

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, JULY 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 July 22, 2013, with Chairman Dorine Sharp presiding.

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

Absent: John Giattino

Visitors: Councilwoman Barbara Harrison, Ken Chapman, Chase K., Lorie McDonnell, Walter Staton, Nancy Anderson, Scott Robinson, Bill Deter, Nancy Wilkins, Councilman Werner Thomisser, Dennis Taylor and Syl Plyler.

Item No. 1. Open the Meeting. Chairman Dorine Sharp called the July 22, 2013 Regular Planning Board Meeting to order at 7:01 p.m.

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

Chairman Sharp asked to remove items 5 F., G., H., and I. from the agenda. By consensus of the Planning Board, the agenda was amended.

Item No. 3. Approval of Minutes.

A. May 20, 2013 Regular Planning Board Meeting Minutes. Ms. Janice Propst moved to approve the May 20, 2013 Regular Planning Board Meeting minutes. Mr. Jeff Perryman seconded the motion, with votes recorded as follows:

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

B. June 24, 2013 Regular Planning Board Meeting Minutes. Mr. Perryman moved to approve the June 24, 2013 Regular Planning Board Meeting minutes. Ms. Propst seconded the motion, with votes recorded as follows:

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

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

Item No. 5. New Business.

A. Public Hearing – Review of the Weddington Country Festival Temporary Use Permit. Chairman Sharp opened the public hearing to review the Temporary Use Permit for the Weddington Country Festival.

Town Administrator Amy McCollum swore in the following individuals wishing to give testimony: Nancy Anderson and Councilwoman Barbara Harrison.

The Planning Board received the following memo from Town Planner Jordan Cook:

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

Application Information

Date of Application: June 28, 2013

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

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

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

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

Existing Zoning: B-2(CD)

Existing Use: Town Hall and Medical Offices

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

Event Hours: Saturday, September 21st from 10:00am to 4:00pm (artists allowed to begin setting up at 8:30am)

Additional information:

- Projected attendance is 2,500 adults and 500 children.
- A Mass Gathering Permit is not required per Christy Ford at Union County Environmental Health. Union County Health Department has stated that a Certification of Review is not needed for this event.
- Staff has been provided a Certificate of Liability Insurance from the scheduled vendors.
- Security and traffic control will be provided by three additional Union County Sheriff's Deputies (confirmed by Union County Sheriff's Office).
- Fire Department and EMT staff will be on site for the duration of the event.
- Ten portable bathroom facilities and two hand wash facilities will be provided on-site.
- God Bless the USA will be responsible for trash collection.
- Most parking will occur on the Weddington Corners Shopping Center property. Some parking will take place at Dr. Pinsak's office building. Town staff has received signatures from both property owners to allow parking and events on their properties.
- Music will be provided by a DJ and the "Hinson Girls" will perform until 2:30pm.
- There is no general admission. Alcohol is not permitted and will not be served. The only food being sold is ice cream, cotton candy and popcorn and all water will be bottled.
- All adjoining property owners and properties within 200 feet have been notified in accordance with Section 58-13 of the *Town of Weddington Zoning Ordinance*.
- Applicant will be allowed two temporary off-premise special event signs in accordance with *Section 58-151 of the Town of Weddington Zoning Ordinance*.
- The Weddington Planning Board approved a TUP for the same event in 2012.

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

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

Applicant has provided confirmation that they will comply with all aforementioned conditions of approval.

The following narrative was provided for the Temporary Use Permit request:

Weddington Country Festival Celebrating the Town of Weddington's 30th Anniversary and also featuring "Art at the Corners" is an event in its second year. We are projecting that we will attract about 2,500 adults with about 500 children. The hours of operation are from 10am to 4pm, allowing the artists to start the setup by 8:30am. We will not require any lighting. There is no general admission. We have hired Miracle Amusements who will provide the Town with the following:

- Trackless Train,
- Kiddie Ferris Wheel,
- Airbrush Face Painting,
- Balloon Artist,
- Giant Inflatable Slide,
- Moon Bounce,
- Hi Striker & Kiddie Hi Striker
- Game Trailer with 2 midway games

They are responsible for all inspections and permits required by Union County and they have provided us with proof of insurance. Additionally, we will have WhisperingHopePetting Zoo and WalkintheWoods environmental education programs; they have also provided us with proof of insurance. We will serve a BBQ lunch to all seniors free of charge and the Providence Volunteer Fire Department will sell hotdog and hamburger platters as a fundraiser. Music will be provided by a DJ and once again we have hired the "Hinson Girls" to perform for us till about 2:30pm. There will be an arts and craft tent and there will also be the following contests throughout the day:

- Baking
- Pumpkin Decorating
- Cupcake Challenge
- Scarecrow Challenge

The juried art show will be from 10am to 4pm located on the grounds in front of Town Hall. There will be fire department staff on site; along with three additional Union County Deputies who will also manage traffic control. All drinking water will be bottled. Ten Port-O-John's and two hand wash facilities will be delivered and located around the festival. Miracle Amusements will bring their own generators. We have asked GBUSA to provide five additional trash receptacles and one additional recycle receptacle for the day. No alcohol will be served or permitted during the event. There will a hospitality tent that our sponsors and Weddington Corner's businesses can use to hand out brochures and pamphlets. There will be several sponsor tents as well. The only food that Weddington will sell is ice cream, cotton candy and popcorn. We will be raffling off about 30 baskets to help raise funds for next year's events. This festival is funded through the generosity of our sponsors. The Town is celebrating our 30th anniversary and our theme is "Then to Now". We will have maps of what Weddington looked like in 1983, 1988, 1993, 1998, 2003, 2008 and 2013, along with census information, subdivisions, numbers of homes, etc. We will also have trivia from each of those years, comprised of prices of milk, bread, gallon of gas and what kind of technology was available. We will have giveaways and hopefully past mayors and councils in attendance. All the immediate neighbors will be notified. The Town Clerk will ask and obtain proof of

insurance from the Town's carrier. Union County Environmental Health has been contacted and I have submitted an application for their review. They have asked me for some additional information. The Town applied for a TUP August of 2012. We will have two signs the month before on Town property.

The Planning Board also received the following information:

- Copy of the Temporary Use Permit Application
- Site Map
- Aerial Map

Councilwoman Harrison - It is our second year. The event is from 10 to 4. It is the same kind of venue. Kids Corner is where we will have everything related to small children. We will have music and Art at the Corners. We are also celebrating our 30th Anniversary. I am doing everything at the generosity of our sponsors. A car dealership is sponsoring our senior picnic. We fed 300 senior citizens last year for free. I want to do that again. This year we are doing a raffle. I have received some very interesting raffle items. We bought the orange fencing and we are going to put it all down the access road and there will be a deputy there at all times so people do not park on the access road or Highway 84.

Vice-Chairman Rob Dow - NCDOT has assured you that the traffic circle will be complete.

Councilwoman Harrison – If it is not that may mean that we have to hire additional deputies to do more traffic control.

Ms. Nancy Anderson – We were a corporate sponsor last year and we will be planning to do that again this year. It was a great event. This is exactly what Weddington has been trying to do. I see it growing every year.

Chairman Sharp closed the public hearing.

B. Consideration of the Weddington Country Festival Temporary Use Permit. Chairman Sharp asked Councilwoman Harrison the following Findings of Fact:

The proposed temporary use will not materially endanger the public, health, welfare and safety. Ms. Harrison: Yes, it will not. Medic and Fire will be on hand. Fire Trucks and Off Duty Deputies will be on site to help guide traffic. We will have two wash stations along with port-a-johns.

The proposed temporary use will not have a substantial negative effect on adjoining properties. Ms. Harrison: Yes, it will not. We have sent notices to all of the property owners and we have not received any feedback that this should not happen. There will be no excessive noise or lighting and the event ends by 4:00 p.m.

The proposed temporary use is in harmony with the general purpose and intent of the ordinance and preserves its spirit. Ms. Harrison: Yes, it is harmony. We are trying to create community spirit and help Weddington and the citizens of Weddington.

The proposed temporary use is held no more than four times (4) per year at any particular location. Ms. Harrison: Yes, the event is held only once a year.

Vice-Chairman Dow moved to grant the Temporary Use Permit for the Weddington Country Festival to be held September 21 with the conditions as outlined in the Town Planner's memo and stated that the event will not endanger the public, health and safety of the citizens. Fire and Medic will be on site, police

will direct traffic and there are adequate wash stations being provided. All adjoining property owners have been notified and the event ends by 4:00 p.m. The event is for the benefit of the community and is held only once a year. Mr. Perryman seconded the motion, with votes recorded as follows:

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

The Planning Board took a five minute recess.

C. Review and Consideration of the Anderson Agritourism Conditional Zoning Permit. The Planning Board received the following memo from Town Planner Cook:

Nancy Anderson requests a CZ Rezoning for Agritourism located at 13624, 13432, 13428 and 13616 Providence Road, Weddington, NC.

Application Information

Date of Application: June 24, 2013

Applicant Name: Nancy Anderson

Owner Name: Nancy Anderson and Catawba Lands Conservancy

Parcel ID#: 06-150-044, 06-150-044D, 06-150-044E, 06-150-044F, 06-150-046, 06-150-047, 06-150-048 and 06-150-048A

Property Location: Providence Road

Existing Land Use: Residential Conservation and Traditional Residential

Existing Zoning: RCD and R-40 (no zoning change required)

Total Parcel Size: 57.65 Acres

General Information-Agritourism CZ Rezoning

- The applicant proposes an Agritourism Conditional Zoning Permit in accordance with *Section 58-54 (2) q* and *Section 58-58 (2) p* 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 July 18th and July 22nd, 2013. The meeting on July 18th was held on-site at 13624 Providence Road from 10:00am-12:00pm. The meeting on July 22nd was held at Weddington Town Hall from 4:30-6:30pm.
- This application is for all eight parcels outlined on the site plan. However, the applicant has been operating an agritourism business since 1991 while the actual property has been used for agritourism since the early 1980's.
- The applicant was never required to apply for an agritourism permit when "agritourism" was added to the *Weddington Zoning Ordinance* in 2004. At that time the Town Council stated that if the "grandfathered" agritourism use was expanded, the property owner (current applicant) would need to apply for a conditional zoning permit.
- The applicant does plan to expand the current agritourism activities to include an event facility, outdoor event area, pedestrian path and additional parking. Therefore, the applicant is required to apply for a Conditional Zoning permit. While doing this the applicant has also decided to include all parcels engaged in the agritourism business.

Site Plan Information:

- The primary reason for this Agritourism CZ application is for the expansion of uses on parcels 06-150-047, 06-150-048 and 06-150-048A (all along Providence Road).
- The existing two-story home on parcel 06-150-048 and existing one-story home on parcel 06-150-047 will be used as the primary event facilities.

- Gravel drives and parking lots will be added to these parcels to accommodate the proposed uses.

Screening and Landscaping:

- Screening and landscaping will be provided by using existing trees and shrubs. The applicant is required a 14 foot buffer around the perimeter of parcel 06-150-048A and a 50 foot buffer around the perimeter of parcel 06-150-044 per *Section 58-8 of the Weddington Zoning Ordinance*.
- The applicant has provided, with existing vegetation, both of these required buffers around the perimeter of the property. The applicant has also provided a note that all landscaping is to comply with Town of Weddington requirements.
- Parcels 06-150-044 and 06-150-046 are within the Catawba Lands Conservancy (CLC) conservation easement area. Staff has received a signed affidavit from the CLC allowing the applicant to apply for a CZ Rezoning on their property.

Access and Parking:

- The site will be accessed by three gravel drives from Providence Road. These driveways will be located where exiting curb cuts have been placed by NCDOT during the NC16 widening.
- The applicant has not yet provided a Traffic Impact Analysis.
- The applicant is required 145 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 190 parking spaces, therefore complying with *Section 58-175 of the Weddington Zoning Ordinance*.
- There will be several new parking areas located throughout the farm. There will be 9 parking spaces on parcel 06-150-048A, 22 parking spaces on parcel 06-150-047, 4 handicapped spaces on parcel 06-150-048 and 126 parking spaces located on parcel 06-150-044. The 126 parking spaces will be grass but are required to be marked as shown on the site plan per the *Weddington Zoning Ordinance*. There are also 29 existing gravel spaces on parcel 06-150-044.
- 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. Exterior treatments of primary event structures include wood siding, brick and architectural grade shingles.
- The applicant has provided photographs of all buildings and structures on site.

Additional Information:

- Adjacent Property Uses are as follows:
 North: Single family houses (Highgate subdivision)
 South: Approved but unbuilt 15,000 square foot office building (Polivka) and Weddington United Methodist Church
 East: Providence Road and Weddington Corners Shopping Center
 West: Single family houses (Steeple Chase subdivision)
- Lighting plan (if needed) to be included in construction documents and will comply with *Weddington Zoning Ordinance*.
- Three freestanding ground sign will be located along Providence Road and are depicted on the Site Plan.
- Water is currently provided by Union County Public Works and septic is provided by a septic tank.
- All buildings meet the required setback requirements.
- The site is not within a regulatory flood plain.

Applicant Information:

The applicant has submitted the following information:

1. Site Plan
2. Topography Map
3. The Hunter Farm binder including but not limited to the following items:
 - a. Aerial Photos
 - b. Property Surveys
 - c. Project Narratives
 - d. Parking Lot Details
 - e. Building Details, Dimensions and Photos
 - f. Scale of adjacent buildings/property

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. Lighting plan must comply with *Town Lighting Ordinance*;
4. 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*;
5. Union County Environmental Health to approve septic area as shown on Site Plan;
6. 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 CZ Rezoning Application is in compliance with the *Town of Weddington Zoning Ordinance* aforementioned Conditions of Approval.

The Planning Board also received the following information:

- Conditional Zoning Application for the Providence Road Tract
- Conditional Zoning Application for the Catawba Lands Conservancy Tract
- Conditional Zoning Application for The Hunter Farm Tract
- Zoning Map
- Conditional Zoning Site Plan
- Conditional Zoning Topographic Layout
- A binder which included the following: The Hunter Farm Business Card, Pamphlet regarding The Hunter Farm, Flyer about The Hunter Farm by the Catawba Lands Conservancy, Aerial Map, Introduction, Weddington Citizen Survey 2012 Results, Section 58-271, Boundary Surveys, Adjoining Property Owners plus owners of parcels that touch a 1,300 foot buffer around the property, Existing Easements, Proposed Principle Uses, Traffic Impact Analysis, Lot Sizes, Existing Structures, Proposed Setbacks, Buffers and Landscaping, Existing and Proposed Access to Public Streets, Phasing of the Project, Signage, Exterior Treatments of Principal Structures, Flood Hazard Boundary Maps, Topography Maps, Scale of Buildings Relative to Abutting Properties, Lighting Plan, Sound Considerations.

Town Planner Cook - We do not have a Traffic Impact Analysis. I did talk with NCDOT this morning. They have looked at the site and the proposed uses. They stated in an email I received this afternoon that there was no significant impact and they would not require any type of improvements. Typically we require a TIA on any kind of conditional zoning. I talked with the applicant about that this morning but I do not feel like this is something right now that would necessarily hold this project up because NCDOT has already stated that on a four lane divided highway like Highway 16 this event center that the applicant

is proposing would not require improvements. I think that we at least need a brief technical memo from the applicant. I think it is something that can come later since we have comments from NCDOT.

Chairman Sharp – How would you reword the first condition?

Town Planner Cook - Brief technical memo and/or Traffic Impact Analysis to be approved by Town Engineer and NCDOT.

Chairman Sharp – I did find one error on the application that needs to be corrected. It is the last of the three pages. For property location it says 06-150-044 + 44D + 44D again. That third one should be 44E.

Ms. Anderson referred to the map. She stated, “The farm is the large tract outlined in yellow on your cover page. The Providence Road Tract is the three parcels outlined in red. The parcel in blue is the CLC piece. That is owned by them. It belonged to the Town at one time and the Town deeded it over to them. The Hunter Farm is still in the family name but they have an easement which means that it is forever protected from development. There are a lot of covenants and restrictions on what can or cannot be done. They are very strict on what they do or do not allow. Their property is 2.2 acres and they have not been able to do anything with it because it is too small. Because of all the wet weather it has become a jungle with lots of invasive species. We are getting some service organizations to help get rid of the evasive species and then they will go in and mark the native plants on the trail. The trail map is a schematic and it is not necessarily what is going to go there.

Chairman Sharp – You were saying something during the Public Involvement Meeting on how the parking spaces are going to rotate.

Ms. Anderson - The parking, the trash and the port-a-johns will be provided by the farm and the nature trail will only be open during daylight hours when the farm is open. We are a seasonal business and it will be open then. We are the ones that are going to be the managers of it.

Ms. Propst – Will there be an entrance to that from the farm side and not the Providence Road side?

Ms. Anderson – Providence Road and the farm side.

Chairman Sharp – How are you going to close the entrance on Providence Road when that land is not available?

Ms. Anderson - There will be a fence. There is no driving in the trail. You either park on the Providence Road tract or the farm. Most of the people that are going to be using it are going to be walking down the sidewalk and divert over or coming from the farm to that parcel.

Ms. Propst – So you would have locking entrances from Providence Road when the farm is not open?

Ms. Anderson - No, anyone that is randomly walking down there could walk down there right now. Anyone walking down the sidewalk has access to that property but they never go there.

Ms. Propst - But I thought if you had a trail head you could actually close the trail head.

Ms. Anderson - We are thinking about putting up a split rail fence which is not a security fence but a decorative fence which goes with the décor. If we ran into trouble I guess we would have to do something differently but we are going to assume the best for now. If you go to page 36 in your book that is the schematic of the parking. It shows that there are 484 total parking spaces. That is a true statement

but only six weeks in the year are all of those available because if you look at the schematic you will see the big strawberry field and the little strawberry field and we rotate those crops. They will not both be planted at the same time and they are not going to be used for parking at the same time. One of them will be. Those will be alternating.

Vice-Chairman Dow – Of these parking areas which ones are currently used and which ones are new?

Ms. Anderson - You see where it says 38 spaces - that is current. All of the unplanted area could be used for parking but we almost never use all that. Then there will be more parking on the Providence Road tract.

Vice-Chairman Dow – So the new area is only the Providence Road tract plus these two where your strawberry fields are now?

Ms. Anderson – They are not new; we have been using them for parking.

Vice-Chairman Dow – The only additions are the three tracts on Providence Road?

Ms. Anderson – Yes, and as Jordan stated NCDOT said it is a four lane divided highway with three access points on Providence Road which are certainly adequate. It is a right in and right out. It has three protected leftover lanes to turn around so you can get access. We are not asking for anything else. There is a driveway cut on the Catawba Lands Conservancy piece but that will be for emergency vehicles only. No drive is anticipated there and it will only be pedestrian.

Vice-Chairman Dow – The proposed new driveway going from the large lot into the farm area - does that go through a creek bottom there?

Ms. Anderson - The wagon road already goes over that and it already has a culvert.

Vice-Chairman Dow – Have you received approval from DENR for doing that?

Ms. Anderson – It is already done. It has been like that for 15 years. We did not trigger the criteria for getting a DENR permit because we are not disturbing more than an acre.

Vice-Chairman Dow – For a stream crossing?

Ms. Anderson – The stream is already crossed.

Vice-Chairman Dow – I am assuming that you are going to improve that road.

Ms. Anderson – We are going to have to improve a little bit because someone offered us recycled or milled asphalt and we are going to take that up and put down regular stuff.

Town Planner Cook - I have been to the site and Nancy explained to me what was going on and I saw the existing driveway going over that area. I am comfortable with it.

Chairman Sharp – On page 30, you list the history and current operations. I am on the part that discusses future programs and activities under consideration for expansion. We have already seen the additional parcels she would like included in this conditional zoning permit. What I would like you to do now is look at the programs and activities that she would like to add to what she has already stated that she currently does.

Vice-Chairman Dow – What is the farm to fork program? Is that where you will have plots for people to use as garden plots?

Ms. Anderson – I want to go to the grow your own. I will not do the work. It will be a community gardening program. I attended an event at the Ag Center two years ago and spoke with the Administrator from SPCC. They are very interested in teaching sustainable agriculture for individual families. They would need a demonstration kitchen and I have already talked with the program head. The farm to fork is where you grow it, prepare it and serve it.

Vice-Chairman Dow – You are going to have plots that people can sign up and garden as their own. That will be where?

Ms. Anderson - These are the future programs for the farm.

Vice-Chairman Dow - You will need some type of text to tell what your new activities are.

Ms. Anderson - I have it but not sure why it did not print out.

Vice-Chairman Dow – Regarding driveway cuts along Providence Road, I was thrilled to see this back driveway coming into the house from the farm and I wondered why it would not be so much better to have all of the access internal with the one main drive to Hunter Farm and access these two buildings from that road and not have the driveway cuts along Providence Road.

Ms. Anderson – They are already there.

Vice-Chairman Dow –You would come into a main gate that is already there and used a lot. It would be more secure for you and from a Town standpoint everything would be internal.

Chairman Sharp - We need to know the uses that are proposed for these buildings before we talk about access. If the one house is for a particular purpose and you see the sign for it you are going to have to know to go past the house.

Vice-Chairman Dow – You would be going to Hunter Farms at which the Matthews Price House is a component.

Ms. Anderson — We are looking at an outside venue and the people will be sitting at the back of the house. Bringing the cars from the back you would be driving through the venue. I think that would be difficult because you would be passing up two turnarounds. That would mean that everyone would have to go up to the shopping center and go back.

Ms. Propst – What if you limited it from three to two?

Vice-Chairman Dow - Let's get to the use and then we can talk about. How many spaces are on that tract?

Ms. Anderson – 22 spaces.

Vice-Chairman Dow - All of the activities that you are proposing in that house will only have 22 cars?

Ms. Anderson – No.

Vice-Chairman Dow - So there will be people parking back here.

Ms. Anderson – It depends on the size of the event.

Ms. Anderson read the following information for the record since it was left out of the notebook provided to the Planning Board:

2). **Catawba Lands Conservancy:** This property was donated by the Town of Weddington to the CLC and carries deed restrictions that restrict the use of the property to conservation purposes, passive recreation and outdoor environmental purposes only. One of the goals of the CLC is to promote the awareness of, and appreciation for, conservation land. This unique property can also demonstrate how commercial development, agriculture, residential and institutional development can co-exist when well planned. Dave Cable, former Director of the CLC, put it this way, "I am a capitalist.....I do not see conservation and economic development as being mutually exclusive. I see them as being complementary."

This can be accomplished in part, by allowing public access to conservation lands. However, due to the size constraints of this particular parcel, that has not been possible in the past. The Hunter Farm and the CLC have agreed in concept to a partnership whereby the farm and the CLC share facilities. Specifically, parking, bathroom facilities, grounds maintenance, storage area, garbage pickup and supervision of the property during hours of operation.

The proposed principal use will be a nature trail that will highlight native species and maintain a natural habitat for wildlife.

Current operations: None. The property has become overgrown with invasive species and still has rubbish and debris present from the previous owners. The well has been permanently capped for safety reasons. There is an existing driveway cut per NCDOT protocol.

Proposed additions to facility and programs: The trail will be open during normal daylight business hours of the farm. Parking facilities will be located on the farm and Providence Road tract, thereby minimizing disruption of the ecosystem. The trail will be accessible from the parking areas and from the sidewalk on Providence Road. Split rail fencing is being considered along portions of the Providence Road boundary. The driveway cut will be for emergency vehicles only.

No structures are planned for the property with the possible exception of a small footbridge, 2-3 benches, recycle bins and steps leading to the parking areas.

The exact location and design of the trail has not yet been determined, as this will be impacted by the plant life and wildlife trails. However the trail will be ADA compliant. Hours of operation will coincide with our daylight hours of operation of the farm.

The project will likely be completed by service groups such as scouting organizations and environmental clubs as well as CLC volunteers. It is anticipated that all the work will be completed prior to opening the trail.

Small identification signs, not visible from the road, will be used to identify plant species. All other directional and informational signage will be in compliance with the town ordinances. The entrance sign will be lit in accordance with the town ordinance. No additional lighting is anticipated.

3) Providence Road Tract

Proposed principal uses: Simply put, this historic house, known as the Matthews-Price House and the adjacent single family dwelling, will provide all-weather facilities for our ongoing programs. It will also function as an event center for community activities as well as private functions.

Examples: Unique wedding venue, enhanced corporate meeting space, special occasion Sunday brunch such as Mother's Day, Easter. Youth leaders could host a Friday night coffee bar and outdoor movies for local teens. Wine tasting events hosted by local eateries, exhibition space for the Weddington Garden Club and future Art Guild.

SPCC has expressed interest in developing a sustainable agricultural program. The NC Cooperative extension agency is looking for space on this side of the county to offer their home demonstration and master gardening programs. Sally McNeil, Home Demonstration Agent, is consulting on the project to design a demonstration kitchen.

Current facilities: Two structures are on the property. The historic house, located on parcel 01650048A, is being renovated and is unoccupied at this time. Renovations are being coordinated with the UC Building Inspections Department and the Historical Commission. The single story home is a single family dwelling and is occupied. There are two remaining wells on the property, neither of which are currently in use. There is access to county water. There is no access to county sewer and septic systems will be designed in accordance with UC Environmental Health Regulations.

Planned improvements: Landscaping will include decks and patios, water feature, outdoor cooking space, covered picnic areas and outdoor storage building. Front and rear porches will be added to the single story dwelling.

Traffic pattern: Existing driveway cuts are adequate. The recent improvements to Providence Road provide safe turning movements and capacity. In order to preserve the overall aesthetic appeal and to minimize the environmental impact, the concept of "parking in the trees" will be used. This technique requires minimal grading, which preserves root structure of existing trees, and uses pervious open pavers and other surfaces to optimize the natural absorption of water. Twenty-two parking spaces are planned on the Providence Road tract, including ADA parking for both the nature trail and the event centers. Internal drives and pedestrian walkways will connect the parking facilities on the main farm. Valet parking will be an option for larger events.

Signage and Lighting : Signage and Lighting will be in compliance with the town ordinances.

There are no marginal lands, or areas within the regulatory floodplain as shown on the official Flood Hazard Boundary maps of Union County.

Vice-Chairman Dow – What kind of signage?

Ms. Anderson – The CLC would like to have a sign with their logo on it saying this land protected by the CLC on Providence Road on their property.

Vice-Chairman Dow – Are those still three tracts or did you not have to put them together for the house?

Ms. Anderson – No, the house has the 15 foot setback as required from the property line. Originally there was another dwelling on the other one and that was removed and another one was removed and that is where the house was placed. I put it on its own lot.

Chairman Sharp – What events do you expect to hold that you are not currently holding?

Ms. Anderson – We already do weddings at the farm. We have corporate events at the farm. This is an all-weather facility. It will be a little more elaborate.

Chairman Sharp – You are extending what you currently do into an additional venue.

Ms. Anderson – Exactly.

Ms. Propst – It will be in both buildings.

Ms. Anderson – The smaller house, the Winchester House, is going to be some type of support. My daughter recently got married and it is shocking how much room it takes to get the bride ready and all her company. The women would be upstairs and the guys would be in the Winchester House. Possibly a dressing facility or storage.

Ms. Propst – You would cover the septic for large events.

Ms. Anderson – I have already put the application in with them. When Highgate was built I was granted a sewer easement over there but I can't use it because the manhole needed to be a foot deeper. I do not have enough slope but they will not allow me to pump it from the house to the corner of my property then let it slope down. If you look at your map, you will see the trees right there; it will go through there to that 2 acre pasture.

Ms. Jennifer Romaine – The only concern that I have is the curb cuts and I would love to see mature screening from Providence Road along these tracts - obviously not in front of the nature trail but the ones that are going to have the parking lots in front of the houses. I would love to see that screened off a little bit. I would love to see some mature screening because it is all driveway and parking lots in the front. All of the facilities are in the back

Ms. Propst - But you do not want to hide that historic home; you just want to screen the parking.

Ms. Romaine – That is a good point. Other than that home itself those two parcels that flank that home where the parking will be I would like to see screening along those two parcels.

Chairman Sharp – Is there any landscaping requirements along Providence Road that is not currently there?

Town Planner Cook – There is really not. We not do require anything along thoroughfares for a CZ rezoning.

Chairman Sharp – We can set that as a condition to add additional buffering along Providence Road.

Town Planner Cook - Yes you can.

Chairman Sharp – What is going to look different from Providence Road?

Ms. Anderson – We have already done some plantings. There are three mature maples there and plus the pine trees and the mature oak that will stay. If the Board would allow us we would like to take some of those parking spaces out of there.

Town Planner Cook - Typically we want parking on site but in a case like this we discuss shared parking which there is the 128 spaces off site.

Vice-Chairman Dow – Is it off site or is it owned by the same property owner?

Town Planner Cook – It is part of the same conditional zoning permit application.

Chairman Sharp – What if the six or seven spaces closest to the roadway were eliminated?

Ms. Anderson – There are some plantings already there, native southern azaleas and dogwoods. A lot of the southern part that is completely hidden.

Ms. Romaine – Do we have a plan on what the front of this is going to look at the end when you are driving by?

Ms. Anderson - There is a picture in your book.

Mr. Perryman - Across the street from this property is the Weddington Activity Center. Did they not cut down or do maintenance on the stuff that had grown up?

Vice-Chairman Dow – No that was done through the Providence Road widening.

Mr. Perryman – If we are talking aesthetics and not seeing parking lots when we are driving south on Providence Road., those parking lots were already there. I do not think we are requiring them to go back and put screening. I would hate to see an applicant have to do something that we are not requiring any one else to do.

Vice-Chairman Dow – That was not caused by the applicant, that was caused by NCDOT and they do have a berm there. This is something that an applicant is proposing to do which is different.

Mr. Perryman – Does NCDOT require it or do we have a requirement in the code that requires additional screening for parking?

Chairman Sharp – No, Jordan just said that we did require screening and buffering for subdivisions along the road but it is not specifically in the ordinance for CZ rezoning but if we as a Board wanted to recommend additional screening we could impose that as a condition to recommend for the Council. It is not required by the ordinance.

Mr. Jim Vivian - If you take this that is going to be new and spin it and run it this way then it is totally blocked from Providence Road.

Ms. Anderson – Then you would be cutting all the trees down. That is where the people are. We could drop some of the parking spaces. We want to keep some there because that is where the trail head is and the ADA parking access is. I have way more parking than is required.

Chairman Sharp - It looks like the six spaces closest to Providence Road between the handicapped parking and Providence Road if that was eliminated then the natural vegetation there would not have to be cleared. Would that solve your concern?

Ms. Anderson – Two of those trees there are already dead and they are going to have to be taken down.

Town Planner Cook was fine with removing those six spaces without having to put them somewhere else.

Vice-Chairman Dow - We are looking at everything you did in 1991 which is grandfathered. We do not have to worry about that or discuss. Everything new plus the facilities you are adding is what we are discussing tonight.

Ms. Anderson - Jordan asked me to put in all the existing buildings. All of those are not accessible to the public.

Vice-Chairman Dow – Having been here when we went through this process in 1991 for instance weddings and banquets were not included in the original 1991 agritourism. That is not agritourism.

Ms. Anderson – I did not get a permit.

Vice-Chairman Dow – I know but you were allowed to continue what you were doing at that point. You brought this brochure in 1991 that said this is what we are doing. We need to know where we started to know how it is changing.

Chairman Sharp – When did you start doing weddings on the farm?

Vice-Chairman Dow – My point was when you were grandfathered in you were grandfathered on what you were doing at the time. I think I have the original brochure and we accepted that as your operations that you wanted to do and those were grandfathered. Everything above and beyond that you have to come in and come through agritourism. I am questioning whether weddings, receptions and conventions are agritourism. I understand the 4H meetings, farm to fork is fine but I am not sure we have not gone past what we considered agritourism. My big concern is one of the reasons all of that was fine was because it was back inside the farm. Now we are talking about moving out to Providence Road and not only moving onto Providence Road but having three more cuts. Is it going to get like South of the Border? I would prefer fewer driveways cuts and to keep it internal. I think we need to know where we started to know what we are adding.

Ms. Anderson – That is what the permit application is for.

Vice-Chairman Dow – Weddings and receptions are new to what you were doing. It was hay rides, pick your own, schools, petting and learning about the animals.

Ms. Anderson - If you look in there it has always been birthday parties and family reunions or any kind of gathering you want to have as long as you can have it outside under a picnic shelter.

Chairman Sharp – Now you are extending it so it can be indoors as well.

Ms. Anderson - It is hard for people to plan a major event and you can't have a rain date on your wedding.

Vice-Chairman Dow – So weddings are agritourism?

Chairman Sharp – There are a lot of farms that allow weddings.

Vice-Chairman Dow – It is a new use is what I am suggesting.

Chairman Sharp – She is including weddings and facilities for wedding receptions will be a new use.

Vice-Chairman Dow - Since we have not changed the text would that not be under commercial and require a rezoning?

Ms. Anderson – The Zoning Administrator/Town Planner and I had an 18-month discussion about this. This is the direction that he gave me. This is the process that I am going through.

Town Planner Cook - Nancy and I have talked about this for 18 months to 2 years. I have also kept our Attorney informed on this. He and I have both discussed this and determined from there that wedding and event centers can be added to the agritourism definition. There are about five to six uses in our ordinance that have a special circumstance that talk about extra things you need to do for a conditional zoning permit. Agritourism is one of those where it says you must list every single thing that you do under this agritourism permit. Wedding banquets and event facilities can be a part of that. Our Attorney said he felt that it would be best that she fit all of this under the agritourism rezoning. To Rob's point, Anthony has also told me that under this conditional zoning rezoning you're approving everything, you are also approving what she is grandfathered in at. If the Town Council approves all of this, there is no more grandfathering she has a conditional zoning permit for everything she is doing. If the Town Council denies it, all they are denying is the newly proposed things that the applicant is proposing. She can continue to do the grandfathered things but she cannot do the new stuff or can do certain new things that the Town Council approves. There have been lengthy discussions between myself, the applicant and the Town Attorney.

Chairman Sharp – So Attorney Fox felt comfortable that weddings and corporate receptions could be considered part of agritourism?

Town Planner Cook – Yes, because of the property that it is on.

Chairman Sharp – Because it is part of a farm.

Town Planner Cook - And because it is currently grandfathered for agritourism and that is an extension of agritourism.

Vice-Chairman Dow – When you say because it is currently grandfathered for agritourism but that referred to the specific things done at that time. Anything additional would put them through the whole new process.

Town Planner Cook - That is correct. Whatever it was in 2004 when agritourism was added to the zoning ordinance I think the applicant gave the Council that brochure that you were referring to and said this is what we are doing now and anything beyond and above that they would have to apply for this conditional zoning process.

Vice-Chairman Dow – Agritourism means an agricultural, horticultural or agribusiness operation primarily devoted to the promotion and tourism of said operation for the purpose of enjoyment, education and active involvement in the activities of the farm or operation provided that use produces revenues or attracts tourism.

Chairman Sharp – The Town Attorney has said this is consistent with that definition?

Town Planner Cook – That is correct.

Ms. Propst – Is there is a list from the State that says what agritourism is and all the things you can do in agritourism?

Town Planner Cook – I think the State defines it but I don't think this is an exhaustive list.

Chairman Sharp – I think a lot of that is evolving because they have been expanding things.

Ms. Propst – I just thought weddings would be in that list from the State and that would help with the process. My only concern was the driveway because it seems like everyone wants to have less driveways on busy roads.

Ms. Anderson - That would be easy to do if we take out six parking spaces in front of the Winchester House and that would be easy to take that driveway out.

Ms. Propst – I was thinking two instead of three which would be less in and outs.

Chairman Sharp – We will recommend that the six parking spaces closest to Providence Road be removed and that driveway in the middle of Parcel 47 would no longer be necessary.

Ms. Anderson – That driveway is still currently being used because the house is being occupied by tenants but if this gets approved then we could do that.

Ms. Propst – I appreciate you preserving the historical home.

Mr. Perryman - From everything I read last night I certainly think it is a great project. I am happy to see it and I think it is going to enhance an already outstanding facility that this Town enjoys. One of the things that I may disagree with the other members on is requiring extra screening at the road. I think it is going to be an enhancement and a fun place to take the kids.

It was advised that there will be no overnight facilities associated with this use.

Mr. Perryman moved to send a favorable recommendation to the Town Council for the Anderson Agritourism Conditional Zoning Application with the following conditions:

- Removal of southernmost driveway on Parcel 47
- Elimination of the six parking spaces closest to Providence Road
- Include the uses as read into the minutes by Ms. Anderson
- Conditions as stated in Town Planner Cook's memo with a change to condition 1 as follows:
Brief technical memo and/or Traffic Impact Analysis to be approved by Town Engineer and NCDOT

Vice-Chairman Dow - Did we discuss lighting or hours of operation?

Ms. Anderson - We only said that the lighting would be compliant with the Town's ordinance.

Vice-Chairman Dow - What about hours?

Chairman Sharp – It has to conform with the ordinance and anything that is constructed has to come to us through the construction documents. We did not discuss hours of operation.

Ms. Propst – We have a noise ordinance that they would have to follow.

Chairman Sharp – Does the Lighting Ordinance specify hours that the lighting needs to be turned out?

Town Planner Cook – It does not. We do not necessarily have a noise ordinance. We have a specific noise ordinance for wedding and banquet facilities. This does not fall under that. Our noise ordinance just deals with a nuisance.

Chairman Sharp - We use Union County deputies and it was recommended to us that we adopt the County's Noise Ordinance so there would be no confusion about the rules.

Ms. Propst - Is that 11 at night?

Chairman Sharp – 10:00 I think. There is a condition that the lighting plan must comply with the Town's ordinance. Do you want to put any restriction on hours of operation?

Ms. Propst – Can we say to follow the Union County ordinance on noise?

Chairman Sharp – She has to anyway because we adopted the County's ordinance.

Ms. Propst seconded Mr. Perryman's motion, with votes recorded as follows:

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

D. Review and Consideration of the Atherton Estates Subdivision Modification Request. The Planning Board received the following memo from Town Planner Cook:

Atherton Estates Subdivision is a 29.30 acres assemblage of tracts located on Weddington Road. Shea Homes is requesting preliminary plat approval for 23 single family lots. The property is zoned R-CD and is being developed as a conventional subdivision.

Shea Homes is requesting modification from *Section 46-76 (g) of the Weddington Subdivision Ordinance* as it relates to length of cul-de-sacs for Atherton Estates Drive. Atherton Estate Drive is currently proposed to be 1,299 feet in length. *Section 46-76 (g) of the Weddington Subdivision Ordinance* as it relates to length of cul-de-sacs states the following:

“Permanent dead-end streets shall not exceed 600 feet in length in conventional subdivisions unless necessitated by topography or property accessibility and if the town council grants a modification per section 46-15.”

No modification shall be granted unless the Town Council finds:

a) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.

- b) That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- c) That the circumstances giving rise to the need for the modification are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this ordinance.
- d) That the granting of the modification will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which said property is situated.
- e) That the modification will not vary the provisions of the Town of Weddington Zoning Ordinance (Chapter 58) applicable to the property.

A copy of the Application for Modification from the Subdivision Ordinance and *Section 46-15* (Modifications) of the *Weddington Subdivision Ordinance* is attached.

The Planning Board received the following answers to the Findings of Fact:

14(a) The site plan is an assemblage of two separate parcels, 06-150-066 and 06-150-087 where parcel 06-150-087 has an average of 450' of distance b/w parcel 06-150-066 and Weddington Road thereby only allowing ~150' of roadway allowed per the ordinance on parcel 06-150-087 since 450' of the 600' allowable would be located on parcel 06-150-066. This would limit its property owners rightful and reasonable enjoyment of over half of its property.

14(b) This request is necessary to allow for both parcels to reasonably provide road access from the rear of both parcels onto Weddington Road by allowing the attached site plan's proposed roadway.

14(c) The circumstances are peculiar given the distance from Weddington Road by parcel 06-150-087 occupied by the distance of parcel 06-150-066.

14(d) the granting of this modification will not be detrimental to public health. It will improve both parcels by allowing public water to be installed to access most of the acreage and further assist in the prevention and or distinguish of fire more efficiently, allow for more direct public safety and police access to a majority of the property.

14(e) This modification will not vary the subdivision ordinance further than the proposed specifics within the modification.

Mr. Ken Chapman – This is a piece of property that I looked at a couple of years ago. I had been walking the property and fell in love with it and thought it would be fun to build my own house here. When we started looking at it to do our own house we were initially working with the 17-acre Matthews piece that was landlocked and did not have any access to any roads. We went to the neighboring property owner to get access through their property to build back. They did not just want to give access they wanted to sell their property. We put the Lutheran Church property under contract which was the 12 acres in front of the 17 acres and it got too big for me to handle so I brought Shea Homes in to help me. We looked at this being either a conservation subdivision or a conventional subdivision. In the conservation district with the topography and the short cul-de-sac of 600 feet, it really did not get you back into the Matthews property. It only got you back 100 feet to their property and we were putting in the houses with septic fields and we ended up taking out the trees in the front of the property and we did not feel that is what we wanted to do in the development and what the Town wanted us to do. There are beautiful hardwoods in this development. We thought the one acre lots was the better way to go so we could situate the houses within the lots and save more trees that way. By doing that and with the shape of the property being narrow and long necessitated this longer cul-de-sac and we did not have a lot of road frontage to do circle roads with the larger lots. We submitted initially without the access easement in the back and it was suggested by Jordan a couple of weeks ago that it would probably be in the best interest for emergency

access and connectivity so that once the property in the back is developed that this road could be continued on through. It is my understanding that the property in the back is out for bid for residential development.

Chairman Sharp – If there is going to be connectivity we need to make sure that the funding is in place as we did for Vintage Creek. The choices are to allow the cul-de-sac without connectivity, to allow the cul-de-sac with connectivity or just to say that we do not want the road that long and we want you to reconfigure the whole thing.

Chairman Sharp read the following from the ordinance: Where it is deemed desirable by the Town Council proposed streets shall be extended by dedication to the boundary of such property and a temporary turn around provided. She stated, “This is a modification request that will go to the Town Council and it will be their decision. What they need from us is a recommendation.”

Ms. Propst - I hear what he is saying that he does not have any other way to develop it other than a long street and we do want connectivity and that is 158 acres behind it. Whoever does develop that in the future I would say that would help those people to get out to Highway 84 if there was an emergency.

Chairman Sharp – If you were someone that owned a house on that street and 158 homes went to the north of you, would you want 75 of those 150 people cutting through your neighborhood to get to 84?

Ms. Propst – I hear what you are saying. I would hope that when that 158 acres is developed as a Planning Board we work with them so that they make their roads so this would not be a major cut through and that road would just be an asset or way out but not a thoroughfare.

Chairman Sharp – The conservation portion of the Highgate Subdivision, we debated on requiring the connectivity to the road that Longview is on. The concern was that the people from Longview would use Kings Manor Drive to get to the traffic light at Hemby Road and Kings Manor Drive would become a thoroughfare.

Vice-Chairman Dow – You have to look at it as far as growth and what may happen. You do not want to isolate anyone. I think it is predominately a safety issue.

Mr. Perryman – Is this the only drawing of the lots and the cul-de-sac that you have looked at or has there been some other possibilities that have been floated?

Mr. Chapman – We have looked at several different drawings. I have been working on drawings on this since January. We actually looked at the one piece of property that goes out to the left with the pond behind it and we thought about turning the road and going out that way and it made a nice transition. She does not want to move and she is happy where she is at. We got Walter Staton on the other side and he does not plan on moving any time soon and we can’t go that direction. We are really limited to one option in the back. I am going to live here. I like the cul-de-sac however we also want to be good citizens. There are important reasons to do the easement then we want to do that to meet what the Town needs. There are several issues with the property. That whole back piece slopes off pretty steeply. That is why we left that area as open space because it is just a steep slope.

Mr. Chase Gurley – I am with Shea Homes. People will know up front that there is a plan for future connectivity and we will expose our buyers to that.

Mr. Perryman – I think people will use it as a cut through. It should be a residential type of street.

Town Planner Cook - The first time I got this plan it showed a cul-de-sac of 1,299 feet and I did consider the possible negative impact of those 21 people facing that cul-de-sac but I asked for that connection to be made for two reasons – one to alleviate and get rid of that 1,299 foot cul-de-sac and two because it was mentioned in our ordinance. If there is a stub street, I would make that adjacent development tie into that.

Chairman Sharp – We would need some type of mechanism in place to pave and finish the connection in the future.

Mr. Gurley – Shea Homes is going to be in front of you guys with the Delaney Property. We hope to have a set of plans before you really soon for that property.

Ms. Propst – You could create that subdivision to make it not conducive for someone to cut through.

Mr. Gurley – If you look at the Delaney tract as a whole, the property that fronts Cox Road is really not going to have vehicular access through the properties that front Matthews-Weddington Road into this parcel. About one-third of the property would only have connectivity through Cox Road.

Mr. Chapman - People take the path of least resistance. There is not really a reason for them to cut through here because it is easier to go to the traffic circle.

Vice-Chairman Dow moved to send a favorable recommendation to the Town Council for the Atherton Estates Subdivision Modification with the proposed right-of-way for future connection and a mechanism for future pavement guarantee. Mr. Perryman seconded the motion, with votes recorded as follows:

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

E. Review and Consideration of the Atherton Estates Conventional Subdivision Preliminary Plat.

The Planning Board received the following memo from Town Planner Cook:

Shea Homes submits a subdivision preliminary plat application for a 23 lot Conventional Subdivision on 29.30 acres located on Weddington Road.

Application Information:

Subdivision Name: Atherton Estates

Date of Application: June 21, 2013

Applicant/Developer Name: Shea Homes

Owner Name: Parcels 06-150-068 and 06-150-066 owned by the Southeastern District of the Lutheran Church and parcel 06-150-067 owned by J.T. Matthews Heirs

Parcel ID#: 06-150-068 (4.34 acres), 06-150-066 (7.56 acres) and 06-150-067 (17 acres)

Property Location: Weddington Road (north side of Weddington Road between Weddington-Matthews Road and Shaver Farms Subdivision)

Existing Zoning: RCD and R-40

Proposed Zoning: No Change

Existing Land Use: Residential Conservation and Traditional Residential (no change required)

Existing Use: Vacant Land

Proposed Use: Single Family Residential Subdivision

Parcel Size: 29.30 acres

Project Information:

The Atherton Estates Subdivision is a proposed 23 lot subdivision on 29.30 acres comprised of three parcels. The subdivision is located on and accessed by Weddington Road and is being developed by Shea Homes as a conventional subdivision.

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

Background Information:

- A pre-sketch conference was held January 3, 2013.
- Public Involvement Meetings were held on Wednesday, July 17th on-site from 10:00am-12:00pm and Thursday, July 18th at Town Hall from 4:00-6:00pm.
- The Zoning Administrator approved the Sketch Plan on June 26, 2013.

Preliminary Plat Information:

- The minimum lot size is 40,000 square feet. The smallest lot proposed is 40,000 square feet. Seven lots are proposed to be exactly 40,000 square feet.
- The applicant is required 10% or 2.67 acres of open space after dedicating 35 feet of right-of-way to NCDOT. The applicant has provided 10% or 2.67 acres of open space.
 - 0.87 acres of open space is provided on the western border of the property.
 - 0.66 acres of open space is provided on the eastern border of the property.
 - 1.14 acres of open space is provided on a separate tract on the eastern side of the development.
 - The applicant has also provided 0.95 acres of “open space” in a septic tract and 0.25 acres in a buffer along Weddington Road. These two areas do not count towards the Town’s required open space area.
- The cul-de-sac on Atherton Estates Drive is 1,299 feet in length. The applicant has filed for a subdivision modification request.
- The applicant has also provided a 50 foot right-of-way for future connection to parcel 06-123-126. Once the adjacent parcel is developed a connection will be required.
- A stream runs through the northern portion of the property. The applicant shows a 15 foot stream buffer as required.

RCD and R-40 Minimum Yard Regulations:

- Front Yard Setback—50 feet
- Rear Yard Setback—40 feet
- Side Yard Setbacks—15 feet
- Lot Width—120 feet as measured at the front yard setback
- Applicant has met all required setbacks per the *Weddington Zoning Ordinance*.

Additional Information:

- The Sketch Plan has been approved by the Zoning Administrator. The Preliminary Plat will now be reviewed by both the Planning Board and Town Council. Following approval of the Preliminary Plat, the applicant will have two years to apply for the Final Pat. The Final Plat can be submitted in multiple phases.
- Atherton Estates is to be served by Union County Public Water and individual septic systems. Union County Public Works has provided an approval letter to serve the site with water.
- The North Carolina Department of Environment and Natural Resources (NCDENR) is reviewing the erosion and sedimentation control plans.

- Atherton Estates is comprised of three parcels. The Town has received signed and notarized letters from all property owners allowing Shea Homes to represent them in the subdivision process.
- The applicant is proposing a left turn lane into the site from Weddington Road.
- The applicant shows two new fire hydrants along Atherton Estates Drive.
- The applicant will dedicate 35 feet of right-of-way along Weddington Road in accordance with the LARTP and MUMPO Thoroughfare Plan. There will also be a 50 foot thoroughfare buffer along Weddington Road in accordance with the *Weddington Subdivision and Zoning Ordinances*.

The Atherton Estates Conventional Subdivision Preliminary Plat has been found to be in general compliance with the Town of Weddington Zoning and Subdivision Ordinances with the following conditions:

1. Development subject to review and approval/permitting of construction documents, driveways permit(s), etc. by NCDOT;
2. Development subject to review and approval of construction documents by Town's Engineering Consultant, US Infrastructure;
3. Development subject to review and approval/permitting of construction documents by Union County Public Works;
4. Road name to be approved by Union County E911;
5. Covenants, Conditions and Restrictions (CCRs) and Maintenance Plan and Maintenance Agreement shall be reviewed (by Town Attorney) and executed prior to Final Plat approval by Weddington Town Council;
6. Plans for subdivision entry monument to be approved by the Planning Board.

The Planning Board also received the following information:

- Application for Submittal of Subdivision Preliminary Plat
- Aerial Map
- Copy of the Construction Plans which included the Cover Sheet, Existing Conditions, Site Plan, Erosion Control Phase 1, Grading and Erosion Control Phase 2, Weddington Road Widening Plan and Profile, Weddington Road Widening Cross-Sections, Atherton Estates Drive Plan and Profile, Utility Plan, NCDOT Details, NCDOT/NCDENR Details, NCDENR Details, UCPW Details and General Notes and Specifications.

Town Planner Cook gave a brief report from the Public Involvement Meetings held and that Walter Staton attended and was very concerned with possible future connectivity.

Chairman Sharp read Section 58-58 from the Town's ordinance: In conventional subdivisions 10% of the gross area is open space. It says any such open space areas as herein provided shall consist of principally viewsheds from the road where applicable. Where a viewshed is not appropriate, open space shall consists of primary and/or secondary conservation lands to the extent that they are found on the tract in question. My question to you is when you reviewed the documents and the open space is on the side and not on the road were you looking at topography? Why was viewshed from the road not determined to be the primary open space area?

Town Planner Cook – I made that comment on my sketch plan review not only about the viewshed but the open space being accessible to the majority of the subdivision. They have provided that 50 foot buffer along the thoroughfare and they have also provided the buffer around the perimeter of the property. I did not require it. I left it up for discussion. I did have a conversation with the adjacent property owner Walter Staton and I think part of that area was to provide a buffer to him.

Mr. Chapman – At the highway there are power lines there that would take out the trees. You really are not saving any trees you are just saving the power lines. At one point in time Mr. Staton wanted this piece of land to protect his side. Since we saw that it did have mature hardwoods and a steep slope on it and it was a nice habitat for animals and plants, we decided to put it on that side. I think if the power lines would have been on the other side or underground it may have been appropriate.

Mr. Perryman – This meets the letter of the requirements for the amount of land that has to be set aside but as far as providing any useful amenities for the residents I do not see it meeting that application if that is a requirement.

Chairman Sharp – To me it looks like it is just extending everyone's back yard.

Mr. Chapman – Our thought process was that we had neighbors over here and we were trying to make sure that there was an undisturbed buffer between us and the neighbors. We had not planned to do any trails since it is a small development and does not demand it. We can certainly move to the other side where it is all connected.

Mr. Vivian – The configuration of this almost seems like it is being force fed. To me it needs just a little more imagination and creativity.

Mr. Chapman – We tried to follow the topo as we made that curve so it looks natural down there so we are not taking out more trees than we have to. We put a lot of thought into that road and where it goes.

Vice-Chairman Dow – I am not excited about the viewshed from the road but we have to consider the alternatives. If this property that they have set aside in the back is truly steep and a lot of hardwoods then that may be the best place for it.

Mr. Perryman moved to send a favorable recommendation to the Town Council for the Atherton Estates Conventional Subdivision Preliminary Plat with the conditions noted in the Town Planner's memo along with the condition that the Town Council approves the modification request. Ms. Propst seconded the motion, with votes recorded as follows:

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

F. Review and Consideration of Parking Space Text Amendments: Section 58-60(2) and Section 58-175(4). This item was removed from the agenda.

G. Review and Consideration of Section 58-60 Text Amendment: Section 58-4, Section 58-60(1), Section 58-60(2), Section 46-9 and Section 46-76. This item was removed from the agenda.

H. Review and Consideration of Active Adult Text Amendments: Section 58-4, Section 58-58(4), Section 46-9 and Section 46-42 (c-d). This item was removed from the agenda.

I. Review and Consideration of Theatre Text Amendment: Section 58-57.1. This item was removed from the agenda..

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

- The Town Council approved the Beulah Acres Major Subdivision Preliminary Plat with a condition that a marginal access road be constructed. The applicant is now working on the Final Plat.
- Orleans Homebuilders has submitted the Lake Forest Preserve Phase 3B Final Plat for 41 lots.
- Construction on the roundabout located at NC 84 and Weddington-Matthews Road has commenced and is expected to be completed by September 6, 2013.
- Union County submitted their Water Tower CZ Application on July 19, 2013. This project will be on the August Planning Board agenda.
- The following items will be on the August 12th Town Council agenda:
 - St. Mark Coptic Orthodox Church CZ Application
 - Southside Christian Assembly Temporary Mobile Classrooms CUP
- The following items may be on the August 26th Planning Board agenda for discussion:
 - Bard Property Preliminary Plat
 - Union County Water Tower CZ Application

Item No. 7. Other Business.

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

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

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

The meeting adjourned at 9:59 p.m.

Chairman Dorine Sharp

Attest:

Amy S. McCollum, Town Clerk