

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, JUNE 28, 2010 - 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 June 28, 2010 at 7:00 p.m., with Chairman Dorine Sharp presiding.

Present: Chairman Dorine Sharp, Vice-Chairman Rob Dow, Jack Steele, Scott Buzzard, Beth Masurat and Janice Propst and Town Planner Jordan Cook and Town Administrator/Clerk Amy McCollum

Absent: Jeff Perryman

Visitors: Sharon Sanders, Sue Fitch, Nancy Anderson and Werner Thomisser

Item No. 1. Open the Meeting. Chairman Dorine Sharp called the June 28, 2010 Regular Planning Board Meeting to order at 7:09 p.m.

Item No. 2. Determination of Quorum/Additions or Deletions to the Agenda. There was a quorum. Town Planner Jordan Cook asked that the following item be added to New Business:

- Consideration of Proposed Text Amendment to Section 58-13 Temporary Structures and Uses

By consensus, the Planning Board added the item to the agenda.

Item No. 3. Approval of Minutes.

A. April 26, 2010 Regular Planning Board Meeting Minutes. Ms. Janice Propst moved to approve the April 26, 2010 Regular Planning Board Meeting minutes with the corrections that were noted. Ms. Beth Masurat seconded the motion, with votes recorded as follows:

AYES: Masurat, Buzzard, Steele, Propst and Vice-Chairman Dow
NAYS: None

B. May 24, 2010 Regular Planning Board Meeting Minutes. Vice-Chairman Rob Dow moved to approve the May 24, 2010 Regular Planning Board Meeting minutes with the corrections that were noted. Mr. Jack Steele seconded the motion, with votes recorded as follows:

AYES: Masurat, Buzzard, Steele, Propst and Vice-Chairman Dow
NAYS: None

Item No. 4. New Business.

A. Public Hearing for Review and Consideration of a Temporary Use Permit – WEDDSTOCK – Four Week Summer Concert Series which will highlight local businesses, restaurants, artists and schools. The dates are July 23, July 30, August 6 and August 13 from 6:00 p.m. to 11:00 p.m. at The Hunter Farm, 13624 Providence Road, Weddington, NC. Chairman Sharp opened the public hearing to review and consider the Temporary Use Permit for Weddstock. Town Clerk Amy McCollum swore in the following individuals wishing to give testimony: Jordan Cook, Sue Fitch, Sharon Sanders and Nancy Anderson.

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

Sharon Sanders submits an application for a Temporary Use Permit. Mrs. Sanders is proposing a four week summer concert series at the Hunter Farm located at 13624 Providence Road. The concerts will be held from 6:00-11:00pm on Friday, July 23rd and 30th and August 6th and 13th.

Application Information

Date of Application: June 15, 2010
Applicant's Name: Sharon Sanders (Town of Weddington Parks & Rec. Committee)
Property Owner's Name: Nancy Anderson
Parcel ID#: 06150044
Property Location: 13616 Providence Road, Weddington (Hunter Farms)
Existing Zoning: R-CD
Existing Use: Agricultural
Proposed Temporary Use: Concert/Social Fundraising Event
Property Size: 47.658 Acres
Event hours: 6:00-11:00pm on July 23rd, July 30th, August 6th and August 13th

Required Information:

- Projected attendance is approximately 1000 people.
- Certificate of Liability Insurance will be provided to the Town of Weddington (not yet completed-condition of approval). In addition, the Town of Weddington will have their own insurance.
- Application has been submitted to Union County Sheriff's office for review of traffic and crowd control (not yet completed-condition of approval).
- Certification of Review from Union County Health Department has been submitted (not yet completed-condition of approval).
- A Union County Mass Gathering is not required per Christy Ford of Union County Environmental Health. This event does not last more than six (6) hours, therefore it is not required a Mass Gathering Permit.
- The Department of Revenue has received an application for the Temporary Sales and Use ID # (not yet completed-condition of approval).

Additional Information:

- Property owner Nancy Anderson has signed the Temporary Use Application.
- Security and crowd control will be provided by Union County Sheriff's Office and other security personnel.
- Existing electrical service at property is sufficient for the event.
- Parking already exists on site for approximately 400 vehicles on four (4) acres.
- The organizers have stated that all sound from the event will abide by all *Town of Weddington Code of Ordinances*.
- Additional lighting is required for the event.
- Trash receptacles will be provided by GBUSA and placed throughout the property.
- The location for all proposed uses can be found on the Site Plan provided in your packet.
- The organizers will install one (1) temporary banner on site for the event consistent with the *Town of Weddington Temporary Sign Ordinance*. The organizer will also be permitted no more than two (2) temporary off-premises special event directional signs consistent with *Sec. 58-151* of the *Town of Weddington Temporary Sign Ordinances*.
- This applicant has not applied for a TUP within the last year. However, a TUP was issued for this parcel on September 28, 2009.

In accordance with the provisions of *Article I, Section 58-13* of the *Weddington Zoning Ordinance*, the property owners and the owners of the parcels of land abutting the property involved in the Temporary Use Application have been sent notification of this evening's public hearing. The property involved in the hearing was posted June 19, 2010. Additionally, notification of said hearing was advertised in *The Enquirer Journal*.

Staff has reviewed the application and submitted documents and finds the Temporary Use Permit Application to be in compliance with Weddington's Zoning Ordinance with the following exceptions:

1. Proof of Certificate of Liability Insurance
2. Certification of Review from Union County Sheriff's Department regarding traffic and crowd control
3. Certification of Review from Union County Health Department
4. Department of Revenue Temporary Sales and Use ID#
5. The applicant agrees to work with Zoning Administrator to address any complaints that may be received.
6. The fourth in the series, August 13, 2010 shall only occur provided the Town Council approves a Text Amendment to Section 58-13 (3) prior to August 13, 2010, which removes the limit of the number of events for Town initiated Temporary Uses.

Planning staff recommends approval of the TUP with completion of aforementioned conditions of approval.

The Planning Board received the following which is attached to the minutes:

- Temporary Use Permit Application
- GIS Map of the Area
- Drawing showing layout for event
- Narrative

Town Planner Cook - Sharon Sanders on behalf of the Town of Weddington Parks and Recreation submits an application for a Temporary Use Permit for an event called Weddstock. This is a four-week concert series to benefit Kids First Charity. These concerts will be held on July 23, 30 and August 6 and 13 at The Hunter Farms on Providence Road. The applicant has agreed to all six conditions and they have today complied with condition #4 regarding the Temporary Sales ID number. They have provided that information.

Ms. Sharon Sanders - After being on the Parks and Recreation Board, it has been obvious to me that the Board has wanted to do an event that would give people a destination to go to with their family. I have done fundraising for 20 years through Kids First and probably have done 50 of these weekly concert series uptown. These are not people that are singles staying up town after work. This is more of a family event. Initially the events would have been put on by the Town but the Town did not want to provide the alcohol permit so my charity is happy to do that. We have a radio sponsor, print sponsors and billboards. We have a \$5,000 sponsor for the first event to cover the expenses. We will highlight local artists each week. The school cheerleaders will perform at the first event. The high school football players will help with parking and the high school soccer players will run a soccer game. We do fundraising at the schools so we are trying to involve the three schools that are in Weddington. All of the principals, coaches and students are very excited about it. I think it will be a good thing for the Town. As far as liability - I have a \$2 million policy naming the Town, naming all of us and the charity. The food is going to be really good. We wanted to do things like sausage and peppers, corn on the cob, grilled steaks and cold watermelon. We will also have Chic-fil-a and pizza. There is no place for folks in Weddington to go to enjoy a full-family function.

Ms. Sue Fitch - We were looking at the alcohol as a convenience. You go to a ball game, you can get a glass of beer. We want to be competitive with other events and get the Weddington name out there. Since the alcohol itself is something new and different for this town, we have started putting some thoughts together on how to make that safe. There is going to be a station to receive a wristband so that no one that is under aged is getting alcohol. We want to thank the Town of Weddington for voting to sponsor the kids' area. We have port-a-johns out there. The farm is a fabulous place to have it. They are used to having crowds on their property. They have a lot of lighting on site. We have stadium lights that we will bring in to make sure that the parking area and the children's areas are well lit.

Ms. Fitch passed out a diagram showing where everything would be located on the site.

Ms. Sanders – We are going to have interactive activities for the kids. We have an awesome group of women to help put together this event. I have contacted Union County to have two officers out on Providence Road and then a friend of mine that runs the North Carolina Music Factory has helped us hire good bands for a decent price and he has security that he has at all of their concerts. I thought it would be nice to have four of them walk around not in uniform. We have confirmed that Wesley Chapel VFD will be there with a fire truck, three to four volunteers and an EMT. We are asking every Weddington business to please come out and participate.

Chairman Sharp - Is there going to be some way to delineate where people can have alcohol on site to make sure that people do not take an open container and walk across the street to the shopping center?

Ms. Sanders – There will be two officers stationed at the entrance of the farm.

Mayor Anderson – Are you asking like at Knights Stadium where they have an alcohol free zone? The children's area could be alcohol free.

Chairman Sharp - Will there be a restriction that you can not have a can of beer or glass of wine at the children's area and then to make sure that the alcohol stays on the property and people are not wandering to Steeplechase carrying a can of beer?

Ms. Fitch - We probably could do some signage on the property.

Vice-Chairman Dow - The event is for three events and four if possible.

Town Planner Cook – The application is for all four events. If you look at condition six, it states the following:

The fourth in the series, August 13, 2010 shall only occur provided the Town Council approves a Text Amendment to Section 58-13 (3) prior to August 13, 2010, which removes the limit of the number of events for Town initiated Temporary Uses.

Town Attorney Anthony Fox - Is this Town-initiated? The application is from Sharon Sanders and the insurance policy is for Kids First.

Chairman Sharp - It started from the Parks and Recreation Advisory Board and the Town is donating \$2,000 for the event.

Mr. Buzzard - I think we would have to define initiated.

Vice-Chairman Dow – Ms. Sanders is a member of the Parks and Recreation Board. Could the application not be Sharon Sanders for the Parks and Recreation Board?

Town Attorney Fox - I do not know that the Town Council as a whole has endorsed that. Town initiated seems to me something that the Town has put forth as one of its events. You could change the text amendment to say 4.

Chairman Sharp - We still have a problem because if that property wants to have another event.

Mayor Nancy Anderson – I am not sure where the #3 came from and why that was chosen.

Ms. Sanders - Could four consecutive events be considered one event?

Mr. Buzzard – As Chairman of the Parks and Recreation Board, I directed Sharon to come up with a proposal that you could say that the application is not presented by the Town but it was initiated by the Town.

Town Attorney Fox - The Council only approved the sponsorship and limited it to a segment of the event not the whole event and the other factor is when you say Town initiated and when you have alcohol on the premises it raises a causal link between that and the Town.

The Planning Board discussed changing condition #6 to say the following:

The fourth in the series, August 13, 2010 shall only occur provided the Town Council approves a Text Amendment to Section 58-13 (3) prior to August 13, 2010, which removes or amends the language in this section in a manner that will allow the fourth in the series to occur.

Ms. Masurat was concerned that the text amendment would not be heard before the fourth event.

Town Planner Cook advised that it would be heard by the Town Council on August 9.

Attorney Fox - While you are discussing conditions, I would add a condition that names the Town as an additional insured on the Certificate of Liability Insurance.

Chairman Sharp – The other condition was to delineate areas for non-alcohol assumption including exits and the children's area.

Vice-Chairman Dow - Will you be putting up any temporary structures?

Ms. Sanders – We will be putting up canopies and they will come down after each event.

Vice-Chairman Dow – The band stands will all be removed.

Ms. Sanders - We are using one of Nancy's flat bed trucks.

Vice-Chairman Dow – Rain dates?

Ms. Sanders - On Saturday.

Vice-Chairman Dow - As far as people knowing that it has been cancelled?

Mayor Anderson - When we publish the date, then we put the rain date and they will know to go to the website and look at that.

Chairman Sharp - I wanted to mention why condition number 5 is in there. Normally when we approve an event, we would hear any feedback as we did with Drumstrong the first year that they had it. We were able to address complaints when they came before the Planning Board for the next event. Given the dates of these, we are not going to be meeting every week to be able to address any complaints. The applicant agrees to work with the Zoning Administrator to address any complaints that may be received.

Attorney Fox – You may want some enforcement ability that the failure to resolve the complaint is subject to revocation of the permit.

Mr. Steele – Just because someone complains does not make it a valid complaint. You would almost have to say that failure to resolve complaints determined to be valid in the judgment of the Zoning Administrator. They are going to be working with our Town Planner on issues and we do not anticipate any big problems. The language is loose enough so if there are a number of valid complaints as determined by our Town Planner and the applicant refuses to address it then failure to cooperatively address those would mean revocation of the permit for future events.

Mr. Buzzard – The Town has passed liquor by the drink.

Chairman Sharp - That is correct.

Ms. Sanders - Sheriff Cathey signed our permit for the alcohol today.

Vice-Chairman Dow - The fee was waived on this because it was a Town event?

The Planning Board advised that they would discuss that issue during the text amendment part of the agenda.

With there being no further comments or questions, Chairman Sharp closed the public hearing.

Chairman Sharp asked Ms. Sanders the following Findings of Fact:

a. The proposed temporary use will not materially endanger the public, health, welfare and safety; and
We have two off-duty police officers that will be located on Providence Road and four additional security people. There will be port-a-johns and trash receptacles on site. EMT Personnel, a Fire Truck and Wesley Chapel VFD will be at the event. There will be adequate lighting for the event.

Mr. Steele moved that the proposed temporary use will not materially endanger the public, health, welfare and safety. Mr. Buzzard seconded the motion, with votes recorded as follows:

AYES: Masurat, Buzzard, Steele, Propst and Vice-Chairman Dow
NAYS: None

b. The proposed temporary use will not have a substantial negative effect on adjoining properties; and
The amplification for the event will be from 6 p.m. to 11:00 p.m. The lighting will be focused on the site. The adjoining property owners have been notified and no negative comments from adjoining property owners have been received.

Mr. Buzzard moved that the proposed temporary use will not have a substantial negative effect on adjoining properties. Ms. Masurat seconded the motion, with votes recorded as follows:

AYES: Masurat, Buzzard, Steele, Propst and Vice-Chairman Dow
NAYS: None

c. The proposed temporary use is in harmony with the general purpose and intent of the ordinance and preserves its spirit; and

Weddington lacks a destination for people to gather. We want to create a venue that brings the neighbors together and provides an event that promotes Town spirit and pride. The proposed temporary use is in harmony with the general purpose and intent of the ordinance and preserves its spirit in that it is a family oriented event designed to bring people into the general uptown/downtown area of Weddington. The Town has authorized a stipend for a portion of the event.

Mr. Steele moved that the proposed temporary use is in harmony with the general purpose and intent of the ordinance and preserves its spirit. Mr. Buzzard seconded the motion, with votes recorded as follows:

AYES: Masurat, Buzzard, Steele, Propst and Vice-Chairman Dow
NAYS: None

d. The proposed temporary use is held no more than three times (3) per year at any particular location.

Mr. Steele moved to approve this condition contingent upon the conditions listed in the permit. Mr. Buzzard seconded the motion with votes recorded as follows:

AYES: Masurat, Buzzard, Steele, Propst and Vice-Chairman Dow
NAYS: None

Mr. Steele moved to approve the Temporary Use Permit for Weddstock contingent upon the following conditions:

1. Proof of Certificate of Liability Insurance which also names the Town as an additional insured
2. Certification of Review from Union County Sheriff's Department regarding traffic and crowd control
3. Certification of Review from Union County Health Department
4. Department of Revenue Temporary Sales and Use ID#
5. The applicant agrees to work with Zoning Administrator to address any complaints that may be received.
6. The fourth in the series, August 13, 2010 shall only occur provided the Town Council approves a Text Amendment to Section 58-13 (3) prior to August 13, 2010, which removes or amends the language in this section in a manner that will allow the fourth in the series to occur.
7. Temporary Lighting shall be focused on the site of the event
8. Delineate areas for non-alcohol consumption including exits and the children's area.

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

AYES: Masurat, Buzzard, Steele, Propst and Vice-Chairman Dow
NAYS: None

B. Consideration of Proposed Text Amendment to Section 58-13 Temporary Structures and Uses.

The Planning Board received a copy of the following text amendment:

Sec. 58-13. Temporary structures and uses.

Temporary structures and uses, when in compliance with all applicable provisions of this chapter and all ordinances of the town, shall be approved by the zoning administrator, who shall issue a permit for such approval. The following temporary structures and uses shall be permitted:

- (1) In the event of a disaster, the result of which would require the rebuilding of a dwelling, the owner and his family may occupy a mobile home on the property. The permit shall be issued for a six-month period and may be renewed by the town council, provided construction has proceeded in a diligent manner.
- (2) Mobile homes, construction trailers and temporary buildings not for residential purposes, when used by a contractor for field offices and storage during the building of structures on the same site, are permitted. The permit shall be issued for a six-month period and may be renewed by the town council, provided the construction has proceeded in a diligent manner.
- (3) Any use of a temporary nature (i.e., less than 45 days in duration and held no more than three times per year at any particular location) which would not otherwise be permitted in a particular zoning district and which will materially affect normal activities (i.e., increased traffic, noise, etc.) may be issued a temporary use permit as herein provided. The applicant shall complete and submit an application and a fee, in accordance with a fee schedule adopted by the town council.
 - a. The zoning administrator may grant a temporary use permit for the following temporary uses: sales for civic, charitable, and nonprofit organizations, i.e., Christmas tree sales. The permit shall be valid for a specified period only, not to exceed 45 days in duration.
 - b. The planning board may issue a temporary use permit for all other temporary uses including public events such as festivals, concerts, carnivals, circuses, etc., only after a public hearing has been conducted as follows:
 1. Notices shall be sent by the town by first class mail to the applicant and to owners of all contiguous pieces of property and to all other property owners whose properties lie within 200 feet of any portion of the property in question at least ten days prior to the public hearing. The notice shall indicate the nature of the public hearing and the date, time and place at which it is to occur. The applicant shall provide the town with a list of all affected property owners.
 2. Notice shall also be posted by the town clerk in a conspicuous location at the town hall at least ten days prior to the public hearing. Said notice shall indicate the nature of the public hearing and the date, time and place at which it is to occur.
 3. A sign shall also be placed by the town in a conspicuous location on the subject properties indicating the nature of the public hearing and date, time and place at which it is to occur. Said sign shall be placed on the properties in question at least ten days prior to the public hearing.

4. Before issuing any temporary use permit, the zoning administrator and/or planning board shall make the following determinations:
 - (i) That the proposed temporary use will not materially endanger the public health, welfare and safety;
 - (ii) That the proposed temporary use will not have a substantial negative effect on adjoining properties;
 - (iii) That the proposed temporary use is in harmony with the general purpose and intent of this chapter and preserves its spirit; and
 - (iv) That the non Town initiated proposed temporary use is held no more than three times per year at any particular location. If the temporary use is Town initiated, i.e. by the Town Council, a Town Board or Committee, this determination does not apply.

Chairman Sharp - The text that we currently have basically states that the proposed temporary use is held no more than three times per year at any particular location. We need to come up with language on whether we are going to change it to four for now.

Mr. Steele - I think we should just change it to four to get us through these events but we are still going to have to readdress Town initiated because if they did four of these on the Mayor's property then that would preclude any other event in a calendar year. We need to ask our Attorney to draft language for this.

Mr. Steele moved to send to the Town Council with a favorable recommendation the following text amendment to Section 58-13 (3) (b) (4) (iv) to state the following:

That the proposed temporary use is held no more than four (4) times per calendar year at any particular location.

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

AYES:	Masurat, Buzzard, Steele, Propst and Vice-Chairman Dow
NAYS:	None

Vice-Chairman Dow again discussed the application fee for Weddstock.

Mr. Buzzard – At the time the application was received, it was a town event. We may need to go back and recoup that fee.

The Planning Board felt that the Town Planner should go back and get the fee paid by Ms. Sanders.

Item No. 5. Old Business.

A. Discussion of Text Amendment on Town and County Requirements and Specifications for Connection to Public Water Lines. The Planning Board received a copy of the following proposed text amendments:

(l) *Connection to public water lines.* If County or municipal water lines are located within one-half mile of a subdivision of ten to 39 lots, or one mile of a subdivision of 40 lots or more, where the distances are measured along the roadway to the nearest edge of the property, then the developer must connect to these

lines to provide water service and fire protection for the subdivision. Extensions to the County water system shall be made in conformance with the policies and procedures set forth in the current Union County Water and Sewer Extension Policy as approved by the Board of County Commissioners.

There may be times when the County cannot issue new water permits due to lack of available capacity. If a Developer is denied permits for this reason, the Town may allow the use of individual domestic wells to serve a proposed development provided that the Developer still installs water lines to County specifications as initially approved for fire flow only. The proposed water lines must still meet all the requirements of the Union County Water and Sewer Extension Policy including providing fire flow protection to the Development and taps and meter boxes for each developable lot. If the County approves these plans then the use of wells may be approved as an interim measure until such time as water capacity becomes available.

As a condition of approval of the proposed development, the Town shall require these lots with domestic use wells to connect to the County system at such time as the County indicates water capacity is available. Individual wells may be converted to irrigation use at the property owner’s expense provided such conversion is in conformance with the Union County Building Code and Union County Water and Sewer Specifications. The property owner shall be responsible for any fees and charges from the County as a condition of connection to the County water system. New construction that occurs after water capacity becomes available will be required to tie into the County water system.

The use of Community wells for domestic needs is discouraged and will only be allowed if the water system is built to Union County Water and Sewer Specifications. The system must be capable of meeting the water needs of the community including domestic, irrigation and fire flow requirements and an agreement exists with the County for: 1) the conditions under which the system becomes part of the County system and 2) an arrangement is made with the County to tap into the County system for working fire hydrants according to the County specifications.

Sec. 46-46. Information to be contained in or depicted on preliminary and final plats.

The preliminary and final plats shall depict or contain the information indicated in the following table. An 'X' indicates that the information is required. Preliminary plat information is only required for major subdivisions.

Information	Preliminary Plat	Final Plat
Title block containing the subdivision name and the name of the owner	X	X
Location (including township, county and state)	X	X
Date or dates survey was conducted and plat prepared	X	X
A scale of drawing in feet per inch listed in words and figures	X	X
A bar graph scale and north arrow	X	X
The name of the subdivider	X	X

A sketch vicinity map with north arrow showing the relationship between the proposed subdivision and surrounding area	X	X
The names, addresses and telephone numbers of all owners, mortgagees, registered land surveyors, land planners, architects, landscape architects, and professional engineers responsible for the subdivision	X	X
The registration numbers and seals of the professional engineers and land surveyors	X	X
Date of plat preparation	X	X
The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown	X	
The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands		X
The names of owners of adjoining properties	X	X
The names of any adjoining subdivisions of record or proposed and under review	X	X
Minimum building setback lines	X	X
The zoning classifications of the tract to be subdivided and on adjoining properties	X	
Existing property lines on the tract to be subdivided and on adjoining properties	X	X
Existing buildings or other structures, watercourses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining	X	X
Proposed lot lines, lot and block numbers, and approximate dimensions	X	X
The lots numbered consecutively throughout the subdivision		X

Marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds and any other natural features affecting the site	X	X
The exact location of the flood hazard, floodway and floodway fringe areas from the town's FEMA maps, if applicable	X	X
Septic tank suitability data furnished by the appropriate county health department	X	
Proposed roads with horizontal and vertical alignment	X	X
Existing and platted roads on adjoining properties and in the proposed subdivision	X	X
Rights-of-way, location and dimensions	X	X
Pavement widths	X	X
Proposed grades (re: roads)	X	X
Design engineering data for all corners and curves	X	X
Typical road cross sections	X	X
Road names	X	X
If any road is proposed to intersect with a state maintained road, the subdivider shall apply for driveway approval as required by the state department of transportation, division of highways' manual on driveway regulations. Evidence that the subdivider has obtained such approval.	X	X
The location and dimensions of all utility and other easements	X	X
The location and dimensions of all buffer strips	X	X
The location and dimensions of all pedestrian or bicycle paths	X	X
The location and dimensions of all school sites, both existing and proposed	X	X
The location and dimension of all parks and recreation areas with specific type indicated	X	X

The location and dimensions of areas to be used for purposes other than residential with the purpose of each stated	X	X
The future ownership (dedication or reservation for public use to governmental body, homeowners' association, or for tenants remaining in subdivider's ownership) of recreational and open space lands	X	X
Acreage in total tract to be subdivided	X	
Acreage in parks and recreational areas and other nonresidential uses	X	
Total number of parcels created	X	
Acreage in the smallest lot in the subdivision	X	
Linear feet in streets	X	
The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is listed on the U.S. Department of Interior's National Register of Historic Places or is designated as a local historic property by the county	X	X
The accurate locations and descriptions of all monuments, markers and control points		X
A copy of the approved erosion control plan submitted to the appropriate field office of the department of natural resources and community development, land quality division, for any major subdivision	X	X
A copy of any proposed deed restrictions or similar covenants	X	X

A separate map drawn at the same scale as the preliminary plat showing only proposed streets and lot lines, topography with contour intervals of no greater than ten feet (at the discretion of the subdivision administrator, contour intervals of five feet may be required), and an accurate mapping of soil classifications found on the site and general depths thereof	X	
A disk or tape copy of the final plat to be submitted in a format compatible to the town's GIS system. If this can not be supplied, expenses will be charged to the developer for the service to be completed by the town plus 15 percent.		X
A copy of the approved roadway plan submitted to the appropriate office of the state department of transportation for any major subdivision	X	
A copy of permits from Army Corps of Engineers, pursuant to section 58-342	X	
The location and dimensions of all drainage easements as defined in article XI of the chapter 58, including P.E. certification when required.	X	X
Compliance with section 58-338, "setbacks from streams"	X	X
Establishment of flood protection elevation (FPE) in accordance with section 58-338.	X	X
A stormwater management plan. Stormwater runoff and rate should not exceed the predevelopment rate for a ten-year storm.	X	X
<u>Subdivisions which are required to install County water lines but will use individual or community wells initially must state requirement for connection to the County water system.</u>	<u>X</u>	<u>X</u>

Chairman Sharp - Last month the Planning Board looked at some language for allowing development to

continue to occur even if the County is not allowing water hookups. I sent the language that you looked at to the Union County Public Works Director and he came back with what you have in front of you. The first sentence is what the ordinance currently reads. What is underlined is what he did to what we sent him.

Attorney Fox - One issue is who makes the determination that they have capacity and how is that communicated. When the County says we have capacity, then this says you have to then tap on to that line and you can use the well you had for irrigation purposes. Do you want to put a time period to tap on? How soon – immediately or give a period of time because there is a tap fee involved generally for connection? What is the instrument that will let our Town Planner know that capacity is now available? What marks that point in time? If a developer builds a subdivision and water and capacity is there, that developer will finance that fee into the costs of that development. The developer could set aside money for the tap fees for those homes in advance.

Vice-Chairman Dow - Our main concern in initiating this regulation was fire safety. Nobody has proven that there is really any difference in whether you are pulling water from the ground or pulling it from the Catawba. I understand that if there is a water line it has to have water in it. It cannot sit empty for years and then put water into them. There is going to be water in those lines that will work the fire hydrants even before capacity comes along for the permits for individual houses. We have touched the safety concern because of the fire hydrants.

Chairman Sharp - The County has a requirement that if a water line runs in front of your house you must connect to water.

Vice-Chairman Dow - I do not think it is fair to tell a property owner that has drilled a well that is perfectly fine and he wants to continue to use it that he has to hook up.

Ms. Propst - Does the County have a specific time frame?

Chairman Sharp - We actually suggested a time table when we spoke to the Public Works Director and he removed it.

Mr. Buzzard - The County is going to have some costs to maintaining those lines.

Mr. Propst - They are going to the effort to bring the lines to that area and the developer brings the line into the community.

Attorney Fox - This is really a policy decision.

Vice-Chairman Dow - I am against the policy.

Ms. Propst – I want to make it lenient, if you set a certain time.

Chairman Sharp - I do not think the County will charge up those lines for the fire hydrants unless we meet the specifications that he told us.

Ms. Propst – There is an advantage to having city water. I want to work with the County to get more lines of water. There are a lot of people in Weddington that are dying to have water and the lines are not there and they are frustrated.

Vice-Chairman Dow - I do too but I want you to consider the opposite side of this. If we had not put in this water legislation, what would happen? As developments develop, if the County had water the County

would bring those lines and spend the money to continue the expansion of their water system.

Chairman Sharp - Weddington Heritage and Williamsburg would not have water. If you want to get water to the rest of Weddington and those people whose wells are drying up or have arsenic in them and have other issues, and the County is balking at bringing water because our houses are so far apart and they are such great distances to recoup their expenses. The County would either send the Town or the property owners notification that water is now available and you need to hook up to County water and it would give them the amount of time to do it.

Ms. Propst - The County may work with each homeowner to let them pay so much each month in their monthly water fees.

Vice-Chairman Dow - Obviously the County has a serious problem with water and they are over extended with the letters to serve to developers that they told them that they would give them water. Would we get something from them like that? Who is to say that when the next Commission comes in and we walk in with this that Union County is actually going to charge our lines?

Chairman Sharp – Do we need some type of contract with the County or some type of Interlocal Agreement?

Attorney Fox - We could develop some type of Interlocal Agreement with Union County regarding some type of guarantee that if we require the developer to do this that they will indeed charge the fire hydrants.

Chairman Sharp - The other thing is making sure that the commitment to connect to the water goes with the land and not the owner of the property at the time. That is why we have the second text change that you received.

Vice-Chairman Dow moved to send the proposed text change to Section 46-76 (l) to the Town Council with a favorable recommendation. Ms. Propst seconded the motion, with votes recorded as follows:

AYES: Masurat, Buzzard, Steele, Propst and Vice-Chairman Dow
NAYS: None

Vice-Chairman Dow moved to request that Attorney Fox work on an Interlocal Agreement between the Town and Union County that if this language were approved that water would be provided in the lines for fire protection. Ms. Propst seconded the motion, with votes recorded as follows:

AYES: Masurat, Buzzard, Steele, Propst and Vice-Chairman Dow
NAYS: None

Chairman Sharp – Please review the second text amendment that you received tonight. It is an addition to our chart to insure that the requirement to hook up goes with the land. We have added this one item to go on the preliminary and final plats.

Mr. Steele – This probably needs to be either in the covenants or the deed. I am not sure just a notation on the recorded plat is enough to make sure that the requirement runs with the land.

Attorney Fox - The deed will probably be the best instrument. You review the covenants for the subdivision because you want to make sure that HOA is properly established. You could require in the covenants that this condition is met. Do you have in your checklist to review the covenants?

The Planning Board asked that Town Attorney Fox draft language requiring the connection to the County water system as a deed restriction that runs with the land and not just the homeowner.

B. Land Use Plan Review of Goals and Policies. The Planning Board received a copy of the Goals and Policies Section of the Land Use Plan for their review. Town Planner Cook asked that the Planning Board present their comments to him for this section by July 12 to be discussed at the next Planning Board Meeting.

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

- The Polivka MX Rezoning Application and Land Use Amendment will be on the August 9, 2010 Town Council agenda for Public Hearing and Consideration. It was originally scheduled for the June 14, 2010 meeting. The Town Council has stated that August 9, 2010 is the last possible date for the Public Hearing and Consideration of this project.
- Union County Public Schools (UCPS) has completed the burn on the two houses located on the school property on Cox Road. The brick house was burned on April 3rd and the gray house was burned on April 28th. UCPS will now hire a contractor to remove the remaining debris from the property; this should be completed in the next two weeks.
- All municipalities participating in the Carolina Thread Trail had a kick-off meeting with the Trust for Public Land (hired consultant) on May 6th. There will be four Listening Session in July located throughout Union County. The Town of Weddington will host one of these Sessions at the Weddington Swim and Racquet Club on Monday, July 19 from 6-8pm.
- Union County is in the beginning stages of developing their Water and Sewer Master Plan. I met with Union County and their consultant (Black & Veatch) last month to discuss some of Weddington’s issues and concerns regarding water and sewer. The consultant will be back in the next 2-3 months for more meetings.
- I have received an application for the Final Plat for the Annecy Subdivision. The project is currently scheduled to be on the July 26 Planning Board agenda.
- The Town Council approved the following Text Amendments on June 14, 2010:
 - 1) B-1(CD) and B-2(CD) Text-All B-1 and B-2 zoned properties will now be rezoned to B-1(CD) and B-2(CD).
 - 2) BOA Article VIII

Item No. 7. Other Business.

A. Report from the June 14, 2010 Regular Town Council Meeting. The Planning Board received a copy of the June 14, 2010 Regular Town Council Meeting agenda as information.

Item No. 8. Adjournment. Mr. Buzzard moved to adjourn the June 28, 2010 Regular Planning Board Meeting. Vice-Chairman Dow seconded the motion, with votes recorded as follows:

AYES:	Masurat, Buzzard, Steele, Propst and Vice-Chairman Dow
NAYS:	None

The meeting adjourned at 9:07 p.m.

Dorine Sharp, Chairman

Attest:

Amy S. McCollum, Town Clerk

