

**TOWN OF WEDDINGTON  
REGULAR PLANNING BOARD MEETING  
MONDAY, SEPTEMBER 22, 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 September 22, 2014, with Chairman Dorine Sharp presiding.

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

Absent: John Giattino and Jeff Perryman

Visitors: Tracy Stone

**Item No. 1. Open the Meeting.** Chairman Dorine Sharp opened the meeting at 7:01 p.m.

**Item No. 2. Determination of Quorum/Additions or Deletions to the Agenda.** There was a quorum. Mr. John Giattino and Mr. Jeff Perryman were absent. There were no additions or deletions to the agenda.

**Item No. 3. Approval of Minutes.**

**A. August 25, 2014 Regular Planning Board Meeting.**

Dr. Bruce Klink moved to approve the minutes as presented. Mr. Jim Vivian seconded the motion, with votes recorded as follows:

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

**Item No. 4. Old Business.**

**A. Update on Retreat Items.**

Conditional Uses:

The Planning Board finished reviewing the Conditional Uses in Residential Zoning classifications. Chairman Sharp and Town Planner Burton will make the changes recommended by the Planning Board and this item will be presented in formal form as a text amendment at the next Planning Board Meeting.

Traffic Impact Analysis

Vice Chairman Rob Dow, Town Planner Julian Burton and Councilwoman Pam Hadley met with Justin Carroll and John Underwood regarding this topic.

Vice Chairman Dow felt that there is a bigger picture to consider. He gave 3 levels of alternatives and requested that they be presented to the Town Council.

1. Limited/basic (band aid fix)
2. Modeled after Wesley Chapel. They have a trigger which requires a TIA be done so no judgment calls are made. There are procedures and a scoping area around the subdivision.
3. Modeled after Huntersville. It is very detailed and leaves no questions as to what needs to be done.

Vice Chairman Dow asked for permission to present this in a formal approach to the Town Council. He will get an estimate of cost for Justin to write this for the Town and also a timeline.

Vice Chairman Dow – We will let Justin take Huntersville’s ordinance and go through it and cross off what is not necessary and modify for the Town’s use. This will be our new TIA analysis ordinance. It will be a separate section.

Mr. Vivian motioned to authorize Vice Chairman Dow to approach the Town Council for the purposes of presenting the concept of modeling of Huntersville’s ordinance with Justin as our consultant and request the appropriate funding. Mrs. Jennifer Romaine seconded the motion, with votes recorded as follows:

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

Buffer Zones

Dr. Klink and Mr. Giattino have not had the opportunity to get together since the last meeting. This item will be extended until next month.

Downtown Area Plan

The Downtown Area Committee is going to meet Thursday at 1:30pm.

**Item No. 5. New Business.**

**A. Review and Consideration of Proposed Text Amendment – Temporary Use Permit (Section 58-13 (3) b) – Referencing Checklist/Application and Updating Checklist to include Emergency Services.** The Planning Board received a copy of the proposed text amendment.

Town Planner Burton modified the text for Temporary structures and uses in Section 58-13 as follows:

**Sec. 58-13. Temporary structures and uses.**

Temporary structures and uses, when in compliance with all applicable provisions of this chapter and all ordinances of the town, shall be approved by the zoning administrator, who shall issue a permit for such approval. The following temporary structures and uses shall be permitted:

- (1) In the event of a disaster, the result of which would require the rebuilding of a dwelling, the owner and his family may occupy a mobile home on the property. The permit shall be issued for a six-month period and may be renewed by the town council, provided construction has proceeded in a diligent manner.
- (2) Mobile homes, construction trailers and temporary buildings not for residential purposes, when used by a contractor for field offices and storage during the building of structures on the same site, are permitted. The permit shall be issued for a six-month period and may be renewed by the town council, provided the construction has proceeded in a diligent manner.
- (3) Any use of a temporary nature (i.e., less than 45 days in duration and held no more than four times per year at any particular location) which would not otherwise be permitted in a particular zoning district and which will materially affect normal activities (i.e., increased traffic, noise, etc.) may be issued a temporary use permit as

herein provided. The applicant shall complete and submit an application and a fee, in accordance with a fee schedule adopted by the town council.

- a. The zoning administrator may grant a temporary use permit for the following temporary uses: Sales for civic, charitable and nonprofit organizations, i.e., Christmas tree sales. The permit shall be valid for a specified period only, not to exceed 45 days in duration.
- b. The planning board may issue a temporary use permit for all other temporary uses including public events such as festivals, concerts, carnivals, circuses, etc., **only after the applicant has submitted a completed application, providing all information listed in the application checklist, and** ~~only~~ after a public hearing has been conducted as follows:
  1. Notices shall be sent by the town by first class mail to the applicant and to owners of all contiguous pieces of property and to all other property owners whose properties lie within 200 feet of any portion of the property in question at least ten days prior to the public hearing. The notice shall indicate the nature of the public hearing and the date, time and place at which it is to occur. The applicant shall provide the town with a list of all affected property owners.
  2. Notice shall also be posted by the town clerk in a conspicuous location at the town hall at least ten days prior to the public hearing. Said notice shall indicate the nature of the public hearing and the date, time and place at which it is to occur.
  3. A sign shall also be placed by the town in a conspicuous location on the subject properties indicating the nature of the public hearing and date, time and place at which it is to occur. Said sign shall be placed on the properties in question at least ten days prior to the public hearing.
  4. Before issuing any temporary use permit, the zoning administrator and/or planning board shall make the following determinations:
    - (i) That the proposed temporary use will not materially endanger the public health, welfare and safety;
    - (ii) That the proposed temporary use will not have 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; and
    - (iv) The proposed temporary use is held no more than four times per year at any particular location.

In addition, the planning board may authorize conditions regarding duration of the use, hours of operation, signage,

lighting, temporary structures, etc., and such conditions shall be made part of the temporary use permit issued. Violations of such conditions shall be considered a violation of this chapter.

- c. The decision of the planning board may be appealed by the applicant to the town council. The decision of the zoning administrator may be appealed by the applicant to the board of adjustment pursuant to article VIII of this chapter. A written application for town council review shall be submitted to the zoning administrator within seven days of the planning board decision.
- (4) Structures, whether temporary or permanent, located in a subdivision, and used as sales offices for the subdivision development are permitted only with a permit granted pursuant to this section. The zoning administrator shall issue such permit for a period of one year. An extension of up to one additional year may be granted by the zoning administrator, provided that the development is being actively marketed and three or more residential lots within the subdivision remain to be sold by the developer. Following this initial extension period, the permit may be extended only within the discretion of the town council and only for a period of time the town council deems appropriate, provided the subdivision is being actively marketed and three or more residential lots within the subdivision remain to be sold by the developer. After the developer sells all lots within the subdivision, or after any permit granted under this section expires, whichever occurs first, the temporary structures shall be removed, and any permanent structures temporarily used as a sales office shall be used only for a purpose otherwise permitted in that district. After a permit issued under this section expires, no other permits under this section may be issued for that same subdivision unless approved by the town council. For purposes of this section, having a sales office within a subdivision, by itself, shall not constitute "actively marketing" the subdivision.

**Temporary Use Permit Application Checklist:  
For Applicant under Section 58-13**

**Narrative Including:**

- Nature of use
- Duration of use
- Hours of operation
- Lighting
- Temporary structures
- Site plans
- Public health and safety
- Signage

**List of all adjoining property owners and all properties within 200’ of Temporary Use Location**

**Provide:**

- Projected attendance
- Proof of adequate insurance to cover the event
- Certification of review from Union County Sheriff’s Department or NC Highway Patrol regarding traffic and crowd control
- Union County mass gathering permit (required if event charges admission, is located mostly outdoors, and has greater than 200 attendees)
- Certification of review from Union County Health Department
- Department of Revenue Weekend Temporary Sales and Use ID # for retail sales
- Copy of previous TUP issued within 12 months
- Description of waste/trash disposal
- **Confirmation that emergency services will be located on-site for the duration of the event for events with over 200 attendees.**

**Submit application and fee at least 15 days prior to next Planning Board Meeting**

**Findings of Fact:**

- The proposed temporary use will not materially endanger the public health, welfare, and safety; and  
Yes  No
- The proposed temporary use will not have substantial negative effect on adjoining properties; and  
Yes  No
- The proposed temporary use is in harmony with the general purpose and intent of the ordinance and preserves its spirit; and  
Yes  No
- The proposed temporary use is held no more than four (4) times per year at any particular location  
Yes  No

In addition, the Planning Board may authorize conditions regarding duration of the use, hours of operation, signage, lighting, temporary structures, **emergency services**, etc. and such conditions shall be made part of the temporary use permit issued. Violations of such conditions shall be considered a violation of this Ordinance.

**Appeal Process**

The decision of the Planning Board or Zoning Administrator may be appealed by the applicant to the Weddington Town Council. A written application for Town Council review shall be submitted to the Zoning Administrator within seven (7) days of the Planning Board decision.

Vice Chairman Dow motioned to recommend approval to the Town Council for the Temporary Use Permit Application checklist and the changes to section 58-13. Mr. Vivian seconded the motion, with votes recorded as follows:

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

**B. Review and Consideration of Proposed Text Amendment – Drainfields (Section 46-40 (a) (1) i) – Ensuring that Only One Septic Drain Field and Repair Area can be Located on Each Lot.** The Planning Board received a copy of the proposed text amendment.

Town Planner Burton will add the word located after must be on number 5.

**Sec. 46-40. Procedure for review of minor subdivisions.**

(a) *Preliminary plat review for minor subdivisions.*

- (1) Prior to submission of a final plat, the subdivider shall submit to the subdivision administrator three copies of a preliminary plat of the proposed subdivision, containing the information shown below:
  - a. A sketch vicinity map including north arrow showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways.
  - b. The boundaries of the tracts.
  - c. The total acreage to be subdivided.
  - d. The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it.
  - e. The name, address and telephone number of the property owner.
  - f. The name of the proposed subdivision.
  - g. Streets and lots of adjacent developed or platted properties.
  - h. The zoning classification of the tract and of adjacent properties.
  - i. With subdivisions where individual septic tanks are the proposed method for wastewater treatment, the preliminary plat shall be based on the physical characteristics of the site. The applicant shall conduct at least two soil core borings for every one acre of land in the tract to be subdivided and the borings shall be an average of at least four feet in depth. Each boring shall be assigned a separate number and the report shall present the findings of each boring. The subdivider shall show the location of each boring, by number assigned, on the preliminary plat. The report shall contain a written finding stating that each lot contains, separate from an adequate building site meeting all setbacks required by the town, a septic tank drainfield, drainfield repair area, and area for well site, all meeting state regulations. **The septic tank drainfield and drainfield repair area must be located on the same lot as the principal residence for which it is designed.** The report shall contain a map of the subdivision showing the following:

1. All streets and property lines;
2. Proposed building area for each lot;
3. Septic tank and drainfield;
4. Site and repair area for each lot;
5. Proposed area for well site for each lot; and
6. A separate map drawn at the same scale as the final plat showing streets and lot lines, topography with contour intervals of no greater than ten feet (at the discretion of the subdivision administrator contour intervals of five feet may be required), and an accurate mapping of all soil classifications found on the site and general depths thereof.

**Sec. 46-43. Major subdivision preliminary plat submission and review.**

- (a) *Applicability.* These requirements shall pertain to major conventional subdivisions only. The submission procedure and content requirements for preliminary plats for conservation subdivisions is outlined in section 46-44.
- (b) *Submission procedure.*
  - (1) Following receipt of recommendations by the subdivision administrator, the subdivider shall submit a preliminary plat which shall first be submitted to the subdivision administrator. The number of lots on the preliminary plat may not exceed by five percent the number of lots on the sketch plan. Should they exceed five percent, a new sketch plan shall be filed with the subdivision administrator.
  - (2) At least 14 copies of the preliminary plat shall be submitted to the subdivision administrator. The subdivider shall also submit a fee in accordance with a fee schedule adopted by the town council. No application shall be complete or processed by the subdivision administrator unless accompanied by said fee. In addition, the town shall be reimbursed by the subdivider for all costs associated with the town's engineering and/or consulting services with respect to review of the preliminary plat prior to preliminary plat approval. One copy of the preliminary plat shall be on reproducible mylar material.
  - (3) The preliminary plat shall be of a size suitable for recording with the appropriate county register of deeds and shall be at a scale of not less than one inch equals 200 feet. The preliminary plat shall be prepared by a registered land surveyor currently licensed and registered by the state board for professional engineers and land surveyors. Maps may be placed on more than one sheet with appropriate match lines.
  - (4) Preliminary plats shall meet the specifications in section 46-46.
  - (5) With subdivisions where individual septic tanks are the proposed method for wastewater treatment, the preliminary plat shall be accompanied by a report of

site suitability for individual wells and septic tanks and soil suitability for septic tank drainfields. The report shall contain all of the information required in section 46-42(d) with respect to soil suitability for septic tank drainfields including findings of any subsequent borings made. The report shall contain a written finding stating that each lot contains, separate from an adequate building site (meeting all setbacks required by the town), a septic tank drainfield, drainfield repair area, and well site all meeting state regulations. **The septic tank drainfield and drainfield repair area must be either on the same lot as the principal residence for which it is designed, or on a lot designated as a non-buildable septic lot, or in common open space or within the conservation land. The septic lot will be noted as non-buildable until all septic drainfields and repair areas are no longer in use, such as when the homes have connected to a public sewer system.**

The report shall contain a map of the subdivision showing the following:

- a. All streets and property lines;
  - b. Proposed building area for each lot;
  - c. Septic tank drainfield;
  - d. Site and repair area for each lot; and
  - e. Proposed well site for each lot.
- (6) The report shall be prepared by a qualified soil scientist and the qualifications of the soil scientist shall be documented in the report. The report shall include the description of soils in accordance with N.C. Admin Code, title 10, chapter 10, subchapter 10A, and the U. S. Department of Agriculture Handbook Number 18, Soil Survey Manual.
- (7) The report shall include a description of soil color, using the Munsell Soil Color Charts, published by Munsell Color, Macbeth Division of Kollmorgen Corporation.
- (8) The report shall draw conclusions as to the suitability of septic systems as derived from the testing, color and type of soil for each sample of soil taken.
- (9) Approval of the proposed lots for septic tanks by the county health department shall be acceptable in lieu of the soils test requirement.
- (10) The subdivision administrator shall review the preliminary plat to ensure it is complete and will notify the subdivider if it is incomplete in any respect. If the subdivision administrator notifies the subdivider that the preliminary plat is incomplete, the subdivider must complete the preliminary plat before any further review will occur.

Vice Chairman Dow motioned to send the text changes in 46-40 and 46-43 to Town Council with a favorable recommendation. Dr. Klink seconded the motion, with votes recorded as follows:



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

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

- The Town Council acted on the following items on September 8th:
  - CZ for Threshold Church – Approved with Conditions
  - Graham Hall Final Plat – Approved with Conditions
  - Tuscan Ridge Preliminary Plat – Tabled – Asked for more information regarding stormwater impact on adjacent properties
- Staff has received preliminary plat applications for two major conservation subdivisions. They will likely be on the October Planning Board agenda:
  - Weddington Preserve (Formerly the Haven)
  - Falls at Weddington
- Staff has sent the road standards text amendments to Anthony Fox for review. They will likely be on the October Planning Board agenda.

**Item No. 7. Other Business.**

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

**Item No. 8. Adjournment.** Mr. Vivian moved to adjourn the September 22, 2014 Regular Planning Board Meeting. Mrs. Romaine seconded the motion, with votes recorded as follows:

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

The meeting adjourned at 8:17 p.m.

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Dorine Sharp, Chairman

Attest:

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Amy S. McCollum, Town Clerk

Minutes transcribed by Tonya Goodson