

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
WEDDINGTON TOWN HALL
FEBRUARY 25, 2019
MINUTES
1 OF 4**

1. Open the Meeting

Chairman Brad Prillaman opened the meeting at 7:00 p.m.

2. Determination of Quorum

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

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

Visitors: Mark Knowles, Chad Fleener, LB Fleener, Mike Monroe, Teresa Monroe

3. Approval of Minutes – January 28, 2019 Regular Planning Board Meeting Minutes

Staff asked to amend minutes to include Board member Hogan participating in the meeting via phone without voting rights.

Motion: Board member Hogan made a motion to approve the January 28, 2019 Regular Planning Board Meeting minutes as amended by staff.
Second: Board member Godfrey
Vote: The motion passed with a unanimous vote.

4. New Business

A. Discussion and Consideration for Weddington Swim and Racquet Club Amendment to the Conditional Use Permit for Change in Lighting Requirement

Ms. Thompson presented the staff report: Weddington Swim and Racquet Club requests a Conditional Use Permit (CUP) amendment for a change to the lighting requirements on property located at 4315 Weddington-Matthews Road, parcel 06-117-047. The total site is 13.75 acres. The club includes 18 approved tennis courts, a swimming pool and a 4,200 sq. ft. building. The property has various amendments from throughout the years with the latest in 2017 adding two tennis courts at the southeast corner of the property. During the public hearing for that amendment, the Town was told that the club had been turning the lights off at 10:30 p.m. over the years. After hearing concerns from an adjacent property owner, the Town Council agreed the new proposed courts shall be turned off by 10:00 pm. The applicant also agreed to an evergreen buffer to help block noise and lights. Since that meeting the Town has received complaints about the lights being left on past 10:30 pm. After reviewing old minutes from previous CUPs, staff found an amendment from 2001 that stated hours of operation for the club are from 6am-10pm. The applicant believed those hours were specifically for those courts, however the attorney's interpretation is that lights must be turned off outside of these hours for all the courts, including courts previously approved and added since 2001. The condition runs with the land. In addition, staff found out that the lights were being turned on prior to 6:00 am for court maintenance. It was determined that hours of operation included maintaining the courts.

The applicant is requesting the following amendments to the lighting requirements:

- Hours of operation until 10:30 p.m. except for the new courts (13 & 14) which shall be 10:00 p.m.
- Allow maintenance to turn lights on one court at a time after 4:30 a.m. when needed
- Allow exceptions to the 10:30 p.m. lights out requirement up to 5 times per year due to extenuating circumstances when there are league/tournament matches. This shall only include courts 1-12 and 15-16
- One time per year the applicant may hold a member social in the pool deck area with lights out at 11:00 p.m. and notice shall be made to Town Staff in advance.

Mark Knowles from Weddington Swim and Racquet Club gave an overview of the facility.

Chairman Prillaman asked for clarification on the evergreen buffer that was a condition of the approval of the newest tennis courts, but the berm pictured on the plans is not currently a condition. The Applicant stated that they plan to build the berm if the lighting amendment is approved.

Board member Hechtel stated her concern about approving the CUP amendment for the lighting before a berm would be built and if the berm would be built at all.

Board member Harrison expressed concern about the proposed berm interrupting the drainage. The Applicant stated that the water does collect in the low points on the property, but the berm wouldn't change the topography and the water will still flow to the low points.

Mr. Knowles explained why they need to extend the morning lighting hours. He stated that the maintenance crew may need to start court preparations for tournaments early to get courts ready for play. He stated that it wasn't often needed to be started at 4:30 a.m.

The Planning Board discussed each lighting request:

- Hours of operation hours until 10:30 except for new courts 13 & 14 which will be 10:00. Chairman Prillaman stated as a compromise the possibility that the Board can consider lighting until 10:30, but no lighting on courts 13 & 14. Mr. Knowles responded that the club may need the lighting to cover demand in the spring and fall. He stated that the club can try to schedule matches away from the lower courts when possible. Board member Hechtel asked why the berm isn't currently in place. The applicant responded that the club is waiting for the approval on the CUP amendment before moving forward with it. The Board agreed to extending the lighting time on the rest of the courts to 10:30, but no lights on courts 13 & 14. Board member Hechtel stated that she is opposed to extending the lighting until 10:30 because she would like to see the berm built first.
- Allow maintenance to turn the lights on one court at a time after 4:30 a.m. when needed. The Planning Board determined that the club wouldn't need to turn the lights on earlier if additional maintenance staff were hired. The Board agreed that the morning lighting hours should stay at 6:00 a.m.
- Allow exceptions to the 10:30 p.m. lights out requirements up to 5 times per year due to extenuating circumstances. Chairman Prillaman stated that this should be a hard number and not open ended. The exceptions will only include courts 1-12 and 15 & 16. Board member Hechtel expressed her opposition to this exception. The Board agreed by majority that this

exception would be limited to a maximum of 30 minutes over the time limit for a maximum of 5 times per year.

- One time per year the applicant shall hold a member social in the pool deck area with lights out at 11:00 p.m. There will be notification to Town Staff in advance. The Board unanimously agreed that this was acceptable.

The Planning Board reviewed the findings of fact:

- a) The use will not materially endanger the public health or safety if located where proposed and developed according to plan.* The Planning Board agreed by 3/1 majority that with the conditions recommended, the conditional use amendment will not materially endanger the public health or safety if proposed and developed according to plan.
For: Board members Hogan, Harrison, and Godfrey
Opposed: Board member Hechtel
- b) The use meets all required conditions and specifications.* The Planning Board agreed by 3/1 majority that with the conditions recommended, the conditional use amendment meets all required conditions and specifications.
For: Board members Hogan, Harrison, and Godfrey
Opposed: Board member Hechtel
- c) The use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity.* The Planning Board agreed by 3/1 majority that with the conditions recommended, the conditional use amendment will not substantially injure the value of adjoining or abutting property.
For: Board members Hogan, Harrison, and Godfrey
Opposed: Board member Hechtel
- d) The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with this chapter and the town's land development plan.* The Planning Board agreed by 3/1 majority that with the conditions recommended, the location and character of the conditional use amendment, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with this chapter and the town's land development plan.
For: Board members Hogan, Harrison, and Godfrey
Opposed: Board member Hechtel
- e) Additional review criteria, as stated in this chapter, shall also be considered and addressed where required.* There is no additional review criteria to consider.

Given that the Planning Board has favorably agreed to the findings of fact, the Planning Board makes a recommendation to the Town Council for approval of the Weddington Swim and Racquet Club Amendment to the Conditional Use Permit for change in the lighting requirements with the following recommended conditions:

- No lights on courts 13 & 14 and lights on the other courts can be on until 10:30 p.m.

- No lights on before 6:00 a.m.
- Exception for lights on until 11:00 p.m. up to 5 times per year.
- One time per year the applicant may hold a member social in the pool deck area with lights out at 11:00 p.m. There will be notification to Town Staff in advance.

Motion: Board member Hogan made a motion to forward the amendment to the conditional use permit for change in the lighting requirements with the above recommendations to the Town Council with a recommendation for approval.

Second: Board member Godfrey

Vote: The motion passed with a 3-1 with Board member Hechtel voting against the motion.

5. Old Business

A. Discussion of Land Use Plan Revisions – End of Section V and Appendix

The Planning Board completed revisions to the LUP.

6. Update from Town Planner and Report from the February Town Council Meeting

Ms. Thompson presented update: The Town Council approved the Erosion and Sediment Control Ordinance and it has been sent to the state for review within 90 days. They asked staff to look into the lighting ordinance and update with LED technology and the Community Recreation Center has been defined and it has been limited to 501 (c)(3) organizations. The Council held their retreat on February 9th, Chairman Prillaman and Board members Godfrey, Hogan, and Vivian attended. A Uniform Development Ordinance was discussed, the Town will be going out for a bid on that. Ms. Thompson has completed the Subdivision Ordinance rewrite and Council has requested a joint meeting with the Planning Board before inviting Randall Arendt back to discuss and review it.

Chairman Prillaman stated an apology for not being firmer on the tree discussion during the discussion with the Applicant at the January meeting concerning the sketch plan approval for Classica Homes. He stated it wouldn't happen again.

7. Adjournment

Motion: Board member Hogan made a motion to adjourn the February 28, 2019 Regular Planning Board Meeting at 8:49 p.m.

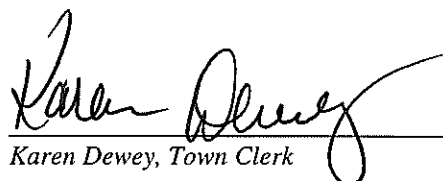
Second: Board member Godfrey

Vote: The motion passed with a unanimous vote.

Adopted: March 25, 2019



Brad Prillaman, Chairman



Karen Dewey, Town Clerk