

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
WEDDINGTON TOWN HALL
1924 Weddington Road
Weddington, NC 28104
October 22, 2018 – 7:00 p.m.
AGENDA**

1. OPEN THE MEETING
2. DETERMINATION OF QUORUM/APPROVAL OF AGENDA
3. APPROVAL OF MINUTES
 - A. September 24, 2018 Regular Planning Board Meeting Minutes
4. PUBLIC HEARING
 - A. Review and Consideration of Temporary Use Permit Application for the Independence on the Farm Event at Hunter Farm from 3:00 to 7:00 pm on Saturday November 17, 2018
5. NEW BUSINESS
 - A. Review and Consideration of the Canisteo Subdivision Final Plat
 - B. Review and Consideration of Text Amendments to Section 58-4 Definitions; Section 58-25 Outdoor Storage; and Section 58-175 Off Street Parking
 - C. Discussion of Community Recreation Center (public and private) Definition
6. OLD BUSINESS
 - A. Update on Erosion Control Ordinance
 - B. Discussion of Land Use Plan Revisions
7. UPDATE FROM TOWN PLANNER AND REPORT FROM OCTOBER TOWN COUNCIL MEETING
8. ADJOURNMENT

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MINUTES
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1. OPEN THE MEETING

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

2. DETERMINATION OF QUORUM/APPROVAL OF AGENDA

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

Staff Present: Town Administrator/Planner Lisa Thompson

Visitors: Alix Pavlic Phillips, Bill Deter, Brian O'Connell, Drew Podrebarac, Brett Munnerlyn, Bobby Carascullo

Ms. Thompson requested that agenda item 6A be changed to read "Review and Consideration of the Erosion Control Ordinance". The Board agreed that an update would be enough.

Chairman Dow asked if there was a reason Ms. Thompson wanted it voted on tonight. She responded that the ordinance must be adopted by the Town before it is sent to the state for their approval. The process can take up to 90 days to get everything turned over. The Board agreed to leave the agenda unchanged.

3. APPROVAL OF MINUTES

A. September 24, 2018 Regular Planning Board Meeting Minutes

Chairman Dow made a change on page 2 to clarify which subdivision he was concerned about.

<i>Motion:</i>	Board member Hartman made a motion to approve the September 24, 2018 Regular Planning Board Meeting Minutes as amended.
<i>Second:</i>	Board member Prillaman
<i>Vote:</i>	The motion passed with a unanimous vote.

4. PUBLIC HEARING

A. Review and Consideration of Temporary Use Permit Application for the Independence on the Farm Event at Hunter Farm from 3:00 to 7:00 pm on Saturday November 17, 2018

Ms. Shannon Hough with the Independence Fund has submitted an application for a Temporary Use Permit for a veteran fundraiser event. The proposed event will be at the Hunter Farm located at 13616 Providence Rd. on Saturday, November 17, 2018, from 3pm – 7pm.

The event is a veteran appreciation BBQ complete with kid's games, bouncy houses, wagon rides, concert and fireworks (TBD).

- 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 is not required
- 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 three TUPs within the last 12 months.

Temporary lighting as proposed through a temporary use permit shall be reviewed and approved by Planning Board when considering the permit.

In accordance with the provisions of *Article I, Section 58-13* of the *Weddington Zoning Ordinance*, the property owners and the owners of the parcels of land within 200 feet of the property involved in the Temporary Use Application have been sent notification of the public hearing.

Staff has reviewed the application and submitted documents and finds the Temporary Use Permit Application to be in compliance with Weddington's Zoning Ordinance and therefore recommends approval with the condition that the temporary lighting and other lights be turned off at 9:00 PM and any use of Fireworks be permitted through the Union County Fire Marshall.

Bobby Carascullo, Operations Director for The Independence Fund presented the application.

Board Member Hartman asked if there were any emergency services provided. The applicant responded that there are contracts for EMS.

Board Member Prillaman asked if fireworks were involved last year and if the fire department would be involved in that. The applicant responded that fireworks were not involved last year, and the fire department would be involved for safety purposes.

Ms. Thompson asked what the planned time is for fireworks. The applicant responded that it would probably be around 6:30 p.m.

Board member Harrison asked if a public notice of the fireworks needs to be made. Ms. Thompson stated that the public has been notified of a public hearing tonight and the town could let the public know.

Chairman Dow asked if fireworks are exempt from the blasting ordinance. Ms. Thompson confirmed that they are. He asked the applicant if alcohol was served at the event last year. The applicant responded that it was, and they have the ABC permit. Chairman Dow stated that the ordinance regulating temporary use permits does not say "12 months", but "in a calendar year". Hunter farm has 3 TUP applications in the last 12 months. Ms. Thompson stated that she would confirm the timing.

Chairman Dow asked if the music was going to be amplified. The applicant responded that it is an acoustic set that will be amplified. Chairman Dow asked if there were any stipulations on noise last year. Ms. Thompson responded there were none.

Board member Harrison asked if there would be bottled water and accessible port-a-johns available. The applicant responded that there would.

Chairman Dow asked for clarification on the event time. In Ms. Anderson's approval letter, the time is specified at 3 p.m. to 6 p.m. but the application specifies 3 p.m. to 7 p.m. and the lights will go out at 9.

Chairman Dow asked about the available parking. The applicant responded that parking would be at the Methodist church and the field behind the house at Hunter Farm. There will be generator lights for the parking lot and glow lights along the path to and from the parking lot.

Chairman Dow expressed concern about the fireworks being close to Providence Road. The Applicant showed from where the pyrotechnics would be detonated. Chairman Dow noted that it is far from the road.

Board member Vivian asked how high the fireworks will go. The applicant responded that they will go up to 600 feet. He stated the fireworks are 1100 feet from Providence Road and 500 feet from the closest residence, which is all within code. The adjoining property owners were notified of the public hearing for the Temporary Use Permit and will not require additional notice of the fireworks.

Ms. Thompson confirmed that the Code specifies the number of Temporary Use Applications is limited to 4 per calendar year, not over 12 months. This is the 4th application for Hunter Farm this calendar year.

Before issuing any temporary use permit, the Planning Board shall make the following determinations:

(i) The proposed temporary use will not materially endanger the public health, welfare and safety. The Planning Board agreed that presence of the fire department, Union County off duty sheriff, EMS, and the Fire Marshal approving the fireworks plan as well as access to facilities and bottled water will ensure the public health, welfare, and safety.

- (ii) *That the proposed temporary use will not have a substantial negative effect on adjoining properties.* The Planning Board agreed that the hours of the event, public safety available, and distance of the fireworks from road and neighboring properties will ensure there will not be a substantial negative effect on adjoining properties.
- (iii) *That the proposed temporary use is in harmony with the general purpose and intent of this chapter and preserves its spirit.* The Planning Board agreed that the spirit of this event, highlighting the honoring of veterans, and promoting charity and community, is in harmony with the general purpose of the Code of Ordinances.
- (iv) *The proposed temporary use is held no more than four times per year at any particular location.* The Planning Board agreed this event is held no more than four times per year.

Board member Godfrey asked if neighbors were notified of the fireworks. Chairman Dow responded that notification requirements had been met with the public hearing notice being sent out to the adjoining properties.

Ms. Thompson stated that there is time if the Board chooses to make notifying neighbors a condition of approval. The Board agreed no extra notice was necessary.

Board member Vivian commented that the TUP application needs to be consistent with the ordinance regarding the number of times per year an event may be held.

- Motion:** Board member Hartman made a motion to approve the Temporary Use Permit Application for the Independence on the Farm event at Hunter Farm from 3 p.m. to 7 p.m. on Saturday November 17, 2018 with the condition that temporary lighting and lights be turned off at 10 p.m. and any use of fireworks be permitted through the Union County Fire Marshal.
- Second:** Board member Prillaman
- Vote:** The motion passed with a unanimous vote.

5. NEW BUSINESS

A. Review and Consideration of the Canisteo Subdivision Final Plat

Ms. Thompson presented the staff report: The Canisteo subdivision consists of 15 lots on 19.96 acres. The preliminary plat/construction plans were approved in October 2017. The subdivision is located on the northeast corner of Deal and Weddington Road and is being developed by Deal Road Ventures, LLC, as an RCD conservation subdivision. The lots meet all required setbacks. Staff recommends approval of the final plat with the following conditions:

- Bond estimates to be approved by the Town's engineering consultant.
- Bond instruments to be reviewed and approved by the Town Attorney and the final bond instruments must be submitted to the Town prior to recording of the final plat.
- Declaration of Conservation Easement and restrictions shall be reviewed by the Town Attorney and executed prior to recording of the final plat

- Maintenance plan and maintenance agreement shall be reviewed by the Town Attorney and executed prior to recording of the final plat.
- Covenants, Conditions and Restrictions (CCRs) shall be reviewed by the Town Attorney and executed prior to recording of the final plat.
- Coordinate with USPS and DOT to approve the cluster mailboxes location within subdivision.

Chairman Dow stated that there is no conservation land labeled on the plat. Ms. Thompson stated that the applicant is calling it common open space. Chairman Dow stated that common open space is not conservation land.

Ms. Thompson stated that the applicant will change the land labeled common open space, not including the land where the subdivision monument sign will be built, to conservation land before the Council reviews the plat.

Chairman Dow asked if there were changes from the preliminary plat as far as lot sizes or number of lots. Ms. Thompson confirmed that there were no other changes from the preliminary plat.

The Board agreed that the final plat should be labeled consistent with the preliminary plat and make sure the monument is kept as common open space and the final mylar plat should have the engineer seal in the signature block.

- Motion:*** Board member Hartman made a motion to send the Canisteo Subdivision Final Plat to Town Council with a favorable recommendation with the conditions listed by staff and the additional condition that common open space is re-labeled to conservation space consistent with the preliminary plat and the common open space where the subdivision monument will stand remain labeled as such.
- Second:*** Board member Prillaman
- Vote:*** The motion passed with a unanimous vote.

B. Review and Consideration of Text Amendments to Section 58-4 Definitions; Section 58-25 Outdoor Storage; and Section 58-175 Off Street Parking

Ms. Thompson presented the staff report: The Town has received complaints about tractors, boats, and recreational vehicles being stored along the side of the road or within front yards. They do not meet the classification of abandoned or junked motor vehicles as defined by the state.

Staff is proposing language to require that vehicles be stored on an improved surface, i.e. a driveway, within the front yard or within the side or rear yard; and larger RV/campers and boats to be on an improved surface in the front yard or screened from view of the street in a

side or rear yard. Some towns do not allow storage on a residential lot, some require storage in a shed or be covered with a tarp. This is basic language to address the complaints received.

Staff recommends approval of the text amendment to Section 58-4 Definitions; Section 58-25 Outdoor Storage; and Section 58-175 Off Street Parking.

Chairman Dow stated that this doesn't seem to solve the problem.

Board member Prillaman stated that the vast majority of the newer developments have HOAs to deal with this issue.

Chairman Dow asked where this was happening. Ms. Thompson responded that it was Gatewood Lane. There is a boat and an RV that have been sitting out for over 5 years, not in the road, but on the side of the road. There are properties in Antioch Plantation as well.

Board member Vivian stated that Antioch Plantation should have CCRs. Ms. Thompson said a few of the subdivisions have HOAs that have been dissolved, so there isn't any enforcement of the CCRs.

Board member Harrison and Chairman Dow agreed that they don't think this ordinance will solve the problem.

Chairman Dow would like to look for guidance from Council. The Board agreed.

Ms. Thompson stated that the idea was to get the stored vehicles out of the front yard.

Chairman Dow stated that this is a big policy shift. He doesn't believe this is the municipality's place to regulate this.

The Planning Board directed staff to get guidance from Council and bring it back to Planning Board.

C. Discussion of Community Recreation Center (public and private) Definition

Chairman Dow stated that the Council has had discussion on tightening up the definition of community center. The definition currently reads: a building used for recreational, social, educational, and cultural activities usually owned and operated by a public nonprofit group or agency.

Ms. Thompson stated that in the list of conditional zoning uses, a community recreational center (not community center) it says both public and private. The definition says usually nonprofit, the use is listed as both public and private. They should be the same.

Chairman Dow stated that the Land Use Plan is supposed to be used to check zoning applications for their correctness. The ordinances are supposed to regulate the development.

Zoning should agree with the LUP. The LUP isn't an ordinance so it won't be specific and narrow, it is policy and intent. The ordinance is spelled out.

Chairman Dow stated that the word community has a lot of different uses, but basically a common group or a specific place. He said the Harris Teeter is a community grocery store, Mills Cleaners is a community dry cleaner.

Ms. Thompson replied that the Council made 4 conditions for approval trying to tie it to community use.

Board member Hartman stated those commercial enterprises typically serve the community, but that doesn't stop residents from going elsewhere. Those business can't close and be restricted for use for Weddington residents only. Private business is not prohibited by the ordinance.

Board member Prillaman stated that the YMCA is a private business, only allowing members to use it. This community center is a business, and the Land Use Plan has restricted business to the downtown commercial area. The definition has been twisted and manipulated to make this fit. The applicant is running a legitimate business.

Board member Harrison stated that after looking at that site and looking at what the applicant was offering, she determined it was more than just a business for the community. She stated that she looked at the Land Use Plan and the survey responses and that justified this conditional zoning.

Chairman Dow stated that there isn't concern about this area becoming a strip mall because it's approved for a conditional use fitness center. He asked how the Board should proceed.

Board member Hartman stated that the language should be brought into conformance.

Ms. Thompson stated that the Town needs to define a community recreational center and it can be done at the next meeting. Usually a community center is government run or quasi-government and the Town can define it as that. She said staff will gather different definitions of community center/community recreational center/recreational center and the Board can decide which to allow in residential conditional zoning or cross it out completely

Board member Hartman asked if the task is to define the community recreation center?

Chairman Dow responded that the task is to make the definition of community recreation center and the list of conditional zoning allowed uses sync.

Ms. Thompson stated that she will present different definitions and Board will work from there.

6. OLD BUSINESS

A. Update on Erosion Control Ordinance

Ms. Thompson presented an update. She stated that it is a copy of the Town of Waxhaw's ordinance. They require a permit and erosion control plan for any land disturbing activity over 12,000 sq. ft. The state requirement is 1 acre and Weddington will follow the state requirement because of lack of manpower. Any land disturbing activity over 1 acre will require application, permit and management plan. Applicants will be required to do weekly inspections and inspections within 24 hours after a storm event with more than .5 inches of rain in a 24-hour period.

Board member Harrison stated that Hurricane Florence was a 48-hour event. She asked when the inspection will take place if a storm event lasts longer than 24 hours. Ms. Thompson responded that the inspection would occur within 24 hours after the event.

Board member Prillaman asked about the Town's erosion control inspector. Ms. Thompson answered that the Town is currently under contract with an engineer for code inspections and that engineer will perform the erosion inspections. She stated that he plans to become certified.

Board member Prillaman asked about section 65.16 (L)(3): A plan may be disapproved upon a finding that an applicant, or a parent, subsidiary, or other affiliate of the applicant: Has been convicted of a misdemeanor pursuant to G.S. 113A-64(b) or any criminal provision of a local ordinance adopted pursuant to the Act; and how it would be enforced. Ms. Thompson stated that she would check with the Town Engineer and the Town Attorney.

Board member Hartman referenced section 65.16 (B) and asked how performance bond amount would be determined. Ms. Thompson stated that the Town Engineer determines the amount and she would check on how they determine the cost.

Board member Prillaman referenced section 65.18 (C) and asked if notice of violation had to be delivered in person. Ms. Thompson stated that the notice of violation has to be official and the State Statute regulates how violations are delivered.

Chairman Dow stated that sections 65.05(B) and 65.06 have reference to an individual lot when defining the land disturbing activities. Ms. Thompson stated that she would review those sections.

The Board agreed to table further discussion of the Erosion Control Ordinance to the November meeting. Ms. Thompson will forward questions to the Town Engineer for clarification.

B. Discussion of Land Use Plan Revisions

Chairman Dow asked what percentage of the entire Land Use Plan has been reviewed. The Board determined that there is about 2/3 left to review. Board member Vivian asked if the Board members would be willing to have a workshop.

Ms. Thompson asked the Board about their availability. She stated that the Town does not have to have public input but does need to hold a public hearing before approval.

Chairman Dow stated that the point of revising the Land Use Plan is to tighten up policies and goals. He suggested reviewing the entire plan, and get goals and policies input from the Council. He stated the best product for the Town would be to make the policies and goals bulletproof in an open forum in front of citizens.

The Planning Board discussed possible meeting times for workshops to continue Land Use Plan Revisions. They agreed to review sections individually before meeting as a group. Ms. Thompson tasked the Board members to review pages 8 through 18 - all goals and policies.

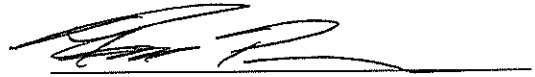
7. UPDATE FROM TOWN PLANNER AND REPORT FROM OCTOBER TOWN COUNCIL MEETING


Ms. Thompson presented the update: The Council approved the conditional zoning applications for the community recreation center and for the church at Rea Road and Reid Dairy Road. They approved a text amendment for parking - loading and unloading. This makes it unlawful for any person to park private vehicles whose overall dimensions, including any trailer that is attached, are more than 6 ½ feet wide or 20 feet long or 8 feet high, on streets or roads within the corporate limits of the town, except when engaged in loading and unloading or otherwise lawfully and actively engaged in conducting the business for which they are intended and only for the duration of such activities.

8. ADJOURNMENT

Motion: Board member Hartman made a motion to adjourn the October 22, 2018 Regular Planning Board Meeting at 8:49 p.m.
Second: Board member Prillaman
Vote: The motion passed with a unanimous vote.

Adopted: Nov 26, 2018


Rob Dow, Chairman


Karen Dewey, Town Clerk