

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, JULY 28, 2014 – 7:00 P.M.
MINUTES**

The Planning Board of the Town of Weddington, North Carolina, met in a Regular Session in the Town Hall Council Chambers, 1924 Weddington Road, Weddington, NC 28104 on July 28, 2014, with Chairman Dorine Sharp presiding.

Present: Chairman Dorine Sharp, Vice-Chairman Rob Dow, Jennifer Romaine, Jeff Perryman, John Giattino, Bruce Klink and Jim Vivian, Town Planner Julian Burton and Administrative Assistant Tonya Goodson

Absent: None

Visitors: Barbara Harrison, Chase Kerley and Richard Wilson

Item No. 1. Open the Meeting. Chairman Dorine Sharp opened the meeting at 7:00 p.m.

Item No. 2. Determination of Quorum/Additions or Deletions to the Agenda. There was a quorum. There were no additions or deletions to the agenda.

Item No. 3. Approval of Minutes.

A. June 23, 2014 Regular Planning Board Meeting. Vice-Chairman Rob Dow moved to approve the minutes as submitted. Mr. Jeff Perryman seconded the motion, with votes recorded as follows:

AYES: Vice-Chairman Dow, Romaine, Perryman, Giattino, Klink and Vivian
NAYS: None

Item No. 4. Old Business.

A. Update on Retreat. Chairman Dorine Sharp stated this item will be delayed until next month.

Item No. 5. New Business.

A. Public Hearing – Weddington Country Festival Temporary Use Permit. Chairman Sharp opened the public hearing. Town Clerk Amy McCollum swore in Councilwoman Barbara Harrison and Town Planner Julian Burton. The Planning Board received the following memo from Town Planner Burton:

Councilwoman Barbara Harrison submits an application for a Temporary Use Permit for the Weddington Country Festival on behalf of the Town of Weddington. The event is to be held at Weddington Town Hall and Dr. George Pinsak's property located at 1924 Weddington Road and 13653 Providence Road respectively.

Application Information

Date of Application: June 9th, 2014

Applicant's Name: Barbara Harrison for the Town of Weddington

Property Owner's Name: Town of Weddington and Dr. George Pinsak

Parcel ID#: 06-150-057 (Town Hall) and 06-150-053A (Dr. Pinsak's Office Building)

Property Location: Corner of Providence Road (Highway 16) and Weddington Road (Highway 84)

Existing Zoning: B-2(CD)

Existing Use: Town Hall and Medical Offices

Property Size: Town Hall-2.136 acres, Dr. Pinsak's property-0.674 acres—Total of 2.81 acres

Event Hours: Saturday, September 20th from 10:00am to 4:00pm (artists allowed to begin setting up at 8:30am)

Additional information:

- Projected attendance is 1500 adults and 500 children.
- The applicant has submitted an application to Union County for a mass gathering permit, and a certification of review.
- Staff has been provided a Certificate of Liability Insurance from the scheduled vendors.
- Security and traffic control will be provided by three additional Union County Sheriff's Deputies.
- Fire Department and EMT staff will be on site for the duration of the event.
- Ten portable bathroom facilities and two hand wash facilities will be provided on-site.
- Miracle Amusements will provide their own generators.
- Most parking will occur on the Weddington Corners Shopping Center property. Some parking will take place at Dr. Pinsak's office building. Town staff has received signatures from both property owners to allow parking and events on their properties.
- Music will be provided by a DJ and the "Hinson Girls" will perform until 2:30pm.
- There will be a BBQ lunch to all seniors free of charge.
- Providence Volunteer Fire Department will cook and serve hot dogs and hamburger platters as a fund raiser.
- All adjoining property owners and properties within 200 feet have been notified in accordance with Section 58-13 of the *Town of Weddington Zoning Ordinance*.
- Applicant will be allowed two temporary off-premise special event signs in accordance with *Section 58-151 of the Town of Weddington Zoning Ordinance*.
- The Weddington Planning Board approved a TUP for the same event in 2012 and 2013.

Staff has reviewed the application and submitted documents and finds the Temporary Use Permit Application to be in compliance with the *Town of Weddington Zoning Ordinance* with the following conditions:

1. A copy of the Certificate of Liability Insurance for any additional vendors;
2. No parking allowed on Weddington Corners access road;
3. Applicant must apply for temporary off-premise sign permits prior to event.

The Planning Board also received the Temporary Use Permit Application and Business Plan for this item.

Chairman Sharp clarified that Providence Fire Department will be selling hotdogs and hamburgers.

Councilwoman Harrison clarified that she did fill out a request for a permit from Union County but they would not give written permission until three weeks before the event.

Chairman Sharp asked Councilwoman Harrison the following Findings of Fact:

Findings of Fact:

The proposed temporary use will not materially endanger the public, health, welfare and safety. Councilwoman Harrison: Yes, it will not endanger the public, health, welfare and safety because we will have three off-duty deputies and a minimum of one Fire Department at the event. We will also have an EMT ambulance at the festival.

The proposed temporary use will not have a substantial negative effect on adjoining properties. Councilwoman Harrison: It will not have a negative effect on adjoining properties. We only go to 4:00 p.m. We do not start setting up until 8:30 a.m.

The proposed temporary use is in harmony with the general purpose and intent of the ordinance and preserves its spirit. Councilwoman Harrison: Yes, it is in harmony and it is to create a sense of community within the Town of Weddington.

The proposed temporary use is held no more than four times (4) per year at any particular location. Councilwoman Harrison: I only get one temporary use permit per year. The last one was June 2013.

Chairman Sharp closed the public hearing.

B. Consideration of Weddington Country Festival Temporary Use Permit. Vice Chairman Dow moved to approve the Temporary Use Permit for the Weddington Country Festival based on the following findings and conditions:

Findings:

- The event will have off-duty police and fire.
- The temporary use will not materially endanger the public health, welfare and safety.
- The hours of the event are limited and will not have a substantial effect on adjoining properties.
- The purpose of the event it to create a sense of community.
- It is in harmony with the general purpose and intent of the ordinance.
- It is only held once per year.

Conditions:

1. A copy of the Certificate of Liability Insurance for any additional vendors;
2. No parking allowed on Weddington Corners access road;
3. Applicant must apply for temporary off-premise sign permits prior to event and the Union County Mass Gathering Permit prior to the event.

Mr. John Giattino seconded the motion, with votes recorded as follows:

AYES:	Vice-Chairman Dow, Romaine, Perryman, Giattino, Klink and Vivian
NAYS:	None

C. Review and Consideration of Conditional Rezoning Application – Threshold Church. The Planning Board received the following memo from Town Planner Burton:

Threshold Church requests a conditional zoning (CZ) rezoning for Threshold Church located off of Antioch Church Rd. The submitted plan is Phase 1 of a multiphase plan, and includes parking and a new driveway. The church plans to propose a primary assembly building (2-3 years), a youth building (3-5 years), and a chapel (indefinite) in future phases.

Application Information

Date of Application: June, 24th 2014
Applicant Name: Threshold Church
Owner Name: David Dillworth
Parcel ID#: 06-090-011C
Property Location: 3501 Antioch Church Rd.

Existing Zoning: RCD

Proposed Zoning: RCD (CZ)

Existing Use: Single Family Residential

Proposed Use(s): Daily ministry activities for 10-15 people, gravel parking for 75 cars, and quarterly church events (outdoor for 150 people).

Parcel Size: 9.8 acres

General Information

- The applicant proposes a Church and its customary related accessory uses in accordance with *Section 58-58 (2)a* of the *Weddington Zoning Ordinance*.
- The required Public Involvement Meetings for this project were held on July 23rd and July 24th, 2014. The meeting on July 23rd was held at Town Hall from 5:00-7:00 pm. The meeting on July 24th was held on-site from 9:00-11:00 AM.
- The *Weddington Zoning Ordinance* requires that all CZ Applications go through the Construction Document process per *Section 58-271*.

Proposed Uses on Site Plan:

- I. Gravel Driveway
 - a. Altered from the original driveway
- II. Parking Lot
 - a. 75 gravel parking spaces

Development Standards (for a Church in the RCD zoning district):

- Minimum Lot Area-3 acres
- Front Setback-75 feet
- Rear Setback-40 feet
- Side Setbacks-50 feet
- Maximum Building Height - 35 feet except as permitted in *Section 58-15*

Access and Parking:

- The site will be accessed by one gravel driveway off of Antioch Church Rd.
- The applicant is required to submit a Traffic Impact Analysis as part of this application. The traffic engineer deemed that a plan consisting of parking and daily events for only 15 people would not require a TIA. A letter from the engineer is included in your packet.

Screening and Landscaping:

- The applicant has provided screening and landscaping by using existing vegetation in addition to new landscaping.
- The applicant has proposed a 48 foot buffer between the church property and adjoining residential properties, as required in within Section 58-8. The plan shows that the buffer will remain undisturbed, utilizing the existing trees as a natural screen to the adjoining properties.

- All trees included in screening and landscaping are listed in the Town of Weddington Approved Plant Species List. Other proposed trees can be approved by the Zoning Administrator as stated in Section 58-8 (6).

Additional Information:

- This site is not within a regulatory flood plain.
- A lighting plan is not part of this submittal and is addressed in the conditions.

Recommended Conditions of Approval:

1. Any engineering must be approved by Town Engineer, Bonnie Fisher with USI;
2. Water and sewer/septic plans to be approved by Union County Public Works and Environmental Health;
3. All signage must comply with *Chapter 58, Article 5 of the Weddington Code of Ordinances*;
4. Any future proposed Lighting Plan must be approved by the Town Council and shall comply with Town Lighting Ordinance;
5. Any future revisions to the approved site plan and other approved documents must comply with *Section 58-271 (i) of the Weddington Zoning Ordinance*;
6. Prior to commencement of construction, Construction Documents shall be approved by the Weddington Town Council in accordance with *Section 58-271 of the Weddington Code of Ordinances*.

Planning Board Action:

Recommend approval/Approval with conditions/Denial

The Planning Board also received a copy of the letter dated July 17, 2014 from Transportation Engineer Justin T. Carroll, PE and the Sketch Plan for Phase I.

Town Planner Burton read the following comments, questions and concerns from the Public Involvement Meetings on July 23rd and 24th, 2014.

- Concerns over the septic system for current and future phases
 - o Applicant is getting confirmation from Union County regarding the capacity of the current septic system, and has already received study results from a consultant who found that the system is adequate. The applicant will take the necessary steps to ensure that septic for future phases will be adequate.
- What will the timeframe be for development of future phases?
 - o 3-5 years
- Concerns over the intensity and frequency of use during the week.
 - o Applicant explained that the church is not a very programmatic church, and will continue to hold many meetings at homes and coffee shops.
 - o They will primarily use the house to hold meetings for 7-10 people (staff meetings and elders meetings)
- Concerns over church members walking onto other properties
 - o The church will also be concerned over safety of their members, and will discourage anyone from leaving the property.

- Concerns over additional traffic on Antioch Church Rd.
 - o Justin Carroll found that the trips created by Phase 1 would not require a Traffic Impact Analysis because the impact on Antioch Church Rd would be minimal.
 - o Applicant understands that future phases will likely be subject to a traffic impact analysis.
- Concerns over the hours of operation, especially on weeknights.
 - o Applicant did not foresee any meetings going past 8 or 9 pm.
- Concerns over lighting
 - o This plan does not include any lighting, and the applicant understands that any proposed lighting will be subject to the conditional zoning process.
- Concern over dust created from gravel parking lot.
- Safety and security for the parking lot – Could a gate be installed to prohibit unwanted visitors from using the site at night?
 - o Will be considered by applicant
- Concerns over the expansion of the site in future phases – Likely a 16,000 square foot building in Phase 2.

Mr. Richard Wilson (Executive Pastor of Threshold Church) gave the following information:

- Threshold was started out of Forest Hills Church in Charlotte 12 years ago.
- Church is held at Siskey YMCA.
- There are 4 full time and 4 part time staff members.
- Threshold is part of the evangelical Presbyterian Church denomination.
- They have been looking for property 2-3 years.
- They really like Weddington and share the same values.
- They have met the neighbors and plan to work with any concerns they may have.

Mr. Wilson asked everyone to look at the southside drawing. Threshold is proposing to enhance the landscape border on the southside which would exceed the ordinance by putting in more buffering. They plan to leave the 48 foot borders around the property fully undisturbed. The parking is to be gravel integrated into the landscape. They want to protect the integrity of as many trees as possible. The 2nd and 3rd phase will include a sanctuary up to 16,000 square feet. It is anticipated that it will be built behind the existing house. A soil analysis is being done to determine suitability of septic fields. They are anticipating church picnics, Easter egg hunts, etc. Therefore, 75 parking spaces would be adequate.

Mr. Jeff Perryman wanted to know if there are any requirements to make modifications to be compliant with the American Disabilities Act.

Mr. Wilson – We have initiated some dialogue with the County to discover that.

Mr. Perryman asked if a new facility would be required to tap into the water system.

Mr. Wilson said there is County water on Forest Lawn and there is a well on the property.

Mr. Jim Vivian wanted to know how many bedrooms are in the existing house to verify the septic capacity.

Mr. Wilson answered that it is a 3 bedroom house and 1928 square feet. There have been preliminary studies done by SES and they felt that the existing septic was suitable for 7 full time staff and gatherings for up to 20 people per day.

Mr. Perryman moved to send a favorable recommendation to the Town Council for the proposed CZ Rezoning Request for Threshold Church with the six listed conditions. Mr. Bruce Klink seconded the motion, with votes recorded as follows:

AYES: Vice-Chairman Dow, Romaine, Perryman, Klink and Vivian
NAYS: Giattino

D. Review and Consideration of Final Plat for Atherton Estates Map 1. The Planning Board received the following memo from Town Planner Burton:

Shea Homes submits a final plat application for 12 lots of the approved 130 lot Conventional Subdivision on 170.81 acres located on Weddington Road.

Application Information:

Subdivision Name: Atherton Estates
Date of Application: May 14th, 2014
Applicant/Developer Name: Shea Homes, Chase Kerley
Owner Name: Parcels 06-150-066, 06-150-067 and 06-150-068 are owned by Shea Homes.
Property Location: Weddington Road, Weddington-Matthews Road and Cox Road
Existing Zoning: RCD and R-40
Proposed Zoning: R-40
Existing Land Use: Residential Conservation and Traditional Residential (no change required)
Existing Use: Vacant Land
Proposed Use: Single Family Residential Subdivision
Parcel Size: An assemblage of 170.81 acres (Map 1 is 15.81 acres).

Project Information:

The Atherton Estates Subdivision is a proposed 130 lot subdivision on 170.81 acres comprised of six parcels. The subdivision is located on and accessed by Weddington Road, Weddington-Matthews Road and Cox Road and is being developed by Shea Homes as a conventional subdivision.

A conventional subdivision is permitted by right in the R-40 and RCD zoning districts per the *Weddington Zoning Ordinance*. A conventional subdivision requires a minimum of 40,000 square foot lots with a minimum of 10% open space.

Background Information:

- A pre-sketch conference was held January 3, 2013.
- Public Involvement Meetings were held on Tuesday, November 19th on-site from 12:00pm-2:00pm and Thursday, November 21st at Town Hall from 4:30-6:30pm.
- The Zoning Administrator approved the Sketch Plan on October 30, 2013.
- The Town Council approved the Preliminary Plat on January 13, 2014.

Map 1 Information:

- Map 1 is 12 lots and 15.81 acres.

- The applicant is required 10% or 16.53 acres of open space after dedicating 4.45 acres of right-of-way to NCDOT and one acre for the future amenity area 1.58 acres of open space is included in Map 1.
- Development standards are as follows:
 - o Minimum lot size- 40,000 sq. feet
 - o Minimum lot width- 120 feet
 - o Minimum front yard setback- 50 feet
 - o Minimum rear yard setback – 40 feet
 - o Minimum side yard setback – 15 feet
 - o Minimum corner side yard setback – 25 feet
- Lot 20 is the smallest lot within Map 1 at 40,082 square feet.
- Bond estimates for both water and infrastructure have been reviewed and approved by USI.
- Declared Covenants, Conditions and Restrictions (CCR's) for Atherton are currently being reviewed by the Town Attorney.
- The applicant has septic approval from Union County for lots 20-24, and is waiting on approval for lots 25-31. (See conditions)
- DOT has approved the connection at Weddington Road. Approval for connections for Cox Rd. and Weddington-Matthews Road will be necessary for future final map approvals.
- The plan has received approval from DENR for the erosion and sedimentation control plan, and for water quality II.
- The proposed lots of Phase 1 are located in a separate drainage basin from the two ponds being evaluated by Dam Safety. Future phases will require approval from the State Dam Safety Engineer for the two pond embankments.
- USI has provided engineering approval for Phase 1 of the Atherton Estates subdivision preliminary plat. Future phases will require approval from the State Dam Safety Engineer for the two pond embankments, and approval of connections at both Cox Rd. and Weddington-Matthews Rd.
- The Lighting Plan, included in your packet, meets all requirements of the Town of Weddington Ordinance.

Recommended Conditions of Approval:

1. Performance and Maintenance Bonds to be approved by the Town Council.
2. Approval of CCR's by Town Attorney.
3. Each remaining lot to be recorded in the Atherton subdivision shall include on its Deed a statement that any roads in the subdivision that are not accepted by NCDOT are private and not the responsibility of the Town of Weddington and shall be maintained by the Atherton Homeowners Association or its Developer.
4. Vehicle control signs including but not limited to stop signs and speed limit signs shall be installed by the Developer and maintained by the Homeowners Association on any roads not accepted by NCDOT. All speed limits within the subdivision shall be no greater than 25 mph.
5. Proof of approval of the septic systems from Union County for all of the lots included in Map 1.
6. Lighting plan to be approved by the Planning Board (included in your packet).

Planning Board Action:

Recommend approval/Recommend Approval with Conditions/Recommend Denial

The Planning Board also received a copy of the Lighting Plan and the Final Record Plat - Map 1.

Town Planner Burton noted that the following is not included in the memo: The applicant is aware that USPS is requiring all subdivisions to have cluster box units. There is a statement on the plat that says they will work with NCDOT in order to install those within the right-of-way.

Town Planner Burton will add a condition to read: Make every effort to contain the drain field for Lot 31 at the back of Lot 29 as common open space. He will make it clear to the Council that the discussion took place.

Chairman Sharp informed Mr. Kerley that any entrance monument has to be approved by the Planning Board which includes signage and lighting. There is no requirement for size.

Vice Chairman Dow moved to send Map 1 of Atherton Estates to the Town Council with a favorable recommendation with the six conditions in Town Planner Burton's memo and the added condition to make the attempt to reduce the amount of septic field on Lot 29. Mr. Perryman seconded the motion, with votes recorded as follows:

AYES:	Vice-Chairman Dow, Romaine, Perryman, Giattino, Klink and Vivian
NAYS:	None

Vice Chairman Dow moved to approve the lighting plan for Atherton Estates. Mr. Klink seconded the motion, with votes recorded as follows:

AYES:	Vice-Chairman Dow, Romaine, Perryman, Giattino, Klink and Vivian
NAYS:	None

E. Review and Consideration of Proposed Text Amendments to Development Standards for MX: Mixed-Use Conditional District. The Planning Board received the following memo from Town Planner Burton:

Staff has proposed several text amendments to the MX Conditional Zoning District (see attached). MX zoning is only allowed in the area designated for future business in the Land Use Plan. These text amendments focus on connectivity between developments and shared open space, and are designed to help create a more unified and accessible district in the "Town Center".

The Planning Board also received a copy of the proposed text amendment.

After discussion Town Planner Burton and Chairman Sharp agreed to get together and discuss verbiage. The Planning Board is to send any additional comments to either Town Planner Burton or Chairman Sharp. This will be on the agenda for next month.

Item No. 6. Update from Town Planner. The Planning Board received the following update memo from Town Planner Burton:

- The Town Council approved the Conditional Zoning Rezoning for WUMC.
- The Town Council approved the following two text amendments:
 - Homeowners Association and Street Maintenance - Within Checklist
 - Notification Submitted to Facilities Director of UCPS and Chairman of the Board of Education of all Proposed Major Subdivisions - Within Checklist
- Staff has received an application for a Sketch Plan for Tuscan Ridge subdivision located off of Shagbark Lane.

- The following items may be on the August 25th Planning Board agenda for discussion:
 - o Tuscan Ridge Preliminary Plat
 - o Text Amendment proposals from Bonnie Fisher regarding streets, stormwater, and construction documents.
 - o Graham Hall Final Plat
- USPS is now requiring all new subdivisions to use Cluster Box Units for mail delivery. Staff is in the process of drafting text amendments to regulate the design of CBUs and to ensure that CBUs are included as a checklist item within the subdivision approval process.

Item No. 7. Other Business.

A. Report from the July Town Council Meeting. The Planning Board received a copy of the July Town Council Meeting agenda as information.

Item No. 8. Adjournment. Mr. Perryman moved to adjourn the July 28, 2014 Regular Planning Board Meeting. Mr. Giattino seconded the motion, with votes as follows:

AYES:	Vice-Chairman Dow, Romaine, Perryman, Giattino, Klink and Vivian
NAYS:	None

The meeting adjourned at 9:15p.m.

Dorine Sharp, Chairman

Attest:

Amy S. McCollum, Town Clerk

Minutes transcribed by Tonya Goodson