



TO: Planning Board

FROM: Robert G. Tefft, CNU-A, Town Planner

DATE: October 23, 2023

SUBJECT: Application by Liberty Classical Academy, Inc., requesting Conditional Zoning approval for the establishment of a Private School use, an associated Land Use Map amendment from Traditional Residential and Conservation Residential to Conservation Residential; and an associated Zoning Map amendment from R-40 Single-Family District (R-40) and Residential-Conservation District (R-CD) to Education District (ED) all of which are associated with parcels generally located at or adjacent to 145 S. Providence Road, and 154 Weddington Road.

APPLICATION INFORMATION:

SUBMITTAL DATE: June 2, 2023

APPLICANT: Liberty Classical Academy, Inc.

PROPERTY LOCATION: 145 S. Providence Road, and 154 Weddington Road

PARCEL ID#: 06150076, 06150076A, 06150076B, and 06150081

ACREAGE: +/- 60.77 acres (0.4 acres within R-O-W)

EXISTING LAND USE: Traditional Residential and Conservation Residential

PROPOSED LAND USE: Conservation Residential

EXISTING ZONING: R-40 and R-CD

PROPOSED ZONING: ED (CZ)

BACKGROUND:

On February 13, 2023, the Town Council heard a presentation from Liberty Classical Academy regarding their intent to develop a private school (K-12) on the above referenced parcels. Councilmembers had questions on where the students would be coming from, what the economic benefits would be for Weddington, if there were others looking at similar development in the area, if the applicant had built a school previously, and what the tuition would be.

On July 24, 2023, the Planning Board heard a presentation from the applicant concerning this project and voted 6-0 (Conway absent) to continue the proposal until such time as the applicant was able to address the concerns discussed in the staff report and hold a public information meeting specific to traffic concerns. The applicant has responded to the concerns outlined by staff and held a public information meeting on August 22, 2023 with another meeting scheduled to take place October 25, 2023.

PROPOSAL:

The applicant is proposing the establishment of a new private school (K-12) on the subject property. The school is proposed to be developed over two phases with Phase 1 consisting of the high school and middle school buildings with maximum capacities of 600 and 500 students, respectively, as well as the following various incidental associated buildings and structures:

- Gymnasium
- Cafeteria
- Arts/Media building
- Library
- Natatorium
- Baseball field (w/ bleachers – 50 seats)
- Soccer field (w/ bleachers – 50 seats)
- Football field (w/ bleachers – 500 seats)
- Multi-purpose fields (2)
- Tennis courts (8)
- Open spaces (+/- 13 acres)
- Private access road (including roundabout) connecting Providence Road and Weddington Road

Phase II is proposed to consist solely of the elementary school building, which would have a maximum capacity of 400 students.

Development Standards.

The development proposal includes Development Standards that form a part of the Conditional Zoning Plan (Plan). The development shall be governed by this Plan and all applicable Unified Development Ordinance (UDO) requirements unless specifically identified in the Plan.

Modifications:

While each use and structure shall be required to obtain a Zoning Permit so that staff can ensure the placement is consistent with this Plan, as well as all other applicable requirements of the UDO, the applicant proposes the following regarding minor modifications:

The depiction of uses, sidewalks, driveways, parking areas, internal drives, building envelopes, athletic fields and site elements (the “campus plan”) set forth on the sketch plan

should be reviewed in conjunction with the provisions of these development standards. The proposed improvements shown on the sketch plan are schematic in nature and exact locations of buildings, architectural design, building size (including parking and access) and their corresponding uses may be modified during the design, engineering and construction phases of the campus plan provided:

- 1. The modifications are materially consistent with the sketch plan,*
- 2. The minimum ordinance standards are met and,*
- 3. Unless otherwise shown on the sketch plan, such modifications do not exceed the maximum standards in accordance with the ordinance, subject to General Statutes 160D and Town of Weddington ordinance.*

Since petitioner has not proceeded with the full civil and architectural design phases, it is intended that this sketch plan provide for flexibility in allowing some alterations or modifications from the representations of the development/site elements. Therefore, there may be instances where modifications will be allowed without requiring the administrative amendment process per Article 6 of the ordinance. These instances would include:

- 1. Minor modifications that are deemed not to materially change the overall design intent depicted on the sketch plan. The Town Planner will determine if such minor modifications are consistent with the intent depicted on the sketch plan. If it is determined that the modification is not consistent with the intent of the sketch plan, petitioner shall then follow the administrative amendment process pursuant to Article 6 of the ordinance in each instance, however, subject to petitioner's appeal rights set forth in the ordinance.*

The language proposed by the applicant would cover any minor adjustments to the plan, allowing them to be dealt with administratively, but would require any change deemed as not minor by the Town Planner to be brought back through the Conditional Zoning process with Town Council to have the final determination on the allowability of that change.

Vested Rights:

Pursuant to the Development Standards proposed by the applicant, there is a request for five (5) years of vested rights, which is the maximum allowable under GS 160D. There was a prior concern regarding the number of years proposed by the applicant; however, this has been satisfactorily addressed by the applicant.

Permissible Uses:

Pursuant to the Development Standards proposed by the applicant, the permissible uses for the development proposal would be as follows:

- Education Buildings (Classroom and Administration)
- Education Support Buildings
- Outdoor Athletic Resources

These uses are more specifically described in the bullet point list provided on the previous page, and Town staff have no objections or concerns with the permissible uses.

Subdivision:

Pursuant to the Development Standards proposed by the applicant, the four parcels comprising the site will be recombined into one parcel. There were previous concerns regarding the subdivision language originally proposed; however, this has been satisfactorily addressed by the applicant.

RELATION TO THE UNIFIED DEVELOPMENT ORDINANCE:

UDO Section D-607(C), Conditional Rezoning.

As required by UDO Section D-607(C)(5), the applicant held their required Community Meeting at Weddington Town Hall on Wednesday, May 3, 2023, at 6:30 pm. A subsequent Community Meeting specific to traffic concerns brought up at the original meeting was held on August 22, 2023, at 4:00 pm. The minutes of both meetings, as well as attendance logs are available on the town website.

The Town Council is tentatively scheduled to hold a public hearing regarding this application on Monday, October 9, 2023, at 7:00 pm. The Conditional Zoning process allows the developer and the town to ask for conditions which could include special exceptions to rules or additional improvements. The town and the developer must agree on a condition for it to become a part of an approval.

UDO Section D-703(D), Permitted Uses (by zoning district).

Pursuant to Table 1, Permitted Uses, as contained within UDO Section D-703(D), the Public or Private School use is permissible within the R-60, R-40, and ED Districts; however, only by a Conditional Zoning approval. The subject development proposal includes a request to rezone all four of the parcels involved to ED, which would allow for the proposed use.

UDO Section D-703(E), Lot and Building Standards Table.

Pursuant to Table 2, Lot and Building Standards, as contained within UDO Section D-703(E), all development within the ED is required to meet certain standards. The following table identifies those standards, as well as how the subject development proposal complies:

Lot and Building Standards		Standard	Proposed
Minimum Lot Size		N/A	2,645,398.8 SF
Minimum Lot Width		N/A	1,340' (Providence Rd) 504' (Weddington Rd)
Minimum Setbacks	Front	25'	73' (Providence Rd) 50' (Weddington Rd)
	Side	25'	29' (north) 49' (south)
	Rear	25'	275' (east)
Maximum Height		40'	33' (top of flat roof) 45' (top of mansard roof)
Maximum Floor Area Ratio		0.2	0.09

To be clear, the development proposal meets or exceeds all the established standards except for maximum height. The proposed buildings would either need to be modified to comply with this standard, or the approval would need to specifically authorize this additional height.

UDO Section D-917C, Specific Requirements for Non-Residential Development.

- 1. Landscaping, Screening, and Buffers. Landscaping, screening, and buffers shall meet or exceed the minimum standards as provided per D-918(I). A buffer shall be built and maintained the entire width of the property fronting major or minor thoroughfares and major or minor roads. The buffers shall be built the width of the setback. All such buffers and/or screens shall be built in such a manner as to effectively screen the development from any major or minor thoroughfare and major or minor road, and/or residential or commercial property existing at the time the CZ zoning is approved. All such landscaping, screening and buffers shall include, protect, and maintain existing and planted trees.*

While a preliminary landscape plan has been provided, it does not provide sufficient detail to fully determine compliance with all minimum standards set forth in UDO Section D-918(I). However, given the nature of this application and process, the plans provided are sufficient and a finding can be made that the development proposal should be able to achieve compliance with the minimum standards set forth in UDO Section D-918(I). Should the application be approved, final compliance will be determined upon the submittal of plans for Zoning Permit.

- 2. Parking Decks. If one or more parking decks are to be built in accordance with the guidelines herein and contain 33 percent or greater of the required off-street parking for the development, the maximum allowable floor area ratio may be increased by the Town Council up to a ratio of 0.25. Parking decks not to exceed three above grade levels of parking may be allowed provided they do not exceed the maximum height provided in subsection 3, below. To the maximum extent possible, such decks shall be built of materials and designed in a manner to blend in with the associated development. Cars on all levels of a structural parking facility must be screened from view from outside the structure. Retail or office uses may be allowed on the periphery of all levels of the parking deck.*

No parking decks are proposed. As such, this requirement is not applicable.

- 3. Building Height. The majority of buildings in the development shall be two stories high. However, one-story and/or three-story buildings will also be used to provide a varied skyline for the development. A majority of the gross floor area within the development shall be contained in buildings that are two stories or shorter. All buildings or structures within 50 feet of residentially zoned property shall be limited to two stories and shall have a maximum building height of 35 feet, as measured from ground level to the peak of the roof.*

While the plans provided do not include specific height information for all buildings within the proposed development, it is known that the middle and high school buildings at the front of the development are proposed at 45 feet to the highest point of their mansard roof. While only proposed to be two-story buildings for the purpose of the number of floors therein, the actual height is more consistent with a three or four-story building. All other buildings proposed within the development are anticipated to not exceed two-stories or a height of 40 feet. It is also noted that no building within the development is within 50 feet of any adjacent property.

- 4. Gross Floor Area. No individual use within a non-residential development shall have a gross floor area greater than 8,000 square feet, except for supermarkets, libraries, and town and government facilities, which may be as large as 25,000 square feet. Furthermore, individual retail uses having a gross floor area of greater than 20,000 square feet shall not comprise greater than 25 percent of the total gross floor area in the development devoted to retail use.*

The development proposal consists of multiple buildings comprising a singular use having a total of 167,000 square feet of gross floor area. This proposal far exceeds the 8,000 square feet maximum, and the proposed use does not qualify for the established exception which would allow for 25,000 square

feet, and even so would still far exceed that maximum as well. Accordingly, this provision is not being met. Nonetheless, the Town Council may allow for the proposed gross floor area for this development as a part of a specific conditional zoning approval.

5. *Design Requirements. The first floors of all nonresidential buildings must be designed to encourage pedestrian activity and use by arranging windows and doors so that individual uses within a building are visible and accessible from the street on at least 50 percent of the length of the first-floor frontage that faces roads, sidewalks, or other areas of significant pedestrian activity. Where the first floor of a nonresidential building has expanses of blank wall, each such expanse of blank wall may not exceed 20 feet in length. The term "blank wall", for the purposes of this section, means a wall that does not contain transparent windows or doors or significant ornamentation, decoration, or articulation.*

As has been noted previously with other submittals, this provision is intended more for the engagement of pedestrians with retail storefronts rather than school buildings, which are not typically associated with these types of design requirements. Accordingly, it would not seem to be appropriate to require compliance with this provision given the nature of the use. Nonetheless, the development proposal includes the following statement:

"Building side and rear elevations shall not have expanses of blank walls greater than 50 feet and architectural features such as but not limited to banding, medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls."

Should the application be approved, final compliance will be determined upon the submittal of plans for Zoning Permit.

6. *Pedestrian Friendly. Nonresidential portions of a development (including, but not limited to, the landscaping, parking, and lighting of those portions) shall be designed so that they encourage and facilitate pedestrian use of those portions. In addition to other design elements that encourage and facilitate pedestrian use, in nonresidential portions of a development, sidewalks shall be placed in front of all principal buildings, and small pocket parks shall be created whenever feasible.*

As with the above provision, this provision is intended more for the engagement of pedestrians with retail storefronts rather than school buildings, which are not typically associated with these types of design requirements. Accordingly, it would not seem to be appropriate to require compliance with this provision given the nature of the use.

7. *Off-Street Parking Areas. Large expansive off-street parking lots are not allowed. Accordingly, each off-street parking area shall contain no more than 150 off-street parking spaces and shall meet or exceed the standards in section.*

The majority of the 412 total parking spaces provided (265) are proposed within what is essentially a single parking lot. However, due to the nature of the use and the inherent need for drop-off and pick-up areas for students, as well as vehicle stacking, the forced design tends to result in larger fields of off-street parking.

It should be noted that the subject provision is incomplete as it does not specify any section of the UDO in its final sentence. Based upon how a similar provision was constructed in the Town's Code of Ordinances prior to the adoption of the UDO, this should be referring to Section D-918(L), Off-Street Parking and Loading, in the current UDO.

The sketch plan provided does not provide sufficient detail to fully determine compliance with all standards set forth in UDO Section D-918(L). However, given the nature of this application and

process, the plans provided are sufficient and a finding can be made that the development proposal should be able to achieve compliance with the minimum standards set forth in UDO Section D-918(L).

Should the application be approved, final compliance will be determined upon the submittal of plans for Zoning Permit.

8. *Internal Streets; Private Ownership; Parking. Streets within the development may be privately owned and maintained. On-street parking is allowed and may be counted towards meeting the off-street parking requirements. For both on-street and off-street parking, a parking space shall be not less than nine feet in width or less than 20 feet in length, and all parking spaces shall be clearly marked and maintained so that the boundaries of each space may be easily seen. In off-street parking lots with more than 20 standard spaces, one compact parking space may be permitted for every five standard spaces. Each compact space shall be at least seven feet wide and at least 17 feet long, and shall be clearly marked, "compact cars only".*

The development proposal includes the provision of one internal private street connecting Providence Road to Weddington Road. The road includes no on-street parking; however, it does provide for two bus drop-off lanes within the first 870 feet from Providence Road.

9. *No Outdoor Storage. Any outdoor storage of retail goods is prohibited. Notwithstanding this provision, garden materials such as flowers, plants, shrubs, fertilizer, and pine needles, etc., may be stored outdoors, but only if appropriately located, screened, and secured. Such outside storage shall be allowed only at the sole discretion of the Town Council and shall be included in calculating the floor area ratio for the site.*

No outdoor storage is proposed. As such, this requirement is not applicable.

10. *Open Space. At a minimum, ten percent of the gross acreage of the project (minus any required setbacks and buffers, utility easements, stormwater detention areas, and marginal lands including, but not limited to, wetlands, floodplains, steep slopes, and bodies of water) shall consist of prominently located and pedestrian-accessible village green open spaces so as to encourage walking and pedestrian activity within the development. No development may occur within any such open space except for the creation of sidewalks, other walking paths, and any type of development commonly found in small public parks, such as statues or other art.*

As discussed previously with regard to other provisions contained herein, this provision is intended more for the engagement of pedestrians with retail storefronts rather than school buildings, which are not typically associated with these types of design requirements. Accordingly, it would not seem to be appropriate to require compliance with this provision given the nature of the use.

11. *Stormwater Management. The post development rate of stormwater runoff from any lot shall not exceed the predevelopment rate of runoff for a 10-year storm. The applicant shall provide, at a minimum, the following information to the Administrator as part of his application to obtain a zoning permit:*

- a. *An engineering report made and certified as true and correct by a registered engineer licensed to do business in the state. Such report shall include the following:*
- 1. The routing of stormwater for the predevelopment and post-development conditions of the proposed building lot.*
 - 2. Calculations showing the peak estimated rates of runoff using a ten-year return period for predevelopment and post-development conditions for the lot, including each stream leaving the proposed building lot.*

3. *Calculations, plans, and specifications for stormwater retention/detention facilities or other means to effect peak rate attenuation.*
 4. *A statement indicating the rate of post-development stormwater runoff for the proposed building lot will not be greater than the predevelopment rate for a 10-year storm.*
- b. *A statement from the owner acknowledging responsibility for the operation and maintenance of required retention/detention facilities, and to disclose such obligation to future owners.*

The preliminary stormwater plans included as part of the development proposal were reviewed by the Town's engineers, LaBella Associates (LaBella). Multiple comments were generated with this review; however, the applicant has revised their plans to address those comments. Compliance with applicable Town Ordinances, shall be determined upon the submittal of plans for Zoning Permit should the application be approved.

UDO Section D-917D, Supplemental Requirements for Certain Uses.

UDO Section D-917D(K), Schools, applies to all schools, whether they be public or private, elementary, middle, or high schools despite the various provisions having been written in such a manner that they would sometimes seem to apply only to those schools within the Union County Public Schools system. Those provisions deemed applicable to this development proposal, and how said proposal may or may not comply, are as follows:

4. *Supplemental standards shall include:*
 - a. *Exterior of buildings:*
 1. *Exterior building materials shall be limited to masonry brick (brick or prefinished block), natural or synthetic stucco, prefinished insulated or non-insulated metal panel system, prefinished metal fascia and wall coping, standing seam metal roof (for sloped roof only), painted hollow metal and/or prefinished aluminum door and window frames, glass, painted or prefinished steel.*
 3. *Exterior of buildings will be articulated to enhance the area of the site.*
 - d. *Exterior illumination:*
 1. *Driveway and parking area lighting shall be no more than ten foot-candles. Spill over to adjacent properties shall not exceed one foot-candle for nonresidential use and/or zoning and 0.50 foot-candle for residential use and/or zoning. Lighting fixtures shall be shielding type.*
 2. *Lighting fixtures located on the building exterior shall not emit more than five foot-candles and shall be shielding type.*
 3. *Lighting for athletic fields shall follow the current standards as set forth by the North Carolina High School Athletic Association Lighting Standard. A lighting control package shall be included, and lights shall be shut off no later than one hour after the end of the event.*
 - f. *Parking:*
 1. *At elementary and middle schools provide one space per staff member plus 1.6 spaces per classroom or one space for each three seats used for assembly purposes whichever is greater.*
 2. *At high schools provide five spaces per instructional classroom or one space for each three seats used for assembly purposes whichever is greater.*
 3. *No more than 20 percent of the required spaces can be compact spaces.*
 4. *Minimum size of spaces shall be nine feet wide by 19 feet long for regular, 7½ feet wide by 15 feet long for compact, and accessible spaces shall meet current accessibility codes.*
 - g. *Student drop-off stacking: On-site vehicle stacking for student drop-off shall be based on NCDOT requirements using the NCDOT required calculator.*
 - h. *Landscaping and screening/buffering:*

1. *Trees and shrubs shall be as indicated within the municipality species list.*
 2. *Parking area: One large or two small trees shall be provided for each 12 parking spaces. Each parking space shall be located within 65 feet of a tree. Rows of parking spaces shall be terminated with a landscaped island and shall be the same size as a parking space.*
 3. *Parking areas shall be screened from adjacent public roads with shrubs based on the municipality's species list.*
 4. *Storm detention basins shall be screened with fencing and/or shrubs as determined by the administrator and shall be dependent upon the size, location, and use of the basin.*
 5. *Land berms will not be permitted between school facilities and roads.*
 6. *Land berms can be used in conjunction with required screening/buffering to adjacent uses as determined by the local regulations.*
 7. *Screening/buffering from adjacent uses will be opaque and shall consist of:*
 - i. *Small trees planted at a rate of three per 100 feet and six feet high evergreen shrubs planted at a rate of 25 per 100 feet; or*
 - ii. *Large trees planted at a rate of 2.5 per 100 feet and a six-foot high solid wood fence; or*
 - iii. *Tall evergreen trees with branches touching the ground planted in a stagger.*
 8. *If the adjoining property is of similar or compatible use the administrator may reduce or eliminate the screening/buffer.*
 9. *Screening/buffering requirements may be waived when screening/buffering is already provided. There may be cases where the unusual topography or elevation of a site, or the size of the parcel involved, or the presence of screening on adjacent property would make the strict adherence to the regulation serve no useful purpose. In those cases, the administrator is empowered to waive the requirements for screening so long as the spirit and intent of this section and the general provisions of this section pertaining to screening are adhered to. This section does not negate the necessity for establishing screening for uses adjacent to vacant property.*
5. *Stormwater Management. The post development rate of stormwater runoff from any lot shall not exceed the predevelopment rate of runoff for a 10-year storm. The applicant shall provide, at a minimum, the following information to the Administrator as part of the application to obtain a zoning permit:*
- a. *An engineering report made and certified as true and correct by a registered engineer licensed to do business in the state. Such report shall include the following:*
 1. *The routing of stormwater for the predevelopment and post-development conditions of the proposed building lot.*
 2. *Calculations showing the peak estimated rates of runoff using a ten-year return period for predevelopment and post development conditions, for the lot, including each stream leaving the proposed building lot.*
 3. *Calculations, plans, and specifications for stormwater retention/detention facilities or other means to effect peak rate attenuation.*
 4. *A statement indicating the rate of post-development stormwater runoff for the proposed building lot will not be greater than the predevelopment rate for a 10-year storm.*
 5. *A statement from the owner acknowledging responsibility for the operation and maintenance of required retention/detention facilities, and to disclose such obligation to future owners.*

Regarding building exteriors, illumination, parking, and landscaping, plans depicting this level of detail are not required at this stage of the development process; however, should this application be approved, these standards shall be reviewed for compliance upon the submittal of a Zoning Permit.

The applicant has been working with NCDOT to address stacking requirements and, at this time, it appears that sufficient stacking has been accommodated within the development proposal.

Regarding Stormwater, please see the discussion under UDO Section D-917C.

UDO Section D-918, General Requirements.

The various provisions set forth in UDO Section D-918, including, but not limited to visibility at intersections, lighting, screening, and landscaping, fences and walls, signs, and off-street parking and loading, as applicable, shall be reviewed for compliance with the submittal of plans for a Zoning Permit. It is noted, however, that there do not appear to be any immediate concerns regarding compliance with these provisions.

UDO Appendix 5, Architectural Standards.

It is noted that many of the basic building design standards established in Appendix 5 are intended more for the engagement of pedestrians with retail storefronts rather than school buildings, which are not typically associated with these types of design requirements. Nonetheless, should this application be approved, these standards shall be reviewed for compliance at time of submittal for a Zoning Permit.

RELATION TO THE CODE OF ORDINANCES:

Appendix C, Traffic Impact Analysis.

Pursuant to Sec. II (A) (1), a Traffic Impact Analysis (TIA) is required for any CZ which is expected to create 50 or more peak hour vehicle trips or 500 or more daily vehicle trips. The development proposal was determined to exceed this threshold, and as such, the applicant hired Timmons Group to develop a TIA for this project. As of August 30, 2023, the TIA has been accepted and approved by NCDOT with the following improvements to be completed in conjunction with the construction of the development:

Providence Road S / Lenny Stadler Way / Site Access 1

- Dual egress lanes (shared through / left-turn lane and an exclusive right-turn lane)
- 100-foot southbound left-turn lane (with appropriate taper)

Site Access 2 / Wheatberry Hill Drive / Weddington Road

- Intersection Signalization
- 150-foot channelized eastbound right-turn lane (with appropriate taper)
- 100-foot westbound left-turn lane (with appropriate taper)

The TIA establishes that a total of 3,315 Average Daily Trips (ADT) will occur on the surrounding roadway network because of the proposed development. These trips will have a significant impact upon the roadway network and, even with the construction of the aforementioned improvements, will result in a degradation of the Level of Service (LOS) to surrounding intersections.

ANTICIPATED TRIP GENERATION								
Type	Variable	ADT	AM Peak Hour			School PM Peak Hour		
			In	Out	Total	In	Out	Total
Elementary School	400 Students	874	280	224	504	157	213	370
Middle School	500 Students	1089	349	280	629	196	265	461
High School	600 Students	1352	467	247	714	192	446	638

LEVEL OF SERVICE (LOS)			
Intersection	Existing	Anticipated (2031) w/ Improvements	2040 Horizon
Providence / Weddington	C	E (AM) / C (PM) ¹	F
Providence / Lenny Stadler	A	A	N/A ³
Providence / Rea	C	D (AM) / E (PM) ²	
Weddington / Wheatberry Hill	C	C (AM) / B (PM)	

¹ No improvements recommended, as improvements would have a significant impact upon existing area development due to proximity of existing developments to the roadway.

² No improvements recommended as available turn-lanes are adequate and two STIP projects (U-5769B and U-3467) are already planned which will add capacity.

³ Not included in TIA.

LAND USE PLAN CONSISTENCY:

Land Use Goals:

Goal 1: *To ensure that all new development takes place in a manner that conserves open space and scenic views.*

A minimum of 10% of the 60.77-acre site is required to be set aside as open space. The development proposal, however, would set aside approximately 18.3 acres or 30% of the total land area as open space. While it is unclear as to what scenic view may or may not exist on the parcel, the development proposal appears to be meeting the above Goal.

Goal 2: *To limit development activities on environmentally sensitive lands.*

The development proposal does not include any activities within a designated flood zone and will maintain at least a 100-foot buffer from all environmentally sensitive lands on the parcel. As such, the development proposal appears to be meeting the above Goal.

Goal 3: *Minimize the visual effect of development from surrounding properties and roadways.*

The development proposal will consist of a perimeter landscape buffer that will, at minimum, meet the standards established within the UDO. As such, the development proposal appears to be meeting the above Goal.

Goal 4: *To maintain the Town's strong single-family residential character.*

It is unclear if the development proposal is meeting the above Goal or not. On the one hand, the proposal does not include the introduction of any differing type of residential use (e.g. apartments, townhomes, multifamily, etc.), but on the other hand, the development proposal is not a single-family residential development and therefore does not necessarily maintain the established strong character as the surrounding area becomes more non-residential in character with this project should it be approved.

Land Use Policies:

Policy 2: Preserve the Town’s natural resources. Depending upon the fragility of the resource, restrictions should limit or prohibit construction, grading, and even vegetative clearing.

Based upon the information provided with the development proposal as reviewed by the Town’s engineers, the development proposal will comply with the adopted regulations protecting our natural resources.

Policy 5: Ensure that development is consistent with the Town’s quality and aesthetic values, thereby protecting property values.

Based upon the level of plans required to be submitted at this phase of the development approval process, the development proposal would comply with this Policy. Should the project be approved, further review shall be conducted upon submittal for a Zoning Permit.

Policy 8: Prohibit medium and high-density residential development and large-scale commercial development that could create potential traffic and safety problems for the Town.

The subject development proposal does not consist of any medium- or high-density residential development, nor does it consist of large-scale commercial development. As such, the development proposal meets the above Policy.

Policy 11: Ensure that land uses abutting residential development are compatible with the scale, intensity, and overall character of existing and planned neighborhoods.

The land uses abutting the subject property are as follows:

North	Place of Worship; Vacant
South	Single-Family Home (Historic)
East	Vacant
West	Single-Family Dwelling; Place of Worship

The development proposal will be compatible with the scale, intensity, and overall character of the surrounding places of worship; however, there are concerns regarding the compatibility of the proposed use with the adjacent single-family homes to the south and, more specifically, the residence at 201 S. Providence Road which is one of the few historic properties in the Town. How will the development proposal impact the continuing preservation of this historic structure? What impact will the associated football stadium have on the use of this and other surrounding parcels?

Policy 12: Consider land use descriptions shown in Exhibit 1 and the Future Land Use Map shown in Exhibit 2 in making zoning and development decisions.

Land Use	Description
<i>Traditional Residential</i>	<i>This category applies to areas where most of the lots and parcels are less than six acres in area. Most of this area is platted and is, or will be, zoned for 40,000 square foot lots at a density of approximately one dwelling unit per acre, in accordance with the Town’s current Residential (R-40, R-40D, R-60, R-80, RE and RCD conventional) zoning districts.</i>

<i>Conservation Residential</i>	<i>This category applies to the areas within the Town that are currently zoned RCD or are six acres or greater in area. Some of this area has not been developed while some of the area is currently a conventional or conservation subdivision. Conventional subdivisions shall have minimum lot sizes of 40,000 square feet, plus be subject to a 10% open space requirement. Conservation subdivisions shall be subject to a conditional zoning permit and allow for smaller lot sizes yet retain a density of approximately one dwelling unit per 40,000 square feet.</i>
<i>Neighborhood Business</i>	<i>Existing commercially zoned (MX, B-1(CD) or B-2(CD)) parcels that lie in the vicinity of the “Town Center” or near the intersection of New Town Road and NC 16. This area is intended for neighborhood scale businesses that serve the needs of Weddington residents. All new commercial development will be in the Town Center and is subject to additional requirements found in the Downtown Overlay District.</i>

The four parcels associated with the development proposal are designated as either a Traditional Residential or a Conservation Residential Land Use. Given that the parcels will function as a single parcel under the current proposal (future subdivision notwithstanding), it is appropriate and necessary that there be a single Land Use as well. Based upon the above definitions, neither Traditional Residential nor Neighborhood Business would be appropriate for the prospective use. Therefore, if the development proposal is approved, the Land Use for all four parcels should be amended to Conservation Residential.

Public Facilities and Services Goals:

Goal 2: To ensure that all existing and future developments in Weddington are served by adequate water and sewage disposal facilities.

It is expected that the proposed development would receive adequate water service without any anticipated issues. However, the subject parcel does not have immediate access to sewer and is proposing to install a lift station at the southeast corner of their property and connect that station to the existing Union County Six-Mile Creek Basin gravity flow line located adjacent to Rea View Elementary School via a Union County public gravity flow extension and a private force main. As present, it is unclear as to whether Union County is willing to approve of such a configuration and, if not, how sewer would then be accommodated for the development.

Goal 4: To provide safe and convenient mobility for Weddington residents of all ages.

While the development proposal includes the construction of a new private road and roundabout connecting the intersections of Providence Road and Lenny Stadler Way to Weddington Road and Wheatberry Hill Drive, it is unclear at present, given the amount of new traffic expected to be generated by the development, that the project would result in safer or more convenient mobility for residents, or if the additional traffic generated by the project would result in negative impacts to safety and mobility.

Public Facilities and Services Policies:

Policy 2: Require transportation, water, wastewater and drainage system improvements to be constructed concurrent with new development and that provide adequate capacity to meet demands from existing and new users.

As noted previously, it is expected that the proposed development would receive adequate water service without any anticipated issues. However, the subject parcel does not have immediate access to sewer and is proposing to install a lift station at the southeast corner of their property and connect that station to the existing Union County Six-Mile Creek Basin gravity flow line located adjacent to Rea View Elementary School via a Union County public gravity flow extension and a private force main. As present, it is unclear as to whether Union County is willing to approve of such a configuration and, if not, how sewer would then be accommodated for the development.

Policy 9: While most new roads in Weddington in the past have been publicly owned and maintained, the Town continues to allow for privately maintained transportation infrastructure, provided they are built and maintained to meet all applicable NCDOT standards.

The proposed road and roundabout connecting the intersections of Providence Road and Lenny Stadler Way to Weddington Road and Wheatberry Hill Drive, will be privately built and maintained in accordance with NCDOT standards.

Community Design and Image Goals:

Goal 1: To maintain and enhance the Town's aesthetic qualities and physical character.

Based upon the level of plans required to be submitted at this phase of the development approval process, the development proposal would comply with this Goal. Should the project be approved, further review shall be conducted upon submittal for a Zoning Permit.

Community Design and Image Policies:

Policy 1: Continue to encourage the preservation of older homes and structures in the community to preserve a sense of history.

The development proposal includes two parcels which contain single-family homes; however, there is no indication that either of these homes or any structures on the various parcels are contributing historical value to the Town. That being said, and as was previously discussed with regards to Land Use Policy 11, there are concerns as to how the development proposal will impact the continued preservation of the historic home at 201 S. Providence Road.

Policy 4: Maintain design standards for future non-residential developments.

Based upon the level of plans required to be submitted at this phase of the development approval process, the development proposal would comply with this Policy. Should the project be approved, further review shall be conducted upon submittal for a Zoning Permit.

Based upon the above, staff provides the following Land Use Plan Consistency Statement for consideration:

While the development proposal can be found to be generally consistent with the adopted Land Use Plan, there are Goals and Policies for which compliance cannot be determined at the present time based upon the level of plans required to be submitted for this phase of development. In addition, there are other Goals

and Policies for which there are reasons for concern or the possibility that the development proposal will not be consistent.

RECOMMENDATION:

It is the recommendation of staff that the request for Conditional Zoning to allow for the establishment of a Private School use, an associated Land Use Map amendment from Traditional Residential and Conservation Residential to Conservation Residential, and an associated Zoning Map amendment from R-40 and R-CD to ED, all of which being associated with parcels generally located at or adjacent to 145 S. Providence Road, and 154 Weddington Road, be recommended for **approval**.

ATTACHMENTS:

Application
Sketch Plan
Development Standards
Zoning Map
Community Meeting Attendance Log
Community Meeting Minutes