

TOWN OF WEDDINGTON REGULAR PLANNING BOARD MEETING MONDAY NOVEMBER 25TH, 2024 – 7:00 p.m. WEDDINGTON TOWN HALL 1924 WEDDINGTON ROAD WEDDINGTON, NC 28104 AGENDA

- 1. Call to Order
- 2. Determination of Quorum
- 3. Conflict of Interest Statement: In accordance with state law, it is the duty of every Board member to avoid conflicts of interest. Does any Board member have any known conflict of interest with respect to any matters on the agenda? If so, please identify the conflict and refrain from any participation in the matter involved.
- 4. Approval of Minutes
 - A. October 28th, 2024 Planning Board Regular Meeting
- 5. Public Comments: Individuals are allowed 3 minutes to speak and must only comment on current agenda items. A maximum of 30 minutes is allocated to the Public Comment Period. The time limit may be extended at the discretion of the Chairman.
- 6. New Business
 - A. Discussion and Possible Recommendation of an application by Classica Homes requesting Conditional Zoning Approval for the development of a 27-lot Conservation subdivision located at 5215 Hemby Road.
 - B. Discussion and Possible Recommendation of text amendments to the Town of Weddington Unified Development Ordinance
 - i. Amendment to the Town of Weddington Unified Development Ordinance Section D-917A.D. Lots in Floodplains.
 - ii. Amendment to the Town of Weddington Unified Development Ordinance Section D-917A.J. Cul-de-sacs.
 - iii. Amendment to the Town of Weddington Unified Development Ordinance Section D-917A.Q. Tree Requirements.
- 7. Update from Town Planner and Report from October Town Council Meeting
- 8. Board member Comments
- 9. Adjournment



TOWN OF WEDDINGTON REGULAR PLANNING BOARD MEETING MONDAY OCTOBER 28, 2024 – 7:00 p.m. WEDDINGTON TOWN HALL MINUTES PAGE 1 OF 9

1. Call to Order

Chairman Manning called the meeting to order at 7:00 p.m.

2. Determination of Quorum

Quorum was determined with Chairman Travis Manning, Vice Chair Amanda Jarrell, Board members Chris Faulk, Manish Mittal, Nancy Anderson, and Bill Deter present. Board member Rusty Setzer was absent.

Staff: Planner Greg Gordos, Town Administrator/Planner Karen Dewey, Admin Assistant/Deputy Clerk Debbie Coram

Visitors: Harry Chilcot, Chad Emerine, Melissa Emerine, Basil Polivka, Gayle Butler, Barbara Schick, John Schick, Stephen Overcash, Skylar DeMatteis

3. Conflict of Interest Statement: In accordance with state law, it is the duty of every Board member to avoid conflicts of interest. Does any Board member have any known conflict of interest with respect to any matters on the agenda? If so, please identify the conflict and refrain from any participation in the matter involved.

Chairman Travis Manning read the Conflict of Interest Statement. Board member Anderson stated that she will recuse herself as she is an adjoining property owner of the application being presented as agenda item number 6.A.

4. Approval of Minutes

A. September 23, 2024 Planning Board Regular Meeting

Staff amended the minutes to correct an attendance error. Board member Anderson was absent from the meeting.

Motion: Board member Mittal made a motion to approve the September 23,2024 Planning

Board Regular Meeting minutes.

Second: Board member Faulk

Vote: The motion passed with a unanimous vote.

Chairman Manning asked to amend the agenda to add item 6.B. Old Business Review of council policy to limit application presentations on meeting agendas

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Motion: Board member Deter made a motion to amend the agenda.

Second: Board member Mittal

Vote: The motion passed with a unanimous vote.

5. Public Comments: Individuals are allowed 3 minutes to speak and must only comment on current agenda items. A maximum of 30 minutes is allocated to the Public Comment Period. The time limit may be extended at the discretion of the Chairman.

Chad Emerine 953 Eagle Road – Mr. Emerine commented on Board member Anderson recusing herself and that he believes that action doesn't appear to be following the Rules of Procedure. He commented on the proposed application for the Polivka property that the buildings are listed as 9000 square feet and he believes they are 10,000 square feet. He expressed concern with the project meeting the goals of the Land Use Plan as this property is not in the downtown overlay and is not pedestrian friendly and he stated that while the project design has changed, the resident's sentiment regarding the project has not. Mr. Emerine commented on the submittal requirements in Appendix 2B of the UDO and that projects should be tabled if missing an item.

Basil Polivka – 13700 Providence Road – Mr. Polivka commented on the zoning application agenda item 6.A. He stated that the business is expanding, and they have appreciated being good neighbors in Weddington. He commented that the property was for sale for a time, but it is off the market.

Gayle Butler: Ms. Butler thanked the planning board for volunteering to serve. She commented on the Polivka application. Ms. Butler commented that this is commercial, and she does not want commercial outside of the downtown overlay. She stated that is not pedestrian friendly and is not easy to get to. She commented on the medical offices nearby in Waxhaw and Waverly and that the Town doesn't need any medical nor commercial space around here.

The Board briefly discussed Board member Anderson's recusal from the Polivka discussion. They determined while there is no financial conflict of interest, the believe the community may see otherwise and her recusal would avoid that.

6. Old Business

A. Discussion and Possible Recommendation of an application by ODA Architecture requesting Conditional Zoning Approval for the development of a two-building office expansion located at 13700 Providence Road.

Mr. Gordos presented staff report: The applicant, operating on-site as Polivka International, is proposing the development of two new office/medical office buildings to the east of the current office building. The two buildings are 9,000 square feet of space each in two stories; closer to Providence Road but behind the current retention pond for stormwater. These buildings are angled towards the entrance along Providence per community feedback provided in one of two Community Meetings held for the project. Hunter Farm is directly to the north of the site. Weddington Methodist Church is to the south. Harris-Teeter grocery store and other commercially zoned uses are found to the east, as is Town Hall. The development proposal does include one (1) change to the Development Standards already set forth in the Unified Development Ordinance (UDO). One structure does not meet height requirements based on proximity to a residentially zoned parcel. The development shall be governed by this Plan and all applicable requirements of the UDO. Council can grant relief as part of the conditional zoning approval. It is the recommendation of staff that the

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request for Conditional Zoning to allow for the development of a two office/medical office building generally located at 13700 Providence Road, be recommended for approval with conditions:

- 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. The south building shall be limited to 35' and new building elevations shall be reviewed by staff for zoning compliance.
- Union County Environmental Health approval of the proposed lots for septic tanks and wells. Mr. Gordos stated this is the only MX zoned property within the town. It is outside the downtown overlay. It was deferred from the last meeting so the applicant could assemble technical documents for engineering and sewer items.

Mr. Overcash stated that this project is a comparable use to the existing facility. It will be restricted to office and medical office use. The summary TIA showed very little impact. The building size has been reduced to 9,000 sq. ft. and meets or exceeds the floor area ratio requirements. The building height is currently at 40 feet and the UDO requires buildings adjacent to residentially zoned property within 50 feet of the property line have a height limit of 35 feet. The applicant stated his willingness to concede and lower the height to the required 35 feet. Regarding the stormwater concerns, the applicant brought an engineer who brought solutions to get the development to the 100-year flood requirements. Septic drawings are included in the packet. Mr. Gordos confirmed the application is complete.

Skylar DeMatteis discussed what will be completed to meet stormwater requirements. There will be a dry pond with sand filter. Sand will be removed and replaced. It will meet the town standards.

Questions from Planning Board:

with the UDO.

Board member Deter asked why this should be considered since it came before Planning Board and Council and was rejected.

Mr. Overcash responded that the property owner has certain rights granted by the Town. This property is zoned MX and this project is well within the rules for the zoning.

Board member Deter stated that the council rejected this project for 3 buildings and another plan with just one building was presented and approved. He asked why the applicant expects to be approved this time.

Mr. Overcash responded that Providence Road has been widened with improvements. The area has changed. The community showed up and gave input to change the design and the applicant complied with the suggestions. Mr. Polivka stated that they have been good neighbors and they are asking to further develop the property with a modest 18,000 square feet. The business is expanding, and they need additional office space and they would like to be in Weddington.

Board member Faulk asked about the potential sale of the property. If it was planned of this or will be as a result of this. Mr. Polivka responded that the sale was not a part of this application. Chairman Manning asked about the septic plan. Mr. Overcash explained the septic design. The board discussed the building placement on the diagonal or perpendicular. Changing placement back to perpendicular would bring the project into compliance with the UDO. Mr. Overcash stated that the applicant is willing to lower the height to meet the 35-foot height requirement. Board member Deter asked Mr. Gordos about the 50-foot buffer and the building height. Mr. Gordos responded that buildings in the MX zone have a maximum height of 40, but within 50 feet of a property line the height must be lowered to 35 feet. The board has two options: one to grant relief for

code requirement D-917C(A)(3) or make a condition to bring the building height into compliance

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Board member Faulk stated that these two buildings are not going to jeopardize the integrity of Weddington. Stormwater details were asked and answered. With impervious surface and runoff addressed. Septic is enough for a larger development than this and the Applicant is willing to bring the building height into compliance.

Mr. Gordos summarized that the items in question were addressed. Staff recommends requiring the building to meet height requirements as a condition for approval.

Motion: Board member Faulk made a motion to forward an application by ODA

Architecture requesting Conditional Zoning Approval for the development of a two-building office expansion located at 13700 Providence Road to the Town Council with recommendation for approval with the condition that the applicant

bring building height into compliance with the UDO.

Second: Board member Mittal

Vote: The motion passed with a majority vote: Board members Faulk, Mittal, and Jarrell

voted in favor, Board member Deter opposed, and Board member Anderson

abstained from the vote.

** B. Review of Council Policy-

Policy discussed at September Town Council Meeting.

Mr. Gordos reviewed previously discussed text amendments and Council policy to limit project presentations.

Council codified the 15-business day submittal requirement before any project is presented on the Planning Board agenda with the intention to give staff time to review and create a comprehensive staff report.

Board members discussed the policy and different scenarios.

7. New Business

A. Discussion and Possible Consideration of an entry for Beckingham subdivision under Section D-918. J. Fences and Walls Permitted Within Yard Areas.

Mr. Gordos summarized the item: Beckingham was approved in 2023. The plan had a proposed road stub to the adjacent parcel. As a part of the approval, it was determined that having that connection wasn't necessary. The applicant is asking to add a nicer entrance than is stated in the UDO with design aesthetics not approved by NCDOT. The applicant is asking for a deviation with private standards.

Mr. Tom Waters presented the design for the Beckingham entry with Connor Horn from WK Dickson. These are cosmetic changes: bar ditch street construction with raw edge and 1-foot ribbon concrete. At the entrance, add authentic decorative pavers. The connecter to the adjacent property will be stubbed as conditioned by the approval.

Board member Deter asked what the plan was for the pavers through construction.

Mr. Waters responded that they are all-natural granite pavers and will be installed pre-construction as a part of the entry look for customers.

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Chairman Manning asked about the ribbon curb being counted as a part of the travel lane or part of the road width. Mr. Waters responded that they are doing 24 feet of asphalt, the ribbon curb adds on to what was approved. He stated the entrance will have a stand-up curb to the gates through the first creek crossing.

Motion: Board member Deter made a motion to approve the cosmetic changes with entry

pavers and ribbon concrete on the subdivision roads for the Beckingham subdivision under Section D-918.J. Fences and Walls Permitted within Yard

Areas.

Second: Board member Faulk

Vote: The motion passed with a unanimous vote.

B. Discussion and Possible Recommendation of text amendments to the Town of Weddington Unified Development Ordinance

i. Section D-917A. D. Lots in Floodplains

Mr. Gordos presented the staff report: Based upon the direction received from the Council, staff proposes amendments to Section D-917A. Specific Requirements for All Residential Development, and Section D-917B. Additional Specific Requirements for Conservation Residential Development, as well as Appendix 2B. These code and page sections were referenced directly by Council and changes reflect those directed to staff. These are recommended by members of the Town Council and were discussed at the meeting and brought for potential recommendation. This amendment would read Lots fully subject to flooding- no lots should be created totally in floodplain. This will provide requirements for partial flood plain. The town doesn't want to create any scenarios where an individual owns a lot with flood plain and they can't do anything with it, but we do want to limit what can be built in the flood plain. Staff recommends removing subsection C:

c. Where only a portion of the proposed lot is subject to flooding as defined herein, such lot may be approved only if there will be available for building a usable lot area of not less than 10,000 square feet. The useable lot area shall be determined by deducting from the total lot area, the area of all yard setbacks required by the applicable zoning regulations and any remaining area of the lot lying within the area of the base flood (100-year flood) as shown on the flood boundary and floodway map described in Appendix 7 Floodplain Regulations

Buildable land still needs to be discussed. This section should be wholly rewritten and studied by this board. Council wants this removed and staff recommends removing item C.

Board member Faulk stated by removing this section which requires 10000 sq. ft of usable land in the flood plain, the rule does not stop an applicant from filing an exempt plat that cuts up the property that is in the flood plain to do Conditional Letter of Map Revision by fill and bring the land out of the flood plain. Through FEMA the flood line can be changed. Its more difficult to get 10000 sq. ft of buildable area. Removing this land makes the land more valuable.

Motion:

Board member Faulk made a motion to forward a text amendment to Section D-917A.D. to remove Section D-917A.D.2(c). Where only a portion of the proposed lot is subject to flooding as defined herein, such lot may be approved only if there will be available for building a usable lot area of not less than 10,000 square feet. The useable lot area shall be determined by deducting from the total lot area, the area of all yard setbacks required by the applicable zoning regulations and any

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remaining area of the lot lying within the area of the base flood (100- year flood) as shown on the flood boundary and floodway map described in Appendix 7

Floodplain Regulations to the Town Council with a recommendation for approval

Second: Board member Deter

Vote: The motion passed with a unanimous vote.

ii. Section D-917B. B. Minimum Open Space

Mr. Gordos stated this text would reduce minimum open space under additional specific requirements for RCD development. It currently reads that 50% of the gross acreage of tract would be required to be preserved at conservation. The amendment would strike out "gross" and make "net" and in the second sentence "No more than 20% of minimum required" to read "NONE of minimum required".

Board members discussed concerns with taking critical conservation areas, like streams and other non-buildable land, out of the equation of land that is made to be conserved. That land will be left unprotected as conservation land, as conservation land is set aside in perpetuity. If the intent is to reduce development, this doesn't meet that. If the wetlands aren't protected in conservation requirements, the property owner can do what they please. Mr. Gordos stated the issue is in the strict language of the text. Staff is recommending against approval because the conservation areas are where the town should want to protect the unbuildable land. Defining buildable land needs to be comprehensive.

Board member Faulk stated that the town wants smart development and applications that come with high standards. The Board doesn't want to open loopholes not intended to be opened.

Board member Deter recommend requesting from Council alternative text addressing the concerns expressed.

Mr. Gordos stated that developable land is referenced in other code sections, this amendment needs to be broader and more thorough.

Board members agreed that open space requirements need further discussion.

Motion: Board member Faulk made a motion to forward a text amendment to Section D-

917B.B. Minimum Open Space to the Town Council with a recommendation for

denial.

Second: Board member Anderson

Vote: The motion passed with a unanimous vote.

iii. Section D -917A. J. Cul-de-sacs.

Mr. Gordos presented: The Town code is designed to discourage long cul de sacs. Council has directed staff to look at current and customary design standards in the county and neighboring municipalities that would address safety and design concerns of the 1200-foot cul de sacs.

The Board discussed examples throughout town of long cul de sacs and how to avoid them when restricted by the features of the parcels.

Mr. Gordos stated that NCDOT approves road design, so removing the text that requires closes on cul de sacs less than 600 feet long with two one-way streets bounding a central island from the UDO

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is appropriate. Staff is not recommending a change in length at this time as more information needs to be gathered.

Board members continued discussion of cul de sacs and the recommendation by staff to remove the language requiring the close. They will continue discussion of safety and design concerns after conducting some research on standards throughout the county.

Motion: Board member Faulk made a motion to forward a text amendment to Section D-

917A.J. Cul-de-sacs to strike (4) Cul-de-sacs less than 600 feet long shall generally be designed as "closes," with two one-way streets bounding a central "boulevard island" not less than 35 feet across. This can be easily accomplished by extending the outer edges of the turning half-circle perpendicularly to the street from which the cul-de-sac springs. The central open space offers opportunities for tree planting and "rain garden" infiltration areas for stormwater (particularly when the street pavement is sloped inward toward the central open space) to the Town Council with a recommendation for approval.

Second: Board member Deter

Vote: The motion passed with a unanimous vote.

iv. Appendix 2B.

Mr. Gordos discussed submittal requirements. He asked for recommendations for modifications or revisions from the Board. There is room for improvement and will require significant modification. Mr. Gordos is asking for the board review and opinion.

Board members will review and make recommendations for clarity and efficiency.

Board member Anderson suggested having a review by two board members with expertise and Mr. Gordos to come up with recommendations.

Motion: Board member Anderson made a recommendation to table discussion and

recommendation of a text amendment to Appendix 2B until board members

review and present recommendation.

Second: Board member Jarrell

Vote: The motion passed with a unanimous vote.

8. Update from Town Planner and Report from October Town Council Meeting

Mr. Gordos gave the update. He thanked the Board members for their patience and commented that the code changes are a Council priority. The Mayor formed a subcommittee to review code items discussed and future code items. Board members Deter, Setzer, and Faulk are the subcommittee members. If there are any suggestions, bring them to the subcommittee and they can workshop it, making it easier for the Planning Board to review and recommend. Mr. Gordos reviewed the requirements for being placed on the agenda and the Council policy of one development item per monthly agenda.

9. Board member Comments

Board member Deter: I think that Travis has been running a tight meeting. It's been a two-hour meeting, so I think with the code stuff coming through there's going to be more of that. I think it was forward thinking of the Council to address putting in a policy to address one development at a time. If there were two more

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developments here, we'd be here until 10:00-11:00 at night. As Greg said, there was a Subcommittee formed. It was discussed at the Council meeting. I don't know if anybody goes to the Council meetings. Being a retired guy, I can attend all those meetings. It may sound like I'm aware of some stuff that you guys aren't, I've been to the YouTube channel or sit in on the Council meeting. I appreciate the people that stayed. To Greg's point it was a very complex meeting and I think our discussion shows complexity and nuance that is required as texts are looked at, fixed, changed, or added to. Thank you.

Board member Mittal: Thank you everybody for your comments and thank you for staying to the end.

Board member Anderson: My only comment is that as a conservation person I am very much in favor, generally speaking, of conservation subdivisions. And I think that I would like to see the town be more proactive in trying to encourage that among developers. I know it's hard because we don't have sewer all over which is honestly required if you're going to make that work. It's something I'm very passionate about and I would like to see the town continue with that.

Board member Jarrell: A question: for us I feel – what is best course for us to take I feel like Planning Board and Town Council are very disjointed – for example not knowing about subcommittee or decisions to do one development project per meeting– I know that some people have relationships with each other that we don't all have. What is best course of action to have those conversations – why did this happen or what is the thought process. In coming here and going through things, listing everything that has been done. My question is what course of action is there to take: do I need to come to a council meeting and speak during public comment or do I just need to call somebody on the phone and ask those questions – is there a right way to do it? I just want to be more aware-I do watch the meetings on YouTube. I just want to have the conversations. Otherwise Happy Halloween.

Board member Faulk: Happy Halloween. I want to thank y'all for staying. Rusty would say stay engaged so I'll say it. Other than that, I'm looking forward to the weekend.

Chairman Manning: I want to echo Amanda's comments. The subcommittee caught me off guard. The one agenda item per meeting, I disagree with it. I think it's a slap in our professional careers. And what we can handle. I think it's going to cause a lot more stress on staff, especially Greg. When we have to table something, will they have to go to the back of the line? how does all this work when real money and real time invested in projects. I disagree with that decision. I think it was made hastily.

Board member Anderson: Maybe I'll go back and look at it, but what was the thought process of this. If you're on the calendar, just what happened last time, and you get bumped because your application isn't complete. What happens? Do Those people get bumped back? Kind of a logistics thing. I'm just surprised about it.

Chairman Manning: Thank you for being here.

10. Adjournment

Motion: Board member Deter made a motion to adjourn the October 28, 2024 Regular

Planning Board meeting at 9:02 p.m.

Second: Board member Mittal

Vote: The motion passed with a unanimous vote.

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TO: Planning Board

FROM: Gregory Gordos, AICP, Town Planner

DATE: November 25, 2024

SUBJECT: Application by Classica Homes requesting Conditional Zoning approval

for a 27-Lot Conservation Subdivision located at 5207 Hemby Road

APPLICATION INFORMATION:

SUBMITTAL DATE: August 8, 2024

APPLICANT: CEC, Inc.

PROPERTY LOCATION: 5207 Hemby Road

PARCEL ID#: 06120004, 06120004C

ACREAGE: +/- 36 acres

EXISTING LAND USE: Agriculture

EXISTING ZONING: R-CD, Conservation District

PROPOSAL:

The developer, Classica Homes, is proposing the development of a new residential subdivision of 27 homes on 20,000 square foot or greater lots, a new standard for R-CD Conservation subdivisions adopted by the town in 2024. The previous standard was 12,000 sq.ft. lots when preserving 50% or more of open space. It is located on a narrow strip of land along Hemby Road next to the fire station owned by the Town of Weddington. Another new subdivision (Weddington Glen) is located immediately to the south and the two would connect as proposed. One entrance is located on Hemby while the other ingress/egress as required for developments over 15 units would connect to roads in Weddington Glen: this community is new but has petitioned to not connect to the Classica Development.

Just over 50% of the property would be preserved as open Conservation land, primarily the creek to the rear of the parcel and in creating a buffer between private lots and other communities around the perimeter. At a density of 0.75 units per acre, there is less than one home proposed for every acre of land on site.

The subdivision does not have a name or brand at this time: it is known internally as Classica-Hemby and by the developer as Molbrey Development, named after the current property owner.



Development Standards.

The development proposal does not include any changes to the Development Standards already set forth in the Unified Development Ordinance (UDO). The development shall be governed by this Plan and all applicable requirements of the UDO.

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 site walk/charette and a community meeting on September 19th and October 9th, 2024. The community meeting was held at the Weddington High School auditorium.

Staff cannot speculate on the public hearing date for this development, should this Board recommended approval to Town Council, due to Resolution R-2024-06. 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 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), Conservation Residential Development is specifically listed as a permissible use within the R-CD zone, subject to Conditional Zoning approval. Conservation type developments with smaller lots sizes but more open space (and more regulations) are only permitted in this zone and is selected by the applicant voluntarily.

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 R-CD is required to meet certain standards. The following table identifies those standards at the time of application, as well as how the subject development proposal complies:

Lot and Building Standards		Standard	Proposed
Minimum Lot Size		12,000 sq. ft.	20,019 – 25,058 sq. ft.
Minimum Lot Width		80'	100' (min)
Minimum Setbacks	Front	20'	20'
	Side	5'	15'
	Rear	30'	30'
Maximum Height		35'	35'
Maximum Floor Area Ratio		N/A	N/A

UDO Section D-917A, Specific Requirements for All Residential Development.

UDO Section D-917A, establishes numerous rules for how residential development is intended to occur within the Town. These rules include, but are not limited to, the location of house sites, easements, the requirement of lots to abut public roads, street design and layout, cul-de-sacs, open space, buffering, and tree requirements. While not all these rules are appropriate to be included at this stage of the development process, there are many that must be considered.

UDO Section D-917A(A)

Side lot lines shall be substantially at right angles or radial to street lines, and double frontage lots are to be avoided wherever possible.

The lots proposed with the subdivision are generally consistent with this provision, even lots at the end of two cul-de-sac roads. No lots share a back yard property line. Positive findings of compliance can be made.

UDO Section D-917A(D)

Lots partially subject to flooding. No proposed residential building lot that is partially subject to flooding as defined herein shall be approved unless there is established on the lot plan a contour line representing an elevation no lower than two feet above the base flood line as defined in Appendix 7. Floodplain Regulations.

Lots are substantially away from the stream buffer due to the Conservation configuration; the buffer is located exclusively in common open space. The site is otherwise flat due to it's current use as agricultural field.

UDO Section D-917A(F)(1) All subdivision lots shall abut public roads.

Three internal roads shall be public (NCDOT) with 22' pavement width. Dornoch Drive in Weddington Glen is scheduled for NCDOT acceptance.

UDO Section D-917A(J)(1)

Permanent dead-end streets shall not provide sole access to more than 16 dwelling units or 1,200 linear feet, whichever is less.

Both cul-de-sacs as defined by this section are short with seven homes each. The entrance road is notably long due to the unusual shape of the tax parcel.

 $UDO\ Section\ D-917A(J)(2)$

When cul-de-sacs end in the vicinity of an adjacent undeveloped property capable of being developed in the future, a right-of-way or easement shall be shown on the final plan to enable the street to be extended when the adjoining property is developed.

A stub out is provided to property to the south (Weddington Glen) and would connect the two subdivisions, providing the required two methods of ingress-egress for both. Positive findings of compliance can be made.

As noted previously Weddington Glen is petitioning Town Council to waive this requirement and keep Dornoch Drive a cul-de-sac with no connection.

UDO Section D-917A(K)(2)

The proposed street layout shall be coordinated with the street system of the surrounding area. Where possible, existing principal streets shall be extended. Street connections shall be designed so as to minimize the number of new cul-de-sacs and to facilitate easy access to and from homes in different part of the tract (and on adjoining parcels).

Yes, positive findings of compliance can be made as proposed.

UDO Section D-917A(K)(5) Two points of ingress and egress onto an adjoining public road from subdivision containing more than 15 lots is required.

Please see previous page. Findings of compliance made unless this requirement is waived as part of the Conditional Zoning approval process.

UDO Section D-917A(K)(6) Developable lots shall be accessed from interior streets, rather than from roads bordering the tract.

All 27 lots will be accessed via internal streets rather than Hemby Road.

UDO Section D-917A(O)(1)(b) Where the side or rear yards of lots may be oriented toward existing thoroughfare roads, a buffer at least 100 feet wide of existing woodland providing adequate visual screening throughout the year is required. The buffer width may be reduced to 50 feet if plantings are installed to include year-round screening.

The development includes a 100'wide thoroughfare buffer on Hemby Road. There is zero existing woodland to provide screening without adding significant plantings and/or berms. Staff recommends a Landscape Plan exhibit as a conditional of approval to verify UDO buffer code compliance.

UDO Section D-917B. Additional Specific Requirements for Conservation Residential Development.

UDO Section D-917B, establishes additional rules specific to Conservation-type subdivisions. In return for smaller lots (at equal yield to a conventional subdivision) the Town expects higher quality design.

UDO Section D-917B(B)

At a minimum, fifty percent (50%) of the gross acreage of the tract will be required to be retained as Conservation Land. Not more than 20 percent (20%) of the minimum required area of Conservation Lands shall be comprised of wetlands, submerged lands, steep slopes, floodways, or land under high voltage electrical transmission lines (conducting 69 kilovolts or more).

The property is relatively flat closer to Hemby Road. Please see exhibits in the application. Areas of steep slope or intermittent streams are located to the far west of the site and constitute less than 20% of the overall eighteen acres of conservation land.

UDO Section D-917B(E)

Stream valleys, swales, springs and other lowland areas are resources that warrant restrictive land use controls because of flooding hazards to human life and property, their groundwater recharge functions, their importance to water quality and the health of aquatic communities, and their wildlife habitats. They are generally poorly suited for on-site subsurface sewage disposal systems.

The proposed subdivision would be served by sewer, rather than private septic systems. Please see utility exhibit included in your packet. Open space connects to Bromley Community Association and Weddington Glen.

UDO Section D-917B(I)

All applications shall preserve the viewsheds along rural roads by incorporating them into Conservation Lands or otherwise providing for building setbacks and architectural designs to minimize their intrusion. Views of developable lots from exterior roads and abutting properties shall

be minimized by the use of changes in topography, existing vegetation, or additional landscaping to the greatest degree possible.

A 50' or greater buffer surrounds all sides of the site including existing forestlands along the border of Weddington Glen, Bromley neighborhoods. There is poor viewshed along Hemby Road and must be supplemented.

UDO Section D-917B(J)

Notwithstanding the provisions of this subsection, all principal dwelling units within a conservation subdivision shall be set back at least 100 feet from all external road rights-of-way (i.e., rights-of-way of roads that are external to the proposed subdivision), as depicted on the most current version of the local thoroughfare plan. In addition, all principal dwelling units shall otherwise be set back a minimum of 50 feet from the external boundaries of the conservation subdivision.

All buffers meet requirements; positive findings of compliance can be made.

UDO Section D-917B(L)(4) Conservation residential developments shall be designed to harmonize with the existing terrain, so that mass grading can be minimized, and the natural character of the underlying land will be preserved, to the maximum extent feasible. Site designers shall therefore lay out streets and house lots to conform to the existing topography as much as possible.

> Roads conform to the narrow lot and development is concentrated on flat, buildable agricultural land rather than forestlands or creeks to the rear.

UDO Section D-917B(L)(8)

Except as provided herein, Conservation Lands shall be provided with pedestrian pathways for use by the residents of the neighborhood. Public access shall be provided on such trails if they are linked to other publicly accessible pathway systems within the Town. Provisions shall be made for access to the Conservation Lands, as required for land management and emergency purposes. Access to Conservation Lands for agricultural or horticultural purposes may be appropriately restricted for public safety purposes and to prevent interference with agricultural or horticultural operations.

There are no pedestrian paths or sidewalks shown on submitted site plans. Findings of compliance cannot be made.

UDO Section D-917B(L)(9)

To the greatest extent feasible, each conservation residential development should provide at least one neighborhood green, not less than 10,000 square feet in area, planted with shade trees at 40-feet intervals around the edge.

The neighborhood green at the entrance measures 12,526 sq.ft. per CEC.

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

UDO Section D-917D, establishes supplements requirements for certain uses; however, no uses other than conventional residential apply to this case. As such, this Section is not applicable.

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 Construction Permit. It is noted, however, that there do not appear to be any immediate concerns regarding compliance with these provisions. There is no *existing* vegetation that would impact sight distances on Hemby Road.

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. Each of the 27 single family homes constitutes one peak hour trip per Institute of Transportation Engineers Trip Generation Manual.

LAND USE PLAN CONSISTENCY:

NOTE: On June 3rd 2024 the Weddington Town Council adopted the new Comprehensive Land Use Plan, which established new goals and policies from those previously used by the Planning Board. This project is among the first to submit under these new guiding principles and the first Conservation-type proposal.

Land Use Goals:

Goal 1: New development and redevelopment activities shall be consistent with the Future Land Use Map and categories.

Policy: LU 1.1: The following Future Land Use categories, along with their intended uses, densities, and intensities, are hereby established (floor area ratio (FAR) only applies to non-residential uses): Agriculture: This category is intended to accommodate very low-density residential development to retain rural character and agricultural activity. Maximum density: 1 dwelling unit per 1.5 acres.

The subject property is identified as *Conservation Residential* in the 2024 Future Land Use Map (Map 4). At less than one unit per acre, this meets the intended low density residential development standard prescribed in the Comprehensive and Use Plan.

Policy: LU 1.4: Ensure that land uses abutting residential development are compatible with the scale, intensity and overall character of existing and planned neighborhoods.

It is adjacent to and connected as proposed to Weddington Glen to the south, also a conservation subdivision, and contains larger lot sizes than Weddington Glen. Weddington Woods to the north is zoned R-40 but would be separated by the 50' open space buffer proposed. Details on the plantings in this buffer are not shown and should be provided in the required Landscape Plan, suggested as a condition of recommendation/approval.

Transportation Goals:

Policy: T 1.1: Major thoroughfares and key entryways shall be given the highest priority for beautification efforts and corridor design.

Hemby Road and Beulah Church Road are a significant east-west thoroughfare in Weddington. A 100' roadside buffer is shown on the entire frontage and a Landscape Plan specific to this buffer is highly recommended to indicate how this field will be supplemented with trees.

Policy: *T 1.3:* Encourage roads be designed and constructed to provide a high level of safety and comfort for all users (pedestrians, bicyclists and motorists), in a manner consistent with the character of the neighborhood through which the road travels.

Sidewalks are not provided as submitted, nor are any trails as detailed under Conservation regulations. Dornoch Drive contains sidewalks should continue into this development as well.

Housing Goals:

Goal 2: Maintain the Town's strong single-family residential character.

Policy: **H 1.1:** Retain the residential character of the community by ensuring that new residential development consists of single-family homes with a maximum density of one (1) dwelling unit per 40,000 sq feet.

Findings of compliance can be made. Density remains under 1 dwelling unit per acre.

Conservation Goals:

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

Policy: C 1.1: Preserve open space and scenic views through zoning regulations that require open space preservation in both conventional and conservation subdivisions, as well as commercial developments. and minimize the visual impact of development from surrounding properties and roadways.

Finding of compliance can be made. Conservation open space connects to Bromley HOA land.

Goal: *Limit development activities on environmentally sensitive land.*

Policy: C 3.3: Limit development in designated 100-year floodplains, wetlands and along natural waterways to reduce the risk of significant damage and injury to life and property, as well as preserving the natural areas and habitats.

No private lots are located in close proximity to the existing intermittent stream and buffer.

Infrastructure Goals:

Goal 1: Ensure that all existing and future developments in Weddington are served by adequate water, wastewater, drainage and emergency services.

Policy: I 1.1: Require water, wastewater, and drainage system improvements to be constructed concurrent with new development and that they provide adequate capacity to meet demands from existing and new users.

Please see Hemby Road Subdivision_Connectivity Exhibit. A sewer easement is illustrated.

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, while there may also be Goals and Policies for which there may be reason for concern, positive findings can nonetheless be made in support of this development proposal.

The primary detail which is not in compliance with UDO sections is the lack of pedestrian pathways, including poor connections to Weddington Glen sidewalks. This Board and/or Council may wish to comply fully with requirements, or waive this requirement due to the wishes of adjacent petitioners.

The 100 foot thoroughfare buffer provided complies is setting the houses from the road, but careful consideration should be made to how the buffer is planted according to UDO requirements. For this purpose staff recommends a specific exhibit to illustrate the buffer landscape design as a condition for approval. It would not preclude recommending the zoning case to the Town Council, but must be provided prior to conducting any land disturbance and included in the full Construction Document review.

Lastly, which a sewer easement is shown in the plans, Union County must ultimately approve the system.

RECOMMENDATION:

It is the recommendation of staff that the request for Conditional Zoning to allow for the development of a 27-Lot Conservation Subdivision located on Hemby Road, tentatively known as Molbray Development, be recommended for **approval with conditions.**

-A pedestrian pathway shall be provided connecting cul-se-sacs of "Road A" and "Road C", or an alternative pedestrian plan be provided by the developer, in accordance with UDO Section D-917B(L)(8). - A landscape/buffer plan shall be submitted in compliance with UDO requirements including a specific planting plan detailing the 100' thoroughfare buffer. This plan must be reviewed prior to any subsequent plan submittals.

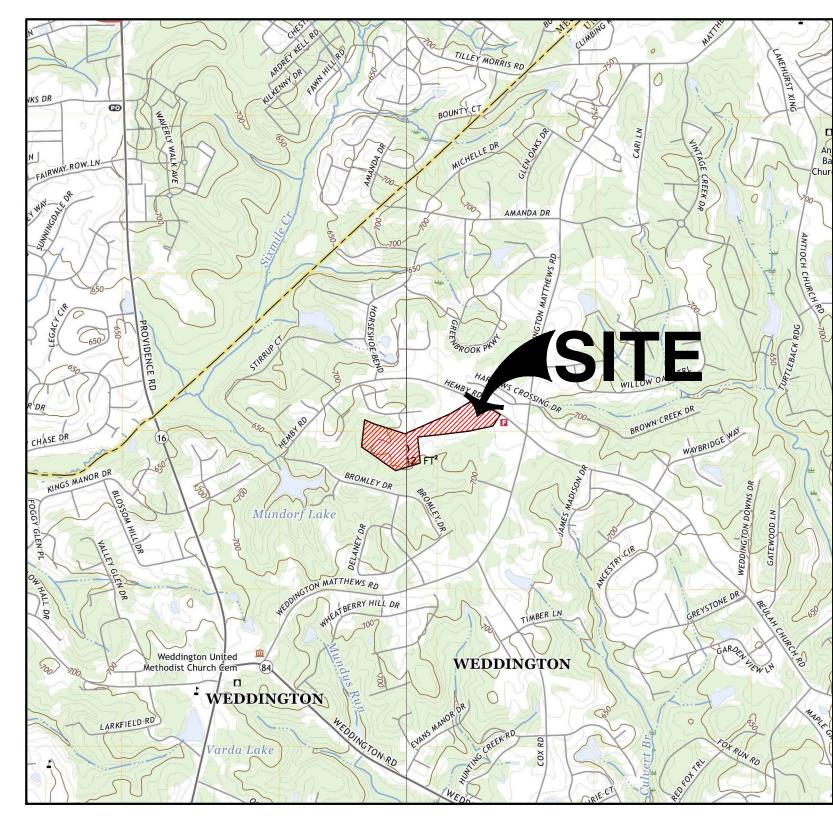
ATTACHMENTS:

Application
Sketch Plan
Land Use Map
Zoning Map
Community Meeting Reports
Utility Plan
Presentation Slides



HEMBY ROAD SITE

CONDITIONAL ZONING PETITION CLASSICA HOMES, LLC WEDDINGTON, NORTH CAROLINA JULY 29, 2024



USGS MAP U.S.G.S. 7.5 MIN. TOPOGRAPHIC MAP, TROUTMAN QUADRANGLE, DATED: 2022 2000

OWNER/TEAM INFORMATION

CIVIL ENGINEER

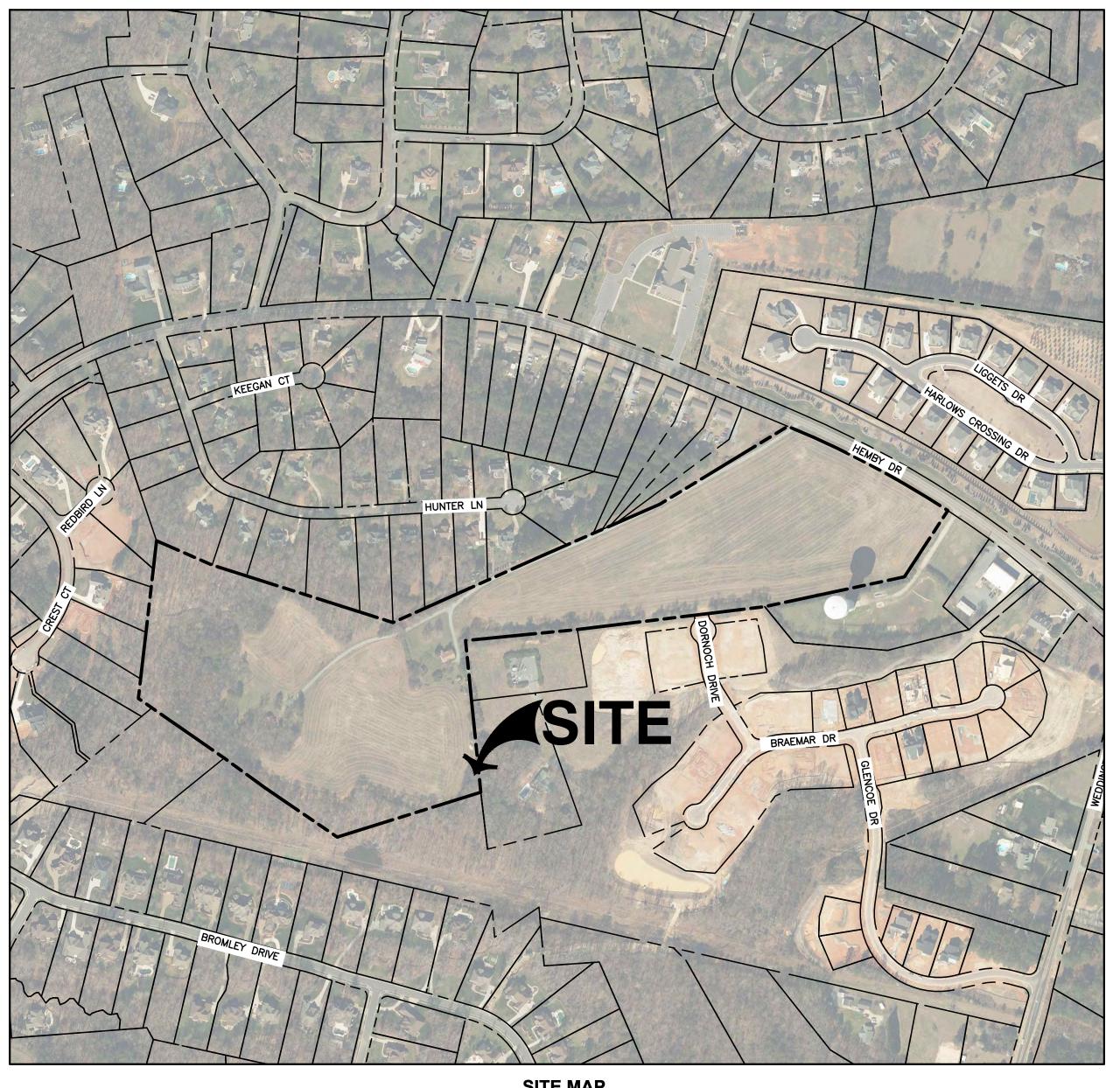
CIVIL & ENVIRONMENTAL CONSULTANTS, INC. 3701 ARCO CORPORATE DRIVE, SUITE 400 CHARLOTTE, NORTH CAROLINA 28273 PH: (980) 237-0373 FX: (980) 237-0372 CONTACT: MASON GREESON, P.E. EMAIL: MGREESON@CECINC.COM

LANDSCAPE ARCHITECT

CIVIL & ENVIRONMENTAL CONSULTANTS, INC. 3701 ARCO CORPORATE DRIVE, SUITE 400 CHARLOTTE, NORTH CAROLINA 28273 PH: (704) 293-5289 CONTACT: MÁRK KIME, PLA EMAIL: MKIME@CECINC.COM

DEVELOPER CLASSICA HOMES, LLC 2215 AYRSLEY TOWN BLVD CHARLOTTE NC 28273 PH: (704) 297-9075 CONTACT: LARRY BURTON EMAIL: LBURTON@CLASSICAHOMES.COM

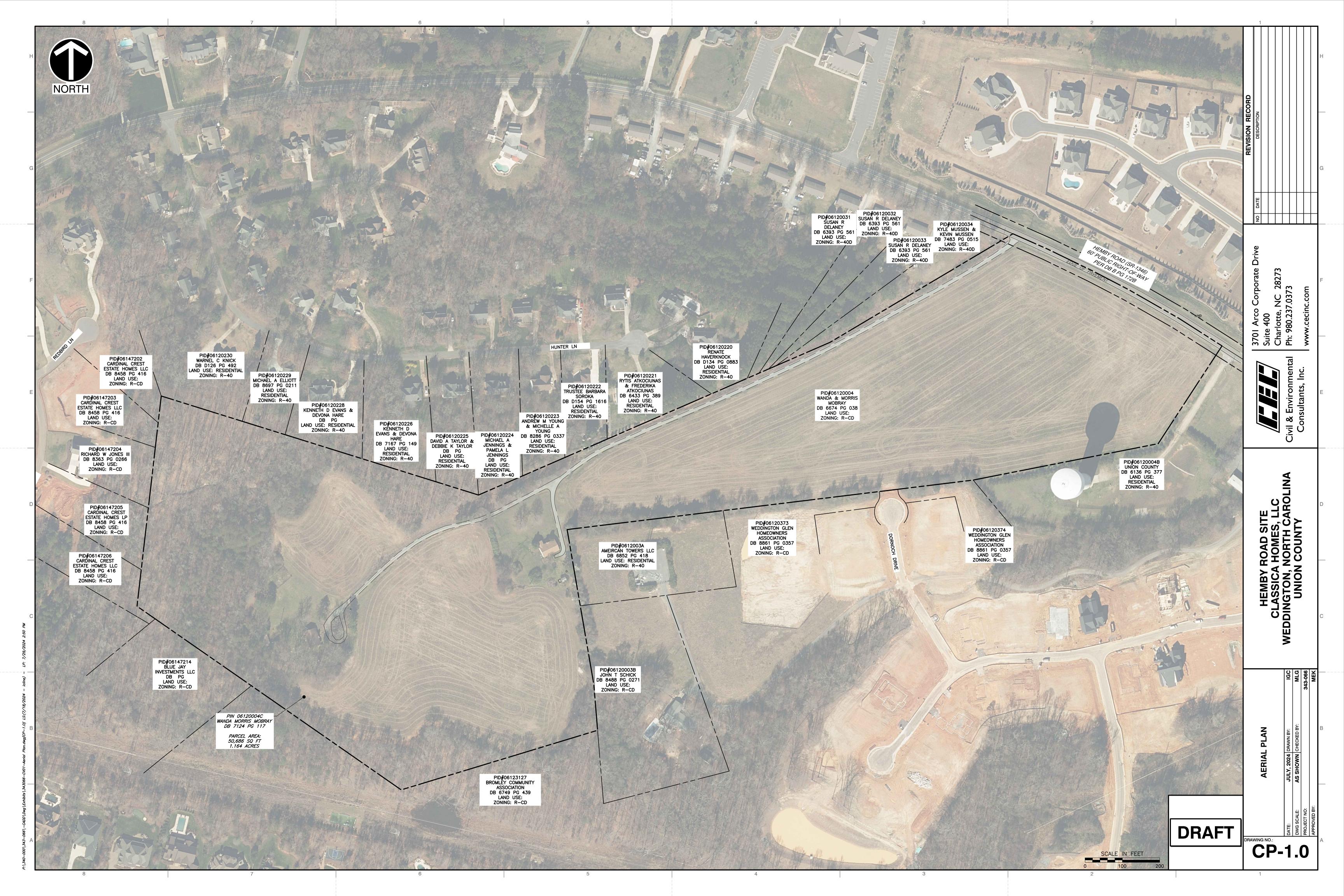
3701 ARCO CORPORATE DRIVE, SUITE 400 CHARLOTTE, NORTH CAROLINA 28273 PH: (704) 575-6436 CONTACT: PATRICK CORLESS EMAIL: PCORLESS@CECINC.COM

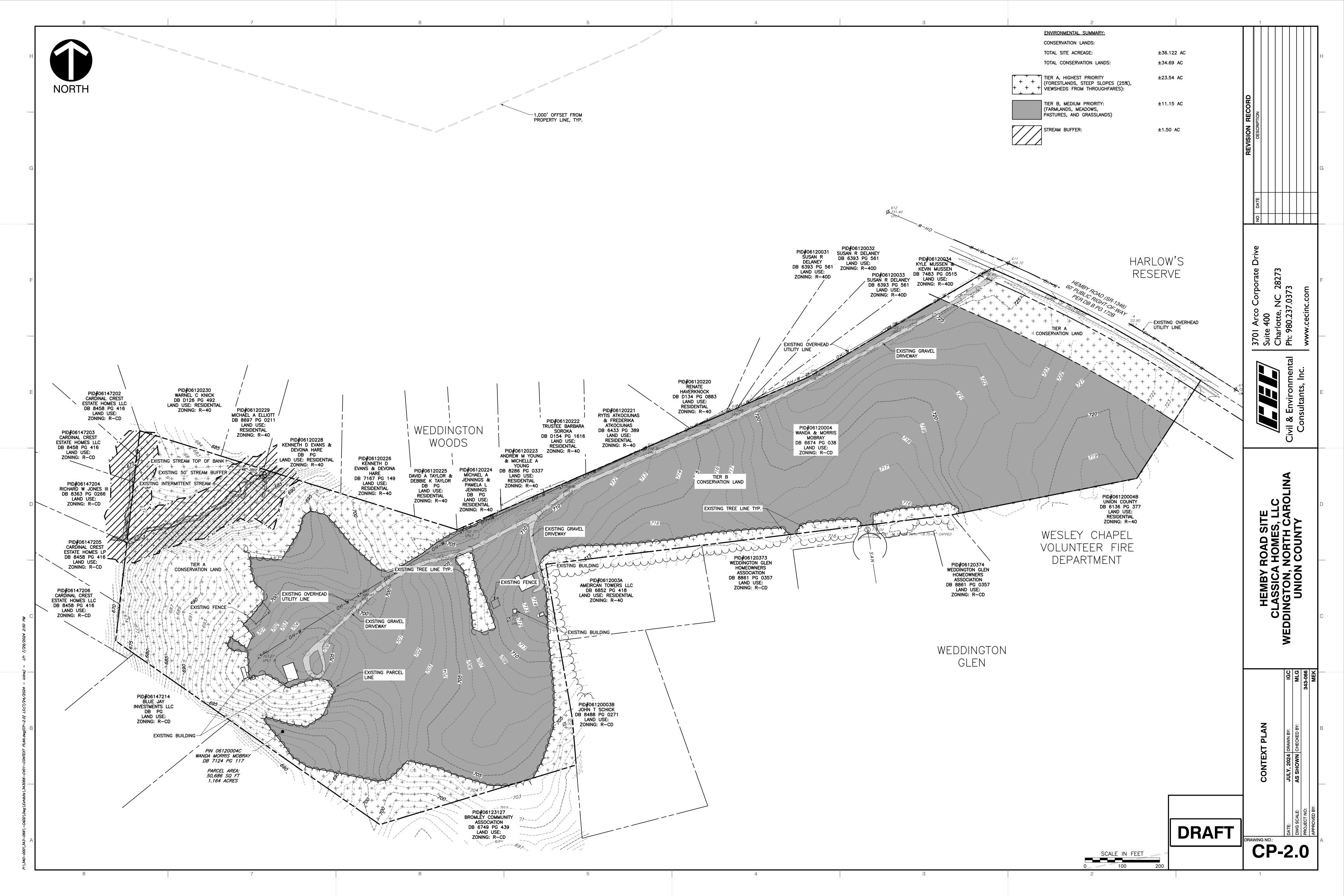


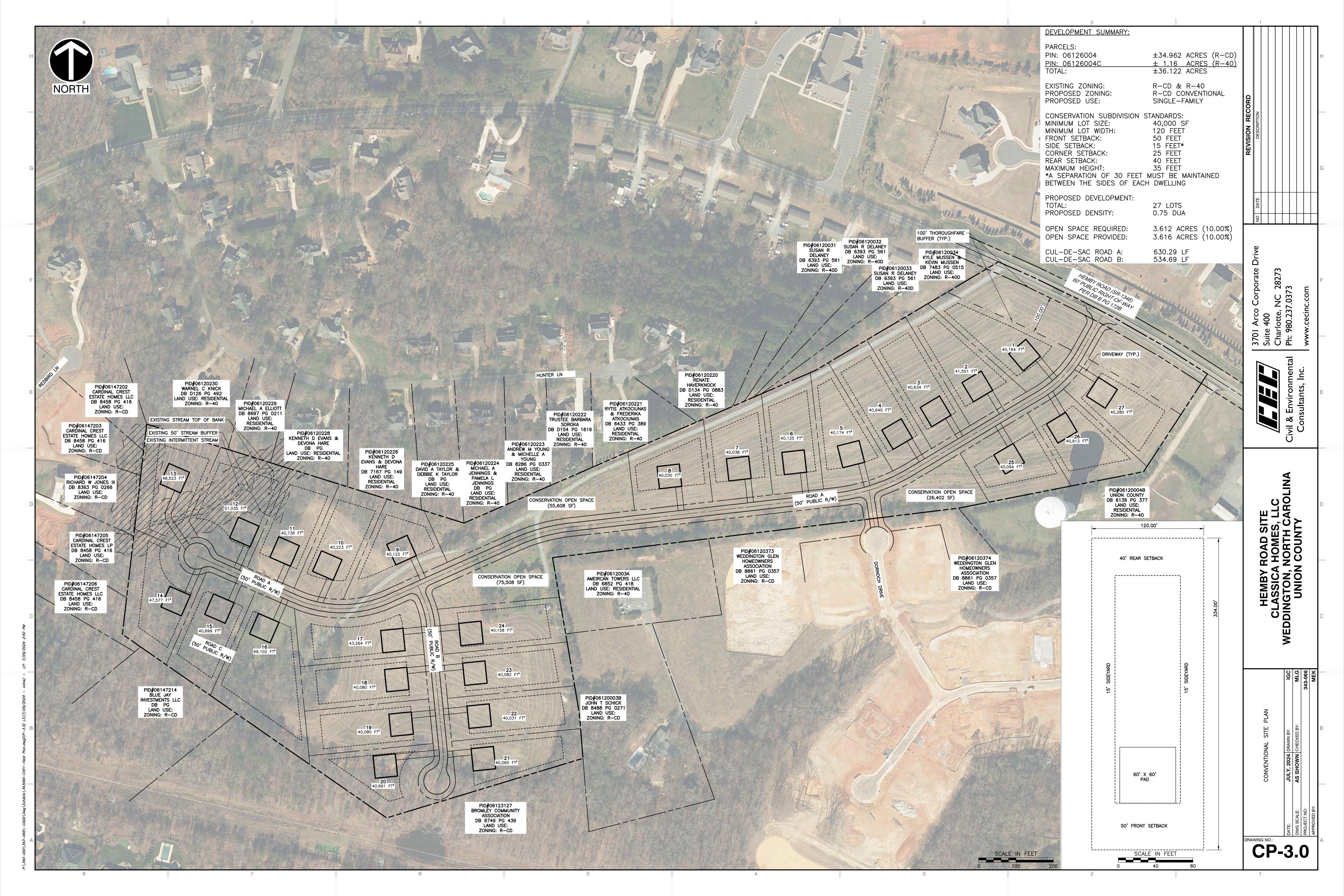
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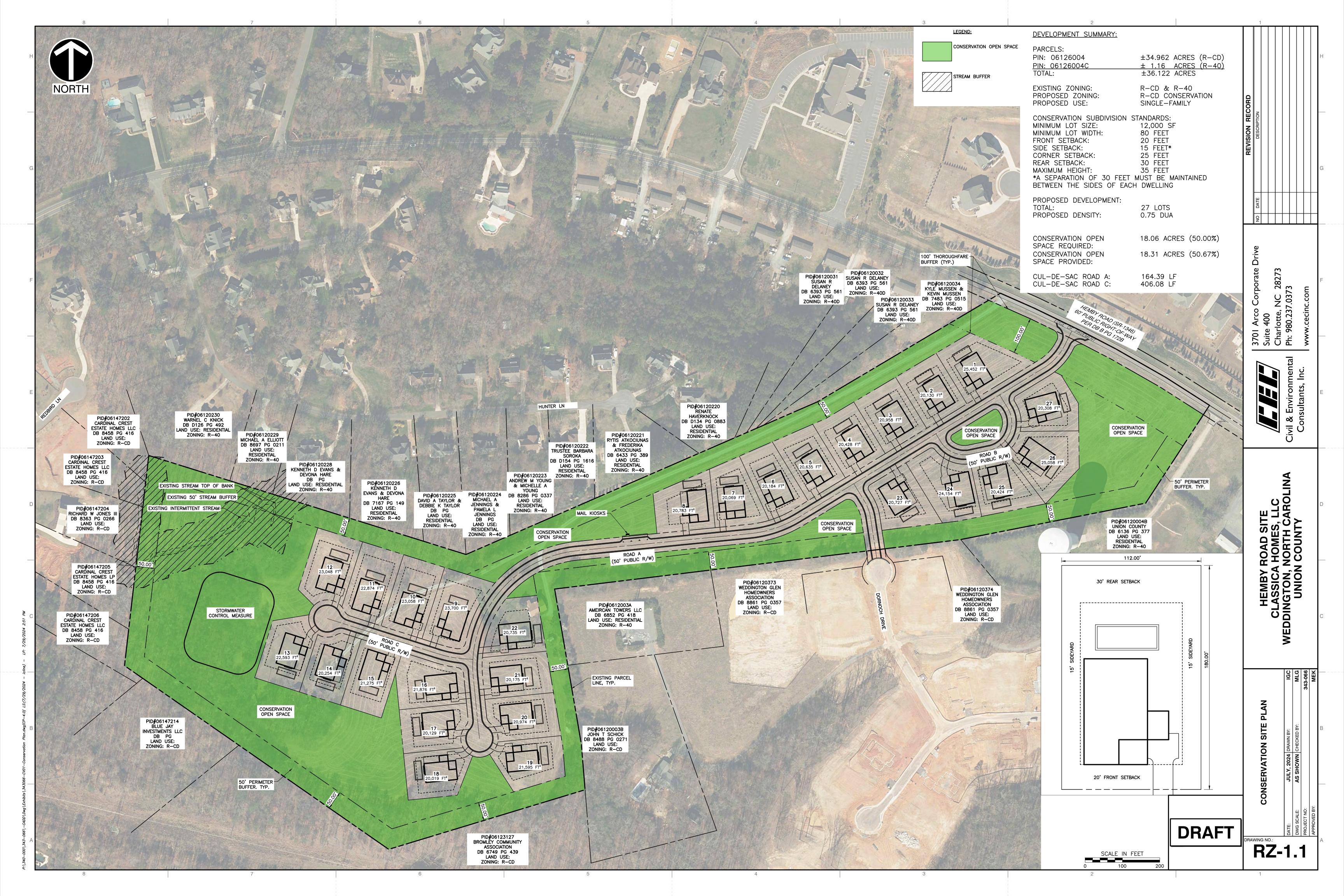
Sheet List Table			
Sheet Number	Sheet Title		
CP-0.0	COVER SHEET		
CP-1.O	AERIAL PLAN		
CP-2.0	CONTEXT PLAN		
CP-3.0	CONSERVATIONAL SITE PLAN		
CP-4.0	CONSERVATION PLAN		
CP-5.0	ENVIRONMENTAL PLAN		
CP-7.0	SLOPE ANALYSIS		
CP-8.0	SOIL MAP		
CP-6.0	TREE SURVEY		

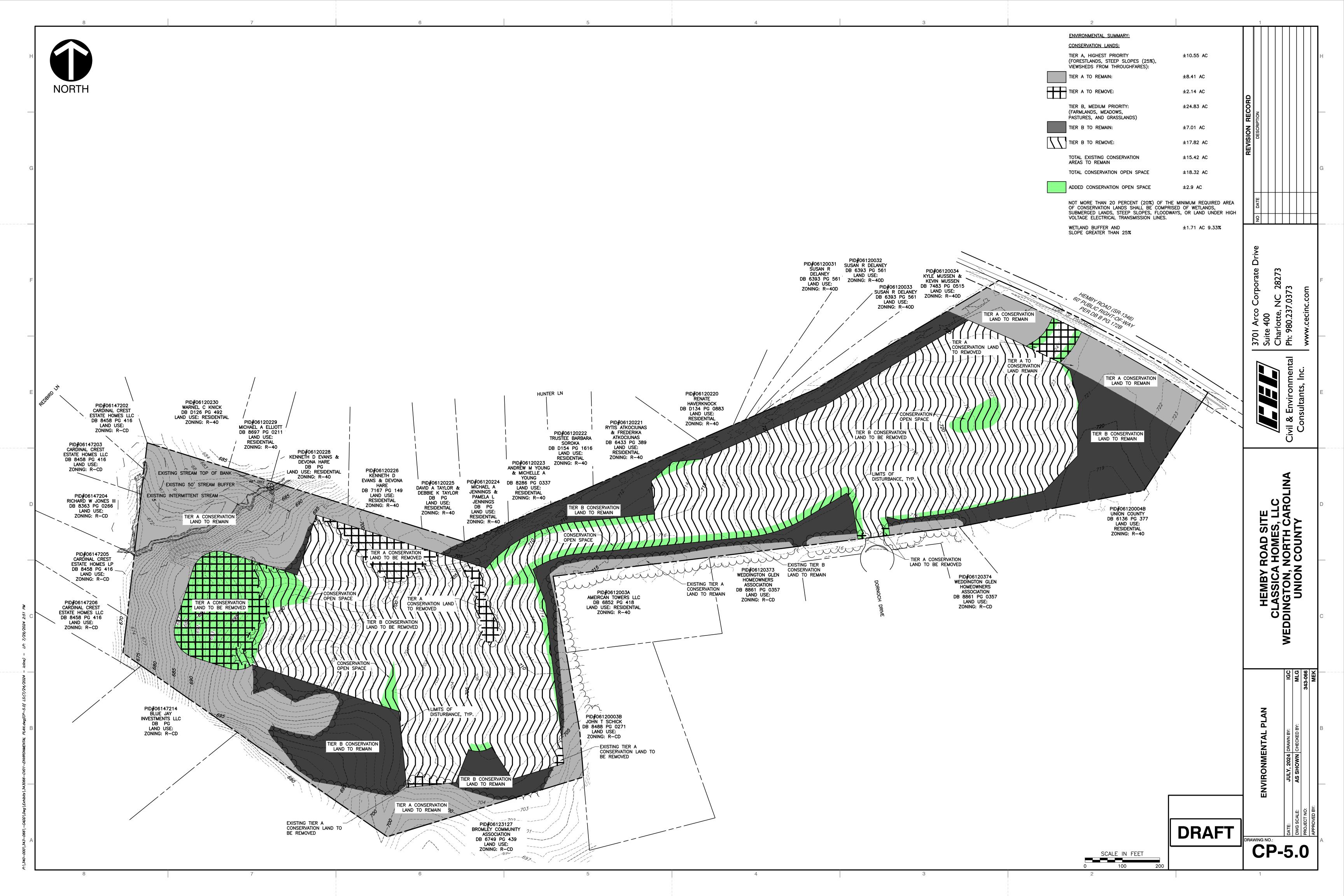
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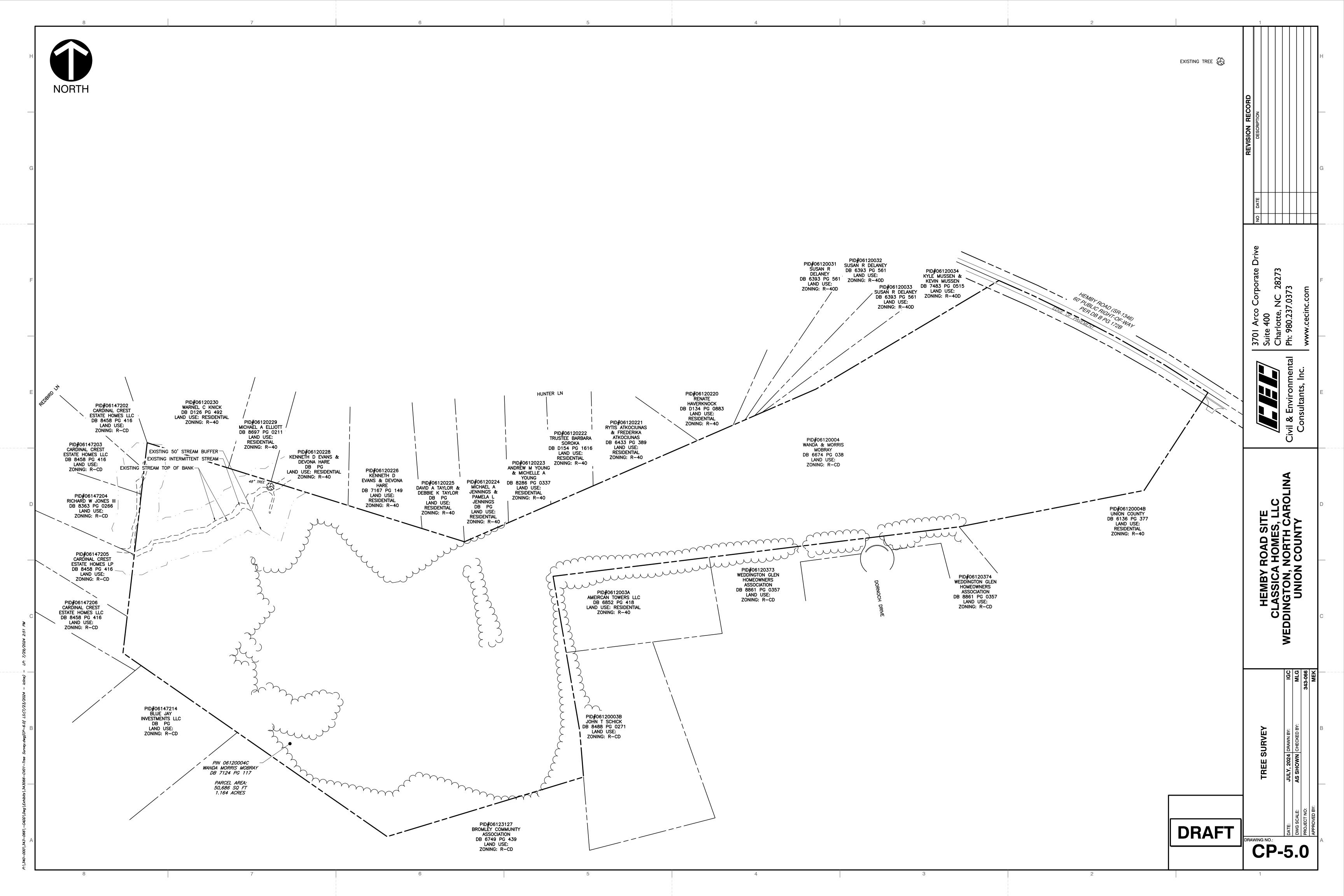


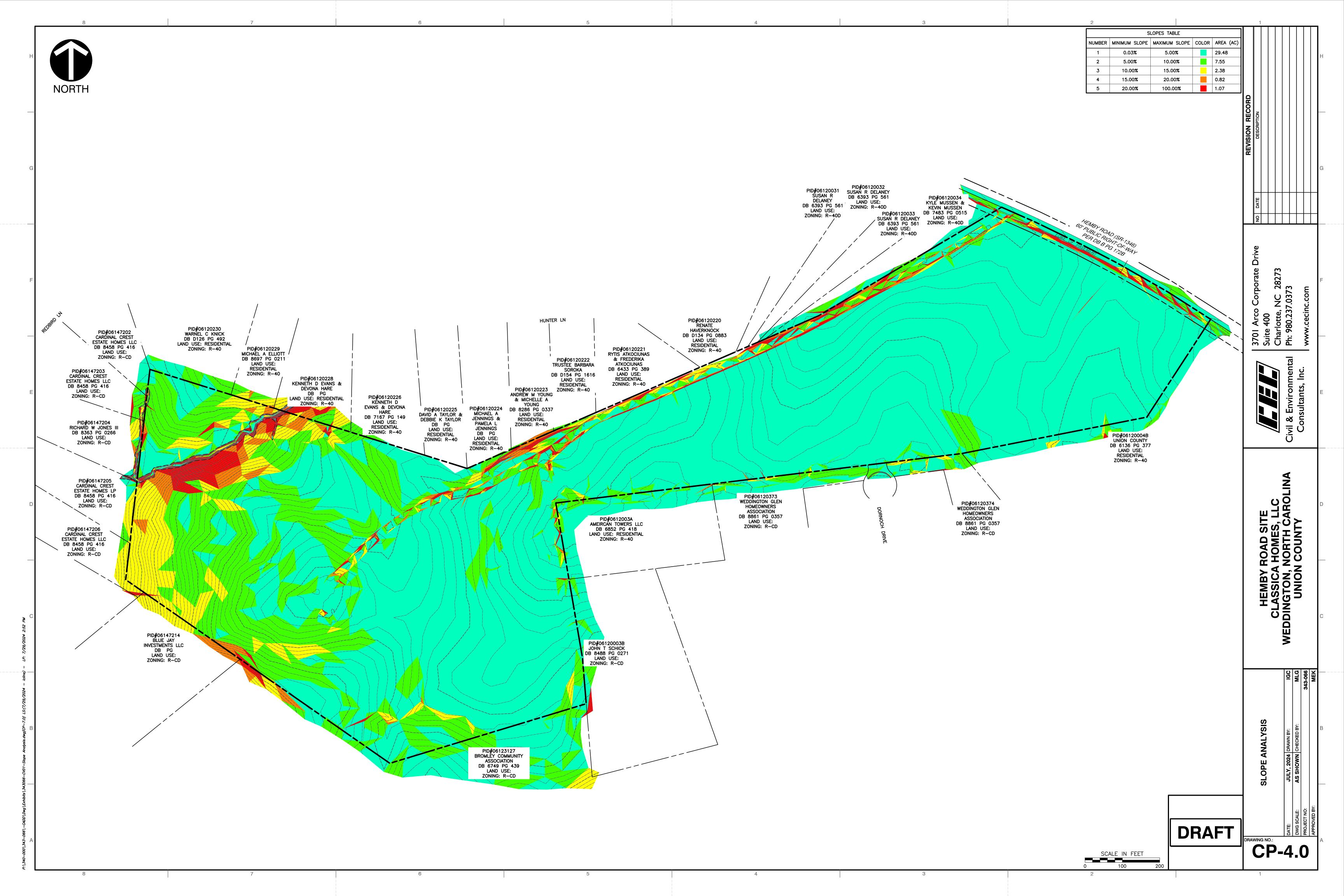


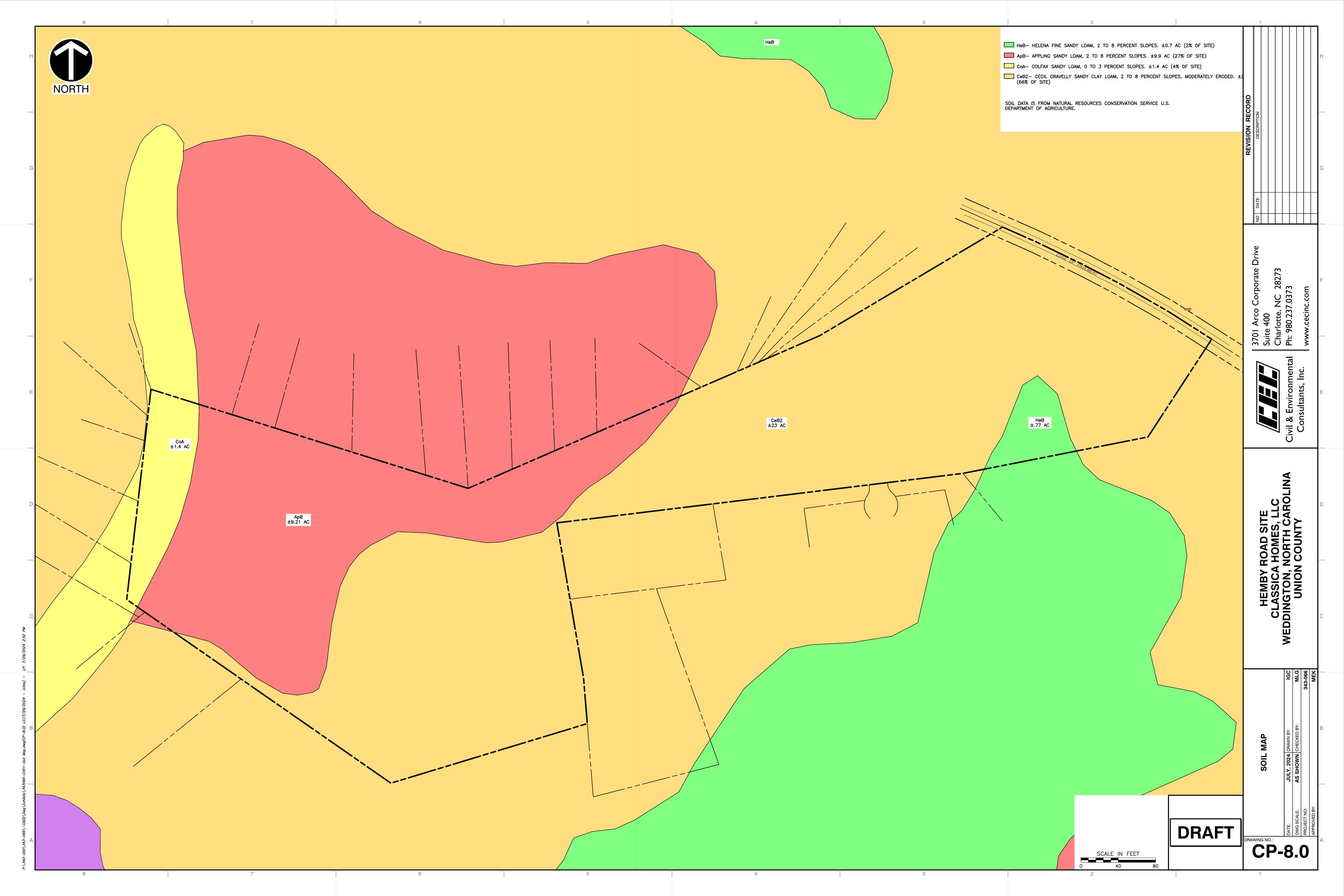




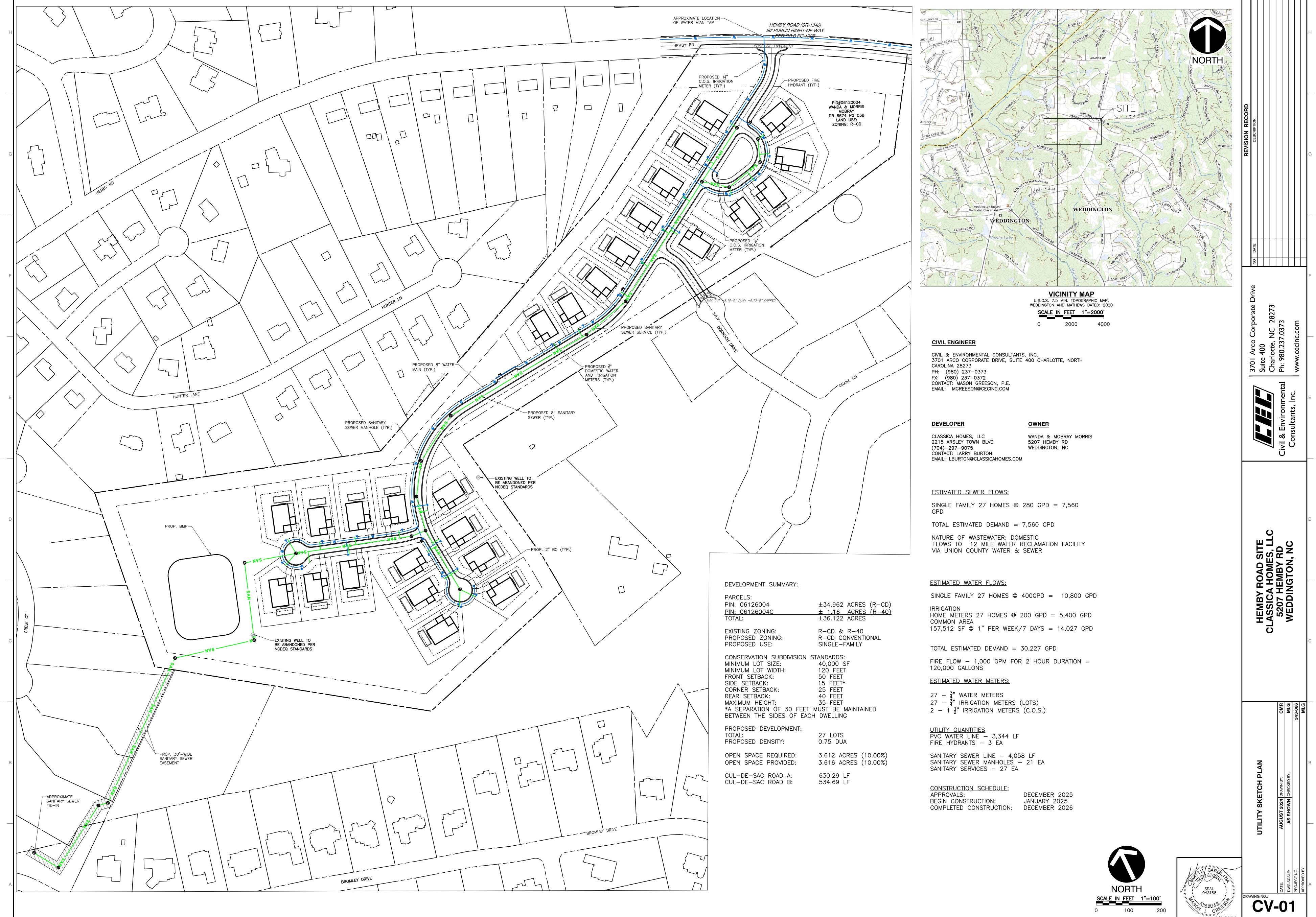


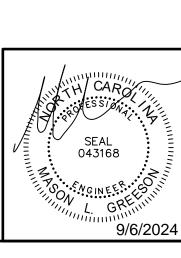














Town of Weddington Board of Commissioners October 14th, 2024





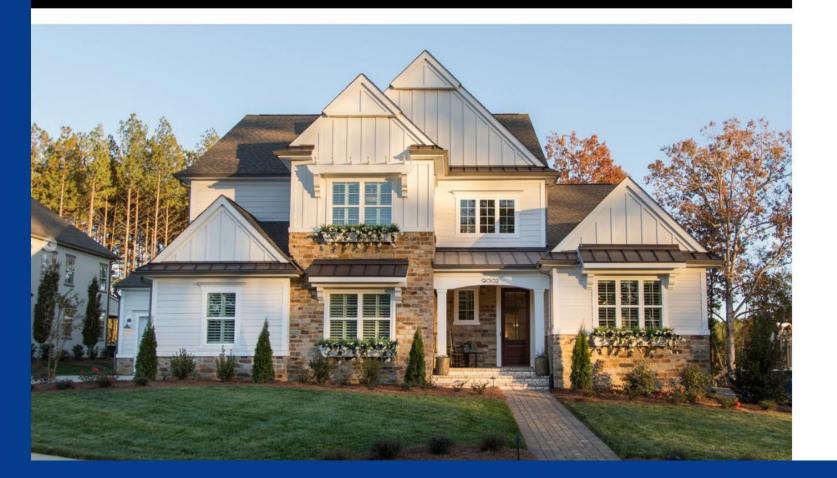




NATIONALS 2019

2019 The Nationals

National Sales and Marketing Council (NSMC)
Best Single-Family Detached Model Home 3,501 - 4,000 sf. GOLD
The Monterey







704-997-3480

























Weddington Working Concepts











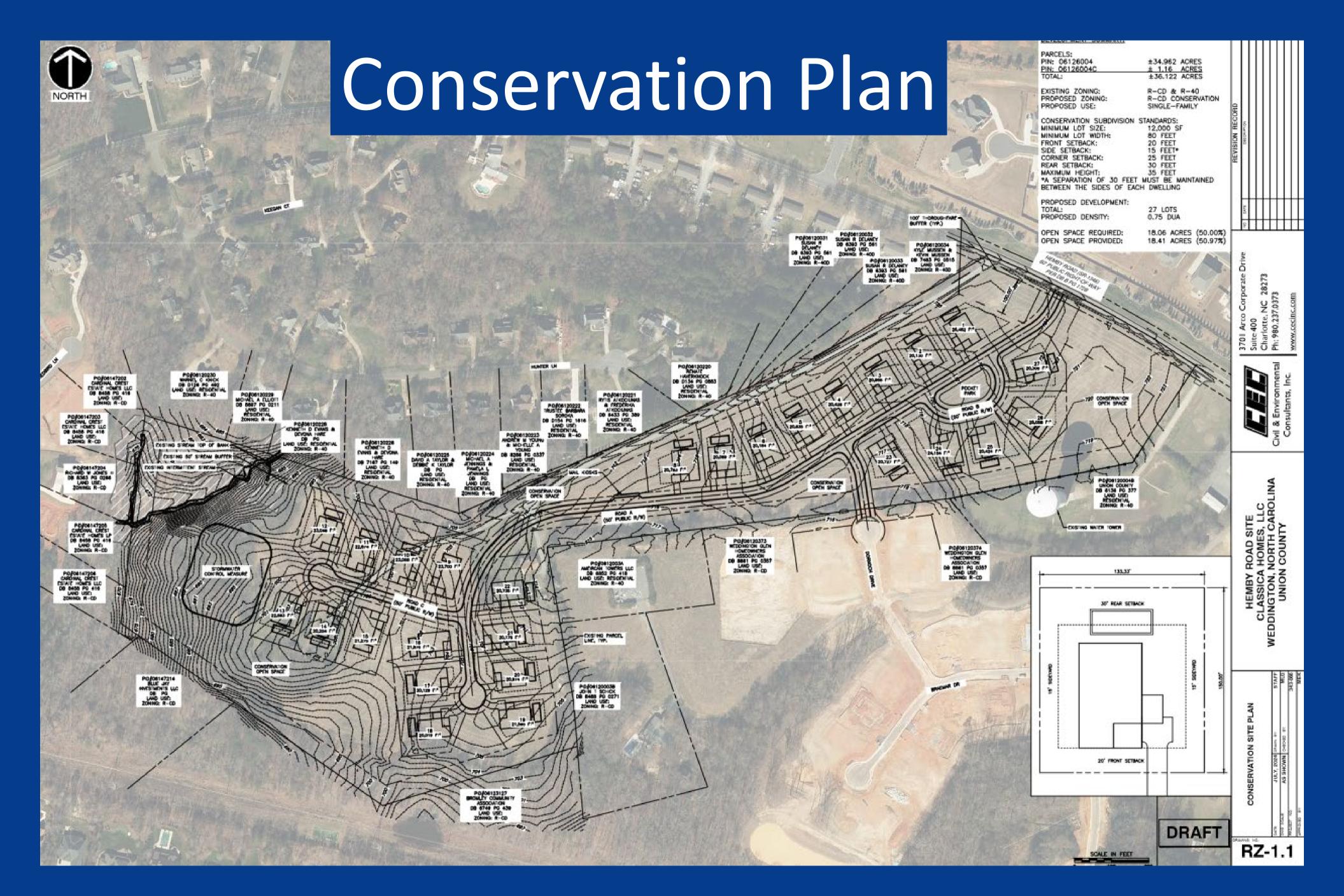


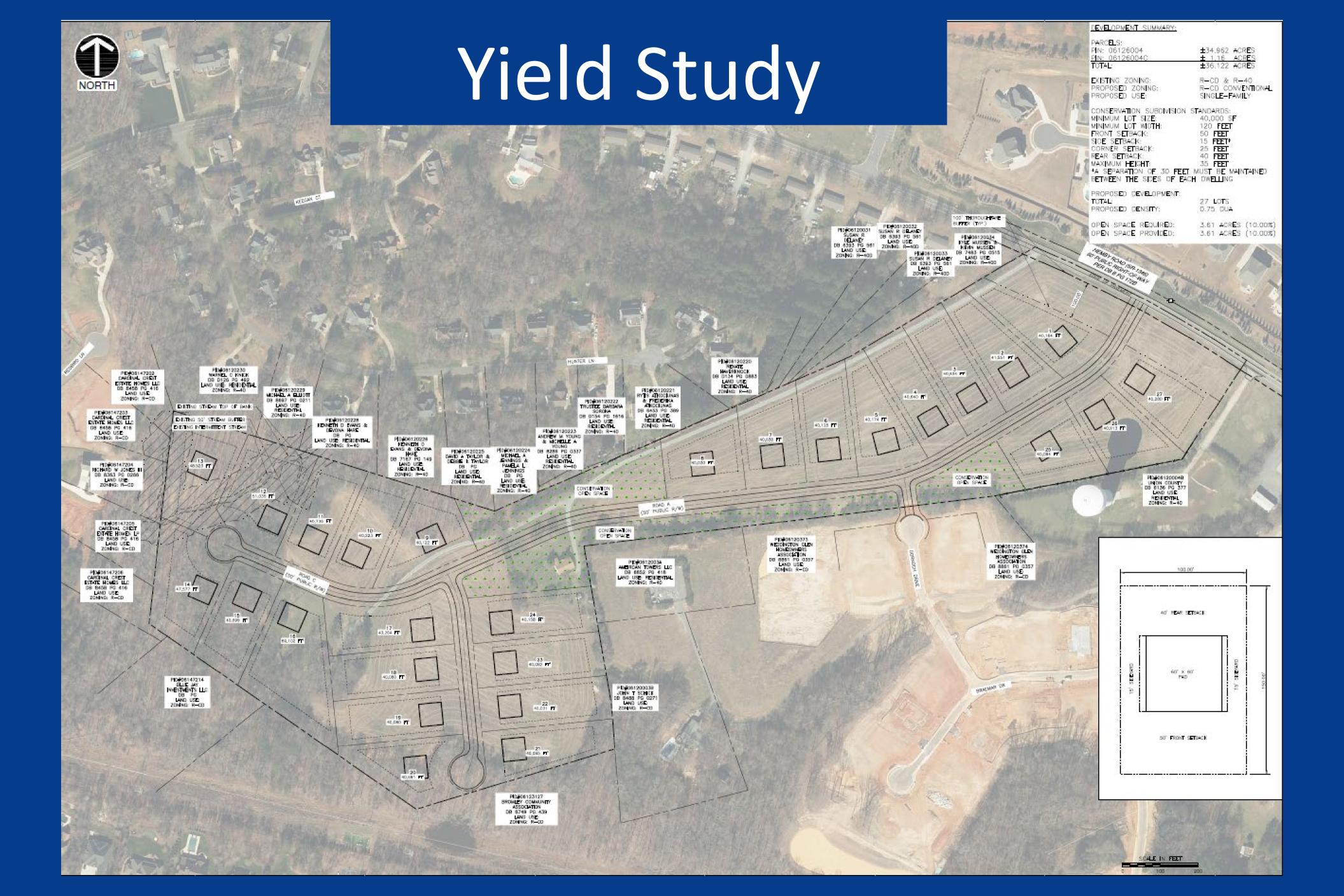




Conservation Plan



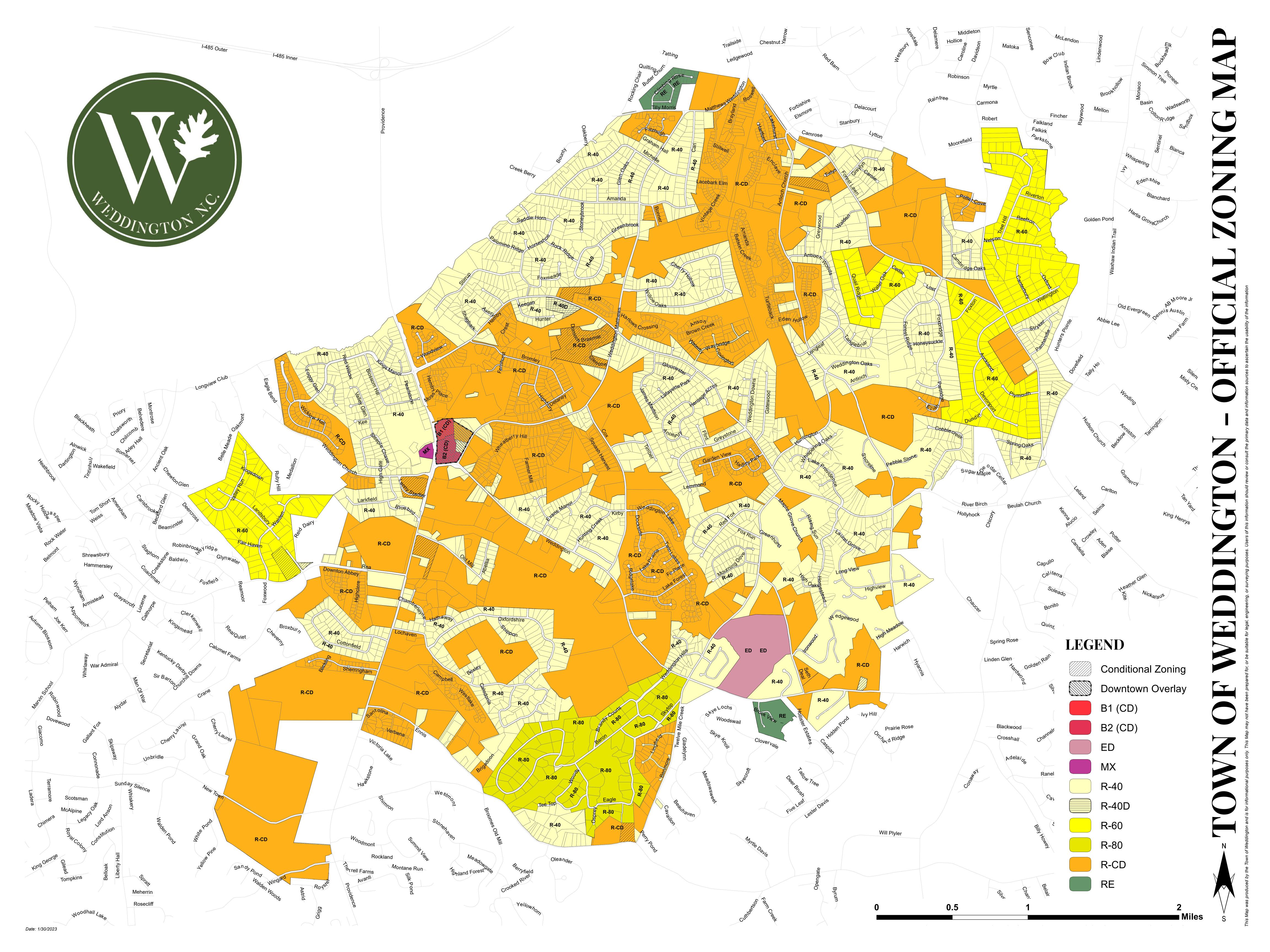




THANKYOU FOR YOUR TIME!

Questions?





Legend
| Weddington Boundary
| County Boundary
| Neighboring Municipality
| Major Road
| Future Land Use
| Agriculture
| Business
| Conservation Residential
| Traditional Residential
| Traditional Residential
| William Traditional Residential
| Amanda Drive
| William Traditional Residential
| Amanda Drive
| William Traditional Residential
| Amanda Drive

Map 4 Future Land Use Map

4,000

1 inch = 4,000 Feet



September 27, 2024

Hemby Road Community Meeting Report Weddington High School CEC Job: 343-066

A summary of topics discussed at the Community Meeting for Hemby Road on September 19, 2024, can be found below. The Petitioner's response to each comment is provided in red.

1. How does this project plan to address downstream flooding issues? Worried about flooding and run-off in adjacent neighborhood (Beechwood) because it is already an issue; will there be barriers?

The development will be required to meet pre-condition runoff of the site in postdevelopment of the project. Given the nature of the land sloping away from Hemby Road to the rear of the property, the developer will capture stormwater runoff on site and pipe into a stormwater control measure at the rear of the property.

- Will there be individual septic tank systems?No, these homes will be connected to public utilities.
- 3. We have septic tanks but would like to tie-in to the main sewer line, who should we contact to ask?

Union County Water.

- 4. What is the purpose behind the connection of the cul-de-sac/stub street?

 This connection is being dictated to the developer by the Town of Weddington to
 - promote connectivity. This stub street provides a secondary means of access for emergency services.
- 5. Is it normal or deceptive to make a road appear like a cul-de-sac when it is actually a stub street that might get connected in the future?
 - Right of way beyond the cul-de-sac was extended to the property line for future connectivity.
- 6. Could we have a gate at the stub street connection, so we don't have as much traffic going through our neighborhood? We want to keep our 70+ kids safe.
 - An emergency access gate with a Knox Box is a possibility but has not ben vetted with the Town of Weddington.
- 7. We have a petition to eliminate the connectivity between the new neighborhood and the existing neighborhood. What is the process for that?
 - Petitions should be submitted to the Town of Weddington and will be addressed by the Town Council.
- 8. Is this plan all a "done deal"?
 - No. This is the first step in the process of providing entitlements for this subdivision. An on-site design charette will be held with neighboring property owners and the conditional site plan will be reviewed by the Planning Board and ultimately voted on by the Town Council.

Mark Kime – CEC Surveying and Landscape Architects of NC, PLLC Project 343-066
Page 2
September 27, 2024

9. We are concerned with the grading and drainage issues with Beechwood not enforcing permits. Who oversees enforcement?

NCDEQ is the review agency and inspector of on-site conditions with respects to stormwater.

10. How does water run down the street to the pond?

The street is inclined down toward the pond and has a curb and gutter with a drainage pipe system underground that will deliver stormwater to the stormwater control measure.

11. Would there be creek contamination from erosion?

Erosion control measures will be put in place to avoid dumping unfiltered runoff into the creek system at the western edge of the property. The permanent stormwater control measure will be required to demonstrate that the runoff leaving the site does not exceed current velocity thresholds and will function in a way to allow filtered water to leave the site.

12. What are the property setbacks/buffers -100' vs. 50'?

There is a 100-foot proposed throughfare buffer along the Hemby Road frontage and a 50-foot perimeter buffer around the balance of the subdivision.

- 13. What will be the space behind the proposed homes where power lines currently are?

 The existing power lines and access drive will be removed and replanted with a 50' landscape buffer.
- 14. How full would the buffer plantings be?

Buffer plantings will create a semi-opaque visual screen that meet or exceed the Town of Weddington minimum requirements.

15. If you purchase the land that includes the creeks which are dirty and full of junk, would you clean them out? Do you need help with getting a grant for clean up?

An environmental analysis will be conducted to make recommendations on remediation of streams if needed.

16. Where would the proposed power lines be located?

The power lines internal to the site will be located underground.

17. Will there be an HOA? What would be the cost range for that?

Yes, an HOA will be present. It's too early to say what the yearly HOA dues would be, but likely somewhere in the range of \$2,000-\$3,500.

18. Will the lots have fencing?

The builder will not provide fencing, but individual homeowners will have the ability to fence their yards if desired.

19. Is there a going to be a community park somewhere?

There will be formal landscaping in the pocket park. Common open spaces throughout the balance of the community will be improved with landscaping.

20. What are the landscaping and architectural styles like?

Please refer to the precedents on the Classica website and the booklet provided. There are precedent communities mapped out in the booklet provided.

21. Would there be a berm, barrier, or some other protective measure by the stream and woods to prevent kids being hurt?

Mark Kime – CEC Surveying and Landscape Architects of NC, PLLC Project 343-066
Page 3
September 27, 2024

A berm is not being contemplated in this area due to the presence of the existing vegetation.

- 22. Have you hit rock, or will you come across granite on the site?
 No, we bored 15 cores on the site and have not come across any rock in the first 15' of soil.
- 23. What will the dust factor be during construction?

 There may be some dust on a dry day in the summer from normal construction practices.
- 24. Will there be a lot of noise and what are the hours for work (during construction)?

 Construction labor will be restricted from Monday through Friday from 7 AM to 7 PM, and Saturday during daylight hours. No construction on Sundays and some holidays.
- 25. What are the proposed road improvements on Hemby Road?

 As a component of the land development process, the developer will engage NCDOT to discuss if turn lane improvements are warranted along the property frontage. No such conversations have occurred at the time of this meeting.
- 26. What will the width of the thoroughfare buffer be along Hemby Road? 100 feet.
- 27. What are the next steps with the Town for our process and where do we go to make sure our voices are heard? Dates of meetings?

 An on-site design charette will be held on October 9th. An initial presentation of the project will be made to the Town Council on October 14th. Following that meeting, the project will move forward to the Planning Board for a recommendation in November with a final vote from Town Council anticipated in December.
- 28. Did you already perform a perc test?

 A perc test is not required since the project proposes to connect to public utilities.
- 29. What is the timeframe to build this project?

 The project will undergo design and permitting over the next 15-18 months followed by about 10 months to build the infrastructure before the homes begin to go vertical.
- 30. How will erosion control be addressed on site?

 A temporary sediment basin will be installed at the low end of the site with diversion ditches, check dams, swales, and silt fencing to capture runoff from exiting the property and emptying into the stream prior to filtration through the sediment basin.

Sincerely,

CEC SURVEYING AND LANDSCAPE ARCHITECTS OF NC, PLLC Mark Kime, PLA Senior Project Manager



October 9, 2024

Hemby Road On-Site Meeting Report 5207 Hemby Road CEC Job: 343-066

A summary of topics discussed at the On-Site Meeting for Hemby Road on October 9, 2024, can be found below.

- Concerns were raised over stormwater flowing off-site by a neighbor who lives at end of the gravel road. CEC explained the BMP will collect stormwater and release the water off-site at a lower rate than the current rate. The drainage will flow down the street to the BMP.
- A neighbor who lives closer to the Beechwood neighborhood also expressed concern about stormwater drainage from that neighborhood. She said the silt fence is down. CEC stated that they would need to discuss any off-site stormwater concerns with the Town of Weddington or Beechwood Homes. Greg Gordos inspected the stormwater runoff concern following the meeting.
- CEC explained that because the proposed development is located on an existing farm, rather than a wooded area, that the proposed development will not significantly increase runoff in contrast to the existing condition.
- A neighbor asked where our entrance would be located and was pleased with the proposed location.
- A neighbor asked if the tree line will remain post-development. CEC demonstrated that much of the tree line will remain and indicated the location on the site plan.
- A neighbor asked when construction would commence. Classica and CEC informed the neighbor that obtaining all permits would take about a year.
- A neighbor stated that residents in the Beechwood neighborhood are concerned about the road connection into their neighborhood. Classica stated that they do not have any control over the requirement to make the connection to Dornoch Drive since a stub street connection is provided to the property line. This connection is a requirement of the Town of Weddington fire marshal, and utility providers.

Mark Kime – CEC Surveying and Landscape Architects of NC, PLLC Project 343-066
Page 2
October 9, 2024

Upon completion of the on-site meeting it was concluded by the Town of Weddington and Classica Homes that a design charette was not warranted due to the size of the development.

Sincerely,

CEC SURVEYING AND LANDSCAPE ARCHITECTS OF NC, PLLC

MlE. K.

Mark Kime, PLA

Senior Project Manager

Section D-917A. Specific Requirements for All Residential Development - Required Improvements, Dedication, Reservation and Minimum Standards for Residential Development (applicable to both Traditional Residential Development and Conservation Residential Development).

A. Orientation of Residential Lot Lines.

- 1. Side lot lines shall be substantially at right angles or radial to street lines.
- 2. Double frontage lots shall be avoided wherever possible.
- **B.** Location of House Sites. Applicants shall identify house site locations in the tract's designated development areas designed to fit the tract's natural topography, be served by adequate water and sewerage facilities, and provide views of and/or access to adjoining Conservation Lands in a manner consistent with the preservation of the Conservation Lands.
- C. Panhandle Lots. Panhandle lots and other irregular shaped lots may be approved in cases where such lots would not be contrary to the purpose of this UDO, heighten the desirability of the subdivision, and, where necessary, enable a lot to be served by water and/or a waste disposal system. All panhandle lots shall have a minimum road frontage width of 35 feet thereby providing an access strip to the lot. The length of said strip shall not exceed 200 feet. Said strip shall not be used to determine lot area or width or setback lines.
- **D.** Lots in Floodplains. Lots within floodplains shall not be approved for recordation unless the following provisions are met:
 - 1. Lots wholly subject to flooding. No proposed residential building lot that is wholly subject to flooding, as defined herein, shall be approved.
 - 2. Lots partially subject to flooding.
 - a. No proposed residential building lot that is partially subject to flooding as defined herein shall be approved unless there is established on the lot plan a contour line representing an elevation no lower than two feet above the base flood line as defined in Appendix 7. Floodplain Regulations. All buildings or structures designed or intended for residential purposes shall be located on such a lot such that the lowest useable and functional part of the structure shall not be below the elevation of the base flood line, plus two feet.
 - **b.** For the purpose of this subsection, the term "useable and functional part of structure" shall be defined as being inclusive of living areas, basements, sunken dens, basement, utility rooms, crawl spaces, attached carports, garages and mechanical appurtenances such as furnaces, air conditioners, water pumps, electrical conduits, and wiring, but shall not include water lines or sanitary sewer traps, piping and cleanouts; provided that openings for same serving the structure are above the base flood line.
 - c. Where only a portion of the proposed lot is subject to flooding as defined herein, such lot may be approved only if there will be available for building a usable lot area of not less than 40,000 10,000 square feet. The useable lot area shall be determined by deducting from the total lot area, the area of all yard setbacks required by the applicable zoning regulations and any remaining area of the lot lying within the area of the base flood (100-year flood) as shown on the flood boundary and floodway map described in Appendix 7 Floodplain Regulations.

Section D-917A. Specific Requirements for All Residential Development - Required Improvements, Dedication, Reservation and Minimum Standards for Residential Development (applicable to both Traditional Residential Development and Conservation Residential Development).

J. Cul-de-sacs.

- 1. Permanent dead-end streets shall not provide sole access to more than 16 dwelling units or 1,200 linear feet, whichever is less. Measurement shall be from the point where the centerline of the dead-end street intersects with the center of a through street to the center of the turnaround of the cul-de-sac. The distance from the edge of pavement on the vehicular turnaround to the right-of-way line shall not be less than the distance from the edge of pavement to right-of-way line on the street approaching the turnaround.
- 2. When cul-de-sacs end in the vicinity of an adjacent undeveloped property capable of being developed in the future, a right-of-way or easement shall be shown on the final plan to enable the street to be extended when the adjoining property is developed. Cul-de-sacs in conservation residential developments shall generally include a pedestrian connection to the open space behind the lots they serve, preferably at the end of the cul-de-sac.
- 3. Cul-de-sacs shall generally be designed with central islands (preferably teardrop shaped) where trees are retained or planted. Cul-de-sac pavement and right-of-way diameters shall be in accordance with NCDOT design standards. Designs other than the "bulb" end design with a circular right-of-way will be subject to the approval of the Division Engineer of the Division of Highways, North Carolina Department of Transportation and the Town Council after review on an individual basis.
- 4. Cul-de-sacs less than 600 feet long shall generally be designed as "closes," with two one-way streets bounding a central "boulevard island" not less than 35 feet across. This can be easily accomplished by extending the outer edges of the turning half-circle perpendicularly to the street from which the cul-de-sac springs. The central open space offers opportunities for tree planting and "rain garden" infiltration areas for stormwater (particularly when the street pavement is sloped inward toward the central open space).

TREE CONSERVATION AND PRESERVATION DISCUSSION Weddington Planning Board Subcommittee



Attached are applicable ordinances from five area communities plus Weddington. They include: Davidson, Marvin, Matthews, Waxhaw, and Wesley Chapel. Each community has a slightly different approach to preserving and expanding tree canopies in their communities. Four establish a tree conservation plan based on a percentage of canopy. Two communities determine a tree conservation plan based on trees with a diameter of 4 or 6 inches.

The <u>Percent of Canopy</u> approach generally requires a parcel for residential development to have 30% tree canopy coverage excluding right-of-way, easements, ponds & lakes. Coverage can be achieved with a combination of preserved areas, required plantings (street trees, buffers, etc.) and new plantings.

The <u>Tree Diameter</u> approach is based on preserving all trees with a 4" or 6" tree caliper across the parcel with a few modifications. Generally, tree removal is prohibited in areas outside of the buildable area of a lot or development.

Both approaches allow for tree mitigation and replacement. Generally, a tree survey is required as part of the landscape plan. Existing qualified trees require protective fencing. All land disturbing activities are prohibited until inspections, approvals, and permits are complete. Minimum size and types for new plantings are defined from an approved list. All municipalities require the involvement of an arborist. Only Waxhaw appears to have no enforcement mechanisms in their UDO.

This is a high-level summary to help us get familiar with the issue and fuel our discussion. More detailed information is highlighted in each town's UDO. Please let me know if there is additional information that you would like to see before we meet.

TREE CONSERVATION SUMMARY

Town	UDO	General approach	Enforcement Penalties
Marvin	Section 11.8	TREE CONSERVATION AREA defined by land area with trees >4". Focus is on tree groves versus individual trees. TCA is defined by a percent based on parcel size (table 11.3). TCA can be <i>prioritized</i> based on type of trees and buffer. Up to 30% credit for sensitive areas and stream buffers. Tree Protection Plans (TPP) must be identified and inspected before ground disturbing activities.	If found in violation a Stop Work Order will be issued. Section 11.18-1: (NCGS 1A-1 rule 4) Notification of violation can be made by personal delivery, 1 st class mail, or Email with return receipt. Section 11.18-2: Civil penalties range from \$800 to \$10,000
Davidson	Chapter 9.1 and 15.3	TREE CONSERVATION is based on % of canopy Canopy coverage based on planning area versus zoning area. A tree conservation area (TCA) of 30% excluding ROW, easements & ponds/lakes is required. If needed additional trees must be planted to reach 30% when at full maturity. Coverage can be met a combination of preserved areas, required planting (street trees, buffers, etc.) Canopy size is determined by large (1,000sf), medium (800sf), and small (200sf) trees from a table. No tree >12" can be removed without a permit. TREE MITIGATION AND REPLACEMENT Must have a minimum caliper of 1.25"-3.0" and 8' height May not be located on portions of private lots without Planning Administrator approval.	Notification of violation can be made by personal delivery, 1 st class mail, or Email. Chapter 15.3: Civil penalties range from \$50 to \$25,000.
Wesley Chap	155.075 155.999	TREE CONSERVATION is based on % tree canopy: A tree conservation area (TCA) of 30% excluding ROW, easements & ponds/lakes is required. If needed additional trees must be planted to reach 30% when at full maturity. Focus is on tree groves versus individual trees. Tree inventory and landscape plan is required for preliminary plat based on tree diameter: • <10" for tree groves • >10" for individual trees Heritage trees (>20") protection are a priority but may be removed if in the building pad or access road/drive. TREE MITIGATION & REPLACEMENT	Notification of violation can be made by personal delivery, 1 st class mail, or Email. Civil penalty of \$50/day

		Number of replacement trees is based on their mature canopy.	
Waxhaw	Section 8.10	TREE CONSERVATION based on % of canopy and zoning:	None
		If predevelopment is <40% then 15% is required.	
		If predevelopment is 40% then 30% is required.	
		If predevelopment is >40% then 20% is required.	
		Canopy may be determined by aerial photos & ground	
		measurements.	
		Heritage trees (>36") should be protected at all costs including	
		waiving setback and reducing open space requirements.	
		TREE MITIGATION:	
		If existing trees are approved for removal, new trees must meet	
		or exceed the canopy of the removed trees	
		Plant size & types are defined from an approved list in the UDO.	
Matthews	155.606	TREE CONSERVATION is based on % of canopy and zoning.	Section 155.214: Notification of violation can be made by
	155.213	Minimum residential canopy to be maintained or created is 20%.	personal delivery, 1 st class mail, or Email.
	155.214	A tree conservation area (TCA) of 20% excluding ROW,	Civil penalties from \$50 - \$50,000 can apply depending on
		easements & ponds/lakes is required. If needed additional trees	the type of violation and length of time to correct the
		must be planted to reach 20% when at full maturity. Coverage	violation.
		can be met by a combination of preserved areas, required	
		planting (street trees, buffers, etc.), and new plantings.	
		Canopy size is determined by large (1,200sf), and small (400sf)	
		trees from a table.	
		New tree plantings size and location requirements apply.	
		Land disturbing activities are prohibited until all approvals and	
		permits are complete.	
Weddington	D917A-q	TREE PROTECTION: based on trees >6"	A written notice of violation will be provided.
		A tree landscape plan is required for a preliminary plat.	For every tree removed in violation, 4 trees must be planted.
		Tree removal is prohibited in areas outside the buildable area of	Also, monetary penalties, but they are not defined
		a lot or development.	
		Before excavation any tree >6" must be protected with a barrier.	
		No clearing or grading until inspection of <i>marked</i> tree barriers.	
		TREE SAVE & REPLENISHMENT:	
		1 canopy tree every 40' of street frontage.	
		1 acre lot requires 6 trees. Minimum of 2 in front & 2 in back	
		< 1 acre requires 4 trees. Minimum of 2 in front & 2 in back.	
		Existing trees >6" outside the setback count towards the above.	
		Plant size & types are defined from an approved list in the UDO.	
		Timing & warranty of plantings are defined in the UDO	
		Timing & warranty or plantings are defined in the ODO	