you can have.

Vice-Chairman Dow - During the construction phase and for the first several years after this is built, I have read that the buffering is going to be predominately new around the perimeter where the buffer is. You can't plant very large trees and hope they will make it. They are going to be smaller trees, correct? What is our biggest tree that goes in the first year?

Town Planner Cook – We have size requirements in our landscaping text. All trees shall have a minimum caliber of 2" measured 6" above the ground at the time of planning.

Vice-Chairman Dow - I walked around the perimeter of the property. The Anderson's house is right behind the building. This is a higher spot than the house. Do you want to try and make use of some of the larger trees that are already growing but I guess because of the grading you may not be able to?

Town Planner Cook - I always prefer that landscaping be met by existing vegetation if possible.

Mr. Temple - Nowhere in our plan did we plant trees this big. We plan to put some significant height to it. We want this to add to the beauty of our building. If we put small trees our building will be dwarfed. It takes time for trees to grow. Mr. Polivka has in his mind bigger trees to plant around the perimeter. We are not planning to clear cut. We are planning on trying to save as much as we can in this project. We only will cut what we need to cut to provide for the septic and building. We would like to keep as many of those pines as we can especially to the south of us.

Town Planner Cook - This is going to come through the construction document process which will also include a grading plan which could also include a tree save area plan.

Vice-Chairman Dow - It is very clear on the topo where they are going to change the elevations by several feet along the border. If you are going to drop down two feet you are going to take a tree down to do that. I was simply wondering if there was a way we could help accelerate the growth of the perimeter border by leaving some of the stuff that was there.

Chairman Sharp – We hope to see some of that during the construction phase. I would like to see a condition. We have a sidewalk going across the front of the property. I would like to see cross walks painted for walking across the entrances on Providence Road where the existing sidewalk is.

Mr. Temple - We will probably use pavers there.

Chairman Sharp – The other condition was to have our engineer examine the runoff on the south side of the property.

Mr. Overcash - We have to come back eventually for them to review anyway.

Chairman Sharp – It would be to determine if some sort of mitigation is going to be needed to keep the runoff from the south side of the property from going over Providence Road especially in the winter time.

Mr. Overcash – These are looked at in Raleigh.

Vice-Chairman Dow – I would be satisfied with our engineer looking at.

Town Planner Cook - I was going to call Bonnie to look at it. I don't think it needs to be a condition.

Chairman Sharp – Satisfying USI comments is a condition already. Does not need to be listed as a separate condition?

Town Planner Cook - We require 10% open space but do not require them to save any trees.

Chairman Sharp – The question is should we make a recommendation to the Town Council to approve or not to approve rezoning this property for this project to create District MX-001 which would have its own zoning classification and set conditions.

Mr. Perryman - I think the project as presented meets our design codes and I think compared to what is on the property currently it would be received favorably by the Town Council. I think that office use is appropriate for that parcel.

Mr. Vivian – I concur with Jeff and my concern is the number of curb cuts and the traffic flow and I do not believe we need that many.

Mr. Giattino – I too would rather have one curb cut than two.

Chairman Sharp – A lot of it depends on who ends up leasing the ground floor. The traffic engineer recommended just having the northern entrance.

Mr. Vivian – The northern one seems to be predicated upon that as soon as you could have a left into it. It is my understanding that when they tried to get one into the Hunter Berry Farm that was turned down and they send you further north and then you turn. That is why in my mind I think it is worth the effort to contact the church and to see if there is any type of connectivity that could be arranged.

Mr. Perryman - I think that if they want two entrances it is his piece of property and they should have it. As long as it does not constitute a major safety hazard or DOT comes back and says no. If it does not violate a DOT traffic parameter and if the property owner wants it I would say let them have it.

Town Planner Cook - NCDOT said they would approve two.

Ms. Propst – NCDOT builds roads.

Chairman Sharp – NCDOT said they would approve two curb cuts or entrances. Our traffic engineer said that the northern entrance should be the only curb cut.

Town Planner Cook - DOT has also looked over this site plan and said this site plan with that left hand turning lane does not create any significant impact on traffic.

Ms. Propst – Two entrances will be easier and safer for all traffic especially since NCDOT said it was fine. NCDOT should be the law.

Mr. Giattino – Ingress and egress would be quicker if there were two.

Vice-Chairman Dow – Maybe I am getting out of touch. We have maybe 310 in and outs a day – roundtrip - probably more like 200 and that will depend and could change based on tenants. I think it is great to give a guy anything he wants and I understand why he would like that very attractive driveway at the front. But I also understand that NCDOT would tell you this that every time he cuts the road you add incrementally to the danger for traffic incidents. While they say they will approve it I don't think that

means that is the way to do it. We hire an engineering firm to look out for what we want. They have questions and I would wait until they settle it.

Mr. Giattino – NCDOT is going to look at the minimum standards.

Vice-Chairman Dow – NCDOT planned the ingress and egress to this shopping center when they widened Providence Road. Great job!

Mr. Overcash – From the engineer memo – they are just saying by the way if you want one you can save yourself some money. Considering the proposed site design and the deletion of the left over it would be an option to delete one of the driveways from the site. It appears that one driveway can handle the number of trips.

Mr. Propst – NCDOT said it is fine and they build roads all over North Carolina.

Town Planner Cook - We hired our engineer to look over this but the applicant does reimburse all engineering costs. They will be paying for this review. Comment #1 the traffic engineer is saying I disagree with the recommendation for a left over at Access 1. The addition of a northbound 100 foot turn lane at Access 1 would necessitate the shortening of the dual 600 southbound left turn lanes at NC 84 based off of the 2030 analysis conducted for the State TIP both 600 foot southbound turn lanes were warranted.

Vice-Chairman Dow – My point is if we have an expert we hired we ought to let them finish their job.

Chairman Sharp - Why not include a comment to Town Council that the Planning Board has some questions about two entrances versus one. The Town Council makes the final decision anyway. If we are not coming to a consensus, let's bring the concerns up to the Town Council. Do we want to recommend that if both entrances are kept that they do not put in the left turn lane? Our engineer said the left turn lane was not necessary but it was on the drawing. If they don't have the left turn lane then they would have to go up and make a u-turn. Our traffic engineer said that would cause issues with traffic at Providence and Highway 84.

Mr. Giattino - I think u-turns are dangerous.

Chairman Sharp - The Planning Board has possible concerns about two entrances versus one and a left turn lane on Providence Road.

Councilwoman Hadley asked how many believe that it would be better for them to have just a single entrance - 4 out of 7 of the Planning Board members had concerns.

Chairman Sharp - How many of you have a concern with the left turn lane into the property?

Vice-Chairman Dow – When NCDOT addressed the widening of Providence Road they went through hours with us advising that u-turns are safer than making left hand turns.

Mr. Temple - If DOT had one ounce of a concern they would have listed that as a bullet.

Vice-Chairman Dow - I am not a traffic engineer that is why we hired the people. Let's just wait and see what they have to say.

Mr. Temple – NCDOT says one thing – engineer who we paid for says that they disagree. I agree earlier with the statement that they are still working on and let them come back.

Chairman Sharp – We are just saying that we believe this is something that should be further studied.

Vice-Chairman Dow – We do not have to make a decision tonight. We can wait until the next meeting. There are nine bullet points on this that we cannot answer.

Town Planner Cook discussed that half of the conditions may be met if the applicant was to wait another month.

Ms. Propst – Are you going to make them have everything exactly perfect before it goes to the Town Council for them to have a discussion? I do not know why we can't work through these things that we discussed tonight. They have all their permits. They have done all of their engineering. Why can't this move forward to the Town Council.

Vice-Chairman Dow – I think we can.

Ms. Propst – I think we should. We put them off last month.

Chairman Sharp – The ordinance says that the application must be complete. Jordan could not bring it to us until the application was complete.

Town Planner Cook – I did not have a complete application last month.

Ms. Propst - We have a property that has a 15,000 square foot building on five acres of land. They saved 74,202 square feet of open space. They could build five houses with asphalt covered all over that property. You would not have any choice of what they do on that property. This is a beautiful asset to our community. If we have it restricted so they can only put office space that is doctors, attorneys or professionals – what an added addition to this community. I feel that we have nit picked them to death. Let's move forward with something that is an asset to this community. I feel bad for the way we treated these people.

Chairman Sharp – It is our job.

Vice-Chairman Dow – I am not going to fight the Land Use Plan battle again. What we are supposed to do is look through the conditions and see that it fits within our community. Those conditions are clearly stated. I am concerned that it is not pedestrian friendly. It begins a crossing of Providence Road that is a safety hazard. I don't think we want to come off as promoting people walking across Providence Road. It is not between two commercial enterprises. It is between two residential enterprises. Don't get confused legally. I am concerned and am interested to hear your renditions to DOT. I sat with NCDOT for hours listening to how dangerous left hand turns were and how they needed to stack up here and they would not give anyone a left hand turn in that area. Why they changed their mind, I have no idea.

Town Planner Cook - Upon making a recommendation the Planning Board shall advise and comment on whether the proposed amendment is consistent with the comprehensive plan that has been adopted and with any other officially adopted plan that is applicable.

Mr. Perryman moved to send a favorable recommendation to the Town Council for the Polivka M-X Rezoning with the following conditions and found the plan to be in compliance with all applicable Town

Codes and Ordinances as contained in the Land Use Plan, Lighting Plan, Noise Plan and Transportation Plan:

Town Planner Cook's Conditions

- Water Plans and allocation must be approved by Union County Public Works;
- Lighting Plan must be approved by Town Lighting Engineer;
- All engineering must be approved by Town Engineer;
- NCDOT driveway permit must be approved by NCDOT;
- Traffic Impact Analysis must be approved by Town Traffic Engineer;
- All signage must comply with *Chapter 58, Article 5* of the *Weddington Zoning Ordinance*;
- Prior to the commencement of any construction, the Town Council must approve Construction documents in accordance with *Section 58-271 (h)* of the *Weddington Zoning Ordinance*;
- Applicant must provide detention volume controls for a 25-year storm; (Town Planner Cook advised that this condition is above and beyond due to the sensitivity of the Highgate neighborhood. He stated, "You have heard some of the complaints from the Highgate neighbors about the water/stormwater runoff. Based on conversations with our engineer they have recommended that the applicant provide these volume controls for a 25-year storm. We typically ask for a 10-year storm.")
- Any future revisions to the approved site plan and other approved documents must comply with *Section 58-271 (i)* of the *Weddington Zoning Ordinance*.

Additional Conditions of the Planning Board:

- Exterior lighting is minimized to security lighting only from one hour after the last business closes until one hour before the first business opens.
- Save the existing old tree on the property or provide to the Zoning Administrator as to why it cannot be saved.
- Any future sewer connections must occur along Providence Road.
- Crosswalks either painted or pavers installed for walking across the entrances on Providence Road where the existing sidewalk is located.

Concerns of Planning Board:

- The Planning Board has possible concerns about two entrances versus one and a left turn lane on Providence Road.

The vote on the motion is as follows:

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

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

- Construction of the Weddington Church Road relocation project began on June 27th. The traffic signal has been installed and the intersection construction is nearly complete.
- Clay Burch with GreenTek has completed the installation of additional landscaping to the medians along Providence Road, Hemby Road and Rea Road. The Town has budgeted waterings for the remainder of the summer months. Daryl's Lawn Care has sprayed for weeds and will spray once a month as needed.
- The Town Council and Planning Board held another joint meeting on Thursday, September 20th to discuss the Land Use Plan Survey. Staff is working with Centralina COG to fine tune this

survey based on comments received from the Town Council and Planning Board. The Council will approve a survey at their Monday, October 8th meeting.

- The Town Council approved Orleans Homebuilders Final Plat for Lake Forest Preserve Phase 3A. Phase 3A is a 23 lot phase located along Twin Lakes Drive in the previously approved subdivision.
- Stillwell NC, LLC's Sketch Plan for a 90 lot conservation subdivision called Vintage Creek on parcels 060-90-004, 060-90-007 and 060-93-011 was approved by the Planning Board. The applicant is now working with Union County on finalizing water and sewer plans. Once finalized, the applicant can begin preparing the Preliminary Plat.
- The Planning Board approved the Temporary Use Permit for the Weddington Country Festival. That event took place on Saturday, September 22nd.
- 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 since that February Planning Board meeting. Town Attorney Anthony Fox is currently reviewing these text amendments.
- The Town Council will hold a public hearing on the following items at their October 8th meeting: Cable and Telephone Lines Text Amendment
- The following items may be on the October 22nd Planning Board agenda for discussion: Agritourism and Agricultural Use Definition text amendments and Land Use Plan related changes and/or Land Use Plan related text amendments

Item No. 7. Other Business.

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

Item No. 8. Adjournment. Vice-Chairman Dow moved to adjourn the September 24, 2012 Regular Planning Board Meeting. Mr. Perryman seconded the motion, with votes recorded as follows:

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

The meeting adjourned at 9:00 p.m.

Attest:

Amy S. McCollum, Town Clerk

Dorine Sharp, Chairman