

**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
MONDAY, OCTOBER 25, 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 October 25, 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, Jeff Perryman and Janice Propst and Town Planner Jordan Cook and Town Administrator/Clerk Amy McCollum

Absent: None

Visitors: Walker Davidson, David Tetzlaff, Jason LeGrant, Suzy Armstrong, Jann Ratterree, Todd Alexander, Renee Litton, Dick Douthwaite and Jennifer Heath

Item No. 1. Open the Meeting. Chairman Dorine Sharp called the October 25, 2010 Regular Planning Board Meeting to order at 7:03 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. Old Business.

A. Review and Consideration of a Proposed Text Amendment regarding Miniature Horses and Yard Requirements for Miniature Horses. The Planning Board received the following memo and proposed text changes from Town Planner Jordan Cook:

- The Town of Weddington received a formal complaint on July 12, 2010. This complaint was in regard to four horses on 2.48 acres. The current code allows one horse per 40,000 square feet unless the lot is greater than five acres.
- A letter was sent to the homeowner on July 15, 2010. The purpose of this letter was to have the homeowner contact the Town to discuss the complaint.
- It was discovered after several conversations and a site visit on August 3, 2010 that three of the four horses on site were miniature horses weighing less than 350 pounds (per veterinarian letter).
- A letter (attached) was sent to the homeowner on August 13, 2010 giving the homeowner the following options: remove two horses, propose a text amendment or appeal the Zoning Administrator's decision. The attached letter dated August 13, 2010 outlines the current rules and regulations per the *Town of Weddington Zoning Ordinance*. Sections 58-4 and 58-52 are included in the packet.
- The homeowner submitted a text amendment application on August 31, 2010. The proposed text amendment would define miniature horses and establish yard regulations for miniature horses.
- The Planning Board discussed the applicant's text amendment at the September 27th Planning Board meeting. At that meeting the Planning Board directed Rob Dow and me to draft language regarding miniature horses.
- The pages attached to this memo detail the proposed text that Rob and I drafted. Text changes made to "Yard Regulations" and "Definitions" only.

Miniature Horse means a smaller version of an average horse not to exceed 38 inches in height and a

weight of 350 pounds as an adult, for purposes of maximum number of horses per zoning district regulations, two miniature horses will equal one horse.

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, **miniature 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, floral and ornamental products, or lands devoted to a soil conservation or forestry management program. 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.

Horse farm or academy means a site **of five or more acres** where three or more horses are housed, bred, boarded, trained, or sold.

(3) *Yard regulations.*

a. *Minimum lot area.*

1. Single-family dwellings: 80,000 square feet, except five acres on an easement lot not located within a conservation easement, provided; however, that an easement lot may be a minimum of 80,000 square feet when created within a conservation easement of at least 25 acres that is dedicated to a conservation organization.
2. Cemeteries and essential services, class III: Five acres.
3. Churches: Three acres.
4. Public and private schools: Ten acres.
5. Horse farm or academy: Five acres.
6. Agricultural uses: A minimum of 80,000 (R-80), 60,000 (R-60), or 40,000 (R-40) square feet, provided; however, that a minimum of five acres shall be required for any agricultural use containing one or more livestock animals having a mature adult weight of 250 pounds or greater. Notwithstanding this requirement, lots whose agricultural use consists exclusively of one horse shall be required to have a minimum of 40,000 square feet of contiguous fenced land area designed to accommodate the horse. Such lots containing two horses shall be required to have a minimum of 80,000 square feet of contiguous fenced land area designed to accommodate the two horses. **No more than two horses shall be kept on less than five acres. Any lot containing more than two horses shall be considered a Horse Farm or Academy.**

Town Planner Cook and Vice-Chairman Dow clarified with the Planning Board that the code is written to allow one horse on 40,000 square feet of fenced property and then two horses on 80,000 square feet of fenced area. If you have more than two horses, you must have five acres or more.

Chairman Sharp reviewed the following alternate language that she developed:

Alternate

Definition of Horse Farm – no change from current.

Horse farm or academy means a site where three or more horses are housed, bred, boarded, trained, or sold.

Add miniature horses to the definition of Agricultural Uses as shown on handout.

Add definition of miniature horse.

Miniature Horse means a smaller version of an average full size horse not to exceed 38 inches in height and a weight of 350 pounds as an adult. For purposes of maximum number of horses per definitions and zoning district regulations, two miniature horses will equal one horse.

Revise Minimum lot area:

6. Agricultural uses: A minimum of 80,000 (R-80), 60,000 (R-60), or 40,000 (R-40) square feet, provided; however, that a minimum of five acres shall be required for any agricultural use containing one or more livestock animals having a mature adult weight of 250 pounds or greater. Notwithstanding this requirement, lots whose agricultural use consists exclusively of one horse or one or two miniature horses shall be required to have a minimum of 40,000 square feet of contiguous fenced land area designed to accommodate the horse. Such lots containing two horses, three or four miniature horses, or one horse and up to two miniature horses shall be required to have a minimum of 80,000 square feet of contiguous fenced land area designed to accommodate the two horses. A maximum of two horses, four miniature horses, or one horse and two miniature horses shall be kept on less than five acres. Any lot containing more than this number shall be considered a Horse Farm or Academy.

Vice-Chairman Dow explained the reasoning behind requiring five acres or more for more than two horses. He stated, “When you get a lot of hooves in a small piece of property, we cannot regulate how people take care of their places and that is why we wanted that gap in there. If you are going to have three big horses on three acres, it is going to be hard to maintain in a neighborhood setting.”

Vice-Chairman Dow moved to send the following language with a favorable recommendation to the Town Council:

Miniature Horse means a smaller version of a horse not to exceed 38 inches in height and a weight of 350 pounds as an adult. For purposes of maximum number of horses per definitions and zoning district regulations, two miniature horses will equal one horse.

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, **miniature 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, floral and ornamental products, or lands devoted to a soil conservation or forestry management program. 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.

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

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

Item No. 4. New Business.

A. Review and Consideration of Proposed Text Amendment to Add "Private Banquet, Reception and Conference Center" Uses as a Conditional Use. The Planning Board received the following proposed text change from Town Planner Cook:

Private Banquet, Reception & Conference Center

"Banquet & Reception; Buildings owned and operated by an individual for social or recreational events such as weddings, receptions, banquets or social events, and where the owner and/or operator also maintains an on site residence.

"Conference Center; Facilities for corporate meetings, training, retreats, exhibition space & other meetings."

Private Banquet, Reception & Conference Centers shall comply with the following:

- (a) The facility shall comprise at least six thousand (6,000) square feet of heated and cooled habitable space devoted to public or common use for assembly rooms, gathering rooms, meeting rooms, and hallways connecting such rooms. The area of hallways connecting only rooms that are not ordinarily open to any member of the public attending an event shall not be included in fulfillment of this requirement.
- (b) Applicant shall submit a management plan that specifies the hours of operation, types of events to be held, and maximum number of guests to be accommodated at any event.
- (c) Applicant shall provide evidence that the proposed use will not result in any on-street parking demand and that arrangements have been made to furnish parking for the number of vehicles equal to at least one-third (1/3) the maximum number of guests ever to be accommodated by the facility & shall be provided within five hundred (500) feet of the facility. In the event overflow parking is required, the overflow parking will be provided within 2 miles of the facility & guests will be shuttled in by a professional shuttle and/or limo service.
- (d) No electronically amplified sound generated in conjunction with any event shall be audible beyond 60 (DB) at any time beyond the boundary of the property on which the facility is located between the hours of 9 a.m. & 11 p.m.
- (e) No electronically amplified sound generated in conjunction with any event shall be audible at any time beyond the boundary of the property on which the facility is located between the hours of 11 p.m. & 9 a.m.
- (f) If any adjoining property is used for residential purposes, no event shall be conducted outdoors on the grounds of the facility property before 6 a.m. or after 11:00 p.m. Any events beginning before 6 a.m. or finishing after 11 p.m. must be contained in one of the property's interior structures, meeting rooms or banquet halls.

Town Planner Cook – I had a citizen come to me with a piece of property that they want to have this use available to them. They have crafted the language that is before you. Does the Planning Board support allowing this use in our ordinance as a Conditional Use Permit and if so then text regarding parking, minimum lot size, etc. needs to be developed.

Items discussed:

- Currently, there is a prohibition of business in residential zoning.
- Concern over whether the Town would get numerous requests from residents wanting to have this type of establishment on their residential property.
- The property owner could request that the future land use map be changed and then request a rezoning to MX to allow this on their property.

- Appears this is a commercial operation in a residential area.
- Could we require a certain acreage requirement for the use to help eliminate it in subdivisions?
- This would not fall under Customary Home Occupations that is currently in the Town's ordinances.
- The use is currently not a permitted use under MX zoning.
- Daycares were removed as a conditional use under residential because it is considered a commercial establishment.
- Property owner discussed that the property is 8 acres at New Town Road and Twelve Mile Creek Road with everything in place to hold events.
- Some members felt that it would be a nice use to have in the Town.
- Members had trouble having commercial pockets throughout Town and discussed the Polivka Rezoning request that was denied and it was located in the downtown area.
- Planning Board members felt that this type of business should be included in the MX district.

Mr. Steele moved to send an unfavorable recommendation regarding the proposed text amendment to add "Private Banquet, Reception and Conference Center" Uses as a conditional use. Mr. Buzzard seconded the motion, with votes recorded as follows:

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

Mr. Steele moved that the Town Planner bring text at the next meeting to add this use as a permitted use in MX Zoning.

Planning Board members felt that the Board needed to know what the Town Council wanted first before proceeding. Mr. Steele withdrew his motion.

The Planning Board felt that the use could be added as a permitted use under MX zoning and the applicant could go through the process to have the future land use map changed and then the rezoning to MX. The Planning Board advised Town Planner Cook that if the Town Council did want the use as a conditional use in residential zoning then to come back to the Board to help with the specifics regarding parking, setbacks, etc.

B. Review and Consideration of a Minor Subdivision of Parcel #06-096-011 located at 4125 Huntington Road. The Planning Board received the following memo from Town Planner Cook:

4125 Huntington Drive Subdivision is a minor subdivision as defined in the *Weddington Subdivision Ordinance Article II Section 46-40*. Two (2) lots are being created from an existing 11.95 acre parcel owned by Pamela R. Fetter located at 4125 Huntington Road. The property is currently zoned RCD. The existing and proposed use is single family residential.

Application Information

Date of Application: October 11, 2010
 Applicant/Owner Name: Pamela R. Fetter
 Property Address: 4125 Huntington Road, Weddington, NC 28104
 Parcel ID#: 06-096-011
 Existing Zoning: RCD, zoning not proposed to change
 Existing Use: Barn built on existing parcel, area that will become new one acre tract is vacant
 Proposed Use: Single family home

General Information:

Minimum lot size - 40,000 sq. ft.

Front yard setback – 50 feet

Rear yard setback – 40 feet

Side yard setbacks – 15 feet

Minimum lot width at building line – 120 feet, measured at the front yard setback

- The applicant proposes to subdivide an 11.95 acre parcel into two separate tracts. A new one acre tract will be created from this subdivision.
- The original parcel will become 10.95 acres.
- The new one acre tract will be served by a well and septic system. Union County has approved the location for a sewage treatment and disposal system on the lot. Permit included.
- Aerial view of property and application are also included in the packet.

The proposed minor subdivision is in general conformity with the Town of Weddington Zoning and Subdivision Ordinances with the following exceptions:

1. Parcel 06-096-011 shall be listed as an 11.95 acre tract.

The Planning Board also received the following:

- Subdivision Application
 - GIS Map
 - Copy of Union County On-Site Wastewater Disposal System – Construction Authorization
 - Site Plan of a Portion of 4125 Huntington Drive
-

The Planning Board discussed the following language regarding minor subdivisions:

Subdivision, minor, means a subdivision where:

- (1) No public or private streets are proposed;
- (2) No rights-of-way are dedicated and no easements dedicated, except as provided in section 46-76; and
- (3) Three or fewer new lots are created after the subdivision is completed.

Mr. Perryman moved to approve the Minor Subdivision of Parcel #06-096-011 located at 4125 Huntington Road contingent upon the following:

- Recombination of Lots 11 and 11A
- Get actual square footage of the lots noted on the plat

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

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

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

- The Carolina Thread Trail, Trust for Public Land and Steering Committee held four Listening Sessions in July throughout Union County. The Town of Weddington hosted one of these Sessions at the Weddington Swim and Racquet Club on Monday, July 19 from 6-8pm. Approximately 20 people attended the Session in Weddington. The Trust for Public Land will now begin creating a

map with proposed trail locations. These trail locations will depend on the feedback from the four Listening Sessions. Open House meetings will occur in mid November to discuss the proposed trail locations. Please see the following website for further information: <http://www.carolinathreadtrail.org/>.

- The B-1(CD) and B-2(CD) Rezonings will take place after I have met with all property owners involved in the rezonings. Meetings with the property owners are currently being scheduled.
- NCDOT has completed clearing vegetation for the access road behind Town Hall. The access road will connect the back of the shopping center to Weddington-Matthews Road. The entire project should be completed by November 1st. NCDOT will remove all of the berm along Weddington-Matthews Road. Most of the dirt from the berm will be used to construct the actual roadway. Any remaining dirt will be used to level out the back yard at Town Hall.
- The Town Council called for a Public Hearing on an Ordinance Regulating Residential Open Burning of Yard Waste in the Corporate Weddington Town Limits at their October 11th meeting. A copy of the proposed text is available.
- The Town Council approved the following Text Amendments on October 11, 2010: Chapter 38, Article II-Planning Board.

Item No. 6. Other Business.

A. Report from the October 11, 2010 Regular Town Council Meeting. The Planning Board received a copy of the agenda from the October 11, 2010 Regular Town Council Meeting as information.

Item No. 7. Adjournment. Mr. Buzzard moved to adjourn the October 25, 2010 Regular Planning Board Meeting. Mr. Perryman seconded the motion, with votes recorded as follows:

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

The meeting adjourned at 8:32 p.m.

Dorine Sharp, Chairman

Attest:

Amy S. McCollum, Town Clerk