



TO: Planning Board
FROM: Robert G. Tefft, Town Planner
DATE: May 22, 2023
SUBJECT: Application by Weddington United Methodist Church, requesting to amend an existing Conditional Zoning approval for the existing Churches, Synagogues and Other Places of Worship use generally located at 130 S. Providence Road.

APPLICATION INFORMATION:

SUBMITTAL DATE: March 23, 2023
APPLICANT: Weddington United Methodist Church
PROPERTY LOCATION: 0 Weddington-Matthews Road, 130 S. Providence Road, and 113 Weddington School Road
PARCEL ID#: 06150045A, 06150045B, 06150039, and 06150040
ACREAGE: +/- 22.09 acres
LAND USE: Conservation Residential
EXISTING ZONING: Residential-Conservation District (R-CD) (CZ)
PROPOSED ZONING: Residential-Conservation District (R-CD) (CZ)

UPDATE:

At its meeting of April 24, 2023, the Planning Board voted 4-0 to table the development proposal until its meeting of May 22, 2023. During its discussions with the applicant, the Board requested the provision of additional information, including but not limited to, the inclusion of a covered walkway, the appearance of the proposed modular building, and how stormwater may be impacted. The applicant has

submitted revised plans, as well as a response letter, which are intended to address the concerns of the Board.

BACKGROUND:

On October 13, 2003, the Town Council approved a Conditional Use Permit (CUP) for Weddington United Methodist Church on parcels 06150039, 06150040, and 06150045 (now 06150045A and 06150045B) to allow for the development of a 22,000 square foot Family Life Center with 1,050 seat sanctuary/multi-purpose room, a 4,500 square foot addition to the existing pre-school, a 23,000 square foot educational and administration building, and a 10,000 square foot addition to the existing children's day care.

Subsequent to the approval of this CUP, the Town established its Conditional Zoning (CZ) process and replaced all prior CUP's with CZ approvals. On July 11, 2011, the Town Council amended this now CZ approval to provide for a universal sign plan for all the church parcels (including those associated with this application, and other parcels which are not.

It is noted that with both 2003 and 2011 approvals, each of the subject parcels are noted as already being zoned R-CD. However, the Town's current Zoning Map does not reflect this. The Map also does not reflect the existing CZ approval on any of the parcels it should with the noted exception of parcel 06150039. The Town has no record of any rezoning or other amendment to these CUP/CZ approvals that would have altered this zoning. As such, it is the position of the Town that the Zoning Map is in error and will need to be updated to accurately reflect these prior approvals.

PROPOSAL:

The development proposal consists of 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.

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. However, any major changes to the use areas, open space or development standards shall be required to go back through this Conditional Zoning process.

It should be noted that the addition of the modular classroom building is the only new part of this proposed amendment. Additionally, this modular classroom building is temporary in nature, and would only be on site for a maximum of five years from the date of its installation and will not impact those buildings previously approved in 2003.

Permissible Uses.

Based upon the Development Notes & Standards submitted by the applicant (see attached), the possible permissible uses for the subject property would be as follows:

- Churches, synagogues, and other places of worship, and customary related uses of:
 - Wedding, banquet, and reception center
 - Day school, daycare, and nursery facilities
 - Park, playground, private recreational center, athletic fields, and associated structures (concession, restroom facilities, open air pavilion/shelter)

- Cemeteries (columbarium)
- Telecommunication towers
- Essential services

Staff have no objections or concerns with these permissible uses.

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 United Methodist Church on Thursday, April 13, 2023, at 6:00 pm. The minutes of this meeting and the attendance log are attached to this staff report, as well as being available on the town website.

The Town Council will hold a public hearing at Town Hall on Monday, May 8, 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 Churches, Synagogues and Other Places of Worship use is permissible within the R-40 and R-CD Districts; however, only by a Conditional Zoning approval. The subject parcels are all currently zoned appropriately for such use to be approved.

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), development within the R-CD (Conventional) District shall meet the following:

TABLE 2, LOT AND BUILDING STANDARDS							
Zoning District	Minimum Lot Size (sq. ft.)	Minimum Lot Width (ft.)	Minimum Setbacks (ft.)			Maximum Height (ft.)	Maximum Floor Area Ratio
			Front	Side	Rear		
R-CD (Conventional)	40,000	120	50	15	40	35	N/A

The subject property and development proposal will meet or exceed each of these standards with the shortest proposed setback (to the modular building) being approximately 306 feet.

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.

Aside from the existing church sanctuary, which encroaches into the required 70-foot buffer, the development proposal will be able to comply with this provision. Specific landscape materials will be reviewed for compliance with the submittal of plans for a 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.

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.

The specific height of the proposed modular building is not known at this time. However, the applicant is in agreement that the building shall not exceed the established maximum height for the R-CD District of 35 feet.

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 existing buildings already result in the development being well in excess of this allowable maximum, regardless of the improvements associated with this proposed amendment. That said, the proposed modular classroom would be at most 9,728 square feet; however, this is also a temporary building which will not have a permanent impact upon the Town. Nonetheless, the Town Council must specifically approve the gross floor area for this development since it will exceed the maximum gross floor area otherwise allowed.

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.

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 these provisions given the nature of the use.

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.

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 these provisions 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.

Most of the off-street parking areas previously approved by the Town Council already exceed this requirement (246, 260, and 120 spaces). While staff has no objections to the continued approval of this design, it is ultimately up to the Town Council if they would like this design to continue.

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".

Not applicable.

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.

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.

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 these provisions 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 above stormwater management requirements will be reviewed for compliance with the submittal of plans for a Zoning Permit.

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.

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. However, paragraph (7) states that this Appendix shall not apply to any development proposal that is a part of a CZ plan submitted prior to the effective date of the Appendix. As the Appendix was adopted in 2015 and the subject CZ was approved in 2003, this TIA requirement is not applicable.

It should be noted, however, that the 2003 approval was contingent upon the church obtaining approval from the North Carolina Department of Transportation (NCDOT). This contingency still applies, and the Town does not have a record of this approval having yet been obtained.

LAND USE PLAN CONSISTENCY:

Staff provides the following Land Use Plan Consistency Statement for consideration:

The project has been found to be generally consistent with the adopted Land Use Plan. However, while this project does not further any specific Goal or Policy of the Land Use Plan, it also does not act contrary to any specific Goal or Policy of the Land Use Plan, nor would it prevent the administration and implementation of the Land Use Plan, or preclude the fulfilment of the community vision as set forth in the Land Use Plan.

RECOMMENDATION:

It is the recommendation of staff that the request to amend an existing Conditional Zoning approval for the existing Churches, Synagogues and Other Places of Worship use located at 130 S. Providence Road (Weddington United Methodist Church) be approved.

ATTACHMENTS:

- Conditional Zoning Application
- Revised Sketch Plan with Development Notes and Standards
- Zoning Map of Subject Parcels
- Community Meeting Attendance Log
- Community Meeting Minutes
- Response Letter from Applicant