

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
WEDDINGTON TOWN HALL
1924 Weddington Road
Weddington, NC 28104
JULY 23, 2018 – 7:00 P.M.**

AGENDA

1. OPEN THE MEETING
2. DETERMINATION OF QUORUM/ADDITIONS OR DELETIONS TO THE AGENDA
3. APPROVAL OF MINUTES
 - A. June 25, 2018 Regular Planning Board Meeting Minutes
4. PUBLIC HEARING
 - A. Review and Consideration of Temporary Use Permit Application for Mud Maze Event to be held at Hunter Farm on August 25, 2018 from 8:00 am to 3:00 pm
5. NEW BUSINESS
 - A. Land Use Plan Annual Review
 - B. Discussion of Land Use Plan Timeline for Revisions
 - C. Discussion of Conservation Subdivision Changes
 - D. Review and Consideration of Erosion Control Ordinance
6. UPDATE FROM TOWN PLANNER AND REPORT FROM JULY TOWN COUNCIL MEETING
7. ADJOURNMENT

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Minutes
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1. OPEN THE MEETING

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

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

Quorum was determined with Chairman Dow, Board members Walt Hogan, Barbara Harrison, Jim Vivian, Steve Godfrey, and Gerry Hartman present. Board member Brad Prillaman was absent.

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

Visitors: Bill Deter, Wayne Archie

3. APPROVAL OF MINUTES

A. June 25, 2018 Regular Planning Board Meeting Minutes

Board member Harrison deleted an extra word on page 2.

Board member Hogan added his clarification to his question of the applicant on page two: He asked if cost was the reason the applicant wanted to go back to the original plan. The Applicant responded yes.

Chairman Dow commented that on page 5, Ms. Thompson's response to Board member Hartman's question about the subdivision checklist should include the addition of septic approval.

<i>Motion:</i>	Board member Hartman made a motion to approve the June 25, 2018 Regular Planning Board Meeting Minutes as amended.
<i>Second:</i>	Board member Hogan
<i>Vote:</i>	The motion passed with a unanimous vote.

4. PUBLIC HEARING

A. Review and Consideration of Temporary Use Permit Application for Mud Maze Event to be held at Hunter Farm on August 25, 2018 from 8:00 am to 3:00 pm

Ms. Thompson presented the staff report: Mr. James Sweitzer submitted an application for a Temporary Use Permit for a Mud Maze event to raise money for Project Alive. The proposed event will be at the Hunter Farm located at 13616 Providence Rd. on Saturday, August 25, 2018, from 8:00 am – 3:00 pm.

Additional Information:

- Projected attendance is projected at 700 persons

- A copy of the Certificate of Liability Insurance is on file with the Town of Weddington
- Food vendors have approval from Union County Environmental Health
- A Union County Mass Gathering Permit has been applied for with Union County Environmental Health.
- Portable bathroom facilities will be used.
- The location for all proposed uses can be found on the Site Plan provided.
- The applicant has applied for two TUPs within the last 12 months.

Chairman Dow opened the public hearing. No public signed up to speak.

Board member Harrison asked the applicant if there were any port a johns to accommodate disabled persons. He responded that there will be.

Board member Hartman asked if the Union County Sheriffs would be present.

Chairman Dow stated that the responses to the first to findings on the application should be changed to “yes” as the question is a double negative.

Chairman Dow asked what a mud maze is. Mr. Sweitzer responded that it is a mud run with obstacles in a maze setting.

Chairman Dow asked how big it will be. Mr. Sweitzer responded that it would be about 2 acres.

Chairman Dow asked if any ground would be disturbed. Mr. Sweitzer responded that ground being disturbed for the mud maze is already disturbed.

Chairman Dow asked if the use is for something other than farming, does the Town have to worry about erosion control. He stated that he wants to be sure it won't be a problem. Mr. Sweitzer stated that they would put up a silt fence if necessary. The Planning Board agreed that there would be a condition of the applicant meeting the requirements of the state erosion control permit, if it is required.

Findings of Fact:

1. *The proposed temporary use will not materially endanger the public health, welfare and safety:* The Planning Board unanimously agrees that the proposed temporary use will not materially endanger the public health, welfare, and safety as the applicant has environmental use permit, sheriff's office review, a certificate of liability insurance, and adequate parking on site.
2. *That the proposed temporary use will not have substantial negative effect on the adjoining properties:* The Planning Board unanimously agrees that the proposed temporary use will not have a substantial negative effect on the adjoining properties as the event is being held on a Saturday morning, it is being held at a significant distance from neighbors, and all adjacent property owners have been notified of the event. The Planning Board agrees that the applicant will meet the requirements of the state erosion control.

3. *The proposed temporary use is in harmony with the general purpose and intent of this chapter and preserves its spirit:* The Planning Board unanimously agrees the proposed temporary use is in harmony with the general purpose and intent of this chapter and preserves its spirit as the event promotes community and family and complies with the ordinances.
4. *The proposed temporary use is held no more than 4 times per year at any particular location:* The Planning Board unanimously agrees that the proposed temporary use has not been held more than 4 times per year at any particular location as the applicant has applied for only two temporary use permits in past 12 months.

Motion: Board member Hartman made a motion to approve the application for a Temporary Use Permit for a mud maze event at Hunter Farm on August 25, 2018 as it is in keeping with the Findings of Fact.

Second: Board member Harrison

Vote: The motion passed with a unanimous vote.

Chairman Dow closed the public hearing.

5. NEW BUSINESS

A. Land Use Plan Annual Review

Ms. Thompson stated: This serves to assess the decisions and actions the Planning Board has completed over the past year to ensure they are meeting the goals and objectives of the Land Use Plan. Staff reviewed the agendas over the last year and has listed the projects and issues that were reviewed. Recommendations are in italics. Some recommendations are more ordinance related. This review will go to the Town Council for review next month.

- Preliminary Plats/Construction plans: Canisteo Subdivision, Weddington Glen, Woodford Chase

Through this process natural resources are preserved and adjacent properties are protected. Restrictions were placed for grading and clearing, protecting floodplain and waterways, and erosion control. Drainage areas, soils and impervious surfaces were all factored in as part of the stormwater calculations to protect downstream properties from off-site run-off. The plan review considered the Town's roadway standards and included appropriate turn lane improvements and site distance regulations to help with congestion management. For Woodford Chase, the Town requested additional front setbacks and a tree save area for lots fronting Hwy 84.

Recommendations: design around useable open space, consider a mass grading ordinance, consider erosion control issues, analyze private access/easements (under review) and evaluate yield plans

- Final plats: Harlow's Crossing-Phase 1 Map 2, Atherton Subdivision-Phase 2 Map 4, Weddington Acres Subdivision

- Rezoning/CUP amendments: WCVFD – R60-R40, WCVFD – Conditional , Weddington United Methodist Church – Columbarium, All Saints – Amendment, Weddington Glen R40-RCD, Weddington Swim and Racquet Club Amendment

Visual effect from surrounding properties and roadways were protected with adding and maintaining buffers and site specific conditions were taken into account through the conditional zoning processes. The reviews ensured the plans were consistent with the Town's quality and aesthetic values.

- Entry monuments: Harlows Crossing

The Board took into consideration the electrical lines to plant the right trees in the right location and also examined the site triangles.

Recommendations: The board discussed needing to see the landscape plans for all thoroughfare buffers.

- Text amendments:

The Board only adopted two text amendments with regards to landscaping near the power lines and to clear up the process for modifications.

- Other

Town Survey – The town survey needs to be analyzed for future changes to the land use plan.

Recommendations: (besides the needed changes to RCD) – Adopt a Park and Greenway Master Plan for greenway development.

Visit with Randall Arendt – Several suggestions to process, buffers, site design, implementation, site walks was suggested by Mr. Arendt.

Recommendation: The Planning Board and Council shall use his report to make changes to the subdivision ordinance

Erosion Control Issues

Recommendation: Town erosion control ordinance

Planning Board training – great review of process, policy and duties

Recommendation: Annual training

The Town has a representative on the Charlotte Regional Transportation Planning Organization to stay informed and have input on road and thoroughfare plans.

Recommendation: List intersection and road improvement needed. Possibly consider having the Town traffic engineer to provide basic information to submit projects for funding.

The Town continues to maintain the medians on Providence Road to enhance rural look.

The Town currently contracts with an outside agency for a part-time code enforcement officer to investigate complaints about violations of the Town's ordinance.

Recommendation: Town to consider junk vehicle, abandoned vehicle and nuisance ordinance

The Town continues to work with engineering consultants to ensure that all storm water detention ponds meet the Town's requirements and are inspected annually.

Recommendation: Continue the construction inspector and consider town erosion control ordinance.

The Town utilizes the Traffic Impact Analysis Ordinance to minimize the impact of new construction on Town roads and infrastructure.

The Planning Board Discussed the Land Use Plan Annual Review:

Chairman Dow stated that the Planning Board has only looked at 3 preliminary plats over the last year. Ms. Thompson stated that her question of the board is if "consider" should be struck and replaced with "implement". She asked if there should be an overall Land Use policy.

Chairman Dow asked about the decision last November to hire an erosion control specialist. Ms. Thompson clarified that the Town has a construction inspector, not an erosion control specialist. Chairman Dow asked what the outcome of the discussions was. Ms. Thompson responded that the inspector works about 4 hours per week to inspect developments. She stated that most of what he is doing is erosion control.

Board member Hogan asked if the inspector should be a full time position. If the Town needs to take control of erosion issues, it should be formally mentioned in the annual review.

Board member Harrison asked if Ms. Thompson gets reports for the inspector. Ms. Thompson stated that she gets reports and pictures every week. If there are issues, she then emails the site manager. At the start of implementing use of the inspector, the site managers responded quickly; it has become more difficult to get responses. When reports are sent to DENR, they don't always respond with citations for the violations.

Chairman Dow asked how this is presented in the annual review report. Ms. Thompson responded that she can do a write up to formally initiate a pilot program to have the construction inspector review the success of the erosion control plan of the subdivisions and document any failures. After that, she will contact the builder/developer.

Board member Hartman stated that his recommendation would be to implement stricter erosion control measures with penalties based on the pilot policy initiated in early 2018.

Chairman Dow stated that he has a concern with the recommendation under the Town Survey section for a park and greenway master plan. He stated that the Planning Board has not formally reviewed the survey and made conclusions. He feels that the fact the survey was done should be a big bullet point in this report. The survey was initiated and completed with excellent return and the results need to be considered. His recommendation is to review the Land Use survey.

Board member Vivian stated that the results are because the response rate was so high. The methodology is superior to what has been done in the past. He feels the report should stress the return rate.

Board member Hartman made the recommendation to ensure the findings from the Land Use Plan survey are turned into action.

Board member Hartman stated that ensuring follow through on developer landscape plans should be highlighted. The requirement that detailed landscape plans have been added to construction plans.

Board member Harrison stated that the Land Use Plan does describe where the fire stations are located. She stated that the Town has approved one on Rea Road and that should be added to this review.

Chairman Dow stated that the new fire station should be added to the Land Use Plan, as the application from WCVFD came through in May.

<i>Motion:</i>	Board member Harrison made a motion to send revised Land Use Plan annual review to Town Council.
<i>Second:</i>	Board member Hogan
<i>Vote:</i>	The motion passed with a unanimous vote

B. Discussion of Land Use Plan Timeline for Revisions

Ms. Thompson asked the Board to please make revisions to the first two chapters of the Land Use Plan and send them to her by the end of this week. She stated that the Planning Board will review the Land Use Goals and Policies next month. The schedule is to call for a public hearing in November to be held at the December meeting to adopt the new plan then. If the revisions are moving too slowly, the Town will re-adopt the current plan and amend it later. The schedule has not been reviewed with the Town Council. Chairman Dow believes the Board can meet the schedule.

Chairman Dow asked if the schedule includes any workshops with the Council or residents. Ms. Thompson responded that if there are major changes, a workshop can be added.

Board member Harrison stated that she would like to have a joint meeting with the Council and Planning Board to discuss changes.

Chairman Dow stated his concern about the appearance that a significant number of residents would like parks and greenways - most of those residents live in conservation subdivisions. He stated that if one follows the basic results of survey, one will find that the people that voice opinions are the ones that want a change, they are motivated. If the Town doesn't hold public hearings for people to see the discussion and there would be a myriad of people with contrary opinions to the survey results. Chairman Dow strongly urged Ms. Thompson to give enough time in the schedule to hold an open hearing/workshop with any major changes to the Land Use Plan as highlighted topics.

Board member Harrison stated that the last Land Use Plan revision brought angry residents to the public meetings because they believed the town hadn't publicized it enough, among other reasons.

Chairman Dow gave caution to the Planning Board that when reading through the plan, they should not only think about what the Town goals and plans are, but how the wording can be twisted to mean something different than intended.

Ms. Thompson asked for input on any revisions to the first two chapters back to her by Friday.

Board member Hartman asked if the LUP should advocate for residents. When looking at the survey comments regarding traffic, he asked if that is the kind of feedback used for revising the LUP.

Ms. Thompson responded that she believes the LARTP would be more appropriate for advocating for residents in regards to traffic issues.

Chairman Dow stated that the purpose of the Land Use Plan is not to suggest ordinances and regulations, but to lay out the Town's vision, goals, and policies. He stated that as the Board goes through the Plan step by step; they cite supporting data from survey, find substantiation and strengthen the wording of the vision, goal and policies. Board member Hartman asked if the questions were specific enough for that. Chairman Dow responded that the basic statements are all that is needed.

Ms. Thompson stated that when writing text amendments and approving rezoning they are required to look at the Land Use Plan goals and policies.

Chairman Dow stated that when a developer comes in and doesn't want to follow policy, the Town doesn't have to state specifically what is allowed or not allowed. That can be said in a strongly worded recommendation. The Board should have a general statement to use as armor when something comes in and isn't the shape of the future the Town wants.

Board member Harrison stated her concern with the fire department and EMTs having a more difficult time getting into developments. She is concerned about the increasing response time.

Board member Vivian expressed that there are material facts that we know will impact the LUP. For example, the Rea Road extension and the I-485 exit onto Weddington Matthews Road.

Chairman Dow stated that exploring the buffer along future corridors, an overlay district, should be indicated in the LUP.

Board member Harrison reiterated her concern with safety and response time of emergency vehicles.

Chairman Dow responded with the comment that DOT has to work so far in advance; there has been a lot of discussion on the Michigan left/superstreet concept. He believes it is faster and safer.

The Planning Board agreed that public involvement meetings on the Land Use Plan changes should be held. The Board also agreed not to adopt the schedule until getting the Town Council input.

C. Discussion of Conservation Subdivision Changes

Board member Harrison stated that she liked Mr. Arendt's recommendation that if it can't be built on, it shouldn't count toward the minimum required percentage of open space. The 50% minimum open space should be unconstrained land.

Chairman Dow believes the problem with that is the unbuildable land can still be in a lot. A private lot could include a creek bed. He stated the idea is to have that in an open space to protect it.

Chairman Dow asked what the Planning Board wants for Weddington development. He stated that Mr. Arendt's main motivation is saving open space, but not necessarily using rural ideas. The berms are useful for noise, but are the synthetic polished buffers and berms what Weddington is. There can be a hybrid berm that combines the polished and more natural ideas that will take care of noise, shield the property and provide more natural canopy behind it. He gave the example of the west side of Harlow's Crossing.

Chairman Dow asked Board member Godfrey his thoughts. Board member Godfrey doesn't agree with Mr. Arendt's points. He believes the Planning Board needs to come up with what the vision for the town should be. Chairman Dow stated that some of Mr. Arendt's plans were beautiful, but he doesn't believe those plans suit Weddington.

Chairman Dow believes that one of the biggest problems to work on is what kind of buffering the Town wants. Ms. Thompson stated that the point of buffers can be to replant the forest. There is one tree every 200 sq feet to grow a forest in 10 years.

Board member Vivian stated that the town can propose landscaping plans to show the 10 year growth.

Ms. Thompson is looking for feedback from the Planning Board on what they want to take away from the meeting with Mr. Arendt and the conservation subdivision process. She stated that the biggest thing she got out of the meeting was the design process and getting more out of the developments.

Chairman Dow stated that berms were one topic. Used as an immediate sound and vision saver and coupled with longer term plantings behind or in front of them. He believes houses facing the road, especially thoroughfares, is a mistake. Subdivisions should be served by an internal road whenever possible. Having two entrances to two different streets to help spread out traffic is idea. Chairman Dow expressed that he believes the goal is to not see development. Mr. Arendt is a very utopic thinker, free with design, but his plans don't have engineer input.

Ms. Thompson stated that the idea is to review the subdivision ordinance and list the concerns.

Board member Vivian suggested contacting Union County Power arborist to discuss buffering options.

Chairman Dow stated that the concerns aren't strictly related to the R-CD subdivisions. There are bigger problems in some of the traditional subdivisions as well, like marginal access streets. Ms. Thompson stated that there are ideas from Mr. Arendt on cul de sacs that may affect the marginal access street discussion; such as the idea that it isn't necessarily the length of the cul de sac that is the issue, but the number of homes on it that should be considered.

Ms. Thompson asked the Planning Board to list their other major concerns for discussion before any changes are made to the subdivision ordinance.

D. Review and Consideration of Erosion Control Ordinance

Ms. Thompson stated: This is the follow up to the previous discussion from the November 2017 meeting. There have been many complaints and NCDENR only writes violation citations under extreme circumstances. There has only been 1 violation written in 6 months, and the violation is still there on the east side of Antioch in The Falls subdivision. Ms. Thompson stated that Weddington needs lot by lot erosion control. NCDENR is only concerned if erosion runs off site if actual sediment is on the ground.

Chairman Dow asked if there will be a legal overview and if all plans will go to DENR for approval. Ms Thompson replied that the Town will review erosion control plans. There will be no review by DENR. There will be a review portion, done by the Town engineer, and an inspection portion, done by an inspector. She stated that it can be added to the fee schedule without adding cost or staffing issues and an Interlocal agreement with Waxhaw can also be considered. Ms. Thompson plans to have a draft together next month. She is looking for agreement from the Planning Board after confirming that this is still needed.

Chairman Dow stated that there will need to be definitions written for the ordinance and it will need to be reviewed by the town attorney and the town engineer. He asked Ms. Thompson if she had any concerns. She stated that she wants to review it further, including the penalty section and make sure it's strong enough.

Chairman Dow asked how satisfied Waxhaw is with their ordinance and how often do they issue penalties. He asked if they have seen any changes because of their erosion control and if they would make any changes to it now.

Ms. Thompson stated that the Waxhaw erosion control ordinance has been in place for a little over a year. Chairman Dow asked if Ms. Thompson could speak to the inspector for Waxhaw and see how things have improved. Ms. Thompson agreed and asked Planning Board to get her any ideas they have on the erosion control ordinance.

6. UPDATE FROM TOWN PLANNER AND REPORT FROM JULY TOWN COUNCIL MEETING

Ms. Thompson stated that the Town has received an application for a Conditional Rezoning for Christ Lutheran Church on Reid Dairy Road. It will probably be ready for review at the August Planning Board meeting. A second Conditional Rezoning application was received for a fitness center in the old Southbrook Church building at the WCWAA fields. This will be a proposed community center type use.

Chairman Dow asked how the Town Council voted on the Weddington Acres proposed cul de sac extension. Ms. Thompson replied that the Council approved the modification with an additional 40 feet added by the applicant because of the elimination of a flag lot.

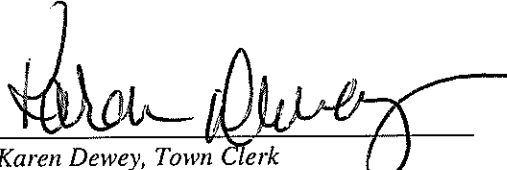
Chairman Dow asked if the Council went through the findings of fact and what facts they gave to change their minds. Ms. Thompson responded that she read the findings of fact into the record for the Council approval and there were no specific reasons given.

7. ADJOURNMENT

Motion:	Board member Hartman made a motion to adjourn the July 23, 2018 Regular Planning Board Meeting at 8:54 p.m.
Second:	Board member Harrison
Vote:	The motion passed with a unanimous vote.

Adopted: Aug 27, 2019


Robert Dow, Chairman


Karen Dewey, Town Clerk