

**TOWN OF WEDDINGTON  
REGULAR PLANNING BOARD MEETING  
MONDAY, MAY 18, 2009 - 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 May 18, 2009 at 7:00 p.m., with Chairman Dorine Sharp presiding.

Present: Chairman Dorine Sharp, Vice-Chairman Rob Dow, Jack Steele, Scott Buzzard, Beth Masurat and Jeff Perryman, Town Planner Jordan Cook and Town Clerk/Administrator Amy S. McCollum

Absent: Sarah Lowe

Visitors: None

**Item No. 1. Open the Meeting.** Chairman Dorine Sharp called the May 18, 2009 Regular Planning Board Meeting to order at 7:04 p.m. There was a quorum.

**Item No. 2. Continue the Meeting.** Vice-Chairman Rob Dow moved to continue the Planning Board Meeting until the conclusion of the Board of Adjustment Meeting. Mr. Jeff Perryman seconded the motion, with votes recorded as follows:

AYES: Perryman, Masurat, Buzzard, Steele and Vice-Chairman Dow  
NAYS: None

**Item No. 3. Reopen the Meeting.** Chairman Sharp reopened the May 18, 2009 Regular Planning Board Meeting at 8:35 p.m.

**Item No. 4. New Business.**

**A. Review and Consideration of the Revised Final Plat for The Woods Subdivision, Phase IA.** The Planning Board received a copy of the following memo from Town Planner Jordan Cook, a copy of the June 18, 2007 Preliminary Plat, and a copy of the Final Record Plat.

**Project Information:**

The Woods Subdivision is a proposed 275.39 acre 204 lot subdivision. The subdivision is located on Weddington Road (NC 84) and is being developed by IB Development LLC as an R-CD conventional subdivision.

Phase 1 is comprised of 125 lots (tax parcels 06-150-071, 06-126-002, 06-126-011, 06-126-010A, 06-126-010B and 06-126-010) and was given Final Plat approval on May 19, 2008.

The applicant is proposing a Final Plat for Phase 1A, comprised of only 29 lots all within Phase 1. The Phase 1A Final Plat also shows septic fields on each individual lot.

- Phase 1A is 29 lots and 45.89 acres.
- Phase 1A has 20% open space or 9.54 acres.
- Development standards are as follows:
  - Minimum lot size- 40,000 sq. feet
  - Minimum lot width- 120 feet

- Minimum front yard setback- 50 feet
- Minimum rear yard setback – 40 feet
- Minimum side yard setback – 15 feet
- Minimum corner side yard setback – 35 feet
- The smallest lot size is 40,016 square feet, lot #25.
- Phase 1 is a total of 125 lots and 162.45 acres.
- In accordance with Section 46-76(l) of the Subdivision Ordinance, water connection to public line must be provided.
- Public Involvement Meetings were held on January 18 and 19, 2007.
- Soil report has been completed and has been provided to planning staff.
- Subdivision modification of the cul-de-sac length has already been approved by Town Council at their May 14, 2007 meeting.
- Preliminary Plat was reviewed by the Planning Board on June 18, 2007 and given a conditional approval.
- The Final Plat for Phase 1 was reviewed by the Planning Board on May 19, 2008 and given a conditional approval.
- A copy of the *revised* draft of the Declared Covenants, Conditions and Restrictions for The Woods has been received by Planning Staff and is currently being reviewed by the Town Attorney.
- The Conditional Use Permit for a Planned Residential Development (PRD) was reviewed and given favorable approval by the Planning Board at the July 23, 2007 meeting and at the Town Council's September 10, 2007 meeting.
- US Infrastructure has reviewed the plans and approved the Phase 1A Final Plat as submitted.

**The Phase I Final Plat was presented to the Planning Board with individual septic system services and conditionally approved by the Planning Board at their August 27, 2007 meeting with the following conditions (*italicized text represents current status*):**

- NCDOT Approval for the Subdivision Entrance-*Approval granted May 5, 2008 by NCDOT.*
- Bridge Approval-*USI currently reviewing.*
- Water and Sewer/Septic Approval by Union County Public Works-*Water approved by Union County February 12, 2008. Septic permits issued April 9, 2009 for all 29 Phase 1A lots.*
- Necessary Paperwork regarding Wetlands-*Paperwork received May 14, 2009 from US Army Corps of Engineers.*
- Bond Approval by US Infrastructure and Town Attorney-*Bond approval to come at a later date.*
- Town Attorney review of Homeowner Association Documents-*Town Attorney is currently reviewing these documents.*

**The following permits and approvals have been issued:**

- NCDENR Public Water Supply has approved extension for Phase I of Union County water lines to the subdivision under permit DEH 07-01892, PWS ID #01-90-413 Union County Water.
- NCDENR Erosion and Sedimentation control plan has been approved with modifications. Project ID Union-2007-067 approved May 14, 2007.
- NCDOT has approved the subdivision entrance located along Weddington Road (NC 84). A copy of the letter dated June 18, 2007 is on file.
- North Carolina Division of Environmental Health has approved public water hookup/water main extensions. A copy of the letter dated February 12, 2008 is on file.
- NCDOT has approved the culvert and guardrail replacement to allow for grading and pavement sufficient to widen Weddington Road (NC 84). A copy of letter dated May 5, 2008 is on file.

- Union County Health Department approved the Wastewater Septic Permits for all 29 lots within Phase 1A on April 9, 2009.
- Subdivision roads will be built to NCDOT standards.

**The Woods Subdivision Phase IA Final Plat has been found to be in general conformance with the Town of Weddington Zoning and Subdivision Ordinances with the following exceptions:**

- Revised Declaration of Covenants, Conditions and Restrictions should be reviewed by Town Attorney.
- Performance Bonds for roads, water, and waste water treatment facility have not been given to US Infrastructure and UCPW as of this writing. US Infrastructure and UCPW will need to verify the bond calculations, along with review by the Town Attorney before any map recordation.
- Bridge Review by US Infrastructure

Mr. Jack Steele moved to send a favorable recommendation to the Town Council for Phase IA of The Woods Subdivision contingent upon the three items listed in Town Planner Cook’s memo. Mr. Perryman seconded the motion, with votes recorded as follows:

AYES: Perryman, Masurat, Buzzard, Steele and Vice-Chairman Dow  
 NAYS: None

**B. Review and Consideration of Proposed Text Changes to Section 14-84 (Control of Glare, Light Trespass and Light Levels) of the Code of Ordinances.** The Planning Board received a copy of the following proposed text change:

**Sec. 14-84. Control of glare, light trespass and light levels.**

- (g) *Signs.*
  - (1) Lighting fixtures illuminating signs shall be carefully located, aimed, and shielded so that light is directed only onto the sign facade and glare is significantly reduced. Lighting fixtures shall not be aimed toward adjacent streets, roads, or properties.
  - (2) Lighting fixtures illuminating signs shall be of a type such that the light source (bulb) is not directly visible from adjacent streets, roads, or properties.
  - (3) Internally illuminated signs are **prohibited.** ~~permitted as long as the sign is not too bright for the surroundings and does not produce excessive glare to its viewers.~~
  - (4) To the extent practicable, lighting fixtures shall be directed downward rather than upward.
  - (5) This article does not regulate outdoor signs. Such regulations have been adopted and can be found in Article V of Chapter 58.

Chairman Sharp advised that there was a current conflict in the Town’s Ordinance between the Lighting Ordinance and the Sign Ordinance.

Vice-Chairman Dow moved to send a favorable recommendation to the Town Council for the proposed text change to Section 14-84 of the Code of Ordinances. Mr. Scott Buzzard seconded the motion, with votes recorded as follows:

AYES: Perryman, Masurat, Buzzard, Steele and Vice-Chairman Dow  
NAYS: None

**C. Review and Consideration of Proposed Text Changes to Section 58-23 (Planned Residential Developments) of the Code of Ordinances.** The Planning Board received a copy of the following proposed text change and a copy of the NCDOT Built-To Standards Checklist:

**Sec. 58-23. Planned residential developments.**

(a) Planned residential developments (PRDs) are allowed as a conditional use in the R-CD, R-80, R-60, and R-40 zoning districts. PRDs are established in order to provide a residential development at low densities consistent with suitability of the land and the rural character of the town. In order to encourage high quality design and innovative arrangement of buildings, these districts provide flexibility from the conventional use and dimensional requirements of the general districts. Unlike other developments in the town, a PRD may be allowed to have private streets that are not owned and maintained by the state department of transportation (DOT). In addition, a PRD may be a gated community where a gate is placed at the outer periphery of the development in order to restrict access. All PRDs must be developed in accordance with the regulations of this section, other applicable regulations of this chapter, and chapter 46.

(b) The town council may approve a PRD for a new development proposed in the town. Existing developments in the town shall not be considered as PRDs and are not subject to any PRD regulation.

- (1) Uses permitted in a PRD and minimum lot and setback requirements for such uses in a PRD shall be as allowed in the underlying zoning district.
- (2) As PRDs are conditional uses, a conditional use permit must first be secured from the town council in accordance with article III of this chapter. Once this is secured, the developer shall be required to follow all applicable procedures of chapter 46.
- (3) The design and layout of any gatehouse, external fence, walls, and berms that serve the entire PRD and other amenities to the PRD that are visible from any public street shall be included with the conditional use permit application. All such facilities shall be located outside any public street right-of-way and shall be designed to blend in, to the greatest degree feasible, with the proposed development and be attractive to motorists and pedestrians from adjoining public streets.
- (4) With the exception of the placement of a gate and guardhouse in a private street right-of-way, any road built within a PRD shall meet all applicable minimum right-of-way, pavement, and construction standards for public roads as established by the state department of transportation. **A certified engineer shall verify that these roads conform to NCDOT standards for roadway and storm drainage design. The NCDOT Built-To Standards Checklist will be required to be submitted to the town zoning staff for review.** The town reserves the right to have streets inspected during the construction phase to insure that they are being built in accordance with all applicable state DOT standards. The PRD developer of the subdivision shall bear all costs borne by the town in association with such inspections.
- (5) Prior to the approval of a final plat for a PRD, the subdivider shall submit to the town

evidence that the subdivider has created a homeowners' association whose responsibility it will be to maintain common areas and private streets within the PRD. Such evidence shall include filed copies of the articles of incorporation, declarations, and homeowners' association bylaws.

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Chairman Sharp advised that NCDOT does not inspect roads in private gated communities.

Vice-Chairman Dow moved to send a favorable recommendation to the Town Council for the proposed text change to Section 58-23 of the Code of Ordinances contingent upon Town Attorney review. Mr. Steele seconded the motion, with votes recorded as follows:

AYES: Perryman, Masurat, Buzzard, Steele and Vice-Chairman Dow  
NAYS: None

**D. Review and Consideration of Proposed Text Changes to Chapter 14 (Buildings and Building Regulations), Article V. (Architectural Design Standards) of the Code of Ordinances.** The Planning Board received a copy of the following proposed text change:

(add to Chapter 14, Buildings and Building Regulations)

### **Article V. Architectural Design Standards**

#### **Sec. 14-101. Purpose and Intent**

The purpose of establishing supplementary requirements for development is to ensure that the physical characteristics of proposed development are compatible when considered within the context of the surrounding areas and to preserve the unique visual character of the Town of Weddington. These requirements strike a balance between creativity and innovation on one hand while avoiding obtrusive, incongruous structures on the other. The Town of Weddington strongly encourages architectural styles that build upon and promote the existing historic character of the town and supports the view that inspiring, well-maintained, and harmonious development is in the best economic development interests of all residents and businesses.

#### **Sec. 14-102. Applicability**

The standards described or referenced in this section shall apply to all non-residential development, including renovations, remodelings, face-lifts, repainting, and additions to existing structures within the zoning jurisdiction of the Town of Weddington. All such projects that require a Conditional Use Permit, a modification to a CUP, or Conditional Zoning shall be required to meet these standards.

#### **Sec. 14-103. General Compatibility Requirement**

All development subject to this section shall be compatible with the character of the Town by using a design that is complementary to existing Town architectural styles, designs, and forms. Compatibility shall be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the street, similar window and door patterns, and the use of building materials that have color, shades, and textures similar to those existing in the immediate area of the proposed development.

**Sec. 14-104. Modification of Standards**

The Zoning Administrator, his designee, or the Design Review Board may make modifications to the following standards upon the written request of the applicant if the standard(s) in question conflicts with other requirements by law, as long as the proposal is in compliance with the Purpose and Intent of these standards and General Compatibility requirements given above. If the applicant and Zoning Administrator, his designee, or the Design Review Board cannot come to an agreement the proposal shall be submitted to the Planning Board for recommendation at their next meeting and to the Town Council for final decision.

**Sec. 14-105. Conflicting Requirements**

Where these requirements conflict with each other or with any requirement of the Zoning Ordinance or Subdivision Regulations, the stricter, more visually compatible or more appropriate standards shall apply as determined by the Zoning Administrator. Any modifications necessary shall be made with the approval of the Zoning Administrator, his designee, or the Design Review Board.

**Sec. 14-106. Overall Design and Appearance Standards**

(a) Applicability

All non-residential development within the zoning jurisdiction of the Town of Weddington shall meet these overall design and appearance standards.

(b) Basic Building Design

(1) Scale: Building design shall emphasize a human scale at ground level, at entryways, and along street frontages through the creative use of such features as windows, doors, columns, canopies, arcades, awnings, decks and porches.

(2) Avoiding Monotony: Monotony of design in single or multiple building projects shall be avoided by varying detail, form and siting to the maximum extent practicable, within the standards set forth in these requirements.

(3) Unify Individual Storefronts: If several storefronts are located in one building, the individual storefronts shall be unified in all exterior design elements, such as mass, window and door placement, color, materials, and signage while, at the same time, varying the look and providing distinctiveness from storefront to storefront.

(c) Architectural Features

(1) Roofs: Roof lines shall be varied to reduce the scale of structures and add visual interest including gables, windows and dormers where possible.

(2) Facades: All facades, including front and side facades and all rear facades that are visible from any public roadway or sidewalk or from private property, that are greater than one hundred (100) feet in length, measured horizontally, shall be interrupted by recesses, projections, windows, awnings, and/or arcades and shall utilize a repeating pattern of change in color, texture, and material modules.

(3) All facades clearly visible from public streets or adjoining properties shall contribute to the scale of features of the building and feature characteristics similar to the front facade.

(4) Entryways: Each principal building on a site shall have one or more clearly defined, highly visible customer entrances featuring one or more of the following: canopies or porticos, arcades, arches, wing walls, and/or planters.

(5) Materials: Predominant exterior building materials shall be high quality materials, including brick, stucco, wood, stone, and tinted/textured decorative concrete masonry units, or other materials similar in appearance and durability. Under no circumstances shall unfinished concrete block be permitted.

(6) Colors: Colors used for exterior surfaces shall be harmonious with surrounding development and shall visually reflect the traditional concept of the town. Color shades shall be used to facilitate blending into the neighborhood. Facade colors shall be of low reflectance earth tone, muted, subtle, or neutral colors. Building trim may feature brighter colors as an accent material. The use of high-intensity or metallic colors is not allowed except for accent purposes. The use of fluorescent, day glow, or neon colors shall be prohibited as a predominant wall color. Variations in color schemes are encouraged in order to articulate entryways and public amenities so as to give greater recognition to these features. Color samples shall be provided to the staff at the time of site plan review and prior to any renovations, remodelings, facelifts, and repainting, along with a description of how and where each color will be used. Colored renderings are encouraged, but shall not be a substitute for this requirement.

(d) Parking Lots

To prevent huge expanses of asphalt separating non-residential buildings from streets, parking will be separated into sections separated by landscaping and other features. Larger parking areas shall be split into sections on different sides of the building or enclosed in an interior space between buildings so as not to be easily visible from the street in order to emphasize the building and de-emphasize the parking lot.

(e) Trash Containment Areas

All trash containment devices, including compactors and dumpsters, shall be located and designed so as not to be visible from the view of nearby streets and properties. If the device is not visible from off the site, then it need not be screened. The type of screening used shall be determined based on the proposed location of the trash containment area, existing site conditions, and the type and amount of existing and proposed vegetation on the site. Trash containment areas must be constructed of materials in similar color and nature to the primary structure.

(f) Mechanical and Utility Equipment

Mechanical and utility equipment shall be screened from view from nearby streets and properties in the same manner as trash containment areas. Ground mounted equipment shall be located in the rear or side yard and screened. Such equipment located on the roof of the building shall also be made invisible from nearby streets and properties, through the use of setbacks from the edge of the roof or through the use of a screen exceeding the height of the equipment and using building materials and design which are compatible with those used for the exterior of the building. If the equipment is not visible from off the site, then it need not be screened. The type of screening used shall be determined based on the proposed location of the equipment, existing site conditions, and the type and amount of existing and proposed vegetation on the site.

(g) Landscape Protection

Any damage to the existing landscaping, including street trees, by development, use, or condition of private property shall be corrected by the property owner at the owner's expense to the satisfaction of the Town of Weddington prior to the issuance of a Certificate of Occupancy. Any damage not corrected by the owner shall be corrected by the Town, the cost of which is to be billed to the owner, including town administrative costs.

(h) Cultural Resources

Site development shall be considered in light of impacts on the cultural resources of the Town of Weddington. Cultural resources include historic properties, points of high elevation, significant sites, and mature exceptional trees. Impacts on cultural resources shall be minimized by use of design, height, massing, scale, building orientation, site layout, visual and other development techniques to harmoniously integrate new development into the Town while preserving and using cultural resources.

(i) Lighting

Lighting shall conform to the Town of Weddington's Lighting Ordinance.

**Sec. 14-107. Additional Standards**

(a) Applicability

All non-residential development shall meet these standards, in addition to those described in Overall Design and Appearance Standards.

(b) Basic Building Design

(1) Massing: A single, large, dominant building mass shall be avoided. Where large structures are required, mass shall be broken up through the use of setbacks, projecting and recessed elements, and similar design techniques.

(2) Varying Architectural Styles: In developments with multiple structures of varying architectural styles, buildings shall be compatible by such means as a pattern of architectural features, similar scale and proportions, and consistent location of signage.

(3) Additions and Renovations: Building additions and facade renovations shall be designed to reflect existing buildings in scale, materials, window treatment, and color. A change in scale may require a transitional design element between the new development and existing buildings.

(4) Infill Development: New infill development shall either be similar in size and height or, if larger, be articulated and subdivided into massing that is proportional to the mass and scale of other structures in the area.

(c) Architectural Features

(1) Roofs: Roof lines, type (such as flat, hip, mansard, or gable), and materials shall be architecturally compatible with facade elements and the rest of the building and with other buildings on the same and adjoining area.

(2) Fenestration: Windows, entryways, awnings, and arcades shall total at least sixty percent (60%) of the facade length abutting a public street. Windows and glass doors shall be clear, transparent



glass. No window or door shall be horizontally separated by more than fifteen (15) feet from the nearest other window or door in the same facade visible from any public street.

(3) Materials: Building materials shall either be similar to the materials already being used in the neighborhood or, if dissimilar materials are being proposed, other characteristics such as scale and proportions, form, architectural detailing, color, and texture, shall be utilized to ensure that enough similarity exists for the building to be compatible, despite the differences in materials.

(4) Exterior Wall Cladding: During renovations in existing buildings brick, stone, or wood facades shall not be covered or replaced with artificial siding or panels, including decorative concrete masonry units. Fiber cement siding, such as the brand name “Hardiplank”, may be used to replace wood clapboard siding.

(5) Awnings and Canopies: When used, awnings and canopies shall be placed at the top of window or doorway openings and shall relate to the shape of the top of the window. Awnings shall be made of canvas, treated canvas, or similar material. Metal or vinyl (or plastic) awnings are prohibited. No awning shall extend more than the width of the sidewalk or nine (9) feet, whichever is less. Awnings must be self-supporting from the wall. No supports shall rest on or interfere with the use of pedestrian walkways or streets. In no case shall any awning extend beyond the street curb or interfere with street trees or public utilities.

(6) Canopies shall be of solid materials and complement the color of the building to which they are affixed or associated. In some cases canopies may have supports separate from the building, such as at gas stations, but such canopies must be setback from the property and right-of-way lines a minimum of the required setback of accessory buildings, as required in the zoning district where located, and must not interfere with street trees or public utilities.

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Chairman Sharp advised that the Board had already approved this text but she has put it in the proper Code format.

Mr. Steele moved to send a favorable recommendation to the Town Council for the proposed text change to Chapter 14 of the Code of Ordinances. Mr. Perryman seconded the motion, with votes recorded as follows:

AYES: Perryman, Masurat, Buzzard, Steele and Vice-Chairman Dow  
NAYS: None

**E. Review and Consideration of Proposed Text Changes to Article III (Conditional Uses), Section 58-81 (Procedures) of the Code of Ordinances.** The Planning Board received a copy of the following proposed text change:

**ARTICLE III.**

**CONDITIONAL USES**

**Sec. 58-81. Procedures.**

Conditional use permits shall be considered by the town council by either of the following methods:

(1) *Submittal information and procedures for all uses except conservation subdivisions (and no zoning change required).*

a. A completed written application for a conditional use permit shall be filed with the zoning administrator at least 25 days prior to the next regularly scheduled planning board meeting. The application, at a minimum, shall include the following items, for all uses except conservation subdivisions. Submittal requirements for conservation subdivisions are located in subsection (2) of this section.

1. Name, address, and telephone number of the applicant and property owner, if different from the applicant, deed book and page number of the property description.
2. A scaled boundary survey drawn to an appropriate scale prepared by and certified to be correct by a surveyor or engineer registered with the state, showing the total acreage, present zoning classifications, date and north arrow. On this survey shall be sketched the information required in subsections (1)a.4--(1)a.8 of this section.
3. The owners' names, addresses, and tax parcel numbers (as shown on the current year county tax records), and the uses and current zoning classifications of all adjacent properties.
4. All existing easements, reservations, rights-of-way and all yard requirements for the zoning district.
5. A site plan showing all existing and/or proposed buildings, storage areas, parking and access areas, the proposed size, layout and setbacks of land and proposed structures, and the proposed number, type and location of signs. For residential uses this shall include the number of units and an outline of the area where the structures will be located. For nonresidential uses, this shall include the approximate square footage of all structures and an outline of the area where the structures will be located.
6. Traffic, parking and circulation plans showing the proposed locations and arrangement of parking spaces and access points to adjacent streets.
7. Landscape plan at the same scale as the site plan showing existing and proposed trees, ground cover and landscape material, proposed screening, including walls, fences or planted areas as well as treatment of any existing natural features.
8. Plans and elevations for all proposed structures.
9. A map at the same scale as the site plan showing the following:
  - (i) Delineation of areas within the floodplain as shown on the official flood hazard boundary maps.

- (ii) Accurate mapping of all soil classifications found on the site and general depths thereof. The applicant shall use the same classifications used by the U.S. Department of Agriculture.
  - (iii) Existing and proposed topography at five-foot contour intervals.
  - (iv) Plans for providing potable water and for the treatment of wastewater.
10. Proposed phasing, if any, and approximate completion time of the project.
11. A storm water management plan. Storm water runoff and rate should not exceed the predevelopment rate for a ten-year storm.

**12. For non-residential uses: Plans and schematic designs for all buildings and signs on the site.**

- b. All applications shall be completed and signed by the applicant and shall be submitted with the application fee required by the town in accordance with the fee schedule adopted by the town council. No application shall be considered complete or processed by the zoning administrator unless accompanied by said fee. In addition, the town shall be reimbursed by the applicant for all costs associated with the town's engineering and/or consulting services with respect to review of the conditional use permit prior to the conditional use permit approval. All expenses incurred by the town for the processing of a conditional use permit application shall be paid prior to the issuance of a final notification of action taken.
- c. The zoning administrator shall review the application and notify the applicant if the application is incomplete in any respect. If the zoning administrator notifies the applicant that the application is incomplete, the applicant must complete the application before it will be forwarded to the planning board **and the Design Review Board (DRB), if applicable.** After reviewing the application, the zoning administrator also may provide the applicant with comments on the application. If the applicant intends to amend the application as a result of any comments provided by the zoning administrator, the applicant shall notify the zoning administrator of the applicant's intent to amend the application within 15 calendar days after receiving such comments. After the applicant submits any amended application, the zoning administrator will review the amended application to ensure that it is complete, and the zoning administrator may provide the applicant with comments on the amended application.
- d. If the most recent version of the application is complete and either the zoning administrator completes his review of that version and does not provide the applicant with comments, or the zoning administrator provides the applicant with comments on that version but the applicant does not notify the zoning administrator within the 15-calendar-day time period, provided that he intends to amend the application, then the application shall be deemed ready for submission to the planning board **and the DRB.** The zoning administrator shall submit the application to the planning board at their next regularly scheduled meeting that occurs at least 15 days after the application is deemed ready for submission in

accordance with this section. The planning board by majority vote may shorten or waive the time provided in this article for receipt of a completed conditional use application.

- e. **The DRB shall have a maximum of 30 days from the date on which the application is submitted to review the application and submit its recommendation to the planning board. The DRB shall determine whether plans meet the requirements of the town's Architectural Design Standards (see Chapter 14, Article V). If a recommendation is not made during said time period, the application shall be forwarded to the planning board without a recommendation.** The planning board shall have a maximum of 30 days from the date on which an application is submitted to it or until its next regularly scheduled meeting after an application is submitted to it, whichever is later, to review the application and to submit its recommendation to the town council. If a recommendation is not made during said time period, the application shall be forwarded to the town council without a recommendation from the planning board.
- f. During the review of a conditional use permit application, it may be desirable to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the DRB, planning board and/or the town council may request needed additional information as they deem necessary.
- g. Once the application is forwarded to the town council from the planning board, the town council shall consider conducting a public hearing as described in article 58-270(g) (a public hearing is required if a CUP is to be approved). In the event the town council deems a public hearing appropriate, due notice of such hearing shall be as prescribed in section 58-270(g)(1)--(g)(4). The town council shall render a decision on the conditional use permit in accordance with section 58-82(3).

Sec. 58-271

(h) *Review of plans and construction documents.*

- (1) If the town council approves the application, the applicant's plans and construction documents will be subject to review in accordance with this section.
- (2) If the town has created a town design review board (DRB) and the DRB exists when the applicant submits any plans for review under this section, the DRB will review the plans in accordance with the following procedures. If no town DRB exists when the applicant submits a set of plans for review, the functions of the DRB will be performed by the town planning board.

a. *Review of building schematics, landscape plans, and signs.*

- 1. The applicant shall submit to the planning staff for review and comment detailed plans and schematic designs for all buildings on the site, landscaping on the site, and signs on the site. The planning staff may

provide such submitted plans to town consultants or to other third parties to assist the town's review. The applicant shall reimburse the town for all costs and expenses that the town incurs in reviewing plans under this section.

2. The applicant need not submit plans for all buildings, landscaping, and signs simultaneously, and may instead submit multiple sets of plans, each of which shall be separately and independently reviewed. Notwithstanding this provision, the DRB or the town council need not review plans submitted to it if, in its sole discretion, it determines that it cannot effectively review those plans without simultaneously reviewing plans for other buildings, landscaping, and/or signs.
3. If the zoning administrator determines that a set of plans submitted by the applicant is complete and contains all information necessary to determine if those plans satisfy the standards specified in this subsection, the zoning administrator shall forward those plans to the DRB.
4. The DRB shall have 60 days from the date a set of plans is submitted to it to recommend to the town council whether it should approve those plans. The DRB's recommendation will be based solely upon its determination of whether the plans satisfy the standards specified in this section **and meet the requirements of the town's Architectural Design Standards (see Chapter 14, Article V)**. If the DRB recommends that any plans not be approved, it shall state the reasons for that recommendation in writing and shall inform the applicant that it may withdraw those plans.
5. A set of plans shall be submitted to the town council at its next regularly scheduled meeting that occurs at least 15 days after the DRB issues its recommendation on those plans. The applicant may withdraw any plans before they are submitted to the council, and the council will not review any plans that are withdrawn. If the DRB makes no recommendation to the council within 60 days after a set of plans are submitted to it, the plans shall be submitted to the town council for review without a DRB recommendation.
6. The town will approve any plans submitted to it unless those plans either violate any requirements of this chapter, including any requirements applicable to the particular conditional zoning district at issue, violate any requirements, standards, or conditions contained in the applicant's rezoning application, violate any requirements, standards, or conditions that are imposed under subsection (f) of this section, or will cause the development not to be in harmony with its surrounding area (collectively, the provisions of this subsection constitute the standards referenced in this section).
7. After reviewing plans submitted to it, the town council shall have the authority to:
  - (i) Approve the plans;

- (ii) Deny approval of the plans;
- (iii) Approve the plans with any modifications that are agreed to by the applicant; or
- (iv) Submit the plans to the DRB for further study. The plans may be resubmitted to the DRB with any modifications that are agreed to by the town council and the applicant. The DRB shall have 30 days from the date plans are resubmitted to it to make another recommendation to the town council on whether those plans should be approved. If the DRB makes no recommendation to the council within that time frame, the plans shall be resubmitted to the town council for its review.

8. No building may be constructed unless plans for that building have been approved by the town council in accordance with the process described in this subsection. No landscaping may begin unless plans for that landscaping have been approved by the town council in accordance with the above process. No signs may be erected unless the plans for those signs have been approved by the town council in accordance with the process described in this subsection.

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Mr. Perryman moved to send a favorable recommendation to the Town Council for the proposed text change to Article III of the Code of Ordinances contingent upon Town Attorney review. Mr. Buzzard seconded the motion, with votes recorded as follows:

AYES: Perryman, Masurat, Buzzard, Steele and Vice-Chairman Dow  
 NAYS: None

**Item No. 5. Approval of Minutes.**

**A. April 27, 2009 Regular Planning Board Meeting Minutes.** Ms. Beth Masurat moved to approve the April 27, 2009 Regular Planning Board Meeting minutes. Vice-Chairman Dow seconded the motion, with votes recorded as follows:

AYES: Perryman, Masurat, Buzzard, Steele and Vice-Chairman Dow  
 NAYS: None

**Item No. 6. Old Business.**

**A. Review and Consideration of Proposed Text Changes to Section 46-76 (Road Standards and Buffering along Major Thoroughfares) of the Code of Ordinances.** The Planning Board received a copy of the following proposed text change:

Section 46-76 at the end, add (m) below.

(l) Connection to public water lines. If county or municipal water lines are located within one-half mile of a subdivision of ten to 39 lots, or one mile of a subdivision of 40 lots or more, where the distances are measured along the roadway to the nearest edge of the property, then the developer must connect to these lines to provide water service and fire protection for the subdivision.

(m) Connection to public sewer lines. If county or municipal sewer lines are located within one-half mile of a subdivision of ten to 39 lots, or one mile of a subdivision of 40 lots or more, where the distances are measured along the roadway to the nearest edge of the property, then the developer must connect to these lines to provide sewer service for the subdivision. The developer of any private sewer system capable of serving two (2) or more users shall be responsible for constructing the private sewer system in a manner which is compatible with county or municipal sewer lines at the time of construction and for connecting the private sewer system to county or municipal sewer lines within one (1) year after public sewer service becomes available to the subdivision.

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Chairman Sharp and Vice-Chairman Dow reported to the Board that they had met with Mr. Scott Honeycutt with Union County Public Works on this text change.

Vice-Chairman Dow – Weddington does not control sewer; Union County does. There are engineering concerns with the proposed text. Drainage basins were not considered and the County does not allow pump stations. The individuals that we met with felt that there was a problem with the way that this text is worded and is totally undoable. The County is currently under a water and sewer moratorium. Union County has no source for water. Water is pumped in from Lancaster County and Anson County. We jointly own the pump station with Lancaster and have an agreement with Anson County. They still have shortages. They have a construction project underway for the Anson County service delivery that will increase flow by three million gallons a day. There is going to be a brief window of opportunity for a little more water in 18 months once that project is finished. The facility in Lancaster is being upgraded. We currently receive nine million gallons a day from this facility and once the upgrade is complete it will be 18 million gallons. The project will take approximately five years. Sewer is a more difficult and a graver problem. When a developer comes in and gets preliminary plat approval, they get a guarantee promise from Union County that they will give them water and sewer. Basically Union County gave out more than they had. They are going back through and making developers or the holders of those letters of service come in and verify that they have one and that the project is shovel ready. Some projects are not being built. They are asking developers if something has not gone on within a certain amount of time for them to give the permits back. The Town is served by Six Mile and Twelve Mile basins. Union County has projects on line for pumps and piping in increased capacities that they hope to be finished in five years for both basins. Union County is going through their own Land Use Plan revision for the whole county and they hope to develop a long range sewage plan from that. This proposed text would stop all development for five years minimum. Union County is going to have their legal department also review the text change. We may be able to require the infrastructure to be put in place and capped and let the people have wells and septic but when capacity is available then at that point hook on to Union County.

Chairman Sharp will advise the Town Council that they have met with Union County to try to coordinate with them on this proposed text change.

**Item No. 7. Updates from Town Planner.**

The Planning Board received the following update from Town Planner Cook:

- There was an LARTP Steering Committee meeting on Thursday, May 7th. Martin/Alexiou/Bryson provided the final draft list and map of roadway and intersection improvements throughout the Western Union County area. The Steering Committee also discussed possible text amendments and land use revisions presented by Clarion Associates. Clarion provided the Town a list of 20 possible text changes to choose from. Each town has the option of selecting any text amendments they want. The Steering Committee also discussed possible bike and greenway locations as well as implementation and funding methods.

The Steering Committee is currently discussing one more meeting to discuss the final draft plan. Following this meeting, Martin/Alexiou/Bryson will be ready to present a complete draft of recommendations to the public in late May. After public comment, the consultants plan to present the LARTP to each town's Town Council in June.

Don't forget to go to look at the project's website for all the latest information and let us know if you have any questions or would like to provide input on the study. The website is [www.lartp.org](http://www.lartp.org).

- The Request for Proposals (RFP) for the Downtown Master Plan was distributed on May 5<sup>th</sup>. The deadline for proposals is May 29<sup>th</sup>. The Town will review the proposals and narrow it down to only 3-5 consulting firms to interview. Town Staff will continue to update the Planning Board as progress is made.
- The Helms Property Conditional Zoning/Rezoning will be on the June 22, 2009 Planning Board Agenda. This project was submitted prior to the adoption of the moratorium and is exempt from its provisions.

**Item No. 8. Other Business.**

**A. Report from the May 11, 2009 Regular Town Council Meeting.** The Planning Board received a copy of the May 11, 2009 Regular Town Council Meeting agenda as information.

**Item No. 9. Adjournment.** Vice-Chairman Dow moved to adjourn the May 18, 2009 Regular Planning Board Meeting. Mr. Steele seconded the motion, with votes recorded as follows:

AYES: Perryman, Masurat, Buzzard, Steele and Vice-Chairman Dow  
NAYS: None

The meeting adjourned at 9:37 p.m.

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Dorine Sharp, Chairman

Attest:

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Amy S. McCollum, Town Clerk