

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
WEDDINGTON TOWN HALL
1924 Weddington Road
Weddington, NC 28104
FEBRUARY 26, 2018 – 7:00 P.M.
Minutes
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1. OPEN THE MEETING

Chairman Rob Dow opened the meeting at 6:59 p.m.

2. DETERMINATION OF QUORUM/ADDITIONS OR DELETIONS TO THE AGENDA

Quorum was determined will all members in attendance: Chairman Rob Dow, Board members Walt Hogan, Brad Prillaman, Barbara Harrison, Jim Vivian, Steve Godfrey, and Gerry Hartman.

Staff: Town Administrator/Planner Lisa Thompson, Town Clerk Karen Dewey

Visitors: Bill Deter, John Ross, Wes Hinson, Paul Bielicki, Eric Anderson, Jimmy Switzer.

Board member Hartman requested to remove The Falls Subdivision Final Plat Phase 3 Map 1 from the agenda. The Planning Board agreed.

3. RECOGNITION OF DR. BRUCE KLINK

Chairman Dow presented a gift of recognition and thanks on behalf of the entire Planning Board to Dr. Bruce Klink in acknowledgment of his term and a half serving on the Town of Weddington Planning Board.

4. APPROVAL OF MINUTES

A. January 29, 2017 Regular Planning Board Meeting Minutes

Board member Hartman made a grammatical correction.

<i>Motion:</i>	Board member Hartman made a motion to approve the January 29, 2018 Regular Planning Board Meeting Minutes as amended.
<i>Second:</i>	Board member Hogan
<i>Vote:</i>	The motion passed with a unanimous vote.

5. PUBLIC HEARINGS

A. Review and Consideration of Temporary Use Permit Application for Food Truck Fridays to be held on May 4, 11, 18, and 25, 2018

Chairman Dow opened the public hearing. No one signed up to speak. Ms. Thompson presented the staff report: The Town has submitted an application for a Temporary Use Permit for the Food Truck Friday Event. It is to be held at Weddington Town Hall and Dr. George Pinsak's property located at 1924 Weddington Road and 13653 Providence Road,

respectively. The dates of the event will be May 4, 11, 18, and 25, 2018 and the event will run from 5:30 p.m. to 9:00 p.m. The projected attendance will be 800-1000 people. Two portable bathroom facilities and one hand washing station will be provided on site. Parking will be available on the Weddington Corners Shopping Center property and at Dr. Pinsak's office building. The Town has contacted the property owners and tenants about the event. Music will be provided by a DJ.

Board member Harrison asked about the adequacy of the number of bathroom facilities for the expected attendance. Ms. Thompson responded that staff would double check with Union County Environmental Health and confirm the number of facilities required and the handicap accessibility of the portable facilities.

Board member Harrison also asked about the requirement from Environmental Health that bottled water is provided. Ms. Thompson confirmed that the vendors will be selling bottled water.

Board member Prillaman asked where the security and traffic volunteers would be coming from. Ms. Thompson answered that volunteers would be coming from the high school service clubs, but the Deputy would be providing traffic and security support.

Chairman Dow asked if the Town has received written authorization from the owners of the parking areas. Ms. Thompson responded that last year, the Town did receive emails granting permission, and expect to receive the same this year.

Chairman Dow closed the public hearing.

The Planning Board and Ms. Thompson reviewed the Findings of Fact:

- **The proposed temporary use will not materially endanger the public, health, welfare and safety.** The Planning Board unanimously agreed, as the presence of the Off Duty Sheriff Deputy, and the Fire Department, as well as holding liability insurance and Environmental Health permits for the food trucks, this finding of fact is true.
- **The proposed temporary use will not have a substantial negative effect on adjoining properties.** The Planning Board unanimously agreed that the event hours do not intrude on the business hours of the surrounding businesses. They have all been notified of the event and the Town has received no objections from them. The Planning Board unanimously agreed this finding of fact is true.
- **The proposed temporary use is in harmony with the general purpose and intent of the ordinance and preserves its spirit.** The Planning Board unanimously agreed since this event will encourage community unity and all notices were sent by the Town as per the ordinance, this finding of fact is true.
- **The proposed temporary use is held no more than four (4) times per year at any particular location.** The Planning Board unanimously agreed that this event, which will be held on the Fridays of May, meets this finding of fact.

- Motion:** Board member Hartman made a motion to approve the Temporary Use Permit Application for Food Truck Fridays to be held on May 4, 11, 18, and 25, 2018 having found the application is consistent with the findings of fact and with the conditions that: the number of portable bathroom facility requirements is verified for the attendance expected; the vendors will have bottled water on hand; and the Town receives written approval for parking from the adjacent property owners.
- Second:** Board member Harrison
- Vote:** The motion passed with a unanimous vote.

B. Review and Consideration of Temporary Use Permit Application for Easter Egg Hunt at Hunter Farm to be held Saturday, March 31, 2018

Chairman Dow opened the public hearing.

No one signed up to speak.

Ms. Thompson provided a quick overview of the application. Ms. Nancy Anderson submitted an application for a Temporary Use Permit for an Easter egg hunt and maze event for Weddington and the surrounding community. The event will have a petting zoo, food, and music. The proposed event will be at the Hunter Farm located at 13616 Providence Road on Saturday March 31, 2018 from 12:00 p.m. to 5:30 p.m. Projected attendance is 500-600 people. A copy of the Certificate of Liability Insurance is on file with the Town of Weddington. An application has been submitted to the Union County Sheriff's office for traffic review and off-duty deputies will be provided. Food vendors have permits from Union County Environmental Health and Hunter Farm has applied for a Mass Gathering Permit. Portable bathroom facilities will be provided. The applicant has applied for one Temporary Use Permit within the last 12 months. The adjacent property owners have been notified.

The applicant, Eric Anderson and Jimmy Switzer, event planner from Most Epic Events were available to answer questions.

Board member Harrison thanked the Applicant for continuing the Easter egg hunt event. She suggested separating the kids into age groups.

Mr. Switzer explained that the children will be sent into the Epic Egg Maze in age appropriate waves and there will be a specific wave for special needs children.

Chairman Dow asked if all parking would be on the farm property. Mr. Anderson answered that all parking would be on the farm.

Board member Harrison asked about the public bathroom facilities. Mr. Anderson answered that the farm would be getting the facilities they use for their strawberry season, so there will be plenty.

Chairman Dow asked if this was a new event. The Applicant responded that this is a new event. It combines a maze with an Easter egg hunt.

Chairman Dow closed the public hearing.

The Planning Board and the Applicant reviewed the Findings of Fact:

- **The proposed temporary use will not materially endanger the public health, welfare and safety.** The Planning Board unanimously agreed that with the presence of Off Duty Sheriff Deputies, a nurse on site, the fire department and all permits applied for, this finding of fact is true.
- **The proposed temporary use will not have a substantial negative effect on adjoining properties.** The Planning Board unanimously agreed that since the nearest neighbors are 250 feet away and all adjoining property owners have been notified, this finding of fact is true.
- **The proposed temporary use is in harmony with the general purpose and intent of the ordinance and preserves its spirit.** The Planning Board unanimously agreed that this event, which will promote community and continue the Town of Weddington's history of hosting cooperative events, meets this finding of fact.
- **The proposed temporary use is held no more than four (4) times per year at any particular location.** The Planning Board unanimously agreed that this event, which will be held for one Saturday, meets this finding of fact.

Motion: Board member Hartman made a motion to approve the Temporary Use Permit Application for an Easter Egg Hunt at Hunter Farm to be held Saturday, March 31, 2018 having found the application is consistent with the findings of fact and with the conditions that the number of portable bathroom facility requirements is verified for the attendance expected; the vendors will have bottled water on hand, and all permit applications will be approved by outside agencies prior to the event.

Second: Board member Harrison

Vote: The motion passed with a unanimous vote.

6. NEW BUSINESS

~~A. Review and Consideration of Final Plat for The Falls Subdivision Phase 3 Map 1~~

B. Review and Consideration of Woodford Chase Preliminary Plat/Construction Plans

Ms. Thompson presented the staff report. E. Reese Gibson submitted a preliminary plat and construction plans for a 9 lot subdivision on 13.32 acres with a density of .67 units per acre located near the southwest corner of Highway 84 and Lester Davis Road. The developer is proposing a conventional subdivision which requires a minimum 40,000 square foot lot size and a minimum 10% open space. All lots meet the minimum lot widths and front, side, and rear yard setbacks. The Applicant resubmitted the sketch plan and it was approved on January 25, 2018.

John Ross from Eagle Engineering and Wes Hinson, representing the land owner were present to answer questions. Mr. Ross stated that the development of this site has hardships: 1.25 acres is in a sewer easement, 2.01 acres is in an utility easement, 2.69 acres is in stormwater easement. The gross acreage of the site is 13.32 acres; however there are only 7.72 buildable acres.

Board member Prillaman asked what the distance was for the proposed Highway 84 improvements and the effect on the buffer. The Applicant responded that the distances meet

all the standards. When Highway 84 is widened, these will become legal, non-conforming lots. Ms. Thompson stated that since all lots front Highway 84, the 100 foot buffer is not required.

Board member Harrison asked if the subdivision would have sewer and water. The Applicant answered that it is in the works.

Chairman Dow stated he wants to be clear on the designation of the access road coming off of Highway 84. Ms. Thompson responded that when lots front a major thoroughfare, a marginal access street is required. The purpose is to eliminate driveway cuts. It is designated as a private right of way, which the Town Attorney confirmed is the same thing as a private access easement. The Applicant confirmed that the road will be constructed to meet NCDOT specifications and the HOA will be responsible for maintenance of the road.

Chairman Dow stated that while he recognizes that marginal access roads have been approved in the past, he believes the subdivisions in those situations had no other alternative. He stated that he believes there are alternatives for this development; an example would be having the subdivision access on Lester Davis Road. Ms. Thompson responded that in order to access off Lester Davis Road, it would require a 100 foot buffer and the lots wouldn't fit.

Board member Vivian asked if the applicant had considered having some conservation lots and some conventional lots, doing a hybrid type of development with the entrance on Lester Davis Road. The Applicant stated that it was a consideration, however, because of the parcel size requirement, it wasn't an option. Ms. Thompson stated that the 35 acre minimum was a requirement for a PRD for private roads not an RCD. The Applicant stated that it was a consideration when they started the process two years ago.

Chairman Dow stated the only occasions that he has seen this done before, there were no alternatives and the Council granted the use of a marginal access road.

The Applicant explained the reasons for not having the access off Lester Davis Road: if the road right of way is required to be outside of the stormwater and sewer easements, the subdivision would lose two lots and would become an impractical development. It would be difficult to fit the road so close to the stream/floodplain easement.

Board member Hartman stated that even though the minimum acreage for an RCD is 25 acres, with a variance for the size, this subdivision could still get 9 lots and have the entrance off Lester Davis Road. He believes that would solve a lot of the problems.

The Planning Board reviewed the concerns the plans present.

1. The cul-de-sac is too long.
2. The cul-de-sac requires a bulb at the end. DOT did not want a bulb at that location, maybe a suggestion would be to shift the location of the end of the road and put a bulb.
3. In the past, the Town has only allowed a private access driveway easement where there is no other alternative.
4. After the widening of 84, the front yard setbacks will be diminished.
5. No buffering (viewshed) for the houses facing 84.

6. It will require Council to grant the use of the private right of way. Chairman Dow stated that the Planning Board will give the submitted application due consideration and forward it to the Town Council with all the areas in questions as far as meeting the Town ordinances, with a recommendation or no recommendation.

Mr. Hinson stated that the issues listed have been discussed and the applicant is willing to revisit some of those issues if the Planning Board will table making their recommendation.

Chairman Dow stated that he isn't sure the Council is able to grant approval with this application the way it is submitted given the issues with the application not meeting the requirements of the ordinance

Mr. Hinson stated that he believes that consideration of the application provides this board with a discretion to take exception of the issues listed based on recognition of site hardships. Chairman Dow agreed. Chairman Dow asked if the board feels like those difficulties are such that this property cannot be developed any other way.

Board member Hartman stated that he is not convinced there is no other way. The Board can consider exemptions for other ways of development. Board member Hogan agreed.

Mr. Hinson stated he prefers to table consideration of a recommendation until the March Planning Board meeting to give the Applicant an opportunity to address the concerns raised by the Planning Board.

Chairman Dow stated that the Planning Board is required to make decision in 30 days, if the applicant withdraws the application, the Planning Board will be relieved of that requirement. A decision will have to be made at the next meeting.

The Planning Board agreed to table the recommendation on the Woodford Chase Preliminary Plat until the March 26, 2018 Regular Planning Board meeting.

C. Review and Consideration of Conventional Rezoning of a portion of parcel number 06177015 from R60-R40

Ms. Thompson presented the staff report: The Planning Board is requested to consider a rezoning application from the Wesley Chapel Volunteer Fire Department for property located at the northeast corner of Rea Road and Reid Dairy Road, (portion of parcel 06-177-015) from R-60 to R-40. The portion of the tract is 1.718 acres. The applicant is seeking a rezoning in order to construct a fire department building on the subject site. The permitted and conditional use list in both R-40 and R-60 are the same, however the districts have varying setbacks for the rear yard as follows (the setbacks listed are specifically for emergency services):

Front Yard Setback:	R-60 75'	→	R-40 75'
Side Yard Setback:	R-60 50'	→	R-40 50'
Rear Yard Setback:	R-60 60'	→	R-40 40'

Land Use Statement:

Rezoning to R-40 meets the goals of the land use plan in that it maintains the town's strong single-family residential character considering the uses permitted in an R-40 district; and it is reasonable as the zoning allows for public facilities that are necessary to serve the growing area.

The Applicant stated that the setbacks make the buildable area an odd shape, making maneuverability tight.

Ms. Thompson stated that the fire department will be applying for a conditional rezoning next.

Chairman Dow asked why the parcel needs to be rezoned. Ms. Thompson answered that it will allow the building to encroach an additional 20 feet in the rear yard setback.

Board member Harrison asked if Rea Road being widened was taken into consideration. Ms. Thompson will discuss it with NCDOT.

Motion: Board member Hartman made a motion to forward the request for a rezoning application from the Wesley Chapel Volunteer Fire Department for property located at the northeast corner of Rea Road and Reid Dairy Road from R-60 to R-40 to the Town Council with a favorable recommendation as it is consistent with the Land Use Plan as follows:

Rezoning to R-40 meets the goals of the land use plan in that it maintains the town's strong single-family residential character considering the uses permitted in an R-40 district; and it is reasonable as the zoning allows for public facilities that are necessary to serve the growing area.

Second: Board member Prillaman

Vote: The motion passed with a unanimous vote.

D. Review and Consideration of a text amendment Section 58-4 Definitions; and Section 58-16 Accessory Structures to Regulate Donation Boxes

Chairman Dow questioned if this was already something covered in the town ordinances. Ms. Thompson stated that she doesn't feel the Town has the ability to regulate them. The Town doesn't have the right to remove them, the property owner does, but she cannot get the property owner to do so. She stated that the accessory use definition does not conclusively cover the donation boxes.

The Planning Board agreed that the current accessory structure ordinance is broad enough to cover the donation boxes. Ms. Thompson stated that she will check with the Town Attorney to ensure the current ordinance will cover this issue.

7. UPDATE FROM TOWN PLANNER

Ms. Thompson presented the update. She stated that there are two Public Involvement Meetings on Monday, March 5, 2018 for the rezoning of the parcel on Rea Road for the Wesley Chapel Volunteer Fire Department.

The Falls Subdivision final plat, phase 3 map 1 is expected to be on the Planning Board agenda for the March Planning Board Meeting.

The Town Council met for the retreat on Saturday, February 24, 2018. They briefly discussed Minimum Lot Size amendments and changing viewshed buffers and agreed to look at the options. Board member Vivian asked why the Planning Board members were not invited to participate in the retreat. Chairman Dow asked about the road widening and the use of an overlay district suggestion that the Planning Board had forwarded to the Council for discussion at the Retreat. Ms Thompson stated that the council meeting time ran out, so planning items were not discussed in detail.

8. REPORT FROM THE JANUARY TOWN COUNCIL MEETING

Ms. Thompson presented the report from the January Town Council Meeting: The Council approved the Weddington Glen Subdivision. They agreed to not move forward with the Amanda Drive connection. The adjacent property owners were vocal against the connection.

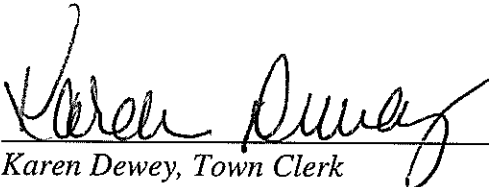
Board member Harrison expressed that it will be quite a lot of work to not complete the Amanda Drive Extension, including amending final plats, notifying the CRTPO, and amending the Land Use Plan.

9. ADJOURNMENT

Motion: Board member Prillaman made a motion to adjourn the February 26, 2018 Regular Planning Board Meeting at 8:54 p.m.
Second: Board member Harrison
Vote: The motion passed with a unanimous vote.

Adopted: 26 March 2018


Robert Dow, Chairman


Karen Dewey, Town Clerk