

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, MAY 20, 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 May 20, 2013, with Chairman Dorine Sharp presiding.

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

Absent: John Giattino

Visitors: Pam Hadley, Stephen Overcash, John A. Temple, Todd Alexander, Jessica Alexander and Barbara Harrison

Item No. 1. Open the Meeting. Chairman Dorine Sharp called the May 20, 2013 Regular Planning Board Meeting to order at 7:00 p.m.

Item No. 2. Determination of Quorum/Additions or Deletions to the Agenda. There was a quorum.

Town Planner Jordan Cook deleted Item 4A from the agenda.

Item No. 3. Old Business.

A. Review and Consideration - Polivka Construction Documents. The Planning Board received the following memo from Town Planner Cook:

Polivka International Company, Inc. has submitted their construction documents for the 15,000 square foot office building located at 13700 Providence Road, Weddington, NC.

General Information:

- The Polivka MX Rezoning request was approved by the Town Council on November 13, 2012 with thirteen conditions.
- The applicant now submits their construction documents in accordance with Section 58-271 (h) of the Weddington Zoning Ordinance.
- Throughout this process the Planning Board will act as the Design Review Board and review these documents in accordance with Article V-Architectural Design Standards and Section 58-271 (h) of the Weddington Zoning Ordinance.
- The conditions of approval are listed below for your reference.

Conditions of Approval:

1. Water Plans and Allocation must be approved by Union County Public Works;
2. Lighting Plan must be approved by Town Lighting Engineer;
3. All engineering must be approved by Town Engineer-Stormwater Management Plan and Calculations approved by Town Engineer;
4. NCDOT driveway permit must be approved by NCDOT;
5. Traffic Impact Analysis must be approved by Town Traffic Engineer-Town Traffic Engineer recommendations included in packet;

6. All signage must comply with Chapter 58, Article 5 of the Weddington Zoning Ordinance;
7. Prior to the commencement of any construction, the Town Council must approve Construction Documents in accordance with Section 58-271 (h) of the Weddington Zoning Ordinance;
8. Applicant must provide detention volume controls for a 25 year storm-Applicant has provided detention volume controls for a 25 year storm;
9. Any future revisions to the approved site plan and other approved documents must comply with Section 58-271 (i) of the Weddington Zoning Ordinance.
10. Save the large tree near the house if at all possible, if not possible provide Zoning Administrator written documentation of why tree cannot be saved;
11. Any future sewer connection must be made at Providence Road (Highway 16);
12. Pedestrian crosswalks to be added to two driveway entrances along Providence Road- Crosswalks have been added to site plan (sheet RZ 1);
13. Security lights in the parking lot can be on one hour after the last business closes until one hour before the first business opens.

In addition to the aforementioned conditions, the Planning Board expressed concerns about the following items:

1. Two driveway cuts along recently widened Providence Road;
2. Negative impact of left turn lane into site.

The Planning Board received the following:

- Chapter 14 – Buildings and Building Regulations and Article V. Architectural Design Standards from the Code of Ordinances
- Section 58-271 – Conditional Zoning District Amendment Procedure from the Code of Ordinances
- Sheet Index
- Site Plan
- Planting and Common Open Space Plan
- Road Improvements Plan – Left Turn Lane
- Traffic Control Plan
- First Floor Plan
- Second Floor Plan
- Attic Floor Plan
- Roof Plan
- First Floor Reflected Ceiling Plan
- Second Floor Reflected Ceiling Plan
- Exterior Elevations
- Dumpster Enclosure
- Window/Door Elevations and Millwork Profiles
- Electrical Site Plan – Lighting

Chairman Sharp – We have 60 days before we are required to send this to Town Council with a recommendation.

Chairman Sharp requested that the applicant go through the standards and discuss what they have done to meet the various sections of the ordinance.

Mr. John Temple – We have worked through a process for the last several months. Tonight we are prepared to show you our construction documents and what this building will look like. The name of the project is Perry South Weddington.

Mr. Stephen Overcash went through the outline as requested by Chairman Sharp. He stated, “This is a two-story building with a two-story porch with a walkway in front with large columns and punched windows. It is a very human scale and almost looks residential. There are houses in Weddington that are much bigger than this. It is pushed back on the hill. The building has windows, nice details with French doors and there are really no monotonous walls. The roof is low pitched so looking up the hill you will not see it that much. We created some nicely detailed dormers to break up the roof. We have doors and windows on a regular pattern on all elevations. We want as much natural light into the building as possible. The front elevation rendering is what it will look like from Providence Road. We have a major entrance in the front and the back and you can see on your drawings that we have a nice large storefront. It is recessed. Materials are predominately brick with some architectural grade fiberglass shingles. There will be some accent and trim work and hardy plank but the building is predominately brick. The owner is spending a lot of money on really crisp residential details. It really does not look like a commercial building. The brick is red terra cotta, white trim on the building and any railings will be black. We broke up the parking and it is primarily hidden in the rear. There is a little bit of visitor parking in the front. The trash containment area is in the back and will have brick screen walls to hide the solid waste containers. The mechanical and utility equipment will be screened. The only equipment you will see on the ground would be condensers. The property will be well landscaped and as we promised in the rezoning we are keeping as much as the natural buffers. We are going to maintain around three sides as much as the existing vegetation that is healthy. We are going to try to keep the mature stuff because it is so dense. We have a drawing in your packet that shows how we are throwing the light. We are not throwing the light into the buffers. Everything is thrown back to the building and there are lights in the parking lot. There will be some lights that will be left on at the walkway for safety for the employees but we wanted to make sure that the parking lots were safe and they will go off as stated in the rezoning hearing. It is a square building with classic massing. The columns are nicely proportioned. The hipped roof will minimize the impact and is in keeping with the scale of Weddington. The whole second floor on the front is a very nice veranda. We have French doors coming out of most of the offices. There were some concerns during the rezoning about water rushing down. You see a blue retention pond on the drawing. It is only blue after a 25 year flood. It is a dry pond. The only water that hits the street would be from the first drainage drain down to the street. Very little water hits Providence Road because we grab it and take it to that retention pond. The retention pond by code has to be empty between 40 and 120 hours. We have it designed for a one year flood that would be emptied out in 88 hours. That is what we wanted to protect the neighborhood.”

Vice-Chairman Dow expressed concern that driving down Providence Road that you would be able to see into the retention pond.

Mr. Overcash felt that the landscaping will help hide some of the pond. He felt that people may see in it when they are leaving the property and people on Providence Road will see the landscaping and not what is behind it.

Planning Board members went page by page through the plans with the applicant and asked questions.

Mr. Jim Vivian - You have the left turn lane that is going to go into the north entry, why again do you need the two driveways if you have the traffic funneled into the north entry?

Mr. Overcash – It is more of an aesthetics thing. I think the owner really liked the idea of coming into a tree lined entrance all the way into the building.

Mr. Vivian - You can make that from the North entrance.

Mr. Overcash – No because you are off to the side.

Vice-Chairman Dow asked if there were any type of drains for the interior floor in the dumpster area to prevent drainage seeping out of it.

Mr. Overcash – It is sloped and the reason that it does not have a drain is because we are not going to have any food service that would get messy. We are only talking about cardboard and paper.

There was discussion about whether a drain is required. Chairman Sharp asked that Town Planner Cook research to see if a drain is required.

Town Planner Cook informed the Board that they were approving everything that they were reviewing except for lighting and signage.

Chairman Sharp asked if they were going to have any porch lighting. Mr. Overcash advised that they were going to have a fixture between each column which was recessed. Chairman Sharp also inquired regarding lighting at the stairs. Mr. Overcash advised that there was recessed lighting above the landing.

Ms. Romaine - I don't see that there is lighting at the landing for the stairs.

Mr. Overcash – We need a sconce there to throw the light on that landing. Probably on those two columns we need a sconce on either side.

Mr. Perryman moved to send a favorable recommendation to the Town Council for the construction documents for the Perry South Weddington Project with the following conditions:

- Signage to be reviewed by the Planning Board
- Addition of sconces for the back landing
- Lighting to be reviewed by the Planning Board
- Town Planner Cook will research whether a drain is needed for the dumpster

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

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

Mr. Temple advised that he is excited to start this project and it is a 4 million dollar project.

Item No. 4. New Business.

A. Review and Consideration - St. Mark Coptic Orthodox Church CZ Rezoning. The item was removed from the agenda.

B. Review and Consideration - Text Amendment to Section 58-60 (1) o Banquet and Reception Centers, and Conference Centers and Text Amendment to Sections 58-52, 58-53, 58-54 and 58-58 to

add Weddington, Banquet and Reception Centers. The Planning Board received a copy of the following memo from Town Planner Cook and a copy of the proposed text amendment:

- At their May 13th Town Council meeting the Council voted to have Staff and the Planning Board remove Banquet and Reception Center from the MX zoning district and add it to most residential zoning districts.
- Councilwoman Hadley’s motion from that meeting is as follows:

“Motion to instruct our Town Planner to send a Text Amendment to MX Section 58-60(1) o Banquet and Reception Centers, and Conference Centers to the Planning Board for consideration of having Wedding Reception and Events placed under Conditional Uses in Section 58-52, 58-53, 54-54 and 58-58.

If you look at the current uses under 58-52 (2) Conditional Uses there are several that would fit the criteria of Wedding Reception and Events.....Recreation Center, Clubs, Country Clubs and Social Organizations. There is a huge difference between a Hilton Convention Center and a 100-year old house and barn to be used for smaller events.

This is not a vote for or against any pending application. However, researching it I find the zoning inconsistent and that it indicates that language should be tightened up and more specific.

I’ll refer to when Mr. Goscicki talked about his Master Plan, thinking they had prepared for all possibilities and the very first application (Vintage Creek) was an exception. I think that’s what has happened here.”

- The text included in the packet removes Banquet and reception center from the MX district and places in R-80, R-60, R-40 and RCD. In addition, the term “wedding” has been added to clarify to description of the intended use. Conference Centers will remain in the MX district and will need to be further defined.

Chairman Sharp - Jordan originally recommended that these items not be in conditional zoning but residential. However, the Planning Board felt like we did not want run into the same situation with this use as we ran into with the daycare center. We had a daycare center as a conditional use in residential and after one was built and we saw what we had we felt like daycares should not be conditional but should be M-X and we changed that. That is where we came from when this came to us in the beginning. I am trying to bring you up to date on why it is where it is. The Planning Board at that time determined that we were more comfortable with it being under M-X.

Ms. Propst - Currently we have a Swim and Racquet Club that has parties like a wedding facility would have which is under conditional use.

Vice-Chairman Dow – When was the Swim and Racquet Club built?

Chairman Sharp – It was built before Weddington incorporated.

Vice-Chairman Dow - So it was not a Weddington approved use.

Ms. Propst – But it does those types of applications. They do have anniversary parties and wedding receptions.

Vice-Chairman Dow – What is its tax status? Members only or is it a for profit business operating as a catering and banquet service.

Chairman Sharp – You pay a fee. It is membership only.

Mr. Perryman – We were planning to have our wedding reception there and we put down a deposit. We were not members there. They do receptions and you do not have to be a member there.

Ms. Propst – I had a friend that had a big 200 person event and did not belong to the club but they had an event there.

Vice-Chairman Dow - It has been said several times that the Swim and Racquet Club is a business that we approved in residential and we did not. Now every time they want to do something they have to go through the conditional use permit process from the town.

Ms. Propst - What would make a wedding and banquet facility so different than all these other things that are listed here? You could actually have a wedding in a cemetery if you wanted.

Mr. Perryman – The items in this section are not a business.

Chairman Sharp – The underlying zoning remains residential.

Mr. Perryman – It is not adding any more commercial property to the map.

Chairman Sharp – Correct, anything that we do has to be able to be applied to the entire Town uniformly. Even though there is a specific project that we know about, try to take that out of your mind for a few minutes and think about the Town as a whole. If four people in Town have five acres and they want to have wedding reception centers do we want to allow people to get a conditional use permit to have these event centers anywhere in the Town or do we want to require a rezoning process to do it? I think that is the basic question.

Town Planner Cook – M-X rezoning is how the process would work now. To have this use it would have to be changed to business on the Land Use Plan Map and then rezoned to M-X. The conditional zoning process is its own rezoning. Every conditional zoning permit is it owns little zoning district.

Ms. Propst – So we put this wedding/reception facility in our verbiage then people that live in the Town that have 30 acres may decide later on that is something that they want to do and come to apply. At least they see that as an option and it would be site specific. They still have to come to us and we give them that option.

Town Planner Cook - They are not necessarily required to do the M-X rezoning. They do not have to have a Land Use Plan change either.

Ms. Propst - It is not business it is conditional use.

Town Planner Cook – Right.

Chairman Sharp – Does the Town have more or less control or equal control under the two situations?

Town Planner Cook – I think the control is the same. The standards and the requirements are different. M-X is much more stringent because you have made it a commercial property.

Mr. Perryman – And that will convey to any future owner once it is zoned commercial.

Town Planner Cook - It can but it is still site specific because it was conditional zoning. There is almost a double layer to that. It can convey to someone else, they can move in and they can run that exact same kind of business. That would also apply to just a conditional zoning permit. The regulations are not as stringent. We have an entire section devoted to M-X. You have stormwater controls, additional parking requirements, landscaping requirements, etc.

Chairman Sharp – You would not have that with conditional zoning.

Town Planner Cook - You would not. You have parking and landscaping requirements but not as strict requirements. I think that you still have the same control.

Vice-Chairman Dow - If the property is not rezoned and it stays residential any building or any construction has to be inspected. Is it the same level and requirements?

Ms. Propst - Does it really matter? If we say they can do that and they want to be successful at their business it is up to them to make sure that they have a septic system to hold enough septic for an event.

Town Planner Cook - When I was talking to the County their terms to me was change of use and not change of zoning. Even if a single family house changes to a bed and breakfast and it is still zoned residential that change of use is what they use.

Ms. Propst - Speaking about a bed and breakfast why don't we have that as an option in this beautiful town to take one of these historic homes and use for that purpose . I think it should be an item to add to the list.

Mr. Perryman – Jordan, you said originally you had recommended that the wedding portion go in this particular section. You as the Town Planner suggested that.

Town Planner Cook – Yes in December 2010.

Vice-Chairman Dow - What was your thinking there?

Town Planner Cook - I looked at the other issues. The compatible issues in residential and then M-X.

Chairman Sharp - The other question is do those uses really belong in conditional. The same way that we moved daycare centers to business just because they are sitting here under conditional zoning do they belong there or should a country club be required to have an M-X rezoning?

Mr. Perryman – There are a lot of other things in here that cover a wide range on residential property.

Chairman Sharp - Is this list appropriate?

Vice-Chairman Dow - I would like to focus on what is in front of us and not take this whole list on at this point.

Chairman Sharp – If the list is not appropriate then we change that. Right now we need to decide that wedding reception centers should be conditional zoning in a residential district or we believe it should remain as M-X rezoning.

Vice-Chairman Dow – What is being suggested is that we break up the two different areas and take conference centers and leave those in M-X and allow wedding, banquet and reception centers anywhere over five acres. If an entity comes in and they bought 10 acres and they want to build what they are calling a wedding, banquet reception center but to you it looks more like a conference center how do you draw the line and distinguish?

Town Planner Cook – I think we can work on those definitions but I think that exists now. I am fine with working on the definition of conference center and it could be expanded.

Chairman Sharp - Do we want M-X rezoning or conditional zoning for banquet, wedding reception centers? If we want to move it to conditional then I think Jordan needs to get us some better definitions and address whatever issues we have.

Mr. Perryman – But you did say that this Board and the Town Council would still have the authority and obligation to look at and approve any application. This is not a blanket approval. It is site specific and it would still go through the same application and review and recommendation to Council.

Town Planner Cook – Correct, the only thing that would change on the application is that they are not required to rezone to M-X.

Mr. Perryman - That M-X changes that property to a commercial property which last time you said increases the value. This does not. It remains residential. It adds no more commercial on a map. It does not do anything with that regard.

Ms. Romaine – Is it not still a business being run on a residential piece of property?

Mr. Perryman - Agritourism – the business that is on the corner if you are talking about a business being run on a piece of residential property.

Ms. Romaine - I do not necessarily agree with some of these uses on here. I do not necessarily believe that they should be conditional uses on residential. That does not mean that since those are on here that a banquet and wedding facility should too. I am not seeing the correlation.

Mr. Perryman - Our own Town Planner was going to put it on there until we got into the discussion of what happened with the daycare and we don't want something like that happening again. Do we take that one experience with a daycare facility and transfer that to something else that it may or may not be applicable to?

Vice-Chairman Dow – Most of the uses on this list are either required by law and the rest of them are owned typically by the members. They are not in the business to make money and they are for the benefit of the members. If a developer comes in and puts a pool and a club house in the middle of the development, to me that is an added amenity. It is not a business. The reason that we wanted to move daycare from the list was because that was a commercial for profit business. You have mentioned agritourism several times. First of all agritourism can only occur on over 10 acres. It has to be a certified farm and when that became a little bit of a sticky issue we wrote a zoning ordinance for it. We all talk about how we want Weddington to stay rural and I have heard more against the farm. Janice's farm, my farm makes a profit. That is what farms do. The fact that one has buses come in and teaching children -

that was different so we wrote a zoning category for it and it is contained in that and it has to come in for conditional zoning. I know Councilwoman Hadley mentions in here that there is a huge difference between the Hilton Convention Center and a 100 year old house and there certainly is. These definitions don't define it or distinguish it at all. There is no limit to size. We have continually heard from a lot of people that the church is a business and the farm is a business whether it is zoned or not. We have muddied the waters between commercial, for profit and residential. This text change would carry that even further. Now we are not only going to allow it in commercial but we are not even going to limit it in size and quality. We are just going to look at safety factors and traffic.

Ms. Propst – But you are not limiting cemeteries, golf courses, playgrounds.

Vice-Chairman Dow - This bit about looking at property and saying we think it ought to be this. It is not up to us. Our criteria is to look at this text and see do we want wedding and reception centers to be able to go anywhere in Weddington

Members discussed what made different items on the list for profit or paid for by the membership.

Mr. Perryman - I cannot see a golf course or a private school not falling under a for profit business. We don't have a list here that is completely void of for profit business that are not agritourism and not under a State law dictating mandatory items that have to be in here. The point that you made about it is not for us to decide the uses or something to that effect. If I own a property should I not have the right to try to use it to come and have the opportunity to apply for it?

Vice-Chairman Dow – You would have the right to come in and ask for a rezoning.

Mr. Perryman - I see this debate coming down to the Town being more restrictive than it needs to be. It is not going to be another commercial piece of property outside of the Town core which was one of the major contentions that came up before this board. Jordan initially wanted this definition in this section. Obviously the Town Planner must have had a reason for that. Then we went to this debate about the daycare center. Maybe it is time to look at this again. Why not at least put it in a place to give any applicant or property owner the opportunity to come before this board and the Council, make the case, put it up for a vote for a specific use and allow that opportunity.

Vice-Chairman Dow - I greatly believe in property owners' rights - all property owners. What that means is that if I own that farm or a piece of property and it is zoned R-40 I should have the right to do anything in that R-40 zoning. If I want to do something else outside of that, I should have the right to come in and plead my case. I have the right to ask. Our purpose here is to make sure that right to ask does not infringe on my neighbors. We do not have the right to do anything we want with our property. We have the right for what it is designated for maybe with conditions and we have the right to ask that to be changed. We are not standing in the way. We are allowing people to come in, plead their case, show us the benefits, consider neighboring surroundings in the community and decide if we want to allow that change. That is not taking away a right that they have. That is giving them more rights.

Ms. Propst – But you did not put that as an option in this list. You have not given a wedding, reception facility as a right.

Vice-Chairman Dow – They currently have the right to come in and ask to be rezoned.

Ms. Propst - That is not going to happen because apparently our Land Use Plan if they are not in the downtown core with their property they are not going to be rezoned.

Ms. Romaine - That is not true.

Mr. Vivian - I agree with Jennifer that this list probably needs to be gleaned. The matter in hand right now is a wedding reception concept to be in residential and I don't agree with that.

Ms. Propst – So if there are currently those facilities in this Town and we don't add this to it then those facilities will have to go away.

Chairman Sharp – If there are any wedding, reception centers currently operating in the Town then they would have to show us that they have been operating before the Town incorporated or they are currently in violation and if somebody brings that to the Zoning Administrator's attention he can research it.

Vice-Chairman Dow – I agree that may need to be checked on if there is a complaint. On the other hand no one really knows and I would be really careful in insinuating that there are people doing things incorrect. I put up a tent, had a band and had a party for my daughter when she graduated from college. There were 150 people there and I did not get a permit. All of my neighbors have the same rights. They can call the sheriff about the noise and if I am in violation they can write me a ticket and shut me down. I did not collect any money to do it. I am not earning my living having parties. We need to find out if there are violations and if someone is then they are in violation.

Ms. Propst – I feel like Weddington is a rural Town with still a lot of rural areas and as Jeff said last month he has two little girls and he would love to be able to have his daughters' wedding reception someday in the Town that he lives in and if someone has a beautiful property that they want to preserve and want to have wedding receptions why do we hate weddings? I don't get it.

Chairman Sharp - No one said that.

Ms. Propst – Well I don't get why that is not an option in this list.

Chairman Sharp – It is an option under MX currently.

Ms. Propst – But our Town Planner who is educated in Town planning said what he thought.

Chairman Sharp – He told me he put it in the list because of what was currently in the list and he felt it fit in with what was currently there.

Town Planner Cook – I was going for consistency and I am going for the same thing today. It is consistency to make my every day job easier.

Mr. Perryman - If we have a list that we have here that allows all of these other things and does not require an M-X rezoning I see no reason why a wedding reception facility should not be on the same list.

Vice-Chairman Dow – It is a business.

Mr. Perryman - There are businesses on this list.

Ms. Romaine – In the definition are we allowed to stipulate the number of events that take place per year under this conditional zoning because it is in a residential area? Could we say six events per year or something along those lines because who wants to live next to a banquet center that has an event every single weekend? I don't. If it was limited that would be more attractive.

Mr. Perryman – If there are no limitations on other things on this list, I do not see putting limitations on this.

Vice-Chairman Dow moved to send an unfavorable recommendation for the text change to the Town Council based on the belief that this is not suitable in a residential area. Mr. Vivian, seconded the motion, with votes recorded as follows:

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

C. Review and Consideration - Text Amendment to Section 58-4 (Add Definition of Conference Center). The Planning Board received a copy of the following proposed text amendment:

Sec. 58-4. - Definitions.

Wedding, bBanquet and reception centers are uses and structures that are designed for groups of people to gather for social functions or events, including, but not limited to, weddings and wedding receptions and other gatherings. This definition does not apply to churches.

Conference centers are uses designed and built almost exclusively to host conferences, exhibitions, large meetings, seminars, company retreats, training sessions, etc.

The Planning Board did not give a recommendation on this item since the last item was not given a favorable recommendation.

Mr. Perryman - If this Board is that strongly moved that we should restrict and make sure that we stop doing anything that is going to impinge on somebody else's property then every single item in that list needs to be given the same critical analysis and review that this item has been given. From what I have heard tonight, I do not see hardly anything on the list that should not be M-X.

Ms. Romaine - I agree.

Vice-Chairman Dow - I agree.

Mr. Perryman - I am just wondering why it has not been done before now.

Vice-Chairman Dow – We have done it before with the day care center.

Mr. Perryman – But this list still exists.

Vice-Chairman Dow – We have not had a problem with those items.

Chairman Sharp - As Rob has said we have not had an issue with it and every time the Zoning Administrator tries to review and revise a certain section of the ordinance it causes others items to need to be changed.

Vice-Chairman Dow - The point is that we have not had anyone come in and say we want to build a new club. I am agreeing with you that if there are other things and problems on that list, we should look at them.

Mr. Perryman – I agree with you our job is to protect the rights of other property owners as well; however, many of the things I have heard said tonight to me are in conflict with what is allowed on this list.

D. Review and Consideration - Text Amendment to Section 58-13 (Temporary Structures and Uses). The Planning Board received a copy of the following proposed text amendment:

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

(3) Any use of a temporary nature (i.e., less than 45 days in duration and held no more than ~~three~~ **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:

1. 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.
2. **Any activity that might be considered relevant to the stated use that either is partially off-site (such as a 5K run sponsored by a school or recreational facility) or is greater in size than the normal use would expect in terms of the increased traffic and noise that activity will generate.**

Town Planner Cook – This was an item discussed at the retreat. There are things that we have not required a Temporary Use Permit for such as a 5K, etc. Discussion at the Town Retreat was there should be some type of administrative TUP for events such as these which are on a smaller scale and that I should be able to approve administratively. That is what this text would accommodate for.

Vice-Chairman Dow moved to send a favorable recommendation to the Town Council for Section 58-13. Ms. Propst seconded the motion, with votes recorded as follows:

AYES: Vivian, Propst, Perryman, Romaine and Vice-Chairman Dow

NAYS: None

D. Review and Consideration - Text Amendment to Section 58-3 (Enforcement and Penalties). The Planning Board received a copy of the following proposed text amendment:

Sec. 58-3. - Enforcement and penalties.

(a) Pursuant to G.S. 160A-175, 160A-365, 160A-389, and 14-4, any person violating any provision of this chapter shall be subject to a civil penalty of **the greater of** \$50.00 per day for each day that the violation exists **or ten times the permitting fee, if applicable, with a maximum fine of \$500.00.** Violations of this chapter shall not constitute a misdemeanor or infraction. Proceeds from civil penalties collected under this chapter shall go into the town's general fund.

Chairman Sharp – The question came up if it was cheaper for someone to pay the fine than get the permit then why bother to get the permit? The Town Attorney recommended that we do something about our violations and the General Statute allows for maximum of a \$500.00 fine.

Mr. Perryman moved to send a favorable recommendation to the Town Council for Section 58-3. Ms. Propst seconded the motion, with votes recorded as follows:

AYES: Vivian, Propst, Perryman, Romaine and Vice-Chairman Dow

NAYS: None

Item No. 5. Update from Town Planner. The Planning Board received a copy of the following update memo from Town Planner Cook:

- The Vintage Creek Preliminary Plat was tabled at the May 13th Town Council meeting. The Council asked the applicant to continue to pursue alternatives to the location and design of the subdivisions primary entrance from Weddington-Matthews Road.
- Staff has received an application for a 46 lot Conservation Subdivision called Highclere located on 56.819 acres along Rea Road. This parcel is owned by MFG Enterprises, Inc. Public Involvement Meeting dates are currently being scheduled.
- Orleans Homebuilders has submitted the Lake Forest Preserve Phase 3B Final Plat for 41 lots.
- The DrumStrong Temporary Use Permit Application was approved at the April 22nd Planning Board meeting. This event is scheduled to take place May 17-19 on the Misty Meadows Farm located at 455 Providence Road. Today I received four email complaints and two to three phone calls specifically regarding the music on Friday night.
- 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.
- The following items may be on the June 24th Planning Board agenda for discussion:
 - Beulah Church Road Major Subdivision
 - Highclere RCD Subdivision Sketch Plan
 - Garcia Minor Subdivision

Item No. 6. Other Business

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

Item No. 7. Adjournment. Vice-Chairman Dow moved to adjourn the May 20, 2013 Regular Planning Board Meeting. Mr. Perryman seconded the motion, with votes recorded as follows:

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

The meeting adjourned at 9:21 p.m.

Chairman Dorine Sharp

Attest:

Amy S. McCollum, Town Clerk