

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, JULY 25, 2011 - 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 July 25, 2011, with Chairman Dorine Sharp presiding.

Present: Chairman Dorine Sharp, Vice-Chairman Rob Dow, Janice Propst, Jeff Perryman, Scott Buzzard and Jim Vivian and Town Planner Jordan Cook and Town Administrator/Clerk Amy McCollum

Absent: Jack Steele

Visitors: Walker Davidson

Item No. 1. Open the Meeting. Chairman Dorine Sharp called the July 25, 2011 Regular Planning Board Meeting to order at 7:06 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. Old Business. There was no Old Business.

Item No. 4. New Business.

A. Review and Consideration of Emergency Gate and Entrance Gate Text Amendment. Town Planner Jordan Cook and Chairman Sharp reviewed the following proposed text amendments with the Planning Board. They advised that these amendments came from discussions held at the Town Retreat asking for stronger language for gated communities or subdivisions with emergency access gates and wanting more responsibility placed on the Homeowner Associations or developer if the gate is malfunctioning.

Vice-Chairman Rob Dow moved to send a favorable recommendation to the Town Council for Section 46-76:

Sec. 46-76. Road standards and buffering along thoroughfares.

(g) *Culs-de-sac.* Permanent dead-end streets shall not exceed 600 feet in length in conventional subdivisions unless necessitated by topography or property accessibility and if the town council grants a modification per section 46-15. In conservation subdivisions, culs-de-sac may be greater than 600 feet in length in order to prevent the degradation and development of primary and secondary lands within the subdivision, thereby conserving the integrity of the conservation subdivision by preserving open space in an unaltered state. Culs-de-sac in conservation subdivisions shall not inhibit emergency vehicular access. The planning board shall review the sketch plan and existing resource and site analysis plan for a conservation subdivision that proposes culs-de-sac greater than 600 feet in length. Measurement shall be from the point where the centerline of the dead-end street intersects with the center of a through street to the center of the turnaround of the cul-de-sac. The distance from the edge of pavement on the vehicular turnaround to the right-of-way line shall not be less than the distance from the edge of pavement to right-of-way line on the street approaching the turnaround. Culs-de-sac must be terminated with a circular right-of-way not less than 90 feet in diameter for curb and gutter section with not less than 37 feet of pavement

from center to face of curb, and not less than 100 feet in diameter for shoulder section with not less than 40 feet of pavement from center to outer edge of pavement. Cul-de-sac designs other than the "Bulb" end design with a circular right-of-way will be subject to the approval of the Division Engineer of the Division of Highways, North Carolina Department of Transportation and the town council after review on an individual basis. Culs-de-sac in conventional subdivisions shall not be allowed where connection with an existing street is possible.

In certain cases where connectivity is either not possible or not recommended, the Town may require the installation of one or more emergency access gates. The homeowner's association is responsible for the maintenance, testing and repairs of all functions of emergency access gates. An annual inspection and test of the gate shall be performed and the results submitted to Town Hall. Any homeowner's association that is found to be in violation shall be required to maintain a service agreement with a qualified contractor to ensure year round maintenance and to submit a copy of the service agreement to Town Hall.

Mr. Scott Buzzard seconded the motion, with votes recorded as follows:

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

Mr. Buzzard moved to send a favorable recommendation to the Town Council for Section 58-23.

Sec. 58-23. Planned residential developments.

- (6) The maintenance and upkeep of any guardhouses or entry structures, and subdivision walls, fences or berms located at the external periphery of the PRD, as well as the maintenance and upkeep of any private streets in the PRD, shall be the sole responsibility of the developer and/or any duly incorporated and active homeowners' association. Accordingly, any bond accepted by the town per subsection 46-49(b) for a PRD subdivision shall be calculated using the construction costs of all such facilities (in addition to the cost of streets as provided in subsection 46-49(b)) and shall remain in place until the town council is satisfied (in its own exclusive discretion) that the homeowners' association is controlled by individual lot owners other than the developer (which generally the town council shall not deem to have occurred until one year, at a minimum, after a homeowners' association is incorporated and active) and has made necessary assessments for, and has otherwise taken over the full responsibility of, maintaining and repairing such streets and facilities. The decision to release such bonds shall rest entirely within the town council's discretion and shall be made based upon the homeowners' association's financial ability to properly maintain and repair these streets and facilities. After the bond is released by the town council, the homeowners' association shall be required to submit to the town, by January 15 of each calendar year, the names, addresses and telephone numbers of all duly elected members of its board of directors as well as a copy of its annual financial statements showing, at a minimum, the amount of funds budgeted to maintain such streets and facilities. In the event the town council, in its discretion, believes the homeowners' association is not adequately maintaining or repairing the streets or facilities or is not making assessments necessary to cover the cost of said maintenance or repairs, it may, after holding a hearing, require the homeowners' association to provide a bond as required in subsection 46-49(b). The hearing described above, shall be duly noticed by publication as provided in this chapter and by mailing notice of the hearing to at least one officer (according to the most recent list of officers the town has received) of the homeowners' association or to the homeowners' association's registered agent at least ten days before the hearing. The homeowners' association's bond may be eliminated, modified, or reinstated at the discretion of the town council after a hearing notice as described above.

(7) Subdivisions which have an entrance gate are subject to the following regulations:

The homeowner's association will provide the access code to the gate and an emergency contact number to the fire department, the Union County Sheriff and other emergency services and will be responsible for maintenance, testing and repairs of all functions of the gate. An annual inspection and test of the gate system shall be performed and the results submitted to Town Hall. Should there be a problem with the operation of the entrance gate, the gate shall remain open and accessible until the gate is repaired and tested. Any homeowner's association that is found to be in violation shall be required to maintain a service agreement with a qualified contractor to ensure year round maintenance and to submit a copy of the service agreement to Town Hall.

Vice-Chairman Dow seconded the motion, with votes recorded as follows:

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

If the language is adopted by the Town Council, Town Planner Cook will send the new language to the Homeowners' Associations affected by the new text.

B. Review and Consideration of Conditional Use Permit (CUP) to Conditional Zoning (CZ) Changes in the Weddington Code of Ordinances. The Planning Board received proposed text amendments to the following sections of the Code of Ordinances: 58-5, 58-295, 58-301, 58-302, 58-303, 58-305, 58-147, 38-62 and 58-270 that deal with changing references to the conditional use permit process to conditional zoning. Vice-Chairman Dow moved to send a favorable recommendation to the Town Council for proposed text amendments to the Code of Ordinances as referenced in the above sections. Ms. Janice Propst seconded the motion, with votes recorded as follows:

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

Item No. 5. Update from Town Planner. The Planning Board received the following update from Town Planner Cook:

- NCDOT has acquired the right-of-way needed to install turn lanes and a traffic signal at the intersection of Hemby Road/Beulah Church Road and Weddington-Matthews Road. Installation of the traffic signals has begun. NCDOT will begin roadwork this week and will complete all work by the end of August 2011.
- NCDOT has notified the Town that work on the NC 84 Weddington-Matthews Road Dual Lane Roundabout will commence within the next two weeks. NCDOT will have engineers, surveyors, geologists, and others gathering data for the next several months.
- The Town Council approved the Orientation Signs text at their July 11th meeting. These signs are only allowed on church campuses, educational and government facilities.
- The Town Council approved the CZ Amendment Application from Weddington United Methodist Church for church campus orientation signs at their July 11th meeting.
- The Town Council held a Special Meeting on Wednesday, July 20th for a workshop to discuss the proposed Union County Elevated Water Storage Tower. Union County Public Works Director Ed Goscicki was in attendance to discuss the cost difference between an elevated water tower and ground storage tanks (ground tanks are \$1.6 million more than the elevated tower). Further discussion will take place at the August 8th Public Hearing.
- Staff has received an inquiry for a stand-alone or walk-up ATM machine in the Weddington Corners parking lot. This project may be on a future Planning Board agenda.

- Staff has received a zoning change/land use amendment application from Jim Spittle at 6874 Weddington-Matthews Road. This application should be on the August 22nd Planning Board agenda.
- The following text amendments may be on the August 22nd Planning Board agenda for discussion:
 - Farmers Market definition and development standards-Possibly plan a joint meeting with the Parks and Recreation Advisory Board to discuss Farmers Market ideas.

The Planning Board requested a joint meeting with the Parks and Recreation Advisory Board Meeting on August 22 to discuss Farmer's Market ideas for the Town. Members requested that Town Planner Cook research how Waxhaw's Farmers Market is structured and Ms. Propst noted that there is a great Farmer's Market located in Boone.

Item No. 6. Other Business.

A. Report from the July 11, 2011 Regular Town Council Meeting. The Planning Board received a copy of the agenda from the July 11, 2011 Regular Town Council Meeting as information.

Item No. 7. Adjournment. Mr. Jeff Perryman moved to adjourn the July 25, 2011 Regular Planning Board Meeting. Vice-Chairman Dow seconded the motion, with votes recorded as follows:

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

The meeting adjourned at 7:38 p.m.

Dorine Sharp, Chairman

Attest:

Amy S. McCollum, Town Clerk