

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, AUGUST 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 August 27, 2012, with Chairman Dorine Sharp presiding.

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

Absent: John Giattino

Visitors: Councilwoman Barbara Harrison and Alan Kerley

Item No. 1. Open the Meeting. Chairman Dorine Sharp called the August 27, 2012 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. There were no additions or deletions to the agenda.

Item No. 3. Approval of Minutes.

A. July 23, 2012 Special Town Council and Planning Board Training Session. Mr. Jeff Perryman moved to approve the July 23, 2012 Special Town Council and Planning Board Training Session minutes. Mr. Jim Vivian seconded the motion, with votes recorded as follows:

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

B. July 23, 2012 Regular Planning Board Meeting. Vice-Chairman Rob Dow moved to approve the July 23, 2012 Regular Planning Board Meeting minutes. Mr. Perryman seconded the motion, with votes recorded as follows:

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

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

Item No. 5. New Business.

A. Review and Consideration – Lake Forest Preserve Phase 3A Final Plat. The Planning Board received the following memo from Town Planner Jordan Cook:

Orleans Homebuilders submitted an application on July 11, 2012 for approval of the Final Plat of Phase 3A in the Lake Forest Preserve subdivision located on Weddington Road.

Project Information:

The Lake Forest Preserve Subdivision is an approved 211 lot subdivision on 260.61 acres. The subdivision is located at the intersection of Weddington Road (NC 84) and Cox Road. Lake Forest Preserve is being developed by Orleans Homebuilders as an R-CD conservation subdivision.

Phase 3A is comprised of 23 lots (tax parcel 06-099-009) and was given Preliminary Plat approval on May 9, 2005. The original deadline to submit the Final Plat was May 9, 2007. However, the Permit Extension Act of 2009 and 2010 essentially “froze time” from 2007 to 2010 giving Orleans Homebuilders until May 9, 2013 to submit their Final Plat(s). The submitted Final Plat for Phase 3A is identical to the approved Preliminary Plat showing Phase 3A.

Phase 3A Information:

- Phase 3A is 23 lots and 12.388 acres.
- Phase 3A is not required open space on its own. The Lake Forest Subdivision has provided 138.81 acres of conservation land in accordance with *Section 58-58 (4) of the Weddington Zoning Ordinance*.
- Development standards are as follows:
 - Minimum lot size- 12,000 sq. feet
 - Minimum lot width- 80 feet
 - Minimum front yard setback- 20 feet
 - Minimum rear yard setback – 30 feet
 - Minimum side yard setback – 15 foot separation of structures
 - Minimum corner side yard setback – 25 feet
- Lot 59 is the smallest lot within Phase 3A at 17,903 square feet.
- All adjacent parcels either owned or maintained by Lake Forest Preserve Homeowners Association.
- Water and sewer services are to be provided by Union County Public Works (approvals on file).
- A copy of the approved Declared Covenants, Conditions and Restrictions (CCR’s) for Lake Forest Preserve are on file at Town Hall. Those CCR’s address ownership and maintenance of all conservation lands and have been approved by the Town Attorney.
- US Infrastructure has previously reviewed and approved the Preliminary Plat.
- All roads are built to NCDOT standards (final layer of asphalt to be added after construction). Road names and addresses have been approved by Union County E911.
- All NCDENR, NCDOT and Union County approvals and permits are on file with the Town. These approvals were required during the Preliminary Plat process.

The Lake Forest Preserve Phase 3A Final Plat has been found to be in general compliance with the Town of Weddington Zoning and Subdivision Ordinances with the following exceptions:

- Seal of Professional Engineer and Surveyor as specified in *Section 46-46 of the Weddington Subdivision Ordinance*.
- Performance and Maintenance Bonds to be approved by the Town Council. USI is currently reviewing the bond estimates.

The Planning Board also received a copy of the following:

- Application for Submittal of the Subdivision Final Plat
- Phase 3-A Approved Preliminary Plat
- Phase 3-A Final Plat

Mr. Perryman moved to send a favorable recommendation to the Town Council regarding the Final Plat for Lake Forest Preserve Phase 3A with the following conditions:

- Seal of Professional Engineer and Surveyor as specified in *Section 46-46* of the *Weddington Subdivision Ordinance*.
- Performance and Maintenance Bonds to be approved by the Town Council. USI is currently reviewing the bond estimates.

Vice-Chairman Dow seconded the motion, with votes recorded as follows:

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

B. Public Hearing and Consideration of the Temporary Use Permit for the Weddington Country

Festival. Chairman Sharp opened the public hearing to consider the Temporary Use Permit for the Weddington Country Festival. Town Administrator Amy McCollum swore in the following individuals wishing to give testimony: Councilwoman Barbara Harrison and Town Planner Cook. The Planning Board received the following memo from Town Planner 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, Weddington Corners Shopping Center and Dr. George Pinsak's property located at 1924 Weddington Road, 13641 Providence Road and 13653 Providence Road respectively.

Application Information

Date of Application: August 8, 2012

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

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

Parcel ID#: 06-150-057 (Town Hall), 06-150-056 (Weddington Corners Shopping Center), 06-150-053 (Weddington Corners Office Buildings) 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, Shopping Center (multiple uses) and Medical Offices

Property Size: Town Hall-2.136 acres, Weddington Corners Parcels-10.801 acres, Dr. Pinsak's property-0.674 acres—Total of 13.611 acres

Event Hours: Saturday, September 22nd from 9:00am to 7:00pm (artists allowed to begin setting up at 6:00am)

Additional information:

- Projected attendance is 2,500 adults and 1,000 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 four 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.
- Union Power Company will provide additional power supply throughout the day.
- Most parking will occur on the Weddington Corners Shopping Center property. A map has been provided showing the parking areas. 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 end at 5:00pm and additional lighting is not proposed for the event.
- 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*.

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. Written permission from any additional property owners if using off-site parking;
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 Planning Board also received a copy of the following:

- Temporary Use Permit Application and Checklist
- Site Map
- Business Plan
- Aerial Map
- Weddington Corners Parking Map

NARRATIVE

Weddington Country Festival featuring “Art at the Corners” is an event that hopefully will be done every year. We are projecting that we will attract about 2,500 adults with about 1,000 children. The event will start at 9 am and go through 7 pm. We are allowing the artists to come as early as 6 am to setup. There is no general admission. We will have a “Kids Corner” with face painting, petting zoo, puppet show, arts and crafts, bouncy castle, a live band, contests and games. There will be a charge of \$5 for children over 5 years of age. There will be a scavenger hunt around Weddington Corners, from 10 am to 11 am for children ages 5 to 14 - 1st, 2nd and 3rd place prizes will be awarded. From 11:30 am to 2 pm there will be a senior citizen picnic, free of charge for anyone over the age of 65. Weddington’s volunteer fire fighters have graciously agreed to cook the food. We will have live music and afterwards everyone is invited to cheer the fire fighters on as they participate in a tug of war game. We will also have a corn hole for all who would like to show off their skills. The battle of the fire stations will take place from 2 pm to 3 pm. Scott Safety Company has donated a Scott Safety Protégé Multi-Gas Detector. The prize will include their “Confined Space Kit”, which includes a 4-gas monitor, charger, pump, probe, tubing, and calibration kit all in a carrying case. The list pricing for this prize is over \$1,200. There will be additional giveaways at the time of the event. Throughout the day we will have the following contests with 1st, 2nd and 3rd prizes: Baking, Cup Cake Challenge, Vegetable Decorating and Scare Crow Decorating. From 3 pm to 5 pm, Mayor Walker Davidson will be in the dunking booth, daring anyone to dunk him. Each participant will get 3 softballs for \$5. All the proceeds for this event will be given to a charity of the Mayor’s choice. The Chili Cook off will have the “People’s Choice” judging from 2 pm to 4 pm. Contestants can start setting up by 9 am and start cooking by 10 am - 1st and 2nd place along with “best decorated booth” will be

awarded. This will take place in the Weddington Corners Shopping Center and Dr. Pinsak's parking lot. The juried art show will be from 9 am to 5 pm located adjacent to Town Hall in the parking lot. There will be fire department staff on site; along with four additional Union County Deputies who will also manage traffic control. All drinking water will be bottled. Ten Port-O-Jon's and two hand wash facilities will be delivered and located around the festival. We are asking Union Power Company for additional power for the day. We have asked GBUSA to provide additional trash receptacles for the day. Music will only be until 5 pm and we will not bring in any additional lighting. 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 may be several sponsor tents as well. The only food that will be sold is ice cream, cotton candy and popcorn. This festival is funded through the generosity of our sponsors. All the immediate neighbors will be notified.

Councilwoman Harrison advised that she would not have people parking in the area of the alterations store since they do not close until 2:00 p.m. She stated, "I have permission to park at the bank after they close at 2:00 p.m. I will have four off-duty deputies available to help with parking. We are closing off both entrances here on Highway 84. Weddington Corners is okay with closing the second entrance because no one is open here on Saturday. I have personally gone to every business (except the new design store) at the Shopping Center to discuss the event. Family music will be provided mid-day."

The Planning Board recommended allowing some type of signage showing where parking is located for the festival to help with traffic flow.

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. We have four deputies available from 8:00 a.m. to 7:00 p.m. to help direct traffic. We have ample port-a-johns and sanitation stations for the event.**

The proposed temporary use will not have a substantial negative effect on adjoining properties. **Ms. Harrison – Yes, it will not. We are not in any way allowing adjoining property owners to be hampered. One of the reasons for the event is to promote the local businesses.**

The proposed temporary use is in harmony with the general purpose and intent of the ordinance and preserves its spirit. **Ms. Harrison – Yes.**

The proposed temporary use is held no more than four times (4) per year at any particular location. **Ms. Harrison – Yes, it will not.**

Chairman Sharp closed the public hearing.

Vice-Chairman Dow moved that the temporary use will not materially endanger the public, health, welfare and safety because there will be four deputies onsite directing traffic and watching out for safety. Port-a-johns and hand washing stations are located throughout the event and trash cleanup has been addressed. Ms. Propst seconded the motion, with votes recorded as follows:

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

Vice-Chairman Dow moved that the temporary use will not have a substantial negative effect on adjoining properties. The adjoining businesses have been invited and officers will be in place for safety and the hours of the festival are limited. Mr. Perryman seconded the motion, with votes recorded as follows:

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

Vice-Chairman Dow moved that the temporary use is in harmony with the general purpose and intent of the ordinance and preserves its spirit. This is a community gathering to promote community spirit and economic development for the shopping center. Mr. Vivian seconded the motion, with votes recorded as follows:

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

Vice-Chairman Dow moved that the temporary use is held no more than four times per year. Ms. Romaine seconded the motion, with votes recorded as follows:

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

Vice-Chairman Dow moved to approve the Temporary Use Permit for the Weddington Country Festival with the following three conditions:

1. A copy of the Certificate of Liability Insurance for any additional vendors;
2. Written permission from any additional property owners if using off-site parking;
3. Applicant must apply for temporary off-premise sign permits prior to event.

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

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

C. Review and Consideration – Cable and Telephone Lines Text Amendment. Town Planner Cook reviewed the following proposed text amendment with the Planning Board. He stated, “This is an amendment to our definitions section and is a housekeeping item that you brought up at the June Meeting during the discussion for the Union Power text amendment.”

Essential services means publicly or privately owned facilities or systems for the distribution of gas, electricity, steam or water, the collection and disposal of sewage or refuse, the transmission of communications, or similar functions necessary for the provision of public services. The term "essential services" is divided into the following classes:

(1) *Class I.* Transmission lines, whether subterranean or overhead, including electrical, natural gas and water distribution lines, sewer gravity lines and pressure mains, underground septic tanks and drainfields, cable television and telephone transmission lines or similar utility lines. Electrical lines and electrical transmission towers, except for non-monopole structures such as steel lattice towers, are exempt from all setbacks that would otherwise be required by this Ordinance. **Cable television and telephone transmission lines that co-locate on electrical transmission towers that have been exempted from the setback requirements are exempt from all setbacks that would otherwise be required by this ordinance.**

(2) *Class II.* Booster stations, pumping stations, switching facilities, substations, lift stations or other similarly required facilities in connection with telephone, nonwire communications, electricity, steam,

water, water storage, sewer or other similar utilities. This classification is not intended to govern apparatus and functions set out in essential services class IV, more particularly defined below.

(3) *Class III.* Generation, production, or treatment facilities such as power plants, sewage treatment plants or similar utilities.

(4) *Class IV.* Subterranean neighborhood or cabinet-style switching facilities designed to handle telephone transmissions within the immediate vicinity of the town.

Vice-Chairman Dow moved to send a favorable recommendation to the Town Council regarding the cable and telephone lines text amendment. Ms. Propst seconded the motion, with votes recorded as follows:

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

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

- NCDOT is still acquiring right-of-way for the roundabout. DOT plans to let the project this year but may have to wait until school is out next year to begin construction.
- Construction of the Weddington Church Road relocation project began on June 27th. Many preliminary engineering items in and around the pond have been installed. The completion date for this project is September 14, 2012 and the total cost of the project is \$513,175.50.
- Clay Burch with GreenTek has completed the installation of additional landscaping to the medians along Providence Road, Hemby Road and Rea Road. The Town has budgeted waterings for the remainder of the summer months.
- The Agritourism and Agricultural Use Definition text amendments were on the February 27th Planning Board agenda (both received a favorable recommendation). These text amendments have been amended since that February Planning Board meeting. Town Attorney Anthony Fox is currently reviewing these text amendments.
- The Town Council and Planning Board will hold another Joint Meeting on Thursday, September 20th to discuss the Land Use Plan. Staff is working with Centralina COG to develop a survey. Amendments to the Land Use text may begin immediately.
- Orleans Homebuilders has submitted a Final Plat application for Lake Forest Preserve Phase 3A. Phase 3A is a 23 lot phase located along Twin Lakes Drive in the previously approved subdivision.
- Stillwell NC, LLC's Sketch Plan for a 90 lot conservation subdivision called Vintage Creek on parcels 06-090-004, 06-090-007 and 06-093-011 was approved at the last Planning Board meeting. The site 115.3 acres and fronts Weddington-Matthews Road. The applicant can now begin preparing the Preliminary Plat.
- The Town Council approved the following items at their August 13th meeting: Union Power Text Amendment and one year extension on Bromley Sales Trailer and Bromley Construction Trailer
- The following items may be on the September 24th Planning Board agenda for discussion: Agritourism and Agricultural Use Definition text amendments

Item No. 7. Other Business.

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

Item No. 8. Adjournment. Vice-Chairman Dow moved to adjourn the August 27, 2012 Regular Planning Board Meeting. Mr. Perryman seconded the motion, with votes recorded as follows:

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

The meeting adjourned at 7:40 p.m.

Dorine Sharp, Chairman

Attest:

Amy S. McCollum, Town Clerk