

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, OCTOBER 22, 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 October 22, 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: Pat Harrison, Barbara Harrison, Sherry Lausch and Walker Davidson

Item No. 1. Open the Meeting. Chairman Dorine Sharp called the October 22, 2012 Regular Planning Board Meeting to order at 7:00 p.m.

Item No. 2. Determination of Quorum/Additions or Deletions to the Agenda. There was a quorum. There were no additions or deletions to the agenda.

Item No. 3. Presentation – Mayor Walker Davidson. Chairman Sharp stated, “Our Mayor has asked to give us a presentation that he presented at the Town Council Meeting and he thought we would benefit by hearing it.”

Mayor Davidson – I did do this presentation for the Town Council but I adapted it for the Planning Board.

Portions of the minutes below were taken from the PowerPoint Presentation. Text in italics is discussion by Mayor Davidson during the meeting.

Purpose of Planning Board

- To make studies of the Town and its surrounding areas
- To determine objectives to be sought in the development of the areas under study
- To prepare and adopt plans for achieving these objectives
- To advise the Council concerning the use and amendment of means for carrying out plans

It is all about plans. We have a Land Use Plan. A lot of the description is the building of the plan. There was not a lot of language about amending the plan or judging the plan when presented for opportunities for change.

Land Use Plan – The Process

- Town Council develops a Land Use Plan based on citizen input.
- If you change the map, explain the change within the text.
- If the map does not match the text, change the text. Apply the text to all of the parcels or describe the exception.

Objectives in Land Use

- Citizens – Maintain or improve their hometown (*This is our everyday environment.*)

- Developers – Maximize Investment (*This does not mean that the two parties cannot get along. Part of our survey questions are going to be what can we do to make the place better? What is missing? We can then work with the developer to say, “You have something that we want, let’s tweak it a little bit and make it fit our Land Use Plan and then we will move forward.” But if you are presented with something that is not consistent with the Land Use Plan, then there is a problem.*)

Influence Efficiency

- 10,000 Citizens
- 7,000 Registered Voters
- 1,400 Active Voters
- 5 Elected Officials
- 3 Votes
- 1 Decision

After we get our surveys back, I think we can throw in the number of people that participated in the survey to see basically that we are representing 10,000 citizens, only 1,400 like to vote and we will see from the survey on how many people like to give us input. There are a lot of people that do not give us input either way. Two ways that they give us input is through the election process and through the land use survey.

When it comes to the Planning Board and looking at these decisions of zoning changes and land use changes, I think the Planning Board needs to consider the Land Use Plan and the Zoning Ordinances. That is kind of the bad part of the job - you are kind of cornered into those responsibilities. You do not give up rights as citizens to have your opinion but these are agreements that are in place and we would like to see them be consistent. I will talk about the Land Use Plan and where we are with changing it. It is a little different between does this project fit within the existing Land Use Plan, do we need to change the Land Use Plan or do we need to change the Land Use Plan to make it fit?

Planning Board Scope

- Consider the Land Use Plan
- Consider the Zoning Ordinances

There is only one Land Use Plan. This Land Use Plan is good through 2012. We have citizen input and it was built from input 10 years ago. At this point, it is the only one that we have to work with. I think at the retreat in 2011 the Planning Board told the Town Council that it needed to be updated. That Town Council did not choose to start the process. This Town Council said at the retreat that we will begin the process and the process began in the spring. We got delayed because of a time restraint. We had a fire department issue that we had to get done. Providence VFD was going to go out of business in March 2013 and we had a June 30 deadline with the budget year. Barbara put a lot of time into the festival. It was a time constraint and I wish we had gotten it done earlier before this application came up. I asked the Town Council to turn the map change down and let’s go through the land use process and come back and revisit with new information. I think everybody would be happy with new information on the Land Use Plan to judge this project by instead of what we are doing right now.

Land Use Plan as Approved by the Weddington Town Council – March 2002 with Amendments through April 11, 2011

Land Use Map – *this is the Land Use Map as it stood before we made some of these recent changes. There have been three other changes to it before Polivka. Basically the Land Use Plan can describe*

everything in this map. This is language from the Land Use Plan that has to do with commercial development and businesses in Weddington.

From the Land Use Plan

- Commercial development in Weddington is confined (enclosed or restricted; limited) to that area located at the northeast quadrant of the intersection NC 16 and NC 84 (i.e., “Town Center.”) – Page 46
- Prohibiting additional commercial development outside of the town center, particularly in the form of linear or strip development along roadways, is an important policy that residents feel should be maintained. – Page 12
- Limit such (commercial) development to small-scale retail and service businesses primarily serving Town residents...- Page 17
- Residents believe that the Town should maintain a single commercial center. While the existing commercial center should transition to become a more pedestrian-friendly town center, its geographic area should not increase significantly and individual businesses should be limited to the scale needed to serve primarily Weddington residents – Page 12
- Limit the number of street curb cuts to avoid traffic congestion and ensure safety – Page 18

These are some points in the Land Use Plan language when talking about considering commercial development or changing the zoning for something from residential to business. If we go through and look at the ones that have been done and the changes that have been made, Treske wanted to change his parcel to business and expand his existing business. You then look at these four criteria to see if it is okay with the Land Use Plan.

Things to consider from Land Use Plan

- 1) Is the parcel within the NE corner?
- 2) Will the business serve the needs of Weddington residents?
- 3) Does the change make the “Town Center” more pedestrian friendly?
- 4) Does the change create more curb cuts?

That one holds up and it was changed. The next one was Spittle who said, “I am adjacent to business therefore I want to be business.” The Matthews was done and I believe that the Planning Board made a formal recommendation that you can do this but define a buffer back here. Do something to have a buffer area between residential and commercial. Does this fit the four (4) criteria? The change was made. The most recent one with Polivka is here. As we go through these four criteria – is the parcel within the northeast corner? It is not. Will the business serve the needs of Weddington residents? What we have heard from the map change request was this was going to be just the Polivka International headquarters. Does the change make the town center more pedestrian friendly? I do not consider crossing Highway 16 pedestrian friendly. Does the change create more curb cuts? Yes, I think there are going to be two now that we know and there may be a left-hand turn lane in here. If we go to the applicant’s request, the letter that they put in for the map change, their reasons for changing it were the following:

Why Change to Business? The Applicant’s Request

- Enhance the quality of life in the community. *(What I am looking for is language that is in the Land Use Plan. There may be something generic in there, but I really do not know what that means when it comes to land use.)*
- Complement (add to something in a way that enhances or improves it; make perfect) adjacent properties which are listed as commercial and business
- Planning Board has amended the land use of 3 other parcels near my property from residential to business. I am trusting that the Planning Board will provide me the same consideration...

I am still looking for language from the Land Use Plan for why it is good for the citizens of Weddington. If we go and look at this piece as being adjacent to this parcel (this is Nancy's farm and this is the church) - neither one of them is business. They are still residential. If you go across the street and say that is adjacent - that is a business but if we are not going to be able to use streets as boundaries then it is going to continue on. There needs to be a boundary to our business. If you can't define it, it is going to be difficult to stop other parcels. During the public hearing of the map change, the reasons given were:

Why Change to Business? The Representative – Public Hearing

- Build complementary relationships together
- Change in Providence Road dictates looking at this property in a different light from residential *(That could apply to all the properties up and down Providence Road and it is not as if the Providence Road widening was a surprise to anybody. We had it on the survey for 2002. It said, "Given that the Highway 16 corridor, between Hemby Road and Marvin-Weddington Road, will be four lanes wide within four years would you like to see development other than single family detached residential units? The response was that 69% said no and 31% said yes. Just to clarify that they were asked if you selected yes please check next to all the types of development you favor from the list before. For office 86% of the people said no and 14% said yes to office.)*
- Not prepared to build a home there across the street from a gas station or commercial buildings *(They bought a residential piece of property but they are not prepared to build a home there.)*
- Time to come forward because there have been other amendments *(other properties on the East side)*
- We realize we are across the street but we feel it is all really together
- Mr. Polivka would like to have just his corporate office here
- The property across the street to one side is a church. As we just heard there are 600 students there and it is really a business in the sense that there is a service provided for a fee.
- To the other side is a farm but likewise there is a business that runs off that property.
- On both sides of us even though technically they are not zoned or identified as business on the Land Use Plan, there are businesses operating on both sides of us. We simply want to operate our corporate office.
- Polivka International is a large corporation. They work exclusively for Class 1 railroads in the United States and Canada. They build the intermodal facilities as well as other railroad enterprises. (Neighborhood scale businesses that serve the needs of Weddington's residents?)

It is Saturday morning and I have got to go run errands. I do not think I am going to look at Sally and say, "I am going to Harris Teeter; do you need me to pick up anything at Polivka International?" Is it a neighborhood scale business that serves the needs of Weddington's residents?

This was the map before all the changes took place. This is what the map could look like if you take churches and farms, the Weddington Swim and Racquet Club, WCWAA, fire stations - anything where people are coming and going and where transactions are taking place. Keep in mind the applicant said that no one wants to live next to these properties. If we go back into the Town center area, there are three properties on this side of the road and three on this side of the road; I am just curious how you would prevent them from also being commercial? How would you justify turning them down? Highway 16 could easily look like this if we do not define something. This is what the map looked like under the existing Land Use Plan – it could be explained. This is what it could look like next with the changes by the applicant which cannot be explained in our Land Use Plan. So we come back to this slide and the Planning Board should focus on the Land Use Plan and the language in there to why these changes are being made.

Planning Board Scope

- Consider the Land Use Plan

- Consider the Zoning Ordinances

Copy of Zoning Ordinances Section 58 from the Code of Ordinances

Purpose of Zoning Ordinances

- Implement adopted land use and development policies, as contained in the town's land use plan, which may be revised from time to time
- Provide standards reflecting the varying circumstances and interests of individual landowners; and the individual characteristics of their properties
- Encourage the most appropriate use of land, buildings, and other structures with the area of jurisdiction of this chapter...

This is a new process for all of us.

Conditional Zoning District

- Any application to rezone an area to a conditional zoning district shall be reviewed in light of the goals, objectives and implementation strategies of the Town land use plan and all other plans and regulations officially adopted by the town council. *(The decisions need to be made within the Land Use Plan.)*
- Upon making a recommendation, the planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and with any other officially adopted plan that is applicable.
- The planning board shall provide a written recommendation to the town council that addresses plan consistency and other matters as deemed appropriate by the planning board.
- But a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Town Council.
- Conditional zoning district decisions are a legislative process subject to judicial review using the same procedures and standards of review as apply to general use district zoning decisions.
- Judicial review is the doctrine under which legislative actions are subject to review (and possible invalidation) by the judiciary.
- A statement analyzing the reasonableness of the proposed rezoning shall be prepared for each application for a rezoning to a conditional district.

When we make a motion at the Town Council, there will have to be a statement of reasonableness that goes along with it – why did we do this? That statement of reasonableness needs to be within the land use language and the zoning language. This statement will define the reason for the change and it can be used in later zoning decisions and it could be used under judicial review for other zoning changes. It is unlikely that a citizen group would come back and sue the Town because the Polivka decision was not defined. What we may be setting ourselves up for is when someone else comes and they want to do something similar and they have the same reasoning but we do not want them to do it because it is too much commercial or not the commercial that we wanted. This statement is going to be looked at and I think that goes to the same tone as you have done this for others - I hope you are going to do it for me. This statement is going to be real important to define where business begins and ends in Weddington.

Question

- Are the Planning Board members satisfied with the required document that “provides a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board?”

Jordan has told me that he has used the notes of the minutes from your meeting from the decision to qualify as this required document as the written statement from the Planning Board. Are you happy with that written statement and does it provide you with the reasonableness within the language of the Land Use Plan and Zoning Ordinances?

Mr. Perryman – If I understand your whole point to us as the Planning Board by your presentation is that by making this decision on Polivka, given the uniqueness or the circumstances that we are looking at on that piece of property, the recommendation that we are making to you as the Town Council you are wanting us to be aware that we could be setting a precedent not necessarily for this particular issue but for down the road for someone else who comes in who would use that presentation or the reasons to try to do something different. With the possibility of litigation if we were to say no and then they would take it to court and say that we are using this as evidence. All the stuff that we are doing on Polivka is evidence to help the plan.

Mayor Davidson - You had the discussion in the meeting – is the Polivka property different than the other three pieces? I pointed out four things that I think Polivka was not the same as the other three and again if the map cannot be explained by the text then perhaps the text needs to be changed. I think Jack Steele talked about it in that meeting that it was not the Planning Board's job to change the Land Use Plan on the fly. If the Planning Board feels that those four points are valid then your statement should say that it was the same as the other three. If you see the concern that I have with those four points your statement may want to refer to those and how you plan to deal with it. If they are inconsistent you could point that out to the Town Council and advise that you like it but it is inconsistent. But with nothing said it kind of leaves it out there where the next guy could come in and say, "I have things that go against your Land Use Plan too but you did not say anything last time."

Mr. Perryman - So the language needs to be specific enough and direct enough to show the uniqueness that we as the majority that voted for it feel that it presents so we can justify the way we did to the Town Council.

Mayor Davidson - That is why I brought up those six parcels as an exercise. I am good if your statement can turn those things down if you want to.

Chairman Sharp - Those of you who voted in the affirmative if you would document what you stated at the meeting and put something together in the next couple of days and email to Jordan then he can make sure that is included. I know that we discussed all of this and it is in the minutes but it might help Jordan. You could document why you feel that it was important.

Town Clerk McCollum – I do not think we can add to the minutes.

Town Planner Cook – But then shouldn't the ones that opposed it also have the same opportunity? The minutes are the conversation that took place.

Mr. Perryman - I understand the Mayor's point and concern on this. I would certainly think at the Town Council Meeting a member that voted in the affirmative or negative can say why they voted a certain way.

Chairman Sharp - Any Councilmember could certainly contact you individually and ask.

Vice-Chairman Dow - There is nowhere in the public record that the inconsistencies with the Polivka Property were addressed.

Chairman Sharp – They were.

Vice-Chairman Dow - They were addressed but there was nowhere in the public record where it was shown the reasoning because of the peculiarity of the property.

Chairman Sharp – I know that John had an issue with the northeast quadrant and he felt that it was still consistent.

Mr. Perryman - I am glad that the Mayor made this presentation if we are in favor of it we should let them know why and if we are against it you need to let them know.

Town Planner Cook - I do not think there is any way after the fact to add stuff to the minutes. At that time it could have been discussed.

Ms. Propst - To me agri-tourism where you sell a product and have bus loads of people come in for agricultural tourism is different from the farm that I have down the street. I stated that in the minutes. I also stated that there are three schools at the church beside the property and those three schools have numerous cars that make several trips per day. The Polivka property is unique and it is surrounded by people that sell a product and make money on their land.

Mayor Davidson - Given this language, when we do conditional zoning districts would the Planning Board like to entertain writing a document next time?

Chairman Sharp - We will make bullet points within our minutes.

Vice-Chairman Dow - Was there another point that you brought up that we need to address as far as the fact that you feel the Land Use Map and Plan as it is written is now inconsistent?

Mayor Davidson - I think that they are inconsistent.

Vice-Chairman Dow – We have dialogue and text and the document that is current and has been adopted and voted on is inconsistent.

Mayor Davidson - Janice, I do not mind if the Planning Board, with your opinion about the businesses if we had a suggestion to go ahead and make those business.

Ms. Propst - I know that it is a church but it is also a school. I know you do not consider a school or church as a business but being in business for 30 years if you sell a product and a good and you make money on selling that product or good that is a business.

Mayor Davidson - So you are okay with calling it a business to change an adjacent property but not formally changing it to business in the Land Use Plan.

Ms. Propst - Correct.

Chairman Sharp - This was our first M-X rezoning request other than the water tower.

Ms. Propst - It is unfortunate that the previous Town Councils for the last two years have not taken it upon themselves to update the Land Use Plan and 10 years is way too long for a Land Use Plan to sit in place. A lot has happened. I do not know what the population was in 2002 and it is 10,000 people today.

There is a big difference in who we were in 2002 and who we are in 2012. I took that into consideration in my decision.

Vice-Chairman Dow - I have a huge problem with this.

Chairman Sharp – This was on the agenda as a presentation by the Mayor. If you have anything to direct to the Mayor, that is fine. It is not on the agenda for review and consideration. You can ask questions of the presentation.

Mr. Giattino - Is the term of the Land Use Plan fixed at 10 years or can the Town Council make that shorter?

Mayor Davidson - We could make it shorter and hopefully we could work on reviewing on an annual basis. We are not going to rewrite the Land Use Plan. We are taking the current Land Use Plan, getting new information, changing it and updating it.

Vice-Chairman Dow - From your presentation, are you concerned that we have a current Land Use Plan and it is has been adopted and we should operate under that until it is changed?

Mayor Davidson – Yes, we have one Land Use Plan.

Item No. 4. Approval of Minutes.

A. September 20, 2012 Special Town Council and Planning Board Meeting Minutes. Mr. Perryman moved to approve the September 20, 2012 Special Town Council and Planning Board Meeting minutes. Mr. Jim Vivian seconded the motion, with votes recorded as follows:

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

B. September 24, 2012 Regular Planning Board Meeting Minutes. Chairman Sharp noted one amendment to the minutes. Mr. Giattino moved to approve the September 24, 2012 Regular Planning Board Meeting minutes with the one correction that was noted. Mr. Perryman seconded the motion, with votes recorded as follows:

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

Item No. 5. Old Business. There was no Old Business.

Item No. 6. New Business.

A. Review and Consideration of Proposed Text Change – Section 46-46 Text Amendment Regarding Fire Hydrants. The Planning Board received a copy of the following proposed text change:

Sec. 46-46. - Information to be contained in or depicted on preliminary and final plats. The preliminary and final plats shall depict or contain the information indicated in the following table. An 'X' indicates that the information is required. Preliminary plat information is only required for major subdivisions.

Information	Preliminary Plat	Final Plat
Title block containing the subdivision name and the name of the owner	X	X

Location (including township, county and state)	X	X
Date or dates survey was conducted and plat prepared	X	X
A scale of drawing in feet per inch listed in words and figures	X	X
A bar graph scale and north arrow	X	X
The name of the subdivider	X	X
A sketch vicinity map with north arrow showing the relationship between the proposed subdivision and surrounding area	X	X
The names, addresses and telephone numbers of all owners, mortgagees, registered land surveyors, land planners, architects, landscape architects and professional engineers responsible for the subdivision	X	X
The registration numbers and seals of the professional engineers and land surveyors	X	X
Date of plat preparation	X	X
The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown	X	
The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands		X
The names of owners of adjoining properties	X	X
The names of any adjoining subdivisions of record or proposed and under review	X	X
Minimum building setback lines	X	X
The zoning classifications of the tract to be subdivided and on adjoining properties	X	
Existing property lines on the tract to be subdivided and on adjoining properties	X	X
Existing buildings or other structures, watercourses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining	X	X
Proposed lot lines, lot and block numbers, and approximate dimensions	X	X
The lots numbered consecutively throughout the subdivision		X
Marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds and any other natural features affecting the site	X	X
The exact location of the flood hazard, floodway and floodway fringe areas from the town's FEMA maps in compliance with <u>chapter 58</u> , article XIII of the Weddington Code of Ordinances	X	X
Septic tank suitability data furnished by the appropriate county health department	X	
Proposed roads with horizontal and vertical alignment	X	X
Existing and platted roads on adjoining properties and in the proposed subdivision	X	X
Rights-of-way, location and dimensions	X	X
Pavement widths	X	X
Proposed grades (re: Roads)	X	X
Design engineering data for all corners and curves	X	X
Typical road cross-sections	X	X

Road names	X	X
If any road is proposed to intersect with a state maintained road, the subdivider shall apply for driveway approval as required by the state department of transportation, division of highways' manual on driveway regulations. Evidence that the subdivider has obtained such approval	X	X
<u>Subdivisions which are connected to Union County water systems must show the location of proposed fire hydrants in accordance with Union County Public Works standards.</u>	<u>X</u>	<u>X</u>
The location and dimensions of all utility and other easements	X	X
The location and dimensions of all buffer strips	X	X
The location and dimensions of all pedestrian or bicycle paths	X	X
The location and dimensions of all school sites, both existing and proposed	X	X
The location and dimension of all parks and recreation areas with specific type indicated	X	X
The location and dimensions of areas to be used for purposes other than residential with the purpose of each stated	X	X
The future ownership (dedication or reservation for public use to governmental body, homeowners' association, or for tenants remaining in subdivider's ownership) of recreational and open space lands	X	X
Acreage in total tract to be subdivided	X	
Acreage in parks and recreational areas and other nonresidential uses	X	
Total number of parcels created	X	
Acreage in the smallest lot in the subdivision	X	
Linear feet in streets	X	
The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is listed on the U.S. Department of Interior's National Register of Historic Places or is designated as a local historic property by the county	X	X
The accurate locations and descriptions of all monuments, markers and control points		X
A copy of the approved erosion control plan submitted to the appropriate field office of the department of natural resources and community development, land quality division, for any major subdivision	X	X
A copy of any proposed deed restrictions or similar covenants	X	X
A separate map drawn at the same scale as the preliminary plat showing only proposed streets and lot lines, topography with contour intervals of no greater than ten feet (at the discretion of the subdivision administrator, contour intervals of five feet may be required), and an accurate mapping of soil classifications found on the site and general depths thereof	X	
A disk or tape copy of the final plat to be submitted in a format compatible to the town's GIS system. If this can not be supplied, expenses will be charged to the developer for the service to be completed by the town plus 15 percent		X
A copy of the approved roadway plan submitted to the appropriate office of the state	X	

department of transportation for any major subdivision		
A copy of permits from Army Corps of Engineers, pursuant to section 58-342	X	
The location and dimensions of all drainage easements as defined in article XIII of the <u>chapter 58</u> , including P.E. certification when required	X	X
Compliance with section 58-338, "setbacks from streams"	X	X
Establishment of flood protection elevation (FPE) in accordance with section 58-338	X	X
Drainage, stormwater management plan and wetland protection plan demonstrating compliance with <u>Chapter 58</u> , Article XIII, <u>Division 6</u> of the Weddington Code of Ordinances	X	X

Town Planner Cook – Councilwoman Pamela Hadley asked that we look into this and add this into our subdivision checklist or into the code somewhere. Union County already requires fire hydrants where public water is available. We just want to create a checks and balances system where we see the fire hydrants on a preliminary and final plat. Union County mandates that fire hydrants must be within 500 feet of a house if within a subdivision and 1,000 apart not in a subdivision or just in the county in general.

Mr. Perryman moved to send the proposed amendment to Section 46-46 to the Town Council with a favorable recommendation. Ms. Propst seconded the motion, with votes recorded as follows:

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

B. Review and Consideration of Proposed Text Change – Section 58-60 Mixed Use Conditional District. The Planning Board received a copy of the following proposed text change:

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. ~~Rezoning to a MX district shall only be applicable to areas designated for future retail/office development in the town's land use plan.~~ **MX district rezonings will only be considered for areas designated for future Business in the Land Use Plan.**

Town Planner Cook - For those of you that were on the Planning Board when Jack Steele was here he brought this item up several times. We had talked about the Polivka process. If you remember several years ago, Polivka came in and should have never really been accepted. They did not apply for a Land Use Plan change based on this previous language and then when they came in I made them apply for a Land Use Plan change to even go in front of the Town Council or Planning Board for a rezoning. The last sentence was removed because I felt we were preventing property owners from rezoning unless the property was actually designated business on the Land Use Plan. We were forcing property owners to ask for a Land Use Plan change before they were able to apply for a rezoning. If Town Council did not approve that Land Use Plan change then we were then not allowing a property owner the right to apply for a rezoning. What we want to do is not prevent a rezoning request through the code. A property owner has a right to apply for a rezoning. The applicant can ask the Town Council to prompt a Land Use Plan change based on this. I have a text change following this to the Land Use Plan that goes with this. Right now we do not have anything in our code preventing a property owner or an applicant or whomever to ask for a Land Use Plan change. So somebody right now can do what Polivka did and just write a formal

letter to the Town Council asking for a Land Use Plan change to business and then follow that up with a rezoning request. I do not think that the Land Use Plan or map should be changed by applicants or citizens in Town. It says on the first page of the Land Use Plan that it is a guide for development for the Town Council. The Planning Board and the Town Council develop a collective vision for the Town and we should not have applicants and property owners coming in and piece meal asking for changes to the Land Use Plan.

Chairman Sharp – It also says designated for future retail/office development. We do not even have a category for that. The category is business.

Town Planner Cook - Previously we were saying if the property was not retail/office then you cannot even rezone. That is not what we want to do. Even if the property is not business we can allow a property owner to apply for a rezoning and get to the Town Council stage and the Town Council says absolutely not and it is not business on the Land Use Plan. That is fine if they are willing to go to that level.

Mr. Perryman moved to send the proposed amendment to Section 58-60 to the Town Council with a favorable recommendation. Mr. Vivian seconded the motion, with votes recorded as follows:

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

C. Review and Consideration of Land Use Plan Text Amendments – Text Changes to Pages 24 and 25. The Planning Board received a copy of the following proposed text amendment:

IV. PLAN ADMINISTRATION AND IMPLEMENTATION STRATEGIES

This element provides for the implementation and ongoing administration of the Land Use Plan by:

- Describing the processes for monitoring and amending the Plan over time;
- Explaining specific strategies required to achieve the Plan’s goals and objectives; and
- Scheduling the implementation of plan strategies.

PLAN MONITORING & AMENDMENT

The Land Use Plan is intended to serve as a guide for public and private development and land use decisions through the year 2012. **Changes to the Land Use Plan shall only be initiated by the Town Council, Planning Board or Zoning Administrator.** As local and regional conditions change, changes to the policies (including maps) and strategies will be required to keep the plan current. While specific procedures for amendment should be adopted by ordinance, the following paragraphs outline the process for monitoring and amending the plan. The Town should conduct an annual review to determine its progress in achieving plan goals, objectives and strategies. During this review, the Town should evaluate development decisions (e.g., zoning changes, subdivisions, building permits and public works projects) that have been made by the Town and other jurisdictions, growth trends and the progress made in accomplishing the strategies listed in this Plan element. The result of the annual review may be to recommend revisions to policies, the future land use map or the implementation program.

POLICY REVISIONS

To ensure that the Land Use Plan remains an effective guide for decision-makers, the Town should conduct periodic evaluations of the Plan policies and strategies. These evaluations should be conducted every three to five years, depending on the rate of change in the community. Should a major review be necessary, the process should encourage input from merchants, neighborhood groups, developers, and other community interests through the creation of a Citizen Review Committee. Any Plan amendments that appear appropriate as a result of this review should be processed according to the adopted Plan amendment process. These evaluations should consider the following:

- Progress in implementing the Plan;
- Changes in community needs and other conditions that form the basis of the Plan;
- Fiscal conditions and the ability to finance public investments recommended by the Plan;
- Community support for the Plan's goals and policies; and
- Changes in State or federal laws that affect the Town's tools for Plan implementation.

LAND USE MAP AMENDMENTS

The future land use map is a guide for development and land use decisions. **Changes to the Land Use Map shall only be initiated by the Town Council, Planning Board or Zoning Administrator.** Changing conditions (e.g., market conditions, economic development initiatives, redevelopment prospects, etc.) will result in the need to periodically amend the future land use map. While land use amendments may occur more frequently than policy changes, they should not occur more than twice per year. By limiting opportunities to amend the future land use map, the Town will reduce the potential for incremental land use changes that result in unintended policy shifts.

Town Planner Cook - This text change to the Land Use Plan is in conjunction with the last text amendment we did. This supports my argument that I do not think anyone should be able to write a letter to ask for a Land Use Plan change. I think a Land Use Plan or Land Use Plan map change shall only be initiated by the Town Council, Planning Board or Zoning Administrator.

Vice-Chairman Dow - Polivka would have come in for a rezoning and not a thing about the Land Use Map. Then it would come to the Planning Board first and then we would have given a recommendation to the Town Council. Would the Town Council hear the rezoning or would they have to make a land use change first?

Town Planner Cook - They could hear the rezoning. They can consider the rezoning and change the Land Use Plan all at the same time. Charlotte does that. Polivka could call the Town Council individually and talk to them about a Land Use Plan change. That is similar to what they do with the rezoning with the conditional zoning process. You can call ahead. That is something that the Town Council would initiate and not have to go through the months of hearings and meetings. Land Use Plan amendments should be made by the Town Council but recommendations could be made by staff or the Planning Board.

Mr. Giattino moved to send these amendments to the Land Use Plan to the Town Council with a favorable recommendation. Mr. Perryman seconded the motion, with votes recorded as follows:

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

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

- The Town Council and Planning Board held another joint meeting on Thursday, October 11th to discuss the Land Use Plan Survey. The Council approved a survey at their Monday, October 8th meeting. Staff is now working with Centralina COG to develop a postcard that will be mailed to all residents. This postcard will provide the web address for the survey as well as options for completing a paper survey.
- 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 gave the Polivka MX Conditional Zoning Rezoning application a favorable recommendation at their September 24th meeting. This rezoning will be on the November 13th Town Council agenda for Public Hearing and Consideration.
- 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 approved the following item at their October 8th meeting: Cable and Telephone Lines Text Amendment
- The following items may be on the November 26th Planning Board agenda for discussion:
 - Land Use Plan related changes and/or Land Use Plan related text amendments
 - Beulah Church Road Minor Subdivision
 - Transportation Impact Analysis (TIA) Text Amendment-requirement for residential subdivisions to submit TIA

Item No. 8. Other Business.

A. Report from the October Town Council Meeting. The Planning Board received the October 2012 Regular Town Council Meeting Agenda as information.

Item No. 9. Adjournment. Ms. Propst moved to adjourn the October 22, 2012 Regular Planning Board Meeting. Mr. Perryman seconded the motion, with votes recorded as follows:

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

The meeting adjourned at 7:57 p.m.

Dorine Sharp, Chairman

Attest:

Amy S. McCollum, Town Clerk

