

**TOWN OF WEDDINGTON  
REGULAR PLANNING BOARD MEETING  
MONDAY, FEBRUARY 27, 2012 - 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 February 27, 2012, with Chairman Dorine Sharp presiding.

Present: Chairman Dorine Sharp, Vice-Chairman Rob Dow, Jack Steele, Janice Propst, John Giattino and Jim Vivian and Town Planner Jordan Cook and Town Administrator/Clerk Amy S. McCollum

Absent: Jeff Perryman

Visitors: Barbara Harrison, Pat Harrison, Pamela Hadley and Marsha Mayhew.

**Item No. 1. Open the Meeting.** Chairman Dorine Sharp called the February 27, 2012 Regular Planning Board Meeting to order at 7:07 p.m.

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

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

**A. January 23, 2012 Regular Planning Board Meeting Minutes.** Mr. Jack Steele moved to approve the January 23, 2012 Regular Planning Board Meeting minutes. Ms. Janice Propst seconded the motion, with votes recorded as follows:

AYES: Vivian, Giattino, Propst, Steele and Vice-Chairman Dow  
NAYS: None

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

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

**A. Review of New Town Market Voluntary Satellite Annexation.** Town Planner Jordan Cook reviewed the following information with the Planning Board:

- The Town received a voluntary satellite annexation request on November 15, 2011 of three parcels on 6.177 acres located on the Northwest quadrant of New Town Road and Providence Road known as New Town Market.
- The three parcels are existing commercial uses rezoned by Union County in 2004 and 2007 by a Special Use Permit. The property is currently zoned B-4 per Union County.
- The current tenants include:
  - Bank of America
  - The Goddard School
  - Donato's Pizza
  - Rouge Salon
  - Java's Brewing Bakery & Café
  - Allstate
  - Piper Glen Cleaners
  - New Town Dentistry

- This area is included in the Weddington Sphere of Influence per the approved Marvin-Weddington Annexation Agreement of 2001 (good until December 31, 2020).
- This area was also included in the study boundary on the 2002 Land Use Plan and given a “Business” designation.
- The Town Attorney has stated that the proposed satellite annexation meets all statutory requirements.
- The Town Council called for the Public Hearing at their February 13, 2012 meeting and asked that the Planning Board review the proposed annexation and provide feedback to the Town Council.
- I would like to provide Council with a bullet point memo highlighting the Planning Boards comments.
- Included in tonight’s packet is the Petition Requesting Annexation, Legal Description, Record Plat, Union County Zoning Letter and Weddington Zoning Map.
- Marsha Mayhew is here representing the applicant Lat Purser.

Chairman Sharp – My concern is if we allow them to be annexed by us other properties adjacent to that would have an incentive to develop under county regulations and then ask to come into Weddington.

Ms. Marsha Mayhew gave the history on the project. She stated, “There is the possibility of one more two story office building that could be built there. The reason to go into Weddington was for liquor by the drink.”

Town Planner Cook – In our sphere of influence agreement with Marvin, we actually have the northwest, northeast and southwest quadrants. The southeast quadrant is in the Marvin sphere of influence.

Ms. Mayhew – It is a nice area. We would like to be able to offer a more upscale type of restaurant as the space becomes available. A good restaurant will not come in if they cannot serve wine.

Mr. John Giattino – Would this be within the Land Use Plan?

Town Planner Cook – Our Land Use Plan did designate this property business. Neighborhood business is defined as existing commercially zoned parcels that lie in the vicinity of the Town center or near the intersection of New Town Road and NC 16. This area is intended for neighborhood scale businesses that serve the needs of Weddington residents. It would fit within our Land Use Plan.

Mr. Steele – The other landowners can basically ignore the Weddington zoning and develop whatever they want to there under the County zoning.

Chairman Sharp – The agreement only says where Marvin’s boundaries can go to and where our boundaries can go to and it has nothing to do with zoning. We tried to get extraterritorial jurisdiction and the County Commissioners would not give that to us.

Mr. Giattino – What is the benefit to Weddington other than the tax revenue?

Ms. Mayhew – A nice restaurant. I think it is nice to have a neighborhood service area there. When we first thought about this, we did come to Weddington and wanted to make sure what we put in there would be consistent with what your commercial requirements would be.

Chairman Sharp – Have you checked to see if the construction meets all of the setback requirements and does it conform to Union County’s ordinances for shopping centers?

Town Planner Cook – It conforms to Union County. We got the letter from Union County stating that it is in compliance with their zoning ordinance. If the Town were to annex this property, we would have to assign a zoning district to it. The most appropriate zoning district would be mixed use. There are portions of the MX zoning district that these buildings could comply with and there are portions that it would not comply with. If annexed in, it would be a non-conforming use. There are structures that are greater than 8,000 square feet and the landscaping and signage probably do not comply.

Mr. Jim Vivian – How far along are you in developing the southeast corner with the Harris Teeter?

Ms. Mayhew – We did not get our water allocation several years ago. It has been a rough two to three years and there are not a whole lot of people interested in expanding so there has not been the demand. We have to know that we have some firm users there before we can afford to build out.

Mr. Steele - When it was built, the developer knew that it was within Weddington's sphere of influence area.

Mr. Giattino - Would this set a precedent having to accept every other parcel that came to us to be annexed?

Town Planner Cook – I do not think it sets a precedent because I think you take each annexation case by case.

Mr. Steele – Technically, it does not set precedent but as a practical matter I think it does.

Mr. Steele moved to recommend an unfavorable recommendation on the annexation request. Mr. Vivian seconded the motion, with votes recorded as follows:

AYES:	Vivian, Giattino, Propst, Steele and Vice-Chairman Dow
NAYS:	None

The Planning Board added the following reasons for their recommendation:

- The shopping center does not conform to the Town's current guidelines and would be a non-conforming use.
- The primary focus needs to be on the current shopping center of the Town.
- Only benefit is tax revenue.
- Other parcels adjacent could develop under the county's regulations and ask to be annexed by Weddington.
- This is a satellite annexation and would not be contiguous to the Town.

**B. Review and Consideration of Agricultural Use Definition.** The Planning Board received a copy of the following proposed text amendment:

Town Planner Cook reviewed the following proposed text amendment with the Planning Board. He stated, "In the last year or two I have had several phone calls regarding produce stands and farmers markets throughout the Town. We wanted to specify and make it very clear that any agricultural uses or products offered for sale must be grown on your own property or a combination of your properties."

Mr. Steele – Are there similar stands in Weddington that will be in non compliance?

Mr. Cook – There is one at the corner of Hemby and Providence Road.

*Agricultural* uses means the production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including, but not limited to, forages and sod crops, dairy animals and dairy products, poultry and poultry products, livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals, bees and apiary products, fur animals, trees and forest products, fruits of all kinds, including grapes, nuts and berries, vegetables, nursery, **and** floral ~~and ornamental~~ products, or lands devoted to a soil conservation or forestry management program. **Agricultural products offered for sale must have been produced on a parcel or combination of contiguous parcels under the same ownership on which they are produced and are being offered for sale.** The term "agricultural use" does not include a horse farm or academy, as herein defined, or the keeping of any nondomesticated animals. As used herein, the term "nondomesticated animals" shall mean any animal not generally associated with the practice of animal husbandry and which are a threat to humans or are commonly perceived to be a threat to humans. Examples of such animals include great cats, wolves and bears.

Vice-Chairman Dow moved to send a favorable recommendation to the Town Council regarding the amendment to the agricultural use definition. Mr. Giattino seconded the motion, with votes recorded as follows:

AYES: Vivian, Giattino, Propst, Steele and Vice-Chairman Dow  
NAYS: None

**C. Review and Consideration of Agritourism Definition.** The Planning Board received a copy of the following proposed text amendment:

Town Planner Cook reviewed the following text amendment with the Planning Board:

*Agritourism* means an agricultural, horticultural or agribusiness operation primarily devoted to the promotion of tourism of said operation for the purpose of enjoyment, education or active involvement in the activities of the farm or operation **which may include the sale of agricultural products not produced on that tract**; provided that said use produces revenues or attracts tourists.

Vice-Chairman Dow moved to send a favorable recommendation to the Town Council regarding the amendment to the agritourism definition. Ms. Propst seconded the motion, with votes recorded as follows:

AYES: Vivian, Giattino, Propst, Steele and Vice-Chairman Dow  
NAYS: None

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

- Construction of the NC 84 Weddington-Matthews Road Dual Lane Roundabout should begin this summer. NCDOT plans to begin construction as soon as schools are out. The Town Council voted against installing sidewalks along Weddington Road, upgraded crosswalks and sign posts. The Town Council did agree to pay \$9,000 for conduit and fill dirt for irrigation and/or lighting in the roundabout.
- NCDOT plans to start construction of the Weddington Church Road relocation in March. All environmental permits have been approved and the construction contract will soon be awarded.
- The Town has received a petition for voluntary annexation of 6.177 acres located at the northwest corner of Providence Road and New Town Road. This area includes three commercial parcels with existing commercial uses. During their February 13<sup>th</sup> meeting, the Town Council directed

staff to have the Planning Board review the New Town Market annexation petition. The Town Council has already called for the Public Hearing on the annexation.

- At their February 13<sup>th</sup> meeting the Town Council approved \$35,000 for additional median landscaping along Providence Road, Hemby Road and Rea Road. Staff and Council are currently working with the NCDOT and Union County Urban Forester David Grant to finalize a plan.
- The following items may be on the March 26 Planning Board agenda for discussion:
  - Signage Ordinance-Staff and Planning Board member(s) will continue looking at how to improve and clarify the current signage ordinance. This may be a multi-step process and entail multiple text amendments. Staff is currently looking into creating a “quick reference table” as an element of the signage ordinance.
  - Shopping Center Sign Regulations-staff is continuing to research text from other municipalities.
  - Produce Stand Definition and Regulations
  - Farmers Market Definition and Regulations
- The Town Council will hold a Public Hearing on the following text amendments at their March 12 meeting:
  - Luminous/Lighted Signs
  - Freestanding Ground Signs Height

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

**A. Report from the February Town Council Meetings.** The Planning Board received a copy of the February 9 and 13 Town Council agendas as information.

**Item No. 8. Adjournment.** Mr. Giattino moved to adjourn the February 27, 2012 Regular Planning Board Meeting. Mr. Vivian seconded the motion, with votes recorded as follows:

AYES:	Vivian, Giattino, Propst, Steele and Vice-Chairman Dow
NAYS:	None

The meeting adjourned at 7:50 p.m.

---

Dorine Sharp, Chairman

Attest:

---

Amy S. McCollum, Town Clerk