

**TOWN OF WEDDINGTON  
REGULAR PLANNING BOARD MEETING  
MONDAY, MARCH 23, 2009 - 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 March 23, 2009 at 7:00 p.m., with Chairman Dorine Sharp presiding.

Present: Chairman Dorine Sharp, Vice-Chairman Rob Dow, Jack Steele, Sarah Lowe, Scott Buzzard, Beth Masurat and Jeff Perryman, Town Planner Jordan Cook and Town Clerk/Administrator Amy S. McCollum

Absent: None

Visitors: Scott Swimmer, Mr. and Mrs. Harry Swimmer and Anthony Burman

**Item No. 1. Open the Meeting.** Chairman Dorine Sharp called the March 23, 2009 Regular Planning Board Meeting to order at 7:02 p.m. There was a quorum. Scott Buzzard and Jeff Perryman were not present for the beginning of the meeting.

**Item No. 2. Continuation of Meeting.** Vice-Chairman Rob Dow moved to continue the March 23, 2009 Regular Planning Board Meeting until after the completion of the Special Board of Adjustment Meeting. Ms. Beth Masurat seconded the motion, with votes recorded as follows:

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

**Item No. 3. Reopen the Meeting.** Chairman Sharp reopened the March 23, 2009 Regular Planning Board Meeting at 8:11 p.m.

**Item No. 4. Determination of Quorum/Additions or Deletions to the Agenda.** There was a quorum. Chairman Sharp asked that Review of the Land Use Plan be added to the agenda under Old Business.

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

**A. Public Hearing and Consideration of Temporary Use Permit for drumSTRONG.** The Planning Board received the following memo from Town Planner Jordan Cook:

Mr. Scott Swimmer does submit an application for a Temporary Use Permit for the charity event titled drumSTRONG. The event is proposed at Misty Meadows Farm located at 455 Providence Road. The Property is owned by Mr. Swimmer's family.

**Application Information**

Date of Application: 2/13/09

Applicant's Name: Scott Swimmer

Property Owner's Name: Misty Meadows Farm

Parcel ID#:06153314, 06153026A, 06153026B, 06153315

Property Location: 455 Providence Rd, Weddington

Existing Zoning: R-CD

Existing Use: Farm

Proposed Temporary Use: drumSTRONG 24 hr Musical Charity event

Property Size: 81 Acres

Event hours: Starting Saturday, May 16, 2009 at 12:00 noon through Sunday, May 17, 2009 at 5pm

**Additional information:**

- Projected attendance is 1,000 to 1,500 people, services available for as many as 3,000.
- A copy of the Certificate of Liability Insurance has been provided to planning staff.
- A copy of the Mass Gathering application to Union County Environmental Health will be provided at the Planning Board meeting. Staff at Union County Environmental Health has stated that they are reviewing the application with other county agencies. The Mass Gathering permit will be issued by the County on the day of the event.
- 24 hr. security and traffic control will be provided by the appropriate agencies.
- Fire, EMS and medical personnel will be on site for the duration of the event.
- Portable bathroom facilities will be provided on site.
- Temporary electrical services will be provided by Union Power.
- Parking will be on site for approximately 600 vehicles. Additional parking will be available at Meadows of Weddington, Hunter Farms and Weddington Baptist Church (approximately 700 additional spaces).
- The organizers have stated that all sound and lighting from the event will abide by all Town of Weddington Ordinances. Amplified sound will be turned off by 11:59pm on Saturday, May 16.

All proposed signs shall be part of the TUP and conform to Article 8.

The applicant received approval for a TUP in April 2007 and 2008 for the same event.

This evening's hearing was duly advertised on March 12<sup>th</sup> and March 19, 2009 in the Enquirer Journal Newspaper.

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A copy of the application and supporting documentation is attached to the minutes as Exhibit A.

Town Planner Cook advised that the application was amended to reflect the correct tax parcel numbers and that the event will encompass four parcels. Town Planner Cook read the conditions from the March 24, 2008 Planning Board Meeting for the previous Temporary Use Permit that was approved for drumSTRONG.

Mr. Scott Swimmer advised that he was working with the Union County Sheriff's Office on safety and egress and ingress for the event. Mr. Swimmer also discussed complaints that were received last year from the event and that he has worked hard to try to remedy the problems from last year. He felt that the angle of the speakers carried the music further last year.

Chairman Sharp questioned if Mr. Swimmer needed amplification after 11:00 p.m.? Mr. Swimmer advised that there were some promising celebrity appearances and interesting artists coming after 11:00 p.m. He stated, "I have worked with my sound engineers to try to contain the music on our 40 acres without being heard across the street."

Ms. Masurat stated, "I live in Aero Plantation. Last year it was a beautiful night and I had my windows open and at 1:00 a.m. I could still hear the music and could identify the song."

Vice-Chairman Dow felt that Mr. Swimmer could do a better job of scheduling the acts. Mr. Swimmer advised the Board that his sound engineers will also have decibel monitors on site.

The Board asked that Mr. Cook find out what decibel levels are allowable in Union County. It was advised that Charlotte-Mecklenburg allows 10 decibels up to 11:30 p.m. and 8 or below after that.

The Board discussed with Mr. Swimmer the sign regulations and where he could put up signs outside of the Town limits. Mr. Cook will get Mr. Swimmer a map showing the Town's borders.

Chairman Sharp read a letter from Providence Estates Homes stating that they will allow off-site parking on their property. Staff advised that no negative comments have been received.

Chairman Sharp asked Mr. Swimmer the following Findings of Fact:

- The proposed temporary use will not materially endanger the public, health, welfare and safety. Mr. Swimmer – It will not.
- The proposed temporary use will not have a substantial negative effect on adjoining properties. Mr. Swimmer – It will not.
- The proposed temporary use is in harmony with the general purpose and intent of the ordinance and preserves its spirit. Mr. Swimmer – It is in harmony.
- The proposed temporary use is held no more than three times (3) per year at any particular location. Mr. Swimmer – This is an annual event.

Vice-Chairman Dow moved to approve the Temporary Use Permit for drumSTRONG as outlined in the application with the following conditions:

- Pending certification from the Union County Sheriff's Office
- Receive Union County Mass Gathering Permit
- Receive Certificate of Review from the Union County Health Department
- Saturday - Have two police officers from 3:00 p.m. to 8:00 p.m.
- Sunday – have two police officers from 12:00 p.m. until officers no longer see a need for it
- Need written permission from the owners of the property if off-site parking is used
- As part of the application a temporary sign permit will be issued for a sign or banner not greater than 20 square feet to be located on the property
- Amplification will be turned down around 11:00 p.m. Saturday until 1:00 p.m. on Sunday
- Town Planner Jordan Cook will assist in setting decibel levels.

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

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

**B. Discussion of Permitted and Conditional Uses in Residential Zoning.** The Planning Board received a copy of the Code of Ordinances dealing with permitted and conditional uses allowed in residential zoning. The Planning Board discussed the issue of removing day care facilities as a use in residential zoning because it is perceived as a commercial establishment. Chairman Sharp will discuss this issue with the Town Council at their March Retreat.

**Item No. 6. Approval of Minutes.**

**A. February 23, 2009 Regular Planning Board Minutes.** Ms. Lowe moved to approve the February 23, 2009 Regular Planning Board Meeting minutes with the corrections noted. Mr. Jeff Perryman seconded the motion, with votes recorded as follows:

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

**Item No. 7. Old Business.**

**A. Review and Consideration of Proposed Architectural Review Standards.** The Planning Board received a copy of the proposed Architectural Review Standards for their review. A copy is attached to the minutes as Exhibit B.

Planning Board Members and Town Planner Cook discussed proposed amendments to the standards. The Board discussed the need for the creation of an Architectural Review Board.

Town Planner Cook will work with the Town Attorney on whether these standards should be guidelines or incorporated in the Town's ordinances.

**B. Review of Land Use Plan.** Planning Board Members submitted suggested changes that they found with the section of the Land Use Plan that they reviewed. Chairman Sharp and Town Planner Cook will review the recommended changes to the Land Use Plan and bring forward at a future Planning Board Meeting

**Item No. 8. Updates from Town Planner and Town Administrator.**

**Town Planner Update**

Chesterbrook Academy is working to replace their sign to comply with the Conditional Use Permit that was granted to them. Landscaping will need to be added also on the Cox Road side of the day care.

The Town is going to rezone the Weddington Elementary, Middle and High Schools from R-CD to E-D. This will be considered at the April Planning Board Meeting.

**Town Administrator Update**

The Parks and Recreation Advisory Board is planning a Litter Sweep Event to be held on May 2, 2009 beginning at 9:00 a.m. at the Town Hall.

Downtown Development Committee will be meeting on Tuesday, March 24, 2009 here at the Town Hall at 6:30 p.m. The group plans (weather permitting) to take a site visit/walk of the current commercial/downtown area.

The Retreat is scheduled to be held March 27 and 28 at the Firethorne Country Club. The meeting will begin at 12:30 p.m. on Friday and end no later than 6:00 p.m. We will start on Saturday at 8:30 a.m. and end by 1:30 p.m. Agenda items include Budget, Downtown, Library, Transportation, New Town Survey, Optimist Park and Water and Sewer Issues.

**Item No. 9. Other Business.**

**A. Report from the March 9, 2009 Regular Town Council Meeting.** The Planning Board received a copy of the March 9, 2009 Regular Town Council Meeting agenda as information.

**Item No. 10. Adjournment.** Ms. Lowe moved to adjourn the March 23, 2009 Regular Planning Board Meeting. Ms. Masurat seconded the motion, with votes recorded as follows:

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

The meeting adjourned at 9:38 p.m.

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Dorine Sharp, Chairman

Attest:

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Amy S. McCollum, Town Clerk