

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
WEDDINGTON TOWN HALL
February 27, 2017 – 7:00 p.m.
MINUTES
Page 1 of 11**

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 February 27, 2017 with Chairman Rob Dow presiding.

Present: Chairman Rob Dow, Vice-Chairman Brad Prillaman, Barbara Harrison, Jim Vivian, Bruce Klink, Gerry Hartman, Walt Hogan, Town Planner/Administrator Lisa Thompson and Administrative Assistant Janet Peirano

Absent: None

Visitors: Councilmember Michael Smith, Councilmember Janice Propst, Lynda Paxton, Clay McCullough, Brent Cowan

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

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

Item No. 3. Approval of Minutes.

A. January 23, 2017 Regular Planning Board Meeting Minutes. Mr. Gerry Hartman had minor wording changes. Mr. Hartman moved to approve the minutes from January 23, 2017 as amended. Vice-Chairman Brad Prillaman seconded the motion, with votes recorded as follows:

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

Item No. 4. Old Business. – None.

Item No. 5 New Business.

A. Review and Consideration of Sketch Plan for the Weddington Matthews Road Subdivision.

Hopper Communities, Inc. submitted a subdivision sketch plan. Applicants were in attendance. Town Administrator Lisa Thompson presented the following details:

Application Information:

Date of Application: January 25, 2017

Applicant/Developer Name: Hopper Communities, Inc.

Parcel ID#: 06123012, 06120003, and 06120002B

Property Location: Weddington-Matthews Road and Hemby Road

Zoning: R-CD

Existing Land Use: Residential

Proposed Land Use: Residential Conservation

Project Size: 49.69 acres

Project Information: A conservation subdivision must base the number of proposed lots on a yield plan per *Section 46-42 of the Weddington Subdivision Ordinance*. This yield plan must show the number of lots that would be allowed if the tract was developed as a conventional subdivision with 40,000 square foot lots. Conservation subdivisions shall be density neutral (same number of lots as would be permitted in a conventional subdivision).

The yield plan exhibits 35 lots on 49.69 acres with a total density of .70 units per acre.

Conservation Land Summary:

Section 58-58 (4) of the Weddington Zoning Ordinance stipulates that a minimum of 50% of the gross acreage must be retained as conservation land.

24.85 acres is required, 27.40 acres has been provided. The conservation land breakdowns are shown on the sketch plan sk1.0 and sk1.4.

Utilities:

The subdivision will be served by Union County Public Water and Sewer.

Access and Traffic Analysis:

The subdivision is accessed by an entrance off Weddington-Matthews Road. NCDOT is requiring a left turn lane with 100' of storage on Weddington Matthews Road to serve the property. A stub road is provided to serve any future development on the Morris property to the north. The Town's consultant reviewed the trip threshold which is around 335 ADT, 27 at the AM peak and 35 trips at the PM peak. This does not warrant a TIA for the Town.

PIMS:

PIMs were held on February 20th at Town Hall and on-site. Questions were raised about process, lot sizes, road improvements and sewer. No real concerns were raised by the public.

Mr. Hartman questioned whether there was enough room for large vehicles to turn around at the stub road. The Board discussed the ordinance requiring to stub to vacant land.

Mr. Hogan stated that he has walked the property and met with the applicants. The applicants were knowledgeable and able to answer all questions that he posed. Mr. Hogan raised the following points:

- Sewer easement for the fire department on Weddington-Matthews Road
The applicant agreed to add a sewer easement, and they explained that they will make their connection through an existing easement at Bromley.
- Preserving trees on the property
The applicant stated that of 25.83 acres, only 8.65 acres are to be impacted, saving 65 – 66% of trees
- Impacts on infrastructure and the school system
Chairman Dow stated that the state statutes keep towns from the ability to assess impact fees.
- Erosion control
Applicant stated that the only steep slopes are in areas that are not being touched.

The Planning Board raised the following questions:

- Will the existing house on Hemby Road be part of the subdivision? The applicant responded that the house and out buildings will be torn down. The large old trees on property will be saved.

- Will there be a second entrance to the development? The applicant responded that the DOT would not allow a second entrance near the intersection. There is no other road frontage to provide an additional entrance. Weddington-Matthews Road will be widened to include a left turn lane.
- Is there a proposed sidewalk on one side? The applicant responded that there will be a sidewalk.
- Question of drainage the applicant responded that he has had a wetlands consultant assess the property. In addition, they have provided storm water ponds that will meet the town ordinances.
- How will the Helms property and cell tower be accessed? The applicant confirmed that easement will be left in place.
- Will the Helms property be left as an undevelopable lot? Vice-Chairman Prillaman stated that this is a valid concern, but not one for the town to be involved in.

Vice-Chairman Prillaman suggested that, if feasible, lots 4 and 5 be expanded to increase the average lot size.

Mr. Hartman moved to approve the sketch plan with the condition that the sewer easement be added. Vice-Chairman Prillaman seconded the motion with votes recorded as follows:

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

B. Review and Consideration of Text Amendment to Section 46-76(g)(1) Culs-de-sac

Town Planner Lisa Thompson presented the following information regarding culs-de-sac lengths:

Most municipalities list a maximum length for dead end streets in feet. Some municipalities also list the maximum length in terms of the number of lots the street can serve. A few municipalities prohibit or discourage dead end roads, in general. A requirement of 500 - 600 feet is standard in many municipalities.

Historically this requirement was because fire hydrants were placed at the entrance to the road and fire trucks carried 600-foot hose line. In addition to the length of a fire hose, the reason to regulate culs-de-sac also relates to how long a distance you expect an emergency responder to run were the entrance to the cul-de-sac blocked to vehicle traffic. After speaking with Chief McClendon – fire hoses can run 1,000-1,200 feet and fire hydrants should be placed 600-800 feet apart.

Recent studies show that the bigger issue is traffic volume. Residential streets should be planned accordingly using max traffic volume, circulation patterns and disbursement of traffic with through roads.

Traffic engineer studies show that cul-de-sacs streets should not have more than 150 ADT which translates to 15 lots or a maximum of 20 lots total.

The reasoning to regulate cul-de-sacs streets is clear but staff is of the opinion that the current 600' long cul-de-sac is too strict given Weddington's lot width requirements.

Other jurisdictions requirements are as follows:

Indian Trail – not permitted unless favorable conditions,

Marshville - 400 feet

Wesley Chapel - 600 feet

Marvin – 600 feet

Monroe – 1200 feet

Union County - cannot exceed 1320 feet or provide sole access to more than 20 dwelling units.

Considering that some subdivisions were built under Union County standards and annexed into Weddington, and the size of lots, staff suggests mimicking Union County's language which will bring the majority of the existing cul-de-sacs into compliance.

Changes proposed are as follows:

(1)

Permanent dead-end streets shall not exceed ~~600 feet in length~~ **1320 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.

(2)

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.

Chairman Dow inquired as to the benefit of the proposed changes. Town Planner Thompson responded that the changes will bring 90% of existing culs-de-sac into compliance.

Mr. Hogan stated that town zoning regulations for R-40 and R-CD do not match. R-40 restricts the length of culs-de-sac to 600 feet. Zoning regulations for R-CD make no mention of culs-del-sac length.

Vice-Chairman Prillaman would like a limitation as currently exists or much wider street width to assure that fire trucks are able to have access. Ms. Harrison raised a concern about school buses.

If a school bus is unable to get through, by law bus drivers cannot exit the bus. Mr. Hartman stated that longer length culs-de-sacs also should be wider.

Chairman Dow offered the following explanation for the difference in R-40 and R-CD: R-40 has the 600' requirement, and the development is by right, not conditional. There are not a large number of undeveloped properties with R-40 zoning. R-CD does not have the 600' length restriction because a conservation sub-division is conditional and must be approved by the Planning Board. Vice-Chairman Prillaman recommended leaving the ordinance as it is and having developers request a modification.

Mr. Klink made a motion to send the text amendment to council with an unfavorable recommendation. Mr. Hartman seconded the motion, with votes recorded as follows:

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

C. Review and Consideration of Text Amendment to Section 58-145(3) Signs Permitted without a Permit

Town Planner Lisa Thompson presented the following information in regard to political sign placement:

The Planning Board is requested to consider a text amendment to Section 58-145(3) of the Weddington Zoning Ordinance titled *Signs permitted without a permit*.

GS 136-32 regulates placement of "political" signs within the rights of way of public streets.

The following text amendment is provided to comply with the State regulations:

Sec 58-145 – Signs permitted without permit

The following signs shall not require a permit:

(1) Signs required to be posted by law, signs established by governmental agencies, "Warning" signs and "No Trespassing" signs, town monuments and historical markers placed by a governmental agency or a recognized historical society. Historical markers shall not exceed six square feet in area, exclusive of the support structure. Town monuments shall not exceed 14 feet in height. Private unofficial traffic signs indicating directions, entrances, or exits, also shall not require a permit.

(2) One sign, including a professional name plate, per dwelling unit, denoting the name of the occupant, not to exceed 1½ square feet in area.

(3) All political signs; provided that such signs shall be placed **in accordance with the following:**

- a. **Persons may place signs within the right-of-way no sooner than ~~60 days~~ 30 days prior to the date of election "one-stop" early voting being advertised and shall be removed by the candidates within ten days after the primary or election day.**
- b. **Permission is granted from any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected.**
- c. **No sign shall be closer than three feet from the edge of the pavement of the road.**

- d. No sign shall obscure motorist visibility at an intersection.
- e. No sign shall be higher than 42 inches above the edge of the pavement of the road.
- f. No sign shall be larger than 864 square inches.
- g. No sign shall obscure or replace another sign.

(4) One sign advertising real estate or incidental items "for sale," "for rent," or "for lease," not greater than six square feet in area, located upon property so advertised or property where such incidental items are being sold. Any such sign advertising property for sale shall be removed within seven days after the property has been sold (upon closing), rented or leased. Any signs erected pursuant to this provision must not violate subsection 58-146(6). Any signs advertising real estate subdivisions shall be limited to one sign no greater than six square feet in area located at the entrance of the subdivision.

(5) A sign advertising the sale of produce on the premises where the produce is being sold and grown shall be no more than ten square feet per side.

(6) Any sign in town, deemed by the zoning administrator to be in need of repair, shall be renovated within 30 days by the owner upon receipt of written notification.

(7) Temporary signs erected by homeowners' associations or neighborhood associations which are not greater than six square feet in area and which are located upon property owned by the homeowners' association at the entrance to the subdivision for a maximum of five days.

Board members were in agreement on (3) a, b, c, e, f, and g. Vice-Chairman Prillaman questioned how item (3) d will be determined. Town Planner Thompson responded that the determining factor would be a complaint by a motorist to the town, and that staff would then remove the sign. Vice-Chairman Prillaman suggested the addition of (3) h which would limit the number of signs in one location with fines and penalties for those who exceed the maximum allowed.

Vice-Chairman Prillaman moved to accept the text amendment as written with the revision, pending legal approval, for a maximum of two signs per location. After some discussion on the logistics of monitoring the number of signs, Vice-Chairman Prillaman withdrew his motion.

Mr. Hartman moved to send the text to council with a favorable recommendation. Mr. Vivian seconded the motion, with votes recorded as follows:

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

D. Review and Consideration of Text Amendment to Section 58-4 Definitions, Sections 58-56, 58-56.1, 58-57, 58-57.1, 58-60, and 58-61 Permitted uses and Add Section 58-306 to Article X telecommunications towers.

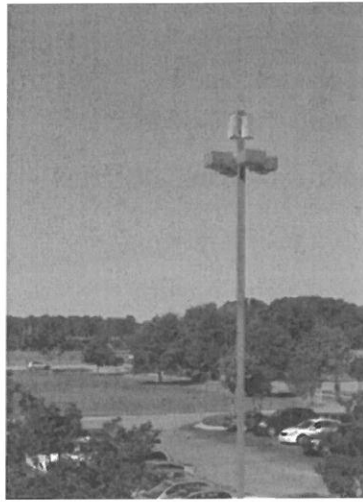
Town Planner Thompson presented the following information regarding a change to the telecommunications towers ordinance:

The Planning Board is requested to consider a text amendment to Sec. 58-4 Definitions, Sec. 58-56, 58-56.1, 58-57, 58-57.1, 58-60, and 58-61 Permitted uses and add Section 58- 306 to Article X telecommunication towers.

Small cell facilities (microcellular optical repeater equipment) are used to provide faster data coverage and capacity for mobile phone and device users. Requests for small cell antenna installations are expected to rise dramatically. Many cities and counties in the area are seeing requests by companies for installation.

No regulation can be enacted which prohibits the provision of personal wireless services. Any requests have to be approved by the Town in a "reasonable period of time". Decisions for denial shall be in writing format and must include substantial supporting evidence.

While the Town has the right to manage limited aspects of these requests, we are limited by federal statutes. Basically, the Town may address the aesthetic issues such as design, color, height, placement of equipment, and location.



Sec. 58-4. - Definitions.

facility.

Small cell telecommunications

Small cell telecommunications facility.

A facility, excluding cell towers and satellite television dish antenna, established for the purpose of providing wireless voice, data and/or image transmission within a designated service area. A small cell telecommunications facility must not be staffed, and consists of one or more antennas attached to a Support Structure. An antenna or wireless antenna base station which provides wireless voice, data and image transmission within a designated service area as part of a small cell telecommunications facility may consist of a low-powered access node with no more than five watts of transmitter output power per antenna channel, and may not be larger than a maximum height of three (3) feet and a maximum width of two (2) feet. A small cell telecommunications antenna may be installed on existing rooftops, structures or support structures where permitted. A small cell telecommunications facility also consists of related equipment which may be located within a building, an equipment cabinet outside a building, an equipment cabinet on a rooftop, or an equipment room within a building.

Support Structure(s).

Monopoles, towers, utility poles, light poles, buildings or any other freestanding self-supporting structure which can safely support the installation of any new or additional proposed telecommunications facility.

Sec. 58-56. - B-1 general business district.

(1)

Permitted uses.

1. Essential services, classes I and IV.
2. ***Small Cell Communication Facility***

Sec. 58-56.1. - B-1(CD) general business conditional district.

(1)

c. *Other uses.*

8. ***Small Cell Communication Facility***

Sec. 58-57. - B-2 shopping center district.

(1) *Permitted uses:*

- a) Essential services, classes I and IV.
- b) ***Small Cell Communication Facility***

Sec. 58-57.1. - B-2(CD) shopping center conditional district.

(1) *Permitted uses:*

- a) *Essential services, classes I, II, III and IV.*
- b) ***Small Cell Communication Facility***

Sec. 58-60. - MX mixed-use conditional district.

(1) *Permitted uses:*

- q) ***Small Cell Communication Facility***

Sec. 58-61. - E-D educational district.

(4) Small Cell Communication Facilities are a permitted use within this district in accordance with Article X.

Article X 58- 306

Small cell telecommunications facilities are a permitted in non-residential zoning districts, and in residentially zoned properties with a non-residential use after review by the Town Zoning Administrator, except as specified in subsection 5 below. The following standards apply:

1. A small cell antenna may be installed on a support structure on privately held land at a height of at least fifteen (15) feet on an existing non-residential or mixed use structure.
2. Unstaffed equipment that is accessory to antennas may be located on a support structure, within a building, within an equipment cabinet outside a building, or on a rooftop.
 - a. Ground equipment shall have a maximum footprint of twenty (20) square feet with a maximum height of four (4) feet and must be so located and installed a minimum of three (3) feet from any property line.
 - b. Rooftop equipment may be installed on privately owned land under the following conditions:
 1. At a height of at least fifteen (15) feet on an existing non-residential or mixed use structure in any zone.

2. Equipment cabinets shall have a maximum footprint of thirty six (36) square feet with a maximum height of five (5) feet, in combination with all other roof structures may not occupy more than twenty-five (25) percent of the roof area, and must be screened.

c. Equipment may be installed on a support structure on privately owned land under the following conditions:

- 1. At a height of at least fifteen (15) feet on an existing non-residential or mixed use structure.**
- 2. Equipment cabinets shall have a maximum size of twenty (20) cubic feet with a maximum height of four (4) feet.**

d. In residential areas small cell facilities shall:

- 1. be integrated into the architecture of the structure on which it is placed.**
- 2. be landscaped to minimize visual impact, subject to the zoning administrator's approval.**

3. An installation of a small cell facility that does not increase the size or height of the support structures, excluding antennas, by more than twenty (20) percent is permitted provided the expansion does not create a public health or safety concern.

4. No lighting of any part of the small cell facility is permitted. No small cell facility may be placed on any structure where the new antenna array would be required to be lighted to meet FAA regulations.

5. A small cell facility that increases the size or height of the support structure by more than twenty (20) percent is approvable by the Planning Board under the following conditions:

- a. The applicant shall provide, by mail or personal delivery, written notice in a form approved by the zoning administrator to owners of property abutting and confronting the property that is the subject of the request within two (2) business days of filing the request and shall certify the same to the zoning administrator.**
- b. The applicant shall demonstrate that the expansion of the support structure is integrated into the surrounding area and limits the visual impact to the maximum extent possible.**
- c. The expansion of the support structure does not create a public health or safety concern.**

Town Planner Thompson informed the Board that there has been a request by Verizon Wireless to install a small cell facility at Weddington High School. Mr. Hartman inquired as to whether communication towers are considered public utilities. Vice-Chairman Prillaman indicated that they are regulated by the FCC. Chairman Dow stated that communication towers are considered public utilities and must be allowed, but can be regulated. Vice-Chairman Prillaman asked how this impacts ham radio operators. Chairman Dow replied that there are separate ham radio usage ordinances. Chairman Dow raised questions regarding the limitations on size of equipment. The definition of small cell telecommunication facility limits the size of an antenna or wireless antenna base station to a maximum height of three (3) feet and a maximum width of two (2) feet. Mr. Hartman questioned the low power specifications of 5 watts. There was a general consensus among the Board that there is not enough expertise to make an informed decision regarding this text amendment request. Vice-Chairman Prillaman offered to consult with clients who work with communication towers.

Vice-Chairman Prillaman moved to table the discussion of this amendment. Mr. Klink seconded the motion, with votes recorded as follows:

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

E. Review of February Retreat Items for Planning Board Consideration

Town Planner Thompson presented a request for the Board to consider multi-use paths and greenways. A suggested route is a loop from existing sidewalks on Providence Road to the Rea Road extension, up Weddington Road to the downtown overlay district. Questions were raised concerning the constructions, maintenance, liability and security along the pathway. Mr. Hartman and Mr. Hogan will work with Ms. Thompson on developing a route.

Item No. 6. Update from Town Planner.

Town Planner Thompson reported on the following

- Town purchase of 3.232 acres of property located at 6924 Matthews-Weddington Road. This property sits adjacent to the current town hall and directly behind Weddington Corners Shopping Center.
- Overlay district standards review
- The board discussed increasing the minimum lot size. Vice-Chairman Prillaman and Mr. Vivian will work with Ms. Thompson on the amendment.
- Ms. Thompson is also working on a text amendment to the town noise ordinance.
- The Graham Allen Sub-division has been approved with a 160' cul-de-sac length modification.

Item No. 7. Other Business.

A. Report from the February Town Council Meeting. The Planning Board reviewed the agenda from the February 13, 2017 Regular Town Council Meeting.

Item No. 8. Adjournment. Vice-Chairman Prillaman moved to adjourn the February 27, 2017 Regular Planning Board Meeting. Mr. Hartman seconded the motion, with votes recorded as follows:

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

The meeting adjourned at 8:30 p.m.

Adopted: March 27, 2017


Rob Dow, Chairman


Janet Peirano, Deputy Clerk