

**TOWN OF WEDDINGTON  
REGULAR PLANNING BOARD MEETING  
MONDAY, JULY 22, 2019 – 7:00 P.M.  
WEDDINGTON TOWN HALL  
MINUTES  
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**1. Open the Meeting**

Vice Chairman Walt Hogan called the meeting to order at 7:00 p.m.

**2. Determination of Quorum**

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

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

Visitors: Bill Deter

**3. Approval of Minutes – June 24, 2019 Regular Planning Board Meeting Minutes**

*Motion:* Board member Hartman made a motion to approve the June 24, 2019 Regular Planning Board Meeting Minutes  
*Second:* Board member Harrison  
*Vote:* The motion passed with a unanimous vote.

**4. Public Hearing**

**A. Discussion and Consideration of a Temporary Use Permit for Christ Lutheran Church to hold a Community Movie Night on August 23, 2019 from 6:30 to 9:45 p.m.**

*Motion:* Board member Hartman made a motion to open the public hearing.  
*Second:* Board member Hechtel  
*Vote:* The motion passed with a unanimous vote.

No one signed up to speak

Ms. Thompson presented the staff report: Matt Simpkins with Christ Lutheran Church has submitted an application for a Temporary Use Permit for a Movie Night and charity event to collect school supplies. The property is located at the corner of Rea Road and Reid Dairy Road. The event is August 23, 2019 from 6:30 to 9:45 p.m. Projected attendance is around 300 people and the event will include bounce houses, food trucks, music, games, and a movie on the lawn. All adjoining properties within 200 feet of the subject site have been notified in accordance with Section 58-13 of the Town of Weddington Zoning Ordinance.

Board member Harrison asked about parking and the need for an officer to direct traffic. Ms. Thompson responded that there is a controlled signal at the intersection and there will be volunteers to help traffic move in and out of the parking area and get parked appropriately. Board member Harrison asked if there was a rain contingency plan. Ms. Thompson introduced Elizabeth Buckley with the applicant-she responded that there is not a rain plan, the event would be cancelled.

Vice Chairman Hogan asked where the movie would be shown. Ms. Buckley responded that it would be behind the garage on the property, facing away from the road.

Vice Chairman Hogan asked about lighting for the parking area. Ms. Buckley responded that there are lights on the houses on the property, a streetlight, and portable lights. There is access to more portable lights, if needed.

Board member Godfrey asked about the potential for noise disturbing the neighbors. Ms. Buckley responded that the movie will start around 8 and the setup of the screen and equipment will help contain the noise.

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

- a. *The proposed temporary use will not materially endanger the public, health, welfare and safety:* The Planning Board unanimously agreed that, with the presence of security volunteers, as well as holding liability insurance and environmental health permits, this finding of fact is true.
- b. *The proposed temporary use will not have a substantial negative effect on adjoining properties:* The Planning Board unanimously agreed that, since all adjoining properties within 200 feet have been notified of this event and the Town has received no objections, this finding of fact is true.
- c. *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 promotes the spirit of community and the finding of fact is true.
- d. *The proposed temporary use is held no more than four times (4) per year at any particular location:* The Planning Board unanimously agreed that since this event is the second TUP application from the applicant for this year, this finding of fact is true.

**Motion:** Board member Hartman made a motion to close the public hearing  
**Second:** Board member Harrison  
**Vote:** The motion passed with a unanimous vote.

**Motion:** Board member Hartman made a motion to approve the Temporary Use Permit Application for Christ Lutheran Church to hold a community movie night and school supply drive on August 23, 2019 from 6:30 p.m. to 9:45 p.m. having found the application is consistent with the findings of fact.  
**Second:** Board member Hechtel  
**Vote:** The motion passed with a unanimous vote.

## 5. Old Business

- A. **Discussion and Recommendation of a text amendments to Chapter 46 - subdivision ordinance and Chapter 58 - Zoning Ordinance to address Conservation Subdivision Amendments**

Ms. Thompson reviewed the text amendments. There was a lot of reorganization, but she believes it is ready for Town Council. The Board should discuss the changes and make a recommendation tonight.

Board member Harrison expressed her concerns about the septic systems allowed in undivided conservation land if no room is available on the lots. She stated that she wants to be sure it's consistent. Ms. Thompson stated her agreement and that she would check to see if the septic fields are allowed on other homeowners' lots. Any septic lots will need easements for the owner. The Board agreed they needed clarification on the question of where septic fields are allowed.

Board member Harrison expressed her concern with the town ordinances getting involved with HOA establishment. Ms. Thompson explained the purpose of that text is to ensure HOA covenants and restrictions are established before any lots are sold and that this is existing language in the ordinance.

The Board discussed maintenance plans for open space and had questions about bonds. Ms. Thompson will check with the attorney regarding the town liability and bonding.

The Board agreed to table any recommendation of the text amendment until the August meeting. Ms. Thompson will get answers to questions and will communicate with the Board ahead of the next meeting.

The Board discussed the cul-de-sac length issue. Ms. Thompson stated that the text was changed to limit cul-de-sacs to number of houses rather than the length of the road. Board member Harrison expressed her continued concern. Board member Hartman suggested keeping the number of houses as a limit to the maximum length of a cul-de-sac but add a maximum limit as well. The Board agreed to the cul-de-sac limit of 16 houses or 1200 feet, whichever is less.

Ms. Thompson reviewed the changes in Chapter 58. The changes are only moving the maintenance plan and maintenance agreement requirements from zoning to the subdivision ordinance; and then conservation subdivisions are listed as conditional uses where our ordinance requires the plans to go through the CD rezoning process; which included a public involvement meeting-under that section, the conservation subdivision is exempted from that process as long as it is subject to the process and public meetings as required through the subdivision ordinance. This still needs attorney review and a few answers from NCDOT but should move forward for a public hearing possibly in October.

The Board agreed to staff bringing the texts together and table the recommendation for next month.

## **6. New Business**

### **A. Discussion and Consideration of Minor Subdivision – Fox Run, Phase 1**

Ms. Thompson presented the staff report: The applicant, Remington Homes, Inc. is seeking a minor subdivision for property located within the Red Fox Trail Subdivision. It is a total of 7.34 acres and is zoned R40 residential. There are four existing lots being subdivided to add one additional lot. Resultant lots all meet the minimum size requirement, the minimum front, side, and rear yard setback requirements, and are at least 120' wide at the established front setback. The proposed minor subdivision is in general conformity with the Town of Weddington Zoning and Subdivision Ordinances; therefore, staff recommends approval with the following conditions:

- Add a drainage easement along existing ditch, per Section 58-520 (b)
- Provide engineer's certification for drainage easement per Section 58-502 (c)
- Obtain approval from Union County Public Works

**Motion:** Board member Hartman made a motion to approve the Fox Run minor subdivision with conditions as listed by staff.

**Second:** Board member Harrison

**Vote:** The motion passed with a unanimous vote.

## **B. Land Use Plan Annual Review**

Ms. Thompson presented the annual review: The Town is to conduct an annual review every July to determine its progress in achieving the land use plan goals, objectives and strategies. During this review, the Town should evaluate development decisions (e.g., zoning changes, subdivisions, building permits and public works projects) that have been made by the Town and other jurisdictions, growth trends, and the progress made in accomplishing the strategies listed in this Plan element. The result of the annual review may be to recommend revisions to policies, the future land use map, or the implementation program. Below is a list of items reviewed by the Planning Board and Town Council over the past year and how they continue comply with the plan:

### **Modification of Subdivision Ordinance for Weddington Acres cul-de-sac length**

The town required both conservation and conventional subdivision to have the same cul-de-sac length requirements. The new requirement addresses volume and the disbursement of traffic versus a specific length. The ordinance continues to provide for connectivity where possible.

### **CZ: Weddington Community Fitness Center 5207 Weddington Road**

The town reviewed surrounding uses to decide on the rezoning of the subject property. The community recreation center is required to be open for use to non-members; work with the Town to provide public service/community outreach programming quarterly; offer a free "trial" class to Weddington residents at least one day each week; and be available for Town sponsored community events. The town considered regulating the use, hours, and screening making the decision.

### **Text Amendment: Definition of Community Recreation Center**

The discussion of the fitness center brought to light the issues with the town's list of uses and inconsistencies with the definition. The town redefined a community recreation center, aligning and supporting the goals of the land use plan.

### **CZ: Church Use at 315 Reid Dairy Road**

The town reviewed the church use with regard to noise and lighting and made specific recommendations for a traffic study for any ancillary church use.

### **Text Amendment: Burning Land Clearing Vegetation**

This text was introduced due to complaints of on-going burning operations of land clearing debris. It addressed a public nuisance issue.

### **Weddington Acres Final Plat; Falls at Weddington Final Plat Phase 3, Map1, Canisteo Final Plat**

Reviewed plats to ensure compliance with preliminary plats, reviewed bond amounts and obtained maintenance agreements for the protection of open space and conservation lands.

**Text Amendment: Town Lighting Ordinance**

The Town Council hired a lighting engineer to assist with updates to the lighting ordinance. The new text addresses the color of LED lights and evaluates luminaire optical performance related to light trespass, sky glow, and high angle brightness control.

**Weddington Swim and Racquet Club CUP amendment: change in lighting requirement**

The town followed quasi-judicial procedures to amend inconsistencies on lit courts and hours of operation.

**Text Amendment: Erosion Control Ordinance**

Failures and deficiencies were reported from the Town's construction inspector with little to no action from NCDENR. The town developed a plan and ordinance to implement its own policy and penalties to get developers to adhere to erosion control plans. Erosion control will be delegated to the town after August 2019.

**Text Amendment: Junk/Abandoned/Nuisance Vehicles**

The town approved an ordinance to address several nuisance complaints throughout town.

**Text Amendment: Conservation Subdivision**

The Planning Board has been working through draft amendments to the subdivision ordinance to ensure a 4-step design process that gives the town more control to the layout of a site in relation to the land resources.

Recommendation: Tree Ordinance

**Planning Board training** – Several members attended quasi-judicial training. Staff will schedule a legislative update/training for the new year. Some members attended an on-site meeting and charette presented by Randall Arendt with staff, council, and members of the public.

The Town has a representative on the **Charlotte Regional Transportation Planning Organization** to stay informed and have input on road and thoroughfare plans. The town recently hired Kimley Horn to provide a level of service analysis on problem intersections. The town can now plan funding and apply for money locally or through the CRTPO.

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.

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

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

**Motion:** Board member Hartman made a motion to send the Land Use Plan Annual Review as amended to the Town Council for approval.

**Second:** Board member Godfrey  
**Vote:** The motion passed with a unanimous vote.

### 7. Update from Town Planner and Report from the July Town Council Meeting

Ms. Thompson presented the update: Staff received construction plans for the property at the intersection of Hemby and Providence Roads. It will take about 2 months of review and Planning Board should see the plans in September or October. Staff has a pre-development meeting with a developer for subdividing property on Newtown Road south of Aero Plantation.

Council called for a public hearing at the August meeting for the Land Use Plan.

Council discussed park plans at the July meeting and agreed to slow down the planning process before getting to the construction plans to ensure Council agrees on development of the property.

### 8. Adjournment

**Motion:** Board member Hartman made a motion to adjourn the July 22, 2019 Regular Planning Board Meeting at 8:08 p.m.

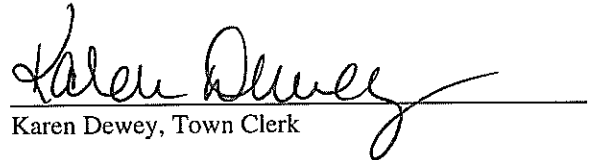
**Second:** Board member Godfrey

**Vote:** The motion passed with a unanimous vote.

Approved: August 26, 2019



Brad Prillaman, Chairman



Karen Dewey, Town Clerk