

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, SEPTEMBER 23, 2019 – 7:00 P.M.
WEDDINGTON TOWN HALL
1924 WEDDINGTON ROAD WEDDINGTON, NC 28104
AGENDA**

1. Open the Meeting
2. Determination of Quorum
3. Approval of Minutes – August 26, 2019 Regular Planning Board Meeting Minutes
4. Public Hearing
 - A. Discussion and Consideration of a Temporary Use Permit for the Weddington Optimist Club to hold a Centennial Celebration on Saturday October 19, 2019 from 5-9 p.m. at Optimist Park, 5211 Weddington Road, Weddington, NC.
 - B. Discussion and Consideration of a Temporary Use Permit for the Town of Weddington to hold a Christmas Tree Lighting on November 22, 2019 from 5-9 p.m. at Weddington Town Hall.
5. Old Business
6. New Business
 - A. Review and Consideration of Preliminary Plat for Hemby Place
 - B. Discussion of Tree Ordinance
7. Update from Town Planner and Report from the September Town Council Meeting
8. Board member comments
9. Adjournment

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MINUTES
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1. Open the Meeting

Chairman Prillaman called the meeting to order at 6:59 p.m.

2. Determination of Quorum

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

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

Visitors: Bill Deter, Mike Smith, Anne Marie Smith, Paisley Gordon Jr., Bob Ryan, Bill Saint, Larry Burton

3. Approval of Minutes – August 26, 2019 Regular Planning Board Meeting Minutes

Motion: Board member Hartman made a motion to approve the August 26, 2019 Regular Planning Board Meeting Minutes as presented.
Second: Board member Hogan
Vote: The motion passed with a unanimous vote.

4. Public Hearing

A. Discussion and Consideration of a Temporary Use Permit for the Weddington Optimist Club to hold a Centennial Celebration on Saturday October 19, 2019 from 5-9 p.m. at Optimist Park, 5211 Weddington Road, Weddington, NC.

The Town received an application for a temporary use permit for the Weddington Optimist Club Centennial Celebration. The event will be held at the Optimist Park on Saturday October 19, 2019 from 5-9 p.m. The event will include a DJ and food trucks. There will be two banners at the entrance of the park, a temporary table set up for the DJ and the existing lighting at the park will be used. The event will follow a baseball tournament that will run from 10 a.m. to 5 p.m.

Findings of Fact:

- a. The proposed temporary use will not materially endanger the public, health, welfare and safety.** The Planning Board unanimously agreed that with security and traffic control in place for Optimist Park as well as holding liability insurance and environmental health permits for the food trucks, 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 the operating hours are within the noise ordinance guidelines and there will be no additional lighting, 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,

which will promote community and meets the intent of the land use plan, meets this finding of fact.

- 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 this event, which will be held one time in October, meets this finding of fact.

Motion: Board member Hartman made a motion to approve the Temporary Use Permit Application from the Weddington Optimist Club for a Centennial Celebration at Optimist Park on October 19, 2019 from 5 to 9 p.m. given that all findings of fact are true

Second: Board member Hogan

Vote: The motion passed with a unanimous vote.

B. Discussion and Consideration of a Temporary Use Permit for the Town of Weddington to hold a Christmas Tree Lighting on November 22, 2019 from 5-9 p.m. at Weddington Town Hall.

The Town submitted an application for a Temporary Use Permit for the Annual Christmas Tree Lighting to be held November 22, 2019. The event will be held at Weddington Town Hall and Dr. George Pinsak's property located at 13653 Providence Road. The event will include performances by local school and church choirs. Two food trucks are planned to provide food and beverage for purchase. The Town will provide cookies and hot chocolate. Town fire pits will be set up near the rear parking lot. A seating area will be set up with folding chairs facing the side porch. The event will be from 5:00 p.m. to 9:00 p.m. with the tree lighting countdown between 7 and 7:15.

Findings of Fact:

- 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 Off Duty Sheriff Deputies aiding in security and traffic control, the presence of EMS, as well as holding all the required 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 with no parking on access road, agreement from adjacent property owners, and the hours of the event are within the noise ordinance guidelines, this finding of fact is true.
- c. **The proposed temporary use is in harmony with the general purpose and intent of this chapter and preserves its spirit.** The Planning Board unanimously agreed that this event, which promotes community spirit and meets the intents of the Weddington Land Use Plan, this finding of fact is true.
- d. **The proposed temporary use is held no more than four times per year at any particular location.** The Planning Board unanimously agreed that this event, which will be held one time in November, meets this finding of fact.

Motion: Board member Hartman made a motion to approve the Temporary Use Permit Application for the Town of Weddington for the Christmas Tree Lighting to be held November 22, 2019 from 5-9 p.m. at Weddington Town Hall given that all findings of fact are true.

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

5. Old Business

6. New Business

A. Review and Consideration of Preliminary Plat for Hemby Place

Ms. Thompson presented the staff report: Classica Homes submitted a preliminary plat application for 35 lots on 43.16 acres located at the southeast corner of Hemby and Providence Road. A conservation subdivision must base the number of proposed lots on a yield plan per *Section 46-42* of the *Weddington Subdivision Ordinance*. This yield plan must show the number of lots that would be allowed if the tract was developed as a conventional subdivision with 40,000 square foot lots. Conservation subdivisions shall be density neutral meaning the same number of lots is shown as would be permitted in a conventional subdivision.

The yield plan exhibits 35 lots on 43.16 acres with a total density of .81 units per acre.

Section 58-58 (4) of the *Weddington Zoning Ordinance* stipulates that a minimum of 50% of the gross acreage must be retained as conservation land. 21.58 acres is required, and 24.39 acres (not including utility easements) has been provided.

There is no floodplain located on the proposed site however, the stream located on site is within the 6-Mile Creek basin. 100' stream buffers are required and shown. The yield plan indicates a minimum of 5,000 sq. ft of buildable area required for each lot.

The minimum lot size required for an RCD subdivision is 12,000 sq. ft. The smallest lot proposed is 13,823 sq. ft. All lots meet the minimum required front, side and rear yard setback requirements as proposed.

Where side and rear lot lines abut along a thoroughfare, the subdivider shall provide a natural buffer between the lot lines paralleling the thoroughfare and the thoroughfare road right-of-way. The buffer shall not be disturbed. In addition to the 100' buffer, utilities are required to be outside of the buffer therefore with the power line easement the buffer from the road is 150'. Figures 1 and 2 depict a 100' buffer from the Hemby and Providence Road right of way. The subdivision will be served by Union County Public Water and Sewer.

The subdivision is accessed by an entrance off Hemby Road. The number of lots proposed do not require a formal TIA however, staff had the Town Traffic Engineer, Justin Carrol review the access after hearing concerns regarding the AM peak que at the traffic light. Right and left turn lanes were added along with a second right-out only access onto Providence Road.

All roads shall be designed to NCDOT standard.

PIMs were held on Tuesday January 22, 2019. Approximately 15 residents attended the daytime PIM and around 10 residents attended the evening PIM. Concerns over the Hemby Rd access were stated.

The sketch plan was approved by Planning Board on January 28, 2019 with requirements for a left turn lane on Hemby Road into subdivision, a right turn deceleration lane on Hemby Road, more information on traffic projections for Hemby Road and Providence Road to be included in the preliminary plat to help decide whether an access to Providence Road should be required and assessment of the feasibility of saving old growth trees outside the building pads on lots to be included in the preliminary plat. All traffic issues were addressed on the Preliminary Plat.

The preliminary plat is the conditional rezoning plan according to the town of Weddington ordinances. Town Council shall call for a public hearing to be held at their next regularly scheduled meeting. The Town Council can approve, approve with conditions, or deny the rezoning. Any major changes to the preliminary plat/conditional rezoning plan will go through the 58-271 amendment process which includes another public hearing. Staff and outside agencies review all construction plans. Once all approvals are collected, the applicant may begin site work. A final plat is required prior to the construction of any homes. Any work not completed can be bonded at this time. A final plat goes to Planning Board for recommendation and is required to be approved by Town Council. No conditions are allowed on a final plat.

The preliminary plat is in general conformance with the sketch plan and the Weddington Zoning and Subdivision Ordinance; therefore, staff recommends approval with the condition that all outside agency approvals are obtained prior to construction.

Ms. Thompson introduced Bill Saint, President of Classica Homes, who presented background on the company and their product.

Board member Hogan asked if this was the last RCD under the old ordinance. Ms. Thompson confirmed that it would be. There is a public hearing for the conservation subdivision ordinance at the October Town Council meeting.

The Board agreed that the issues raised in the sketch plan review have been addressed.

Motion: Board member Hartman made a motion to forward the Preliminary Plat for Hemby Place to the Town Council with a favorable recommendation.
Second: Board member Vivian
Vote: The motion passed with a unanimous vote.

B. Discussion of Tree Ordinance

Ms. Thompson started the discussion on a tree ordinance. She presented ideas from Mark Kime, from Land Design and a copy of the Indian Trail Tree Ordinance. Concepts and concerns discussed were:

- Mitigate heritage trees. Although the definition changes between municipalities and will be particular to the site being developed
- Indian trail uses an environmental agency to sample areas of forest and evaluate each individual area for heritage trees.
- Tree surveys without mitigation tend to be useless. Waxhaw has trees to be saved surveyed, other jurisdictions have trees to be cleared surveyed without mitigation. Weddington

requires tree surveys and conserving 50%, but there is no recourse. Concern raised with developer clear cutting site without a survey and just pay mitigation fees. There will need to be penalties.

- Charlotte stipulates a 10% tree save for single family homes and 15% for all other development. On-site mitigation, off-site mitigation, and fee in lieu of mitigation is allowed in all districts except single family.
- Concern with administration of tree ordinance-could add time and money to the process.
- Possibility of adding tree survey and heritage tree identification to the PIM process. Work through an example to see how it would work for all parties involved and how it would impact a particular site. Get Union County Forester involved.
- Detention ordinance could hinder how tree ordinance works in RCDs. There would be different steps in the process depending on whether an RCD or R-40 subdivision. The tree ordinance would be in two sections: one for RCD and one for R-40.

The Planning Board agreed with the principle of the Tree Ordinance. Chairman Prillaman asked Board members to review the Indian Trail ordinance and send comments and idea to Ms. Thompson before the October meeting. Staff will refine and streamline ordinance to present for further discussion next month. Staff will invite Union County Forester, Bill Smith to attend the Planning Board meeting to answer questions and present ideas.

7. Update from Town Planner and Report from the September Town Council Meeting

Ms. Thompson presented the update: The Council called for public hearings for the conservation subdivision and erosion control ordinances at the October meeting. The Erosion Control Ordinance has completed the first round of comments from the State Commission and it is expected to be on their November agenda for delegation approval.

8. Board member Comments

Chairman Prillaman stated he asked to add this to the agenda. The intent is to cover anything needing to be addressed or to give board members an opportunity to mention any issues. This isn't intended to be a discussion or question and answer period with back and forth dialogue.

Board member Hogan stated that he has been pushing for 5-year plan and Councilmembers Smith and Perryman invited Board member Hechtel and himself to a meeting to discuss potential issues years down the road and how to mitigate them. The Councilmembers brought a map of the town and they discussed the donut holes and the areas on the borders of the town.

Board member Hechtel stated that the meeting was to come together to share concepts looking at not only the unincorporated areas within Weddington, but areas on borders and the effect on Weddington residents and how some of the development decisions have been impacting the residents. There is value in conversations in terms of what's going to happen and how to actively manage and a facilitatory process between council and planning board on occasion for information to share. There is also value in having town planners in surrounding areas to meet and continue dialogues about development plans.

Board member Harrison stated that there were two things she wanted to bring up. First, the council used to invite the planning board to participate and interact in their annual retreat. That provided great opportunity for interaction. Second is the stormwater runoff being affected by the development in surrounding municipalities and unincorporated Union County. The town is dealing with flooding because runoff from non-Weddington developments feeding into the drainage streams. It will continue with the development on the town borders.

Board member Vivian asked if representatives from the municipalities went to the Union County Commissioner and Planning meetings. Board member Harrison stated that Councilmember Smith and others had attended.

Board member Hartman stated that he agrees with the comments on more participation and planning board involvement with Council. He also would like to look at sharing information with communities about the development that is occurring. Those conversations could help communities understand what is happening and access water and sewer lines that may be coming in. And another thing nice for our area would be looking at the micro cell towers. They would help with range without the big ugly towers.


Chairman Prillaman stated that he thought this would be a good opportunity to bring up things that are not on the agenda and follow up with those that need it.

Board member Harrison asked how the County Land Use Plan meeting went. Ms. Thompson stated that it went well-the county planning board had a follow up meeting with the County Commissioners with a timeline for getting focus groups together to review and discuss the land use plan. Ms. Thompson will send the PowerPoint presented to the County Commissioners.

9. Adjournment

Motion: Board member Hartman made a motion to adjourn the Planning Board Regular Meeting at 7:46 p.m.
Second: Board member Hogan
Vote: The motion passed with a unanimous vote.

Approved: Nov 25, 2019



Brad Prillaman, Chairman



Karen Dewey, Town Clerk