

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, FEBRUARY 25, 2013 - 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 February 25, 2013, with Chairman Dorine Sharp presiding.

Present: Chairman Dorine Sharp, Vice-Chairman Rob Dow, John Giattino, Jennifer Romaine, Jeff Perryman, Janice Propst and Jim Vivian and Town Planner Jordan Cook and Town Administrator Amy McCollum

Absent: None

Visitors: Marc Houle and Jeremy Schumacher

Item No. 1. Open the Meeting. Chairman Dorine Sharp called the February 25, 2013 Regular Planning Board Meeting to order at 7:05 p.m.

Item No. 2. Determination of Quorum/Additions or Deletions to the Agenda. There was a quorum. Chairman Sharp moved to add under Old Business the following item: Land Use Plan Update.

Vice-Chairman Rob Dow moved to approve the agenda as amended. Mr. Jim Vivian seconded the motion, with votes recorded as follows:

AYES: Vivian, Propst, Perryman, Romaine, Giattino and Vice-Chairman Dow
NAYS: None

Item No. 3. Approval of Minutes.

A. January 28, 2013 Special Town Council and Planning Board Training Minutes. Mr. John Giattino moved to approve the January 28, 2013 Special Town Council and Planning Board Training Minutes. Mr. Jeff Perryman seconded the motion, with votes recorded as follows:

AYES: Vivian, Propst, Perryman, Romaine, Giattino and Vice-Chairman Dow
NAYS: None

B. January 28, 2013 Regular Planning Board Meeting Minutes. Mr. Giattino discussed a portion of the minutes that he had a question about. Mr. Perryman moved to approve the January 28, 2013 Regular Planning Board Minutes with the one correction noted by Mr. Giattino. Ms. Jennifer Romaine seconded the motion, with votes recorded as follows:

AYES: Vivian, Propst, Perryman, Romaine, Giattino and Vice-Chairman Dow
NAYS: None

Item No. 4. Old Business.

A. Review and Consideration of the Final Plat for Bromley, Map 6. The Planning Board received a copy of the following memo from Town Planner Jordan Cook:

Toll NC 11, LC submitted an application on December 12, 2012 for approval of the Final Plat of Map 6 and a revision to Map 2 (Lot 89) in the Bromley subdivision located off of Hemby Road.

Background Information:

The Planning Board reviewed Map 6 Final Plat at their January 28 meeting. At that meeting the Planning Board gave the Final Plat a favorable recommendation with a 3-2 vote. That recommendation was contingent on the following conditions:

1. Performance and Maintenance Bonds to be approved the Town Council. USI and Union County currently reviewing the bond estimates;
2. Bridge must be depicted on Final Plat;
3. Verification that bridge and roads meet NCDOT standards.

The applicant has resubmitted the Map 6 Final Plat and the revision of Map 2 Final Map according to the aforementioned conditions.

Project Information:

The Bromley subdivision is an approved 120 lot subdivision on 151.60 acres. The subdivision is located on Hemby Road. Bromley is being developed by Toll Brothers as a Conventional subdivision.

Map 6 is comprised of eight lots, lots 81-83 and lots 85-89 (tax parcel 06-147-007) and was given Preliminary Plat approval on January 10, 2006. Included on Map 6 is Lot 89 that was previously recorded on Map 2. Lot 84 has been removed and dispersed into Lots 81, 82 and 83.

The original deadline to submit the Final Plat was January 10, 2008. However, the Permit Extension Act of 2009 and 2010 essentially “froze time” from 2007 to 2010 giving Toll Brothers until January 10, 2014 to submit their Final Plat(s). The submitted Final Plat for Map 6 is similar to the approved Map 6 Preliminary Plat. The approved Preliminary Plat has been included in your packet.

Map 6 Information:

- Map 6 is eight lots and 9.567 acres.
- Map 6 is not required open space on its own. The Bromley subdivision has provided 15.84 acres or 10.5% open space in accordance with the *Weddington Zoning Ordinance*.
- 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 – 25 feet
- Lot 87 is the smallest lot within Map 6 at 40,170 square feet.
- Water and sewer services are provided by Union County Public Works (approvals on file).
- A copy of the approved Declared Covenants, Conditions and Restrictions (CCR’s) for Bromley are on file at Town Hall.
- US Infrastructure has previously reviewed and approved the Preliminary Plat.
- All roads are built to NCDOT standards (final 1” layer of asphalt to be added after construction). Road names and addresses have been approved by Union County E911.
- The Applicant has stated that the timber bridge will be maintained by the Bromley HOA in perpetuity. However, the bridge will not prohibit traffic from traveling on NCDOT owned and maintained Fernhurst Terrace once it is accepted by NCDOT.
- All NCDENR, NCDOT and Union County approvals and permits are on file with the Town. These approvals were required during the Preliminary Plat process.

The Bromley Map 6 Final Plat has been found to be in general compliance with the Town of Weddington Zoning and Subdivision Ordinances with the following conditions:

1. Performance and Maintenance Bonds to be approved the Town Council;
2. Previous lot lines of Lot 84 must be depicted on Final Plat;
3. Town Attorney to review Bromley Covenants, Conditions and Restrictions;
4. Each remaining lot to be recorded in the Bromley subdivision shall include on its Deed a statement that Fernhurst Terrace and Pondmeade Lane are private and not the responsibility of the Town of Weddington and shall be maintained by the Bromley Homeowners Association or its Developer;
5. The “Timber Bridge Maintenance Note” shall be revised to state: The existing timber bridge constructed within the public right-of-way of Fernhurst Terrace and shown on this plat and also applicable to Map 2 is constructed to NCDOT standards (minus a required culvert) and will not be accepted or maintained by NCDOT, until such time that NCDOT deems fit or the Town of Weddington now or in the near future and will be the perpetual maintenance responsibility of the Bromley Homeowners Association or its Developer. The bridge will be subject to the conditions of an encroachment permit with NCDOT.
6. The previously recorded Map 2 Final Plat shall be revised to reflect the “Timber Bridge Maintenance Note” and the “Public Right-of-Way Maintenance Note” shown on the Map 6 Final Plat.

The Planning Board also received a copy of the following:

- Application for Submittal of the Subdivision Preliminary Plat for Bromley
- Final Plat (9.567 Acres) – Bromley Map 6 and a revision of Bromley Map 2 (Lot 89)
- The approved Preliminary Plat
- The approved Map 2 Final Plat

Vice-Chairman Dow left the table during this discussion since he is an adjoining property owner and was excused from voting on this item at the last meeting.

Town Planner Cook - I had an opportunity to talk with NCDOT and our Attorney. There was some discussion at the last meeting of where the bridge is located. It is located on Map 2 and not on Map 6. Map 2 has been recorded and approved without the bridge on it. We want to make sure that Map 2 is rerecorded to show the bridge. There is not a final plat out there that shows the bridge.

Mr. Jeremy Schumacher – The area that is currently on this new map showing Lots 81, 82 and 83 was previously divided into four lots. We took the entire area and divided it into three lots instead of four so Lot 84 goes away.

Chairman Sharp - Our ordinance requires that lots be numbered consecutively within a plat. We need to add a note that the plat is being revised and Lot 84 was removed. I would like to add a condition #7 regarding the removal of Lot 84.

Town Planner Cook - I talked with NCDOT today. At the last meeting there was a lot of conversation that stemmed around the bridge and whether the bridge would be taken over by NCDOT and the fact that it was a wooden bridge. I talked to John Underwood this morning with NCDOT and he stated that there is no problem with the fact that the bridge is wooden. He said that they have wooden bridges all over the State and that is not a problem. The bridge is built to NCDOT standards minus a culvert that should be under the bridge. NCDOT would have required a culvert under the bridge and I do not know why the

culvert is not there. John Underwood said he does not know if the developer applied for the culvert and they were not allowed to put the culvert there or if DENR said that they need it and they did not apply for the culvert and constructed the wooden bridge. NCDOT is still in a position where they need to figure out if the culvert was supposed to be there and if so is there any way to add it and if not are they going to take over the bridge ever or is it going to be maintained privately.

Mr. Mark Houle – The issue with regard to that was the stream impact. That was such a beautiful section of stream right under the bridge that we did not want to impact the stream. That would also have required a wetlands permit. We did get wetlands permits on the property but we are held to such a small threshold that we were not able to permit that impact and the Army Corps of Engineers basically told us “no”. They advised that we needed to save this section of stream so we had the documentation from the Army Corps of Engineers and we presented that information to NCDOT. Their reply was that you need to get an individual permit which is what NCDOT does for their projects. They can go to a higher level of impact than we can usually as developers. We told them it was not going to be possible. Since that time that Corps representative retired and the project is in the Six Mile Basin and because of the Heel splitter that was found downstream there is absolutely no chance that we will ever be able to impact the stream. We are trying to get some documentation from the Army Corps of Engineers to send to NCDOT in Raleigh to try to close the loop on the fact that the stream impact would not be allowed and allow us to move forward. We have been caught in that loop and with the economic downturn the project sat for the last three years.

Chairman Sharp - Allow you to move forward in what?

Mr. Houle – Allow NCDOT to accept the bridge for maintenance. We actually did submit the plans to them. They did review and approve the plans. Their only issue was the culvert stream impact and we said we cannot do it.

Chairman Sharp asked that Mr. Houle provide documentation to the Town Planner regarding that item.

Mr. John Giattino – Jordan, in your dialogue with NCDOT, provided that they have information from the Corp saying that they cannot disrupt the stream, was there any dialogue about NCDOT’s willingness to take over the bridge?

Town Planner Cook - I believe they would take over the bridge if that was the case. The bridge is built to their standards. The culvert is the last item.

Chairman Sharp - Did they indicate they would take over the bridge if they did not have to build the culvert?

Town Planner Cook - Yes.

Chairman Sharp - My only concern right now is if the State does not take over the bridge would school buses or fire trucks hesitate to go over a bridge that is not an NCDOT bridge?

Ms. Romaine - We did talk about that at our last meeting and we addressed the issue of fire trucks being able to go back and forth and it would be structurally sound.

Town Planner Cook - I think that is part of NCDOT saying it is built to their standards.

Chairman Sharp - If NCDOT does not take over the bridge then they will not take over Fernhurst Terrace and Pondmeade Lane?

Mr. Houle – Yes, they will. We have talked with John Underwood and he is going to write us a built to standards letter. The road has been built to their standards and he will inspect those. At some point in time NCDOT will take over the roads for maintenance.

Chairman Sharp - Even if the bridge remains private?

Mr. Houle – That is correct.

Town Planner Cook – In my conversation with John he will take over that road upon future connection with the adjacent property. When Fernhurst Terrace is connected to the Dow Property that is when they will take it over.

Mr. Houle – That is correct.

Chairman Sharp - But what if that is 20 years from now?

Mr. Houle – Then the HOA will end up maintaining the roads until such time.

Chairman Sharp - Will school buses go on private roads as long as they get permission?

Ms. Propst - Aero Plantation is private.

Chairman Sharp - I believe that Aero Plantation had to give permission. What we voted on before is null and void because they resubmitted the new plat with changes. They are not going to take that to Council. This is a new plat so basically they started over with a new final plat submission.

It was advised that the encroachment on the Dow property was corrected.

Mr. Vivian – So the Town Attorney blessed the plat with the conditions?

Town Planner Cook - With conditions 3 through 6, he felt comfortable. He wanted to make sure that we do not have another Lochaven situation with the dam. He wanted to make sure that the Town was mentioned in these notes to prevent a situation where the residents are coming to Town assuming that it is the Town's responsibility and also that Map 2 where the bridge is actually located has these same types of notes. The revised Map 2 has not been recorded yet. They will re-file a new final plat for Map 2.

Ms. Propst - Why did you get rid of Lot 84?

Mr. Schumacher – Marketing - it would have been hard to sell so considering the high desirability of lots on the lake even though we were losing a lot we were able to create three very usable desirable lots this way.

Ms. Romaine - At the last meeting I thought the issue was the material of the bridge as far as why NCDOT was not going to maintain the bridge and now it is a culvert.

Mr. Houle – I apologize, I was not able to make that last meeting and someone from my office was trying to fill in and did not know the history. The design is fine. It went through all the departments of the State from that standpoint.

Chairman Sharp - My only concern is the potential of those roads staying private for that long but the attorney has addressed that.

Mr. Perryman moved to send the Final Plat for Bromley, Map 6 to the Town Council with a favorable recommendation with the conditions noted by Town Planner Cook in his memo and the additional condition discussed by Chairman Sharp. Ms. Propst seconded the motion, with votes recorded as follows:

AYES: Vivian, Propst, Perryman, Romaine, Giattino
NAYS: None

B. Land Use Plan Update. Mr. Giattino gave the Planning Board an update from the February 11 Land Use Plan Meeting that he attended. Ms. Propst and Mr. Vivian gave a report from the February 13 Land Use Plan Meeting. They advised that comments from the public came across as angry and there was the belief that the Council was going to create a new Land Use Plan that essentially did away with one acre zoning.

Vice-Chairman Dow - We are in the midst of updating the Land Use Plan which is to be used as a guide for our future growth. We are trying to get people to come in and give us their opinion on how they want the Town to grow. It should not be surprising that these people are up in arms and fear that we are looking at our one home per acre density. One of the leading discussion points is a higher density for the elderly. Whether they have ever been to a Council meeting or agree or disagree on what we think, it is our job to listen to what they say and take it into an account. We gripe about 20% return on the survey and we have had people say that the survey does not mean anything and the next section they are quoting that 53% want more mixed use. Is the survey no good or are we going to lean on it for the figures when they are going to work for us? I want to hear everybody.

Ms. Propst - I am just saying that the general atmosphere of the meeting was anger and they are stirred up for whatever reason.

Vice-Chairman Dow – Because we are looking at changes and we are discussing higher density for the elderly and there was a presentation for a new commercial center on the corner of Twelve Mile Creek Road and Highway 84. It is like the Town Council is mad because they are getting emails. That is their job. You want to sit here and help steer the Town you’ve got to listen to what they have to say whether you like it or not.

Mr. Vivian discussed the map that is being shown and felt that it is manipulative because it showed the Swimmer’s Farm and Hunter Farms as being commercial without any explanation of what they really are. He stated, “That is alarming to people that have bought property here based on R-40 or R-CD zoning. I don’t know if I would categorize it as anger as much as it is an alarm. To me some of this may have been triggered by the Polivka rezoning that occurred in the last six months. I think it is a legitimate concern and it is going to be heightened because people have invested in their homes here.”

Town Planner Cook advised that he was instructed to create the map to show what is currently on the ground in Weddington other than residential.

Vice-Chairman Dow - This board as a whole needs to get a grip on this bit about non-residential being commercial and what really is commercial. The fact is a church is allowed in R-40 by our ordinances. True it is non residential but to say it is commercial is not correct. The Hunter Farm is agritourism. I am wondering do you find beautiful homes next to churches in residential areas? Yes. Does it necessarily hurt the property values in the same way that a Wal-Mart does? Another discussion is housing for the elderly. A development contract may be able to stipulate over 65 – we can not. When you go to R-10 we

cannot say it is for over 65 year olds. If Sun City five years now from an economy standpoint has 30% of the places for sale and they need to open it up, they could open it up. A lot of these things are muddying the water on how we think. I think we need to stick to the legal rules of zoning and make sure that we are not off in a lot of gray area.

Ms. Romaine - I think it depends on the size of the church and the activity that goes along with it on whether it hinders property values.

Vice-Chairman Dow - I see what you are saying but it is different than a strip mall. Do not lose sight of what we can and cannot control.

Town Planner Cook reported to the Board regarding the Open House Meeting. He stated, "Councilwoman Pam Hadley invited two people to give presentations. One of them was a planning consultant that is working for the McLeod Property. They own 20+ acres at the corner of Twelve Mile Creek and Highway 84. Twelve acres of the property is actually outside of Weddington. This planning consultant showed us examples of what his firm has done in other communities and also showed four scenarios of what could happen on that property. It was a presentation. It was not a proposal. The other presentation was the owner of Bonfire Restaurant in Indian Trail. He also lives in Weddington."

Members discussed that areas of vulnerability are where intersections are located and stop lights have been erected and also tracts of land contiguous with Stallings and along Highway 16.

Vice-Chairman Dow asked that Town Planner Cook explore the Town's regulations regarding where adult establishments could be located.

Chairman Sharp discussed the next dates for Land Use Plan Meetings.

Item No. 5. New Business. There was no New Business.

Item No. 6. Update from Town Planner. The Planning Board received a copy of the following update memo from Town Planner Cook:

- The Land Use Plan Survey was closed on Monday, November 19th. Survey results can be found at www.townofweddington.com. The Town is currently holding workshop meetings to discuss the Land Use Plan. At these meetings the Council will review the Land Use Plan chapter by chapter and then begin developing a revised Land Use Map. The new Land Use Plan will be completed by April 8, 2013.
- Polivka International has submitted a portion of their construction documents. The Planning Board will act as the Design Review Board for the elevations and construction document review. These plans should be on the April 22nd Planning Board agenda.
- Vintage Creek has submitted their Preliminary Plat. They have asked that I delay in sending it to the Planning Board. They are still working with Union County on obtaining sewer approval. The Preliminary Plat should be on the Planning Board agenda in either March or April.
- I have received an MX Rezoning Application for a Wedding/Banquet/Reception facility located at 7112 New Town Road. The Town is currently working with the applicant to schedule Public Involvement Meetings. This proposed plan should be on the March 25th Planning Board agenda.
- I have received the Drumstrong Temporary Use Permit Application to be held in May. They may be on the March or April Planning Board Meeting.
- Planning related items that were to be discussed at the Retreat were:
 - Temporary Use Permits

- Agritourism and Agricultural Uses
- Annexation Agreement Renewal
- Land Use Plan
- The Town Council approved the following text amendments at their February 11th meeting:
 - Entry Monument Signs Text Amendments (Sections 58-9 and 58-152)
 - Text Amendment to Appendix I-List of Acceptable Plant Species
- The following items may be on the March 25th Planning Board agenda for discussion:
 - Beulah Church Road Major Subdivision
 - Vintage Creek Preliminary Plat
 - 7112 New Town Road MX Rezoning Application
 - Transportation Impact Analysis (TIA) Text Amendment-requirement for residential subdivisions to submit TIA

Item No. 7. Other Business.

A. Report from the February Town Council Meetings. The Planning Board received a copy of the agendas from the February Town Council Meetings. Vice-Chairman Dow discussed an item that he brought up during the retreat regarding reviewing the Town’s buffering requirements. He volunteered to work with Town Planner Cook on this item.

Item No. 8. Adjournment. Mr. Vivian moved to adjourn the February 25, 2013 Regular Planning Board Meeting. Mr. Perryman seconded the motion, with votes recorded as follows:

AYES:	Vivian, Propst, Perryman, Romaine, Giattino and Vice-Chairman Dow
NAYS:	None

The meeting adjourned at 8:34 p.m.

Chairman Dorine Sharp

Attest:

Amy S. McCollum, Town Clerk