

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, APRIL 22, 2013 - 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 April 22, 2013, with Chairman Dorine Sharp presiding.

Present: Chairman Dorine Sharp, Vice-Chairman Rob Dow, Jeff Perryman, John Giattino, Jennifer Romaine, Janice Propst and Town Planner Jordan Cook and Town Administrator Amy McCollum

Absent: Jim Vivian

Visitors: Bill Price, Harry Swimmer and Scott Swimmer

Item No. 1. Open the Meeting. Chairman Dorine Sharp called the April 22, 2013 Regular Planning Board Meeting to order at 7:03 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. March 25, 2013 Special Town Council and Planning Board Work Session. Mr. Jeff Perryman moved to approve the March 25, 2013 Special Town Council and Planning Board Work Session minutes. Ms. Jennifer Romaine seconded the motion, with votes recorded as follows:

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

B. March 25, 2013 Regular Planning Board Meeting. Mr. John Giattino moved to approve the March 25, 2013 Regular Planning Board Meeting minutes. Vice-Chairman Rob Dow seconded the motion, with votes recorded as follows:

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

Item No. 4. Old Business. There was no Old Business.

Item No. 5. New Business.

A. Public Hearing to Consider a Temporary Use Permit for DrumSTRONG – Music Charity Event held in the pastures of Misty Meadows Farm (Parcel # 06-153-026B). Chairman Sharp opened the public hearing to consider a Temporary Use Permit for DrumSTRONG. Town Clerk Amy McCollum swore in the following individuals wishing to give testimony: Jordan Cook and Scott Swimmer. The Planning Board received a copy of the following memo from Town Planner Jordan Cook:

Mr. Scott Swimmer submits an application for a Temporary Use Permit for the 24 hour musical- charity event titled DrumSTRONG. The event is to be held at Misty Meadows Farm located at 455 Providence Road South. The property is owned by Harry and Marilyn Swimmer.

Application Information

Date of Application: February 14, 2013

Applicant's Name: Scott Swimmer-DrumSTRONG

Property Owner's Name: Misty Meadows Farm (Harry and Marilyn Swimmer)

Parcel ID#: 06-153-314, 06-153-026A and 06-153-026B

Property Location: 455 Providence Road South, Weddington, NC

Existing Zoning: R-CD

Existing Use: Single Family Home and Farm

Proposed Temporary Use: DrumSTRONG 24 Hour Musical Charity Event

Property Size: 77 Acres Total, Parcel 06-153-026B (as listed on application) is 45 acres

Event Hours: Friday, May 17th at 6:30pm through Sunday, May 19th, 2013 at 2:00pm

Additional information:

- Projected attendance is 3,500 attendees, services available for as many as 5,000.
- A copy of the Certificate of Insurance Liability has been provided to Planning staff.
- The Mass Gathering Permit application has been sent to Union County Environmental Health and will be issued by the County on the day of the event.
- Security and traffic control will be provided by Union County Sheriff's Department. Confirmed by Union County Sheriff's Office
- Fire (Providence VFD and Wesley Chapel VFD), EMS, ambulance and medical personnel will be on site for the duration of the event.
- Portable bathroom facilities will be provided on site. All sewage will be self-contained and removed by professionals. Trash receptacles and a dumpster will be on site.
- Union Power Company has provided permanent electrical service with two drops on Ennis Road. Backup generators and lighting will also be available.
- On site parking will be available for approximately 3,000 vehicles. Additional parking will be available at Meadows at Weddington, Hunter Farms and Weddington Baptist Church (approximately 2,000 additional spaces) with the property owner's written approval.
- Applicant will be allowed two temporary off-premises special event signs in accordance with *Section 58-151 of the Town of Weddington Zoning Ordinance*.
- The organizers have stated that all sound and lighting from the event will abide by all Town of Weddington Ordinances. Decibel levels and speaker placement will be monitored throughout the weekend.
- The applicant has received approval for a TUP since 2007 for the same event.

Staff has reviewed the application and submitted documents and finds the Temporary Use Permit Application to be in compliance with the *Town of Weddington's Zoning Ordinance* with the following conditions (all conditions taken from last year's TUP):

1. Receive Union County Mass Gathering Permit;
2. Receive Certification from Union County Health Department;
3. Need written permission from property owners if using off-site parking;
4. Amplification to be turned down from no later than 11:00 pm on Friday to 1:00 pm on Saturday and 11:00pm on Saturday to 1:00 pm on Sunday;
5. Saturday-Have at least two police officers present from 3:00 pm to 8:00 pm;
6. Sunday-Have at least two police officers present from 12 noon until officers no longer see a need to be there.

The Planning Board also received a copy of the following information:

- Temporary Use Permit Application
- Temporary Use Permit Application Checklist and Findings of Fact
- Project Narrative for the Event
- Aerial Image of the Property
- Site Plan

Chairman Sharp advised that the Planning Board usually includes the onsite signage with the approval so that the applicant does have to pay a fee for that.

Mr. Scott Swimmer – The gates open Friday evening at 6:30 p.m. for the convenience of vendors and people coming in and getting established. We will have entertainment Friday night. The official kickoff for the 24-hour drum circle will be Saturday to Sunday 2:00 p.m. to 2:00 p.m. We are ending earlier this year. We are not going 31 hours this time. Friday will include music and loose activity. The kids' activities will happen more on Saturday.

Vice-Chairman Dow – Will you have the same problems with the amplification for Friday as we have on Saturday and Sunday?

Mr. Swimmer – It has worked every year so we are fine with it. We have honed it every year so we have contained it. Even when we are amplifying it, people are not hearing it two miles away.

Vice-Chairman Dow - Were there any complaints from last year?

Town Planner Cook - There were no complaints.

Mr. Swimmer – We have gone a couple of years without complaints.

Mr. John Giattino – Were there any incidents last year where police needed to be engaged?

Mr. Swimmer – No, but because we are opening early on Friday, we are going to hire off duty Sheriff's Deputies for much of the expanded hours.

Chairman Sharp - We do not have anything regarding police on Friday. Is that needed?

Mr. Swimmer – The Sheriff's Department does have the request.

Mr. Swimmer will provide Town Planner Cook with the request that they submitted to the Sheriff's Office.

Chairman Sharp asked Mr. Swimmer the following Findings of Fact:

The proposed temporary use will not materially endanger the public health, welfare and safety. Mr. Swimmer: Yes it will not because everything has been put in place to ensure the safety of all participants. The whole premise of the mission and the cause is to promote health and healthy activities. Sanitation, garbage and EMS are being handled.

The proposed temporary use will not have a substantial negative effect on adjoining properties. Mr. Swimmer: Yes it will not have a negative effect on adjoining properties. We are actually keeping it all self-contained onto our property. We are not parking at Meadows this year.

The proposed temporary use is in harmony with the general purpose and intent of the ordinance and preserves its spirit. Mr. Swimmer: Yes it is in harmony with the general purpose and intent of the ordinance. It is a charity event.

The proposed temporary use is held no more than four times (4) per year at any particular location. Mr. Swimmer: Correct it is only held once a year.

Chairman Sharp closed the public hearing.

B. Consideration of Temporary Use Permit for DrumSTRONG. Mr. Perryman - This event is one of the best things that this Town does for anybody. Over the years I have seen you refine this every year making it a little bit better to getting it polished. I have nothing but positive comments to make about it.

Vice-Chairman Dow moved to grant the Temporary Use Permit for DrumSTRONG in that the proposed temporary use will not materially injure the public health, welfare, and safety in that officers will be on duty, all sanitation is taken care of and EMS will be on site. The proposed temporary use will not have a substantial negative effect on adjoining properties in that amplification has limited hours and the entire event is self-contained. The proposed temporary use is in harmony with the general purpose and intent of the ordinance and preserves its spirit in that it is a charity event and has been done for several years. The proposed temporary use is held no more than 4 times a year. It is only held once a year.

Vice-Chairman Dow included the conditions listed in Town Planner Cook's memo along with documentation sent to the Union County Sheriff's Office be given to Town Planner Cook and that onsite signage be included in the approval.

Ms. Propst seconded the motion, with votes recorded as follows:

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

C. Review and Consideration of MX Rezoning Conditional Zoning Rezoning Application for a Banquet and Reception Center located at 7112 New Town Road. The Planning Board received a copy of the following memo from Town Planner Cook:

Todd and Jessica Alexander request an MX Rezoning for a Wedding/Banquet/Reception Center located at 7112 New Town Road, Weddington, NC.

Application Information

Date of Application: February 8, 2013

Applicant Name: Todd and Jessica Alexander

Owner Name: Rick and Doris Alexander

Parcel ID#: 06-129-045

Property Location: 7112 New Town Road (corner of New Town Road and Twelve Mile Creek Road)

Existing Land Use: Residential Conservation

Existing Zoning: RCD

Proposed Zoning: MX

Existing Use: Single Family Home and Accessory Uses

Proposed Use: Wedding/Banquet/Reception Center

Parcel Size: 7.70 Acres

General Information-MX Rezoning

- The applicant proposes a Wedding/Banquet/Reception Center in accordance with *Section 58-60 (1) b. o of the Weddington Zoning Ordinance*. All proposed uses will be housed in existing buildings currently on the property.
- The required Public Involvement Meetings for this project were held on April 15th and April 18th, 2013. The meeting on April 15th was held on-site at 7112 New Town Road from 1-3pm. There were approximately 20 to 25 people that attended that meeting. The meeting on April 18th was held at Weddington Town Hall from 4:30-6:30pm. No one from the public attended that meeting.

Proposed Uses (Buildings) on Site Plan:

- A. *Building A-4,800 square foot Two Story Frame House with Tin Roof*
 - Will continue to be used residence of property owners.
 - Will contain main office and bridal dressing room.
- B. *Building B-1,154 square foot Wood Frame Arbor*
 - Will contain smaller ceremonies and cocktail hour.
- C. *Building C-800 square foot Garage*
 - Will contain storage.
- D. *Building D-1,235 square foot Frame Building by Main Parking Lot*
 - Will contain storage.
- E. *Building E-6,024 square foot Two Story Wood Barn*
 - Will be the main function building on the property.
 - Will have seating for 150 people.
 - Will contain receptions, parties, corporate functions and retreats.

Access and Parking:

- The site will be accessed by an existing fourteen foot driveway from New Town Road.
- NCDOT and the Town Traffic Engineer have not yet provided feedback on the proposed plan or the Traffic Impact Analysis. I did get feedback from our Traffic Engineer. Their only recommendation was widening the drive isles internal for the site.
- The applicant is required 97 parking spaces (1 space per employee during the shift with greatest employment plus 1 space for every 2 guests based on the maximum number of guests the facility can accommodate). The applicant has provided 97 parking spaces, therefore complying with *Section 58-175 of the Weddington Zoning Ordinance*.
- There will be two parking areas. The main parking area will contain 62 graveled spaces and the secondary parking area will contain 35 spaces. Of those 35 spaces, six will be handicap parking spaces and four will be vendor parking spaces.
- Parking spaces meet the minimum size standards set in *Section 58-175 and 58-176 of the Weddington Zoning Ordinance*.

Elevations:

- All buildings are existing. Materials on all buildings are wood siding, stone, brick, metal tin roofing, etc.
- The applicant has provided photographs of all buildings.

Screening and Landscaping:

- Screening and landscaping will be provided by using existing trees and shrubs. The applicant is required a 42 foot buffer around the perimeter of the property per *Section 58-8 of the Weddington*

Zoning Ordinance. The applicant has provided a 42 foot buffer around the perimeter of the property. The applicant has also provided internal landscaping within parking areas and islands. Holly trees and magnolia trees line New Town Road and provide sufficient screening from the road.

- The proposed landscaping plan does comply with *Section 58-8* of the *Weddington Zoning Ordinance*. All proposed plants are permitted in *Section 58-384* of the *Weddington Zoning Ordinance*.
- The MX zoning district requires 10% of the gross acreage of the project to be open space. The applicant is required 33,323 square feet of open space and has provided 316,632 square feet of open space per the site plan, therefore complying with *Section 58-60 (2) n* of the *Weddington Zoning Ordinance*.

Additional Information:

- Adjacent Property Uses are as follows:
 - North: Single family houses (Aero Plantation)
 - South: Single family houses in Unincorporated Union County
 - East: Single family houses
 - West: Single family houses
- No new lighting is proposed on-site as part of this plan.
- Freestanding Ground sign will be located left of the driveway and will comply with all Signage Ordinances.
- Water is currently provided by Union County Public Works and septic is provided by three 1,000 gallon septic tanks.
- All buildings meet the required setback requirements.
- Planning staff has received a signed and notarized affidavit from the property owners allowing the applicant to apply for the MX Rezoning.
- The Planning Board shall give a recommendation on the Land Use classification. The property is currently Residential Conservation and, if rezoned, would need to be designated business on the Land Use Map.

Conditions of Approval:

1. Traffic Impact Analysis must be approved by Town Traffic Engineer and NCDOT;
2. All signage must comply with *Chapter 58, Article 5* of the *Weddington Code of Ordinances*;
3. Any future revisions to the approved site plan and other approved documents must comply with *Section 58-271 (i)* of the *Weddington Zoning Ordinance*.

Staff has reviewed the application and submitted documents and finds that the MX Rezoning Application is in compliance with the *Town of Weddington Zoning Ordinance* aforementioned Conditions of Approval.

The Planning Board also received a copy of the following:

- Conditional Zoning Application
- Aerial Map of the Property
- Zoning Map
- Proposed Future Land Use Map
- Photographs of the Home and Property
- Site Plan

Town Planner Cook - The Planning Board shall give a recommendation on the MX Rezoning and on a

Land Use Classification. The property is currently residential conservation and if rezoned would need to be designated to business on the Land Use Map. Not long ago we had worked on a text amendment that made this process a one step process. I always compare everything to Polivka because they were a two step process. We spent a couple of months working on the Land Use Plan change and then a couple of months working on the rezoning. They have applied for a MX rezoning. This property is residential conservation on the Land Use Plan. If you approve or make a recommendation to the Town Council to change it to MX you have to make that statement of reasonableness and consistency with the Land Use Plan like we did with Polivka. Therefore prior to changing the rezoning you would need to make a recommendation to change the Land Use designation to business. It does have to occur before.

Chairman Sharp – I would like to go back up to open space. If you take 43,560 square feet per acre x 7 there is no way you will have 316,000 square feet of open space.

Town Planner Cook – I don't think the number is correct. It is way in excess of 10%.

Chairman Sharp – I am trying to see what is designated as open space.

Town Planner Cook - Everything without a structure.

Chairman Sharp – Normally when we designate open space it is delineated as open space and in the future any expansions can't move into that area. Didn't we do that with Polivka?

Town Planner Cook – They had their open space labeled. It's not like conservation land. If you have 50% open space and you get approvals in the future you can build on 40% of that open space. They have open grass area noted on here.

Chairman Sharp – I would like a better idea of what is really considered to be the open space. It may be 140,000 square feet but it is definitely not more than the size of the property.

Town Planner Cook – The total area is 333,235 square feet if you take 7.65 acres x 43,560. They are saying about 17,000 to 20,000 square feet are occupied. I knew from the plan and from being on the site they are way in excess. That is something that we can have them change on the plan that they send to Council.

Vice-Chairman Dow - Parking lots are not considered open space. It is so clearly more than 10%. Suppose they came in for expansion and they want to build another building. At some point in doing that process they would have to clearly show that they had 10% left after the expansion.

Chairman Sharp - I just want that number corrected whether it is just stated we have reviewed the plan and they have adequate open space. If you just want to state that this is how much they are required to have and you verify that they exceeded it, that would be fine. That number has to go.

Vice-Chairman Dow – You mentioned that there were three 1,000 gallon septic tanks. Are they new and have they been approved by Union County Health for this use for 150 people?

Town Planner Cook - I don't know the answer.

Vice-Chairman Dow - At some point in a change of use like that does Union County have to come in and verify for a new capacity as a standard procedure or could someone just slide through?

Town Planner Cook – That is an interesting point because this is a unique case where nothing is new so they are not required a zoning permit through us. If the Town Council approves this MX conditional zoning permit they could start the next day. I know the applicant and I have both made phone calls to the Union County Fire Marshal's Office to their commercial inspections. Yes, somebody could slide though.

Vice-Chairman Dow – When you are not building new just like we did with Town Hall here we could probably have gotten by without all of the public handicap access. All of that had to be done as it moved from a residence to commercial. Are sprinklers required?

Mr. Giattino – Are there three independent tanks servicing separate buildings or are they tied into a system?

Town Planner Cook – That is something that the applicant will have to answer.

Vice-Chairman Dow - I know we offer liquor by the drink. Are they required to get an ABC permit? Who looks into that?

Town Planner Cook - I think the people they hire coming in - the actual vendors - will do that. I talked with the Fire Marshal's Office and they advised that a fire system will be required for more than 100 people including but not limited to alarm, crash doors and sprinklers. I talked to Terry Griffin with the Union County Commercial Inspections Department and he did say this is a total change of use to a commercial building and it would have to be ADA compliant.

Chairman Sharp - You have to get a business license from the County and all of this would have to be done before anything is issued. There was one adjacent property owner at the public involvement meeting who was against the request.

Town Planner Cook - I know that Maggie Bolick mentioned to me specifically traffic on New Town Road. She also made a couple of comments about noise and safety concerns with people breaking into her house, leaving the wedding and coming onto her property.

Ms. Romaine – She was concerned with people drinking and wandering around in the woods. I do recall a concern from the lady at Aero Plantation. She is concerned about the noise level and her property value if she was going to try to sell her house and wants to show it on a weekend and there is noise going on from the banquet or wedding event.

Town Planner Cook - She has a pond on her property. She is concerned about somebody stumbling at night on her property and the liability concerns. The common questions we got at the public involvement meetings were what happens if this use doesn't make it? If it is rezoned to MX and in five years it doesn't make it – what happens then? I told them that an MX or conditional zoning permit by itself is a site specific plan. If they were to leave and somebody else was to come in they can only do exactly what the Town Council approved on that site plan. You can't add buildings. Parking or any addition would have to go back through the process.

Vice-Chairman Dow – However, the map change is not specific.

Town Planner Cook - The Land Use Map change is not specific. Whenever you are going through this two-step process, the first action you take is to make a recommendation to change it to business on the Land Use Plan Map. Once you have done that you have opened it up to B-1CD, B-2CD and M-X. You have said the Planning Board's vision for this property is business. Five minutes later you would approve an M-X rezoning for this specific use.

Vice-Chairman Dow – If this does not last, you are faced with a plot that is business.

Ms. Propst – But it is specific for what we zoned it for.

Chairman Sharp - If they want to do something besides a reception center they don't have to ask for a change in the Land Use Map. That has already been done. They would come in and ask for a new M-X use. They would not have to ask for the business portion because it is already done. We can't just turn it back to residential.

Town Planner Cook – Yes, you can. The applicant cannot request anymore. The Zoning Administrator; Planning Board and Town Council are the only ones that can initiate Land Use Plan changes.

Ms. Propst - If it didn't survive we could actually change it back to residential

Vice-Chairman Dow – But bear in mind the legal problems with doing that. We talked about helping the property owner make the best use of their land. Now you are talking about cutting their property value by 75% by taking away commercial. Suppose this all goes through, runs beautifully for five years and you get tired of running a wedding operation and you move to Palm Beach. Some other group comes in and starts running the exact same thing. It doesn't do well and they want to change their business. We say “no” and attempt to redo the Land Use Map back to conservation. You have taken a commercial piece priced five times what the residential piece is - you would have a hard time doing that.

Ms. Propst - The person who purchases from them knows what it is and comes to the Town before they buy it and knows what they are buying.

Vice-Chairman Dow – That is what this person did.

Ms. Propst – I am not talking about that person. I am talking about this person. This person is asking for a banquet facility in the Town on a historic property that they want to preserve. Not historic but an old home, they are trying to preserve the integrity of the home because they cannot sell it.

Vice-Chairman Dow – Why can they not sell it?

Ms. Propst – They tried to sell it but they were not successful. I am assuming that they want to keep the integrity of the home.

Ms. Alexander - This is the family home that Todd grew up in. He lived there from five years old to when he left home. His parents cannot keep it. We want it. Todd and I are in the wedding business and that is what we do full time. We have four children. We want to make this a family heirloom. We have no intention of getting tired of it and leaving it. It is very near and dear to his heart.

Mr. Alexander - They tried to sell it for seven years. They can't pass it down financially. If we don't do this it is gone and I will never get it back. I can't live there. I am trying to keep it in the family. Everybody in the profession that we have brought to this property, photographers, officiates, caterers has said, “Oh my gosh.” There is not one negative thing other than where are you going to park everyone and I have that solved. Everyone has said it is going to fly the day you open the doors. We did this on purpose above board, on the level and we have jumped through every hoop that we had to jump through. I don't want any issues. I helped build it. I helped design it. We were here when it was Waxhaw. I do not currently live here. My parents do. We look to move back here once this is established and get it going. Mom and Dad will live on the property. Eventually within two years we will move ourselves

down here because we are a 30 minute commute right now. We are in contact with all the powers to be – Fire, ADA, etc. There is one septic system on the large barn, one on the house and one on the garage. The garage one has never been hooked up. It is a two-car garage and has a great room above it. They were permitted through Union County. They still have the designs and approvals.

Vice-Chairman Dow – Will they have to come back in and verify and approve for a new use?

Mr. Alexander – The way I understand it is the minute this gets changed to M-X it will become a commercial property and it will change everything. We will have to have everyone come in and look at all of the facilities. The beautiful antique doors will now be crash doors mainly on the barn. We are trying to keep the house intact and small things that we do not have to sprinkler. Anything big will be in the barn.

Ms. Alexander – It is not registered with the historical society. It could be.

Ms. Propst – I am the Chairman of the Historic Preservation Commission. To me it is a historic piece of property. I have heard your story and the reason you are doing this and that you are trying to preserve the property and the only way you can preserve it is to find a way to help you to take care of the property.

Mr. Alexander – The original part of the house is 1883. The original well on the property – still the oldest working well in Union County is inside the addition built on the house in 1987 – hence the name will be the Well House of Weddington.

Mr. Giattino – If this is granted and they want to change one of the buildings do they have to come back and ask for that?

Town Planner Cook – Yes they would come back because M-X rezonings are required to go before the Design Review Board.

Vice-Chairman Dow – Union County has regulations regarding this when you are maintaining or refurbishing versus rebuilding.

Town Planner Cook – It would be tearing down and building a new one. With any type of interior they would be required to get an upfit permit from us and a building permit from Union County. As soon as we see an upfit is happening on an M-X zoned piece of property that is going to trigger something else.

Mr. Giattino – I am trying to make sure if there are changes that they will have to come back.

Chairman Sharp – I noticed that no additional lighting is planned so there is adequate lighting on the property now?

Mr. Alexander – There is tons of it. It is soft lighting. There is lighting running down the full length of the driveway near the lower parking lot and there is a street light on the corner.

Vice-Chairman Dow – Back to the ABC Permits.

Ms. Alexander – The caterer is required to hold the permits.

Vice-Chairman Dow – So you are not catering or doing any of that?

Mr. Alexander – We are not. The existing kitchens will not be available to any caterers because of health codes. They cannot even turn on a burner.

Mr. Giattino – You will be leasing the building to caterers?

Mr. Alexander – The bride and groom will lease the property for a 12-hour span. They bring in everybody else. We can help them. We have a list of people that we will recommend but the caterers, DJ will all be contracted through the client.

Vice-Chairman Dow – You just heard what we went through with DrumSTRONG and that has been seven years. We spent the first several years talking about decibels and hours of the event and that is once a year. You could potentially be doing this every weekend. What kind of noise abatement and limits on time are you considering?

Mr. Alexander – There will not be any amplification outside of the ceremony. You are typically going to have a string quartet and an acoustic guitarist or something of that nature or a DJ with one speaker doing the ceremony which at max is a two hour span. Anything loud with a DJ and dancing is all in the barn which has 12-inch thick log walls.

Town Planner Cook – We added this actual use about two years ago to our zoning ordinance. A couple of years ago this use was not even allowed. When we added this use part of the definition was that these uses shall not produce levels of noise or electronically amplified sound that is audible at levels greater than 60 decibels beyond the boundary of the property on which the facility is located. Further no noise or electronically amplified sound shall be audible beyond the property boundary between the hours of 10 p.m. and 9 a.m. That is written in our ordinance.

Vice-Chairman Dow – What type of assurance do we have?

Town Planner Cook – It is written in our code.

Vice-Chairman Dow – The lady in the back - you mean to tell me that the band in the barn is not going to play after 10 and she is not going to hear that.

Town Planner Cook – What I told her at the public involvement meeting is if you hear it you call the deputies or Town Hall and they are not in compliance with the way they were zoned and I will send them a violation letter.

Vice-Chairman Dow – You know a reception is going to go past 10:00.

Mr. Alexander – I think it is referring to outside.

Town Planner Cook – No noise or electronically amplified sound shall be audible beyond the property boundary.

Chairman Sharp – If they are doing an outside ceremony the neighbors should not be able to hear it.

Town Planner Cook – It would not be at that time.

Vice-Chairman Dow – I just do not want to open the door to get all excited about this new business and then find out it does not take much to hear from her property.

Ms. Alexander – There is a location in Huntersville that we play in a residential neighborhood. All of their stuff is done outside. They have a very tight noise ordinance and we have played there several times and we can get it to a nominal level outside without bothering the neighbors.

Town Planner Cook read the definition again.

Vice-Chairman Dow – It says no noise. I am not sure that is possible.

Ms. Romaine – I understand the band is going to be inside but on a beautiful North Carolina evening how are you going to keep the people inside and not be disruptive to the neighborhood and the area? People are going to want to be outside especially at an event like that. It is a celebration. This could be like having a house party next to your home every weekend with cars in and out, car doors slamming and people coming and going and people honking their horns when the bride and groom are leaving.

Chairman Sharp – I wanted to add one thing to the conditions. I want it clarified that signage must comply with the Weddington Code of Ordinances and be approved by the Planning Board.

Mr. Perryman – The number of 150 people, is that based on an occupancy number you were given or is that a number you are using?

Mr. Alexander – That is a number that we have laid out in the barn. We do not have an official Fire Marshal rating yet. We are working on that.

Ms. Alexander – We know without a doubt that the occupancy number will be more than 150. Our limit is going to be 150. That is your average wedding.

Town Planner Cook – When rezoning to M-X it specifically says you have to make that statement of reasonableness and consistency with the Land Use Plan. That takes the place of the Findings of Fact for an old CUP. You have to make the recommendation on the Land Use prior to making the recommendation on the rezoning.

Chairman Sharp – The first question is the reasonableness of changing the Future Land Use Map and changing this parcel to business.

Mr. Perryman – If you are in favor of this project then that necessitates being in favor of the designation of that parcel as business. I would have to answer in the affirmative.

Town Planner Cook read from the ordinance: Upon making a recommendation, the Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan, the Land Use Plan that has been adopted and with any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the Town Council that addresses the plan consistency and other matters as deemed appropriate by the Planning Board.

Chairman Sharp – We need to determine whether this is consistent with our Land Use Plan.

Vice-Chairman Dow – This may be a good idea and I may like it but I may not be able to vote on it because I do not think it belongs there.

Mr. Perryman – I understand the analysis that you are getting. It is a great idea but is it a great idea for this spot? What I am saying is when Dorine made the statement initially based on what Jordan had first

stated that if we are in favor of the project for the M-X change that necessitates that we have to give it a favorable vote on being changed on the Land Use Plan Map prior to that.

Chairman Sharp – The two are linked together. We are talking about this project on this parcel. In order for this project to be approved, the Land Use Plan Designation has to be changed.

Town Planner Cook – M-X District Rezonings shall only occur in areas designated for future business in the Land Use Plan. After the public hearing but prior to consideration of the rezoning request, the Town Council will either verify that the rezoning request is reasonable and consistent with the future Land Use Map or will consider a change to the future Land Use Map so that the rezoning would conform with the Future Land Use Map. Polivka was 2 three to four month processes. This is still two steps but it is not separated by four months. It is being handled five months apart.

Chairman Sharp – The first step is to determine if this is consistent with the Land Use Plan.

Town Planner Cook – If you look at the map that is no.

Chairman Sharp – It is not currently business on the Land Use Map. If you want to recommend that the future Land Use Map is changed then you have to give the statement of reasonableness and consistency.

Vice-Chairman Dow – The reason that we changed this was so that we could look what was going to go there and at the same time take that still two step process and consider if it is consistent with the Land Use Plan and if so, approve and send the whole thing through.

Mr. Perryman – I would be in favor of going to business because things are going to change five to 10 years from now. If this were not going to happen and they wanted to cut the trees down and start raising horses, then you may have neighbors complaining about the smell from the horses. They have had the public input. You are never going to please everybody all the time. There were minimal complaints. Granted I know we need to be cognizant and we need to ask the hard questions. If I am thinking am I going to vote against this because somebody says I may hear car doors slamming at 11:00 at night or I am going to hear the band playing when they open the door? I am thinking what would someone else be doing there that would irritate someone living nearby. If the rules are going to be if someone complains about a potential use we have to say no, I think that it is too much limitation. I think this would be consistent with our current rules in place to rezone this as a business. I think I would answer yes.

Vice-Chairman Dow – There I have a huge problem. We have a brand new Land Use Plan. You are right. We have the ability to change the Land Use Plan. Things do change. There may be some things that may be very appropriate but at the same time we have a Land Use Plan to guide us as a vision and to steer what the Town wants and how they want growth. I don't think this is consistent with our Land Use Plan.

Mr. Perryman – Why because it is geographically separate from the current business area that we have or because of the neighbor issues?

Vice-Chairman Dow – I think the use itself is not a problem. If we were talking about building it right here I would not have a problem.

Chairman Sharp – Page 20, Goal #2 states to retain a single business center within the Town that occupies the same area as the existing Town core. This is obviously not in the single business center. There was at least a 20 minute discussion by the Town Council as to whether the word “single” was going to be included in the Land Use Plan.

Mr. Perryman – What I am hearing you say is if anybody else with any other property in this Town comes back other than the three parcels right here that are already designated B-1 based on what you just said that is inconsistent with the Land Use Plan.

Vice-Chairman Dow – Unless it abuts or adjoins what we have already done.

Mr. Perryman – You are saying that the only parcels that are geographically adjacent to this existing area are ever going to meet the criteria of a future change.

Vice-Chairman Dow – Not ever, not until another plan is done or amended.

Ms. Propst – I agree with him. I think that is why the Town Council allowed the writing of the verbiage he just stated so you can make those changes with their decisions.

Vice-Chairman Dow – That is their decision.

Ms. Propst – It is our decision too. We can listen to the application and decide if that is something that we see for the future of our Town and positive for that seven acres of property.

Vice-Chairman Dow – I think it is the Town Council's right to interpret policy and it is clearly stated. I don't think it is the Planning Board's. I think it is our job to develop plans that we feel through surveys and what not that the Town has come up with and then make recommendations to the Town Council based on those criteria. If the Town Council sees fit to override that for extreme reasons, that is what their job is. I don't think that is our job.

Chairman Sharp – We do not make policy.

Mr. Giattino – I think the project is a great idea and an excellent project. I really respect the fact that you are trying to keep your family home and find a way to pay for it. I think the way you have laid it out is beautiful. We just went through a Town survey and Town input on the Land Use Plan. I read through this and it is pretty clear and the survey can back what the Town people want and it is not consistent with the plan. I have to agree with Rob on this.

Mr. Perryman – Why does the plan not say “shall.” Help me understand. What mechanism does the Town have between us the Planning Board and the Town Council? The interpretation that I am being given of this language is that we are only going to have a Town core and unless the property abuts or is adjacent to the existing Town core business property it will not be approved. They could have written that.

Mr. Giattino – When it goes to Council they can change it.

Vice-Chairman Dow – We do not have a direct democracy. Everybody does not vote on whether they want their neighbor to do something. For that reason we have elected officials that interpret and think beyond because there are circumstances that require that. I do not think it is our job. This is a guide and a vision and a way to steer.

Mr. Perryman – So you are saying we cannot give this a favorable vote because our hands are tied by the specific language in here but when it goes to Council they can decide if they want to do it. Under Goal 2, Policy 1 it says to continue to encourage the preservation of older homes and structures in the community to preserve a sense of history. Would this not be doing it?

Vice-Chairman Dow – It would. Is that the only way to do it?

Ms. Romaine – No.

Chairman Sharp – If you are in favor of changing the future Land Use Map you can use that as saying that it is may be inconsistent in terms of the single core but it is consistent based on this item.

Mr. Perryman – Unless something comes before this body and it is already an existing B-1 piece of land or adjacent to it you are saying technically by the way that it is written we cannot give it a favorable recommendation.

Vice-Chairman Dow – Forget about their use. I like the use too. I like what they are trying to do. Look at it strictly from a Land Use Map change. That is going to be a busy corner. What about the other three corners at that intersection? The people that live here now say a single place. If they change their mind we will alter this. Under this plan, right now using this plan, what would you say to the adjoining property owner that came in and had a wonderful idea?

Mr. Perryman – They would have to come before this Board and the Town Council and present it just like you said and see if it meets the reasonableness test. It is the same process for everybody, for somebody that wants to do something.

Vice-Chairman Dow – It is the same process but as far as the vision of the Town and not having scattered commercial on every corner.

Mr. Perryman – I have heard that people do not want to see a Wal-Mart, Wal-greens or a McDonalds.

Ms. Propst – Across the street is the County so they could do what they want to do.

Mr. Perryman – What you are saying is the way our rules are right now unless it abuts or is on one of the current properties here in the Town center that we cannot use any judgment or tell the Town Council that we know this is not adjacent to existing commercial but we think you should give it a favorable consideration.

Vice-Chairman Dow – I think you can say that. That is your argument.

Mr. Perryman – There is a business on the corner of Hemby and Providence that I pass twice a day going to work. I know I have been told that is an agri-business and they have a different set of rules about that. I cannot see how that can be okay and the consideration of this is being hamstrung by saying it is not adjacent to existing businesses.

Chairman Sharp – We are looking at what the Land Use Plan says. Is it consistent with the Land Use Plan?

Town Planner Cook – I want to make two points – one about the consistency statement. The statement of reasonableness and consistency is a statement that you make saying that the rezoning is reasonable and consistent with the Land Use Plan. Not that the Land Use Plan is reasonable and consistent with itself. The Land Use Plan stands on its own. It is the guide for development. You do not say we are changing the Land Use Plan because it is reasonable and consistent with the Land Use Plan. That is a visionary document.

Chairman Sharp – The change to the Land Use Map should be consistent with the verbiage that is in the plan.

Town Planner Cook – But that is not the statement of reasonableness and consistency. That is just made on the rezoning.

Mr. Perryman – It is a guide. This is what we would like to maintain.

Vice-Chairman Dow – I agree with your point of view. I believe this is where we and others got upset with the other decision. If you are going to say what was said, say it right. Don't say that this is just a guide. Say you know I agree this isn't at the single center but I think for these reasons that are peculiar to that property I think it fits. You are wrong in thinking I am only going to approve anything that is actually right here because there are several things in here that touch on commercial and there are going to be things that could be approved that are not touching. If you are going to say that you think it should be zoned commercial because you think it is a great thing and you do not think this really matters then that just destroys the three months of work that we have done on this.

Mr. Perryman – If I have given that impression then that is incorrect. What I am saying was this says to retain a single business center in the Town and this does not meet that criteria.

Vice-Chairman Dow – That is the most glaring. Strategy 9 states to require conditional zoning for all commercial development to ensure that it is compatible with community character. This probably would be from the standpoint of a house. The question of the neighbors – I don't know. Policy 11 – Ensure that land uses abutting residential development are compatible with scale and intensity and overall character of existing and planned neighborhood. Page 11 – Residents continue to show limited interest in additional commercial development in the Town. Frankly, that was from the 10 minutes that I went through this when we got it tonight. There may be others plus or minus.

Chairman Sharp – If you can show reasons that you believe it is consistent we are going to have to document that. Council has to make the decision but we have to give them input.

Ms. Propst – Page 52 is Historic Preservation and clearly they are trying to preserve a piece of property that I think is historic even if it is not designated historic.

Ms. Romaine – Is it going to be torn down otherwise? This is not the end of the road for the property if it does not get rezoned.

Ms. Propst – It is seven acres that could be developed into seven homes.

Ms. Romaine – Or a very nice residence. I don't recall a question on the survey regarding a preference for innovative commercial uses that blend in.

Mr. Perryman – Page 14, Goal 6 to ensure that the type, location and the scale of existing and future commercial development in the Town provides goods and services for the residents of Weddington and neighboring communities.

Ms. Propst – What about facilities that are already in the area that did not come to us and asked for approval, they just do this any way. Are we going to go to them and say that you cannot do this anymore? They are in violation.

Chairman Sharp – If there is a violation and Jordan is made aware of it then he can investigate it and send a violation letter.

Mr. Alexander – I understand fully the black and whiteness of the paperwork. We would not be here if you could reduplicate this property with a reasonable amount of effort and money. This property is so unique. The pictures do not do it justice. We are here in the Town of Weddington. I want it in the Town of Weddington. It could be the crown jewel. This was a 30 year project and it is not conducive to a residence.

Mrs. Alexander – Talking about the statement that this could be a nice residence for somebody, it is not conducive to modern day living. The kitchen is so antiquated. There are no bathrooms attached to a bedroom. That is why it did not sell.

Vice-Chairman Dow moved to recommend to the Town Council that the Land Use Plan Map not be changed for this property in question based on the amount of traffic, noise, surrounding neighbors, and outdoor activities close to residential neighborhoods. The Town still shows limited interest in additional commercial and this is not near any other commercial area and it is surrounded by R-CD. It is on what will become a major road and traffic will become worse. I also want to reference Page 16, Policy 11 and Page 20, Goal 2. I am a little miffed that we have to make this decision when we were just handed the new Land Use Plan tonight. Has anybody read this in total yet?

Ms. Propst – It is a guide. He has found items and I have found items that could give arguments against your arguments.

Ms. Romaine seconded the motion, with votes recorded as follows:

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

Members went through and let everyone discuss why they voted for the motion and reasons why not.

Mr. Giattino – Rob outlined my concerns.

Ms. Romaine – He talked about public safety in general and the residents around the property and the increased traffic on the street. I think he covered it.

Mr. Perryman - The traffic is going to be increasing anyway whether this property use is changed or not. I do not think that in itself is reasonable enough to vote against. Traffic is going to increase either way. Page 14, Goal 1 – Pictures that have been shown on this property meet that criteria. Goal. 5 – A wedding reception facility in a small town I don't think you get any more consistent on that. Goal 6 – The scale of the property and the buildings that are already existing, I believe reinforces that goal. Page 20, Goal 1 – I think based on the description of the use that it will enhance the Town's aesthetic quality. Policy 1 - the house was built in 1883. Policy 2 – I believe this meets that policy. This is residential but it has been repurposed as a reception and wedding facility. Policy 3, Page 13 – The last sentence under Managing Natural Resources – The people that have seen this say it is ideal for the purpose that it would be used for and is unique. Policy 9, Page 15 – I go back to the statement I made regarding turning a residential property into wedding reception facility meets that goal.

Ms. Propst – He has covered everything. There is a whole historic section in the back written by me and I mentioned in that section this specific home because it is one of the oldest homes in the community. I

would like to see that seven acres preserved and I felt like this was an obvious way to preserve that property.

Vice-Chairman Dow recommended against the rezoning of the property based on the fact that the surrounding neighbors are all residential, it will create a high volume of traffic in and out, concerns regarding noise from exterior abutting properties, public safety issue. He stated, "It does meet all of the requirements except (o). I think the use is good but it is not reasonable or consistent with the Land Use Plan or the Land Use Map."

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

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

Item No. 6. Update from Town Planner. The Planning Board received a copy of the following update memo from Town Planner Cook:

- The Town Council adopted the 2013 Land Use Plan at their April 8th meeting. The plan states that it is the Town's guide for development through December 31, 2018. The Town Council held several open houses to discuss the Land Use Plan. The public comment from these meetings along with the Land Use Plan Survey results helped guide the Council through the process. The updated Land Use Plan was approved on April 8, 2013. The new Plan can be found on the Town of Weddington website.
- Polivka International has submitted a portion of their construction documents. The Planning Board will act as the Design Review Board for the elevations and construction document review. These plans should be on the May 20th Planning Board agenda.
- The Vintage Creek Preliminary Plat will be on the May 13th Town Council agenda for Public Hearing and Consideration.
- The Town Council voted to approve the Bromley Map 6 Final Plat with several conditions at their April 8th meeting.
- I have received a CZ Permit Application for a Church located at the intersection of Providence Road and Old Mill Road. This plan should be on the May 20th Planning Board agenda.
- The Town and NCDOT have executed the right-of-way agreements for the roundabout located at NC 84 and Weddington-Matthews Road. Construction is planned for this summer.
- The Town of Weddington and City of Charlotte are beginning to work on renewing the 2004 Weddington/Charlotte Annexation Agreement.
- Union Power Cooperative will have a meeting May 7 from 4 to 7 p.m. at Weddington United Methodist Church to discuss new transmission power lines.
- The following items may be on the May 20th Planning Board agenda for discussion:
 - Beulah Church Road Major Subdivision
 - St. Mark Coptic Church Conditional Zoning Permit Application
 - Temporary Use Permit Text Amendment
 - Lake Forest Preserve, Phase III Final Plat
 - Polivka Construction Documents

Item No. 7. Other Business.

A. Report from the April Town Council Meetings. The Planning Board received copies of the agendas from the April Meetings of the Town Council as information.

Item No. 8. Adjournment. Ms. Romaine moved to adjourn the April 22, 2013 Regular Planning Board Meeting. Mr. Giattino seconded the motion, with votes recorded as follows:

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

The meeting adjourned at 9:20 p.m.

Dorine Sharp, Chairman

Attest:

Amy S. McCollum, Town Clerk