

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
WEDDINGTON TOWN HALL
JANUARY 23, 2017 – 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 January 23, 2017, with Chairman Rob Dow presiding.

Present: Chairman Rob Dow, Vice-Chairman Brad Prillaman, Bruce Klink, Gerry Hartman, Barbara Harrison, Jim Vivian, Walt Hogan, Town Planner/Administrator Lisa Thompson and Interim Clerk Leslie Gaylord

Absent: None

Visitors: Susan Tolan, Weston Boles, Bill Deter, Liz Callis, Mike Smith

Item No. 1. Open the Meeting. Chairman Rob Dow opened the meeting at 7:00 p.m.

Item No. 2. Determination of Quorum/Additions or Deletions to the Agenda. There was a quorum.

Item No. 3. Approval of Minutes.

A. December 19, 2016 Regular Planning Board Meeting Minutes. Chairman Dow asked to add a comma to 6B's statement by Interim Planner Bennett. Mrs. Barbara Harrison moved to approve the minutes from December 19, 2016 with the amendment of the comma to 6B. Mr. Gerry Hartman seconded the motion, with votes recorded as follows:

AYES: Vice-Chairman Prillaman, Klink, Hartman, Harrison, Vivian and Hogan
NAYS: None

Item No. 4. Old Business.

A. Review and Consideration of a Modification of the Subdivision Ordinance Section 46-76(g) Cul-de-sac for Graham Allen subdivision. The Planning Board received the following memo from Town Planner/Administrator Lisa Thompson along with the subdivision plans.

Graham Allen is requesting a modification of the subdivision ordinance from Section 46-76(g), related to cul-de-sac length. Cul-de-sacs are limited to 600 feet in length. Graham Allen is requesting a 1,026' cul-de-sac due to the shape of the lot.

Culs-de-sac.

(1)

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. Cul-de-sac pavement and right-of-way diameters shall be in accordance with NCDOT design standards. 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 making a decision on this modification, the Planning Board and Council shall take in account the following Section of the Code of Ordinances:

Sec. 46-15. - Modifications.

Authorization. The town council may authorize a modification of these regulations when, in its opinion, undue hardship may result from strict compliance with these regulations. Such a modification shall be granted only to the extent that is absolutely necessary and not to an extent which would violate the intent of this chapter.

No modification shall be granted unless the town council finds that:

- (1) There are special circumstances or conditions affecting said property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.
- (2) The modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- (3) The circumstances giving rise to the need for the modification are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this chapter.
- (4) The granting of the modification will not be detrimental to the public health, safety and welfare or be injurious to other property in the territory in which said property is situated.
- (5) The modification will not vary the provisions of [chapter 58](#) applicable to the property.

In approving modifications, the town council may require such conditions as will, in its judgment, secure substantially the objectives and standards or requirements of this chapter.

The Planning Board reviewed the modification in November, 2016 and recommended approval.

The Town Council reviewed the application on both December 12, 2016 and January 9, 2017. By a vote 3-1, the Council requested that the applicant provide an alternative plan that meets the ordinance and to send both the original and the modified plan back to the Planning Board for review.

The applicant amended the original plan to add a roundabout to address public safety concerns a few members of the council had and also submitted a new plan showing a through road that meets the cul-de-sac length standards as stated in Section 46-76(g). Both plans are attached.

Town Planner/Administrator Thompson informed the Planning Board that at the December and January Town Council meetings several Town Council members had concerns over safety issues if the modification were to be allowed and that the majority of the council wanted to see if there was an alternative plan that the applicant could provide making it more consistent with the ordinance.

Mrs. Harrison wanted to clarify that the Council did not approve the extended cul-de-sac that had been previously approved by the Planning Board. Chairman Dow and Planner/Administrator Thompson confirmed her understanding to be correct.

Planner/Administrator Thompson stated that the applicant has taken the original plan and added a roundabout to address the public safety concerns and also provided an alternative plan that meets the ordinance's requirement that the cul-de-sac not exceed 600 feet in length.

Chairman Dow indicated that one plan has two roundabouts but still has a 1,000 foot cul-de-sac and that, if there was no alternative to the long cul-de-sac, the Town Council wanted the roundabouts to be big enough for a ladder truck. Chairman Dow said that the second plan submitted by the applicant would meet the ordinance as written.

Mr. Weston Boles, an engineer for WK Dickson on the project, stated that the plan that meets the ordinance provides about 500 feet of additional roadway and the same number of lots, but because the lots on the eastern side are right up against the Duke Power easement the applicant feels this would be a financial hardship. He estimated the cost of the additional roadway to be approximately \$500,000 (\$1000/foot of roadway).

There was discussion as to whether the Council wanted the Planning Board to choose one of the two plans or to give the Council their comments on both plans. It was decided to discuss both plans and to give Council a favorable or unfavorable recommendation for each of the plans.

There was further discussion about cul-de-sac length and that one of the main issues is the number of houses that would be isolated and unreachable if the road were to become impassable.

The Planning Board discussed their concern that the alternative was not presented earlier and that they had been under the impression that the ordinance could not be met.

Chairman Dow stated that in this case the applicant has shown that they can meet the ordinance so it boils down to if our ordinance is an undue hardship. There was discussion about what constitutes hardship and whether or not profit is a hardship and also discussion about safety issues with the roundabout and which plan is safer.

Vice-Chairman Prillaman – Let's have a quick discussion on the original plan with the cul-de-sac. If I can encapsulate what we talked about, we basically understand that we are still dealing with a 1000 foot cul-de-sac road that does not meet the ordinances of the Town. From that aspect my vote would be unfavorable.

Chairman Dow – In the Board's view, is this a safer plan than meeting the ordinance with a short cul-de-sac?

The consensus of the Board was that it is not.

Chairman Dow – Then this is a fact we need to share with the Council. While there are special considerations to this property with the fact that there are conservation lands on one side and right-of-way on the other side, it still is not enough ~~in that it is~~ because it can be shown that the ordinance can be met without the modification, so the use of the property is still there.

Vice-Chairman Prillaman moved to send the original plan with two roundabouts to the Town Council with an unfavorable recommendation due to the cul-de-sac length and safety. Mrs. Harrison seconded the motion, with votes recorded as follows:

AYES: Vice-Chairman Prillaman, Klink, Hartman, Harrison, Vivian and Hogan
NAYS: None

Mrs. Harrison believes the second plan is a better plan from a safety issue. Safety vehicles can get through and there is a shorter amount of distance so not as many people would be cut off in the event of a natural disaster. In addition, the cul-de-sac length is less than 1000 feet so it meets our ordinance.

Mr. Gerry Hartman moved to send Plan 2 to Town Council with a favorable recommendation because it meets the Town's ordinance and has better safety aspects without any difference in yield. Dr. Bruce Klink seconded the motion, with votes recorded as follows:

AYES: Vice-Chairman Prillaman, Klink, Hartman, Harrison, Vivian and Hogan
NAYS: None

Item No. 5. New Business.

A. Review and Consideration of a Rezoning from R-40 to R-CD for properties located at 5800 Deal Road (NE corner of Deal Rd and Hwy 84, parcel numbers 06072003A & 06072003E). The Planning Board received the following memo from Town Planner/Administrator Thompson along with the following attachments:

- Application
- Site Map
- Land Use Plan Goals and Policies
- Land Use Plan Map

The Planning Board is requested to consider a rezoning application from Cameron Helms for property located at 5800 Deal Road, (parcels 06-072-003A and 06-072-003E) from R-40 to R-CD. Combined the tracts are a total 10.169 acres.

The applicant is seeking rezoning in order to combine the two parcels with parcel 06-066-011A to the North (which is currently zoned RCD) and develop the land for residential purposes.

Adjacent Property Uses are as follows:
North- Wedgewood Subdivision/ R-40
South- Shannon Woods Subdivision/ R-40
East: Residential/R-CD
West: Residential/R-CD

Land Use Plan Consistency Statement

State Statute requires that all zoning regulations shall be made in accordance with a comprehensive plan. When adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan or any other officially

adopted plan that is applicable, and briefly explaining why the board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.

Proposed Land Use Consistency Statement

The subject parcel is designated for Traditional Residential on the Weddington Land Use Plan. However, the rezoning meets the goals of the land use plan in that it ensures the conservation of open space and scenic views; protects areas that are within floodplain; minimizes the visual effect of development from surrounding properties and roadways; and maintains the town's strong single-family residential character.

Recommendation

Given the purposes of the RCD and the consistency with Land Use Plan, staff recommends rezoning parcel 06-072-003A and 06-072-003E from R-40 to R-CD and adopting the statement of land use plan consistency.

Chairman Dow – It is noteworthy that these two tracts being 6 acres or less, when the Town rezoned the whole town to R-CD they left out tracts under 6 acres to remain R-40, so these two tracts added together, had they been one tract at that time, they would have been rezoned to R-CD.

Vice-Chairman Prillaman pointed out that Item A should be Indian Trail instead of Indian Land. Planner/Administrator Thompson will have the applicant initial the change.

Mr. Jim Vivian stated that this would enhance the viewscape along a gateway entry into Weddington and that it makes sense to push it back as far as you can because of the floodplain and the fact that the road will be widened there.

Chairman Dow stated that this would enable them to do a conservation subdivision or to ask for one in the future.

Vice Chairman Prillaman moved to send the rezoning of parcels 06-072-003A and 06-072-003E from R-40 to R-CD along with adoption of the land use plan consistency statement to Town Council with a favorable recommendation. Mr. Hartman seconded the motion, with votes recorded as follows:

AYES: Vice-Chairman Prillaman, Klink, Hartman, Harrison, Vivian and Hogan
NAYS: None

B. Review and Consideration of a text amendment to section 58-54(1)(b) – open space regulations.

The Planning Board received a copy of the proposed change to the ordinance.

Town Planner/Administrator Thompson explained that a minor subdivision is three parcels or less. She has recently had an applicant with 10 acres looking to do a minor subdivision with three larger lots. According to the R-40 Single Family District any subdivision that is 6 acres or greater is required to do 10% open space. Staff thinks that minor subdivisions should be exempt from open space so staff recommends adding the language that any *major* subdivision that is 6 acres or greater be required to do the 10% open space.

There was discussion about whether or not to remove the reference to 6 acres and just say major subdivisions and also whether or not to specifically exempt minor subdivisions. Consensus was reached

to delete the reference to 6 acres and to change the language to read that any major subdivision shall be required to provide the 10% open space and that minor subdivisions are not required to have open space.

Vice-Chairman Prillaman moved to send the Text Amendment to Section 58-54(1)(b) of the Weddington Ordinance to Town Council with a favorable recommendation but excluding the verbiage “that is 6 acres or more in aggregate” and to add that minor subdivisions shall not be required to have open space. Mrs. Harrison seconded the motion with votes recorded as follows:

AYES: Vice-Chairman Prillaman, Klink, Hartman, Harrison, Vivian and Hogan
NAYS: None

Item No. 6. Update from Town Planner. Planner/Administrator Thompson expects to receive a new subdivision application for 50 acres for a conservation subdivision on the southwest corner of Hembly Road & Weddington-Matthews Road behind the fire department. She is also waiting on attorney review of a small-cell transmission ordinance.

Item No. 7. Other Business.

A. Report from the January Town Council Meeting. Planner/Administrator Thompson reviewed the agenda from the January 9, 2017 Regular Town Council Meeting.

Item No. 8. Adjournment. Mrs. Harrison moved to adjourn the January 23, 2017 Regular Planning Board Meeting. Vice-Chairman Prillaman seconded the motion, with votes recorded as follows:

AYES: Vice-Chairman Prillaman, Klink, Hartman, Harrison, Vivian and Hogan
NAYS: None

The meeting adjourned at 7:45 p.m.

Attest:

Leslie Gaylord, Interim Clerk

Rob Dow, Chairman