

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, APRIL 27, 2009 - 7:00 P.M.
MINUTES**

The Planning Board of the Town of Weddington, North Carolina, met in a Regular Session in the Town Hall Council Chambers, 1924 Weddington Road, Weddington, NC 28104 on April 27, 2009 at 7:00 p.m., with Chairman Dorine Sharp presiding.

Present: Chairman Dorine Sharp, Vice-Chairman Rob Dow, Jack Steele, Sarah Lowe, Scott Buzzard (Arrived at 7:30 p.m.), Beth Masurat and Jeff Perryman, Town Planner Jordan Cook and Town Clerk/Administrator Amy S. McCollum

Visitors: Terri Patton

Item No. 1. Open the Meeting. Chairman Dorine Sharp called the April 27, 2009 Regular Planning Board Meeting to order at 7:09 p.m.

Item No. 2. Determination of Quorum/Additions or Deletions to the Agenda. There was a quorum. Town Planner Jordan Cook asked that Item 5A be removed from the agenda.

Item No. 3. Approval of Minutes.

A. March 23, 2009 Regular Planning Board Meeting. Ms. Sarah Lowe moved to approve the March 23, 2009 Regular Planning Board Meeting minutes with the one correction that was noted. Mr. Jeff Perryman seconded the motion, with votes recorded as follows:

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

Item No. 4. Old Business. There was no Old Business.

Item No. 5. New Business.

A. Review and Consideration of Proposed Text Changes to Section 46-45 Final Major Subdivision Plat Submission and Review of the Code of Ordinances. This item was removed from the agenda.

B. Review and Consideration of Proposed Text Changes to Section 58-16 – Accessory Uses and Structures. Town Planner Cook advised that the proposed amendment would permit the owner to live in either the primary or accessory structure. The Planning Board received the following proposed text change:

The bold underlined text is at the suggestion of the Town Council.

Section 58-16 Accessory Uses and Structures

(7) **Accessory Family Dwellings:** A structure or an area within a structure that is capable of being used as a separate dwelling and that is generally occupied and used by different person(s) than those who generally occupy and use the property's primary dwelling. Such a separate dwelling shall be considered an Accessory Family Dwelling whether it is detached from the primary dwelling, attached to the primary dwelling, or partially or completely contained within the primary dwelling.

When allowed, Accessory Family Dwellings shall be subject to the following additional requirements:

1. No part of an Accessory Family Dwelling shall be permitted in a **Special Flood Hazard Area**.
2. At least one additional off-street parking space shall be provided for the use of those occupying the Accessory Family Dwelling unless the Zoning Administrator determines that sufficient off-street parking already exists to accommodate both the property's primary dwelling and the Accessory Family Dwelling.
3. An Accessory Family Dwelling is permitted only on a lot that meets the minimum lot area requirement of its zoning district.
4. If a property has an Accessory Family Dwelling, **either** the primary residence **or the accessory dwelling** must be owner occupied.
5. Only one Accessory Family Dwelling shall be allowed per lot.
6. The Accessory Family Dwelling shall meet all setback requirements applicable to principle structures in the zoning district.
7. The heated **floor area** of the Accessory Family Dwelling shall not exceed 30% of the gross floor area of the primary dwelling.

Commentary: Examples of accessory dwelling square footage are:

A 1,333 square foot primary dwelling is needed for a 400 square foot accessory family dwelling. (30% of 1,333 = 400 square feet)

A 2,000 square foot primary dwelling is needed for a 600 square foot accessory family dwelling.

8. The property shall retain a single family appearance from the street. By example only and not for purposes of limitation, the Accessory Family Dwelling shall not have its own separate mailbox, and it must share driveway access with the primary dwelling.
9. Occupancy of a travel trailer, recreational vehicle (RV), or similar vehicle as an Accessory Family Dwelling shall be permitted for no more than fourteen (14) total days per calendar year.

Chairman Sharp stated, "We have already reviewed this text change. At the retreat, the Council questioned Item No. 4. They wanted to know why the owner has to live in the primary residence so that is the reason for the amendment to the proposed text."

Mr. Perryman moved to send the proposed text change with a favorable recommendation to the Town Council to be considered at their June Meeting. Ms. Lowe seconded the motion, with votes recorded as follows:

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

C. Review and Consideration of Proposed Text Changes to Section 58-151 Temporary Signs of the Code of Ordinances. Town Planner Cook advised that this amendment will add a provision to allow two (2) temporary off-premises special event signs for special events that are required to get a Temporary Use Permit. These off-premises special event signs may display only written text directions and no directional arrows. The Planning Board received the proposed following text change:

Item e has been added based on the discussion at the Town Retreat.

Sec. 58-151. Temporary signs.

(a) *Banners, pennants and temporary signs.* The following temporary signs are permitted after the zoning administrator has issued a temporary sign permit, for a total period not to exceed 30 days:

- (1) **Except for temporary off-premises special event signs set out below,** unlighted ~~on-premises~~ portable signs, banners, and wind-blown signs such as pennants, spinners, flags, and streamers for special events and grand openings. Any such sign shall be no greater than 20 square feet and will be limited to one sign per address.
- (2) Temporary banner-type signs customarily located at athletic fields containing signs shall be directed solely towards users of the athletic field. Fencing, scoreboards, and structures in the athletic fields may be utilized for customary signs in order to raise funds for these same facilities. Such individual temporary signs shall not exceed 20 square feet in size, may be permitted for a period not to exceed one year, and may be renewed so long as the sign remains in compliance with the requirements of this article.

(3) One (1) temporary off-premises special event sign shall be allowed, per parcel fronting on a public road upon the issuance of a temporary use permit, subject to the following restrictions:

- a) **Each temporary off-premises special event sign shall be on private property, outside the road right-of-way and subject to permission of the property owner;**
- b) **A temporary off-premises special event sign can only be placed seven (7) days before the special event and must be removed 48 hours after the special event;**
- c) **A separate permit must be issued for each temporary off-premises special event sign;**
- d) **No parcel may be issued more than two (2) temporary off-premises special event sign permits during any twelve (12) month period;**
- e) **Temporary off-premises special event signs may contain only written text providing directions to the site of the special event, directional arrows are prohibited;**
- f) **Temporary off-premises special event signs shall be limited to three (3) times per year per group/organization.**

(b) *Announcement signs.* The term "announcement sign," when used in this subsection, means a sign that indicates the name, address, etc., of the firm making improvements on the property. One sign per project shall be permitted and shall require a sign permit, valid for one year and renewable, one time, for one additional year, shall comply with the provisions of section 58-149, and shall be single faced of a maximum area of 20 square feet. This sign shall be temporary and shall be removed within seven days after completion of the work on the subject property by the firm that is advertised on the sign. Announcement signs are not to be used to advertise real estate or subdivisions. No lighting of announcement signs shall be permitted.

(Ord. No. 87-04-08, § 8.8, 4-8-1987; Ord. No. O-2003-07, 3-10-2003)

Vice-Chairman Rob Dow moved to send the proposed text change with a favorable recommendation to the Town Council to be considered at their June Meeting. Mr. Perryman seconded the motion, with votes recorded as follows:

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

D. Review and Consideration of Proposed Text Changes to Section 58-293 Co-Location of the Code of Ordinances. Town Planner Cook advised that this amendment makes the co-location process administrative. The text amendment will also allow an accessory structure on the ground to have a setback measured from the easement line rather than property line (most transmission towers are located on property lines). The Planning Board received the following proposed text change:

Under Article X Telecommunications Towers

Sec. 58-293. Co-location.

It is the intent of the town to encourage providers to co-locate facilities in an effort to reduce the number of telecommunication towers in the town's jurisdiction. All such towers over 150 feet in height must be designed and equipped with the technological and structural capability to accommodate at least three wireless communication carriers. The town requires providers to negotiate in good faith with other **wireless communication carriers** to lease space at a reasonable cost, and to publicize, **either in the newspaper and/or online,** the fact that space is available on a leased basis ~~as part of the conditional use process.~~ **Co-location of antennas on existing electrical transmission towers may be approved administratively by the zoning officer. For electrical transmission towers, any required accessory structures on the ground must comply with a 15 foot setback from the utility easement line.**

Also, the Town will need to define co-location and electrical transmission towers in the definitions under Sec. 58-4. Proposed definitions are as follows:

Co-location means the placement of additional antennas or antenna arrays on an existing or approved telecommunication or electrical transmission tower, the sharing of an antenna or antenna array, or otherwise sharing a common location by two (2) or more Federal Communications Commission (FCC) licensed providers of personal wireless service. Co-location includes antennas, transmitters, receivers and related electronic equipment, cabling, wiring, equipment enclosures and other support equipment or improvements located on the tower site.

Electrical transmission towers shall mean any tower, whether public or private, designed and used to support overhead electrical transmission lines.

Vice-Chairman Dow moved to send the proposed text change with a favorable recommendation to the Town Council to be considered at their June Meeting. Ms. Lowe seconded the motion, with votes recorded as follows:

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

E. Review and Consideration of Proposed Text Changes to Section 46-76 Road Standards and Buffering along Major Thoroughfares of the Code of Ordinances. Town Planner Cook advised the Planning Board that this amendment places the same restrictions on sewer systems that the Town currently

has on water systems with a future tie-in requirement for private multi-user systems. The Planning Board received a copy of the following proposed text change:

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

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

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

Chairman Sharp stated, "This is direct output from the Planning Retreat. The Town Council decided that we should have the same requirement to connect to public sewer as we do to public water."

Vice-Chairman Dow - Bromley will have sewer and I am right next door. If I am within one mile of a subdivision over 40 lots, I will be forced to go with the sewer lines even though Union County will not give me sewer. Are you saying you just have to put them in? A lot of times you are within ½ mile, but the sewer line does not run there and you cannot get to it. You are not upstream or downstream from it. You would have to do a mini pump station to get to it. This is wrong and it is taking the rights away from the property owner. When the original language was drafted, we never thought that water would not be available.

Mr. Jack Steele - I do not think they thought about the upstream/downstream practicality. It is their intention to restrict this development to the same water requirement. The language can be crafted to say within the same drainage basins.

Town Staff will discuss this text change with the Town Attorney and Engineer. Chairman Sharp will work with Town Planner Cook on revising the proposed text as suggested by Mr. Steele.

The Planning Board tabled this text change until the May Meeting to be reviewed further.

F. Review and Consideration of Proposed Text Changes to Article II – Zoning District Regulations of the Code of Ordinances. Town Planner Cook advised that this amendment removes day cares from residential zoning districts (R-80, R-60, R-40 and R-CD). Day Care Centers will be permitted in the B-1, MX and Conditional Zoning districts as conditional uses.

Vice-Chairman Dow moved to send the proposed text change with a favorable recommendation to the Town Council to be considered at their June Meeting. Mr. Steele seconded the motion, with votes recorded as follows:

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

G. Consideration of the Rezoning of Weddington Elementary, Middle and High Schools to E-D (Educational District). The Planning Board received the following memo from Town Planner Cook:

Project Information:

Nature of the Request:

This request is for a staff initiated rezoning that will rezone the Weddington Elementary, Middle and High School properties (120.31 acres) to E-D (Educational District). Currently, the properties are zoned R-CD and R-40.

District Descriptions:

R-CD, *Single-Family and Agricultural*, this district allows for agricultural uses and single-family residential development while protecting conservation lands. The minimum lot size is 40,000 square feet.

R-40, *Single Family and Agricultural*, this district is established to provide for residential development at low densities. The minimum lot size is 40,000 square feet.

E-D, *Union County Public School District*, is intended to include only schools. This zoning district was established to create a standard zoning classification and standardized requirements for school construction regardless of the school's locale in Union County.

Property Specifics:

Applicant: Town of Weddington

Property Owner: Union County

Property location: Located on the north side of Weddington Road (Hwy. 84) between Twelve Mile Creek Road and Deal Road.

Legal description: Union County Parcel 06-099-011 is approximately 114.77 acres
Union County Parcel 06-099-013 is approximately 5.54 acres

Character of the Area: The two parcels are currently home to Weddington Elementary, Middle and High Schools. Surrounding properties are zoned R-40 and R-CD with single family homes.

Existing Land Use(s) on the Property: Weddington Elementary, Middle and High Schools

Surrounding Uses:

- North: vacant land and single family homes
- South: Weddington Road (Hwy. 84) and single family homes
- East: Deal Road and single family homes (Camden Forest Subdivision)
- West: Twelve Mile Creek Road and single family homes (Weddington Hills Subdivision)

Surrounding Zoning: Please see map attached.

Infrastructure and Community Facilities:

Public School Facilities: Weddington Elementary, Weddington Middle, and Weddington High School.

Emergency Response:

Fire Protection District: Wesley Chapel
Police: Union County Sheriff's Office
EMS: Union EMS

Transportation:

Existing Conditions: Weddington Road (Hwy. 84), Deal Road and Twelve Mile Creek Road are paved, two-lane streets that are designated as a minor thoroughfare on the Mecklenburg Union Metropolitan Planning Organization Thoroughfare Plan.

Environmental Assessment:

Topography: Gently rolling.

Regulated Floodplain/Wetlands: According to FIRM Community Panel # 3710448600J dated October 16, 2008 the two properties are within a Special Flood Hazard Area.

The Planning Board received several maps showing the area and a copy of the zoning map change application.

Vice-Chairman Dow moved to send a favorable recommendation to the Town Council for the proposed rezoning of the Weddington Elementary, Middle and High Schools to E-D – Educational District. Ms. Lowe seconded the motion, with votes recorded as follows:

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

Item No. 6. Updates from Town Planner and Town Administrator.

Town Planner Cook discussed with the Planning Board the issue of decibel levels for the drumSTRONG Event that was approved in March. Mr. Cook advised that Union County does not have regulations on decibel levels. He stated, “Monroe does have some restrictions. They are the same as Charlotte. They are 55 decibels during the day up until 11:00 p.m. and then it is reduced to 50 decibels.”

Town Planner Cook will discuss this issue with the deputies and will contact the Swimmers and set the decibel level for the drumSTRONG event to be held in May.

Town Administrator/Clerk Amy McCollum advised the Planning Board that the Town’s lawsuit with IB Development has been dismissed with prejudice.

Item No. 7. Other Business.

A. Report from the April 13, 2009 Regular Town Council Meeting. The Planning Board received a copy of the April 13, 2009 Regular Town Council Meeting agenda for information.

Item No. 8. Adjournment. Ms. Lowe moved to adjourn the April 27, 2009 Regular Planning Board Meeting. Mr. Perryman seconded the motion, with votes recorded as follows:

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

The meeting adjourned at 8:04 p.m.

Dorine Sharp, Chairman

Attest:

Amy S. McCollum, Town Clerk