

**TOWN OF WEDDINGTON
REGULAR TOWN COUNCIL MEETING
MONDAY, OCTOBER 8, 2018 – 7:00 P.M.
WEDDINGTON TOWN HALL
1924 WEDDINGTON ROAD WEDDINGTON, NC 28104
AGENDA**

Prayer – Reverend Haven O. Anderson, Marvin AME Zion Church

1. OPEN THE MEETING
2. PLEDGE OF ALLEGIANCE
3. DETERMINATION OF QUORUM
4. ADDITIONS, DELETIONS AND/OR ADOPTION OF THE AGENDA
5. PUBLIC COMMENTS
6. CONSENT AGENDA
 - A. Authorize Administrator to enter into a three-year contract with Vector Security for an amount not to exceed \$1,618.20.
7. APPROVAL TOWN COUNCIL MINUTES
 - A. September 10, 2018 Town Council Regular Meeting Minutes
8. PUBLIC HEARINGS AND CONSIDERATION OF PUBLIC HEARINGS
 - A. Discussion and Consideration of Conditional Zoning for 5207 Weddington Road for the Purpose of Establishing a Community Recreational Center
 - B. Discussion and Consideration of Conditional Zoning for 315 Reid Dairy Road for the Purpose of Establishing a Church Use and any accessory uses related therewith
9. OLD BUSINESS
 - A. Discussion of Update on Erosion Control Ordinance
10. NEW BUSINESS
 - A. Review and Consideration of Final Plat for the Falls at Weddington, Phase 3 Map 1
 - B. Discussion and Consideration of Addition of Ordinance to Article II: Stopping, Standing, and Parking Section 50-20 Certain Vehicles Parked Only for Loading and Unloading
11. UPDATE FROM TOWN PLANNER
12. CODE ENFORCEMENT REPORT
13. UPDATE FROM FINANCE OFFICER AND TAX COLLECTOR
14. TRANSPORTATION REPORT
15. COUNCIL COMMENTS
16. ENTER INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11 (a)(6) To Address Personnel Matters; NCGS 143-318.11(a)(3) To Consult with Town Attorney; and NCGS 143-318.11(a)(1) to approve closed session minutes
17. ADJOURNMENT

**TOWN OF WEDDINGTON
 REGULAR TOWN COUNCIL MEETING
 MONDAY, SEPTEMBER 10, 2018 – 7:00 P.M.
 WEDDINGTON TOWN HALL
 MINUTES
 PAGE 1 OF 7**

Prayer – Reverend Chris Edwards, Graceway Baptist Church

1. OPEN THE MEETING

Mayor Callis called the meeting to order at 7 p.m.

2. PLEDGE OF ALLEGIANCE

Mayor Callis led the Pledge of Allegiance.

3. DETERMINATION OF QUORUM

Quorum was determined with Mayor Liz Callis, Councilmembers Jeff Perryman, Mike Smith, and Scott Buzzard present. Mayor Pro Tem Janice Propst was absent.

Staff Present: Town Administrator/Planner Lisa Thompson, Finance Officer Leslie Gaylord, Town Clerk Karen Dewey, Town Attorney Karen Wolter

Visitors: Francesca Barcklow, Bill Price, Walt Hogan, Sean Paone, Bill Deter, Steve Godfrey, Alix Pavlic Phillips

4. ADDITIONS, DELETIONS AND/OR ADOPTION OF THE AGENDA

Motion: Councilmember Perryman made a motion to adopt the agenda as presented.
Vote: The motion passed with a unanimous vote.

5. INTRODUCTION OF UNION COUNTY SHERIFF’S DEPUTIES SHAWN DODD AND RAMONA MARKS

Captain Luke with the Union County Sheriff’s Office introduced the Town of Weddington Deputies: Ryan Hedlund has been serving in the Town of Weddington for 7 years. Shawn Dodd has 5 years of experience with the Sheriff’s Office and he took the place of Jackson Hunt. Ramona Marks comes to Weddington from the Marshville Police Department. She has 2 ½ years’ experience and has decided to expand her experience and be a part of this community.

Councilmember Smith thanked Captain Luke and the Deputies for taking care of Weddington.

6. PUBLIC COMMENTS

Francesca Barcklow-Crane Road. Ms. Barcklow expressed her frustration with a flooding issue on her property that she claims is the responsibility of St. Margaret’s Church. She requested the Town contact the church about the flooding and ask how they will remedy the issue.

Bill Price – 440 Weddington Road. Mr. Price expressed his concern with the traffic and illegal parking off Providence Road near Ennis Road due to the sunflower fields. He stated the need for signage and patrolling of

the area to ensure no roadside parking for the sake of safety.

7. CONSENT AGENDA

A. Authorize the Tax Collector to charge off 2007 Property Taxes

B. Adopt Proclamation P-2018-03 October as Domestic Violence Awareness Month

C. Call for a Public Hearing to be held Monday, October 8, 2018 at 7:00 p.m. at Weddington Town Hall to consider:

- 1) Conditional Zoning for 5207 Weddington Road, Weddington, for the Purpose of Establishing a Community Recreational Center.
- 2) Conditional Zoning for 315 Reid Dairy Road, Weddington, for the Purpose of Establishing a Church Use and Any Accessory Uses Related Therewith

Motion: Councilmember Perryman made a motion to adopt the Consent Agenda as presented.

Vote: The motion passed with a unanimous vote.

8. APPROVAL TOWN COUNCIL MINUTES

A. August 13, 2018 Town Council Regular Meeting Minutes

B. August 22, 2018 Town Council Special Meeting Minutes

Motion: Councilmember Smith made a motion to adopt the August 13, 2018 Town Council Regular Meeting Minutes and the August 22, 2018 Town Council Special Meeting Minutes as presented.

Vote: The motion passed with a unanimous vote.

9. OLD BUSINESS

A. Discussion and Consideration of Text Amendment Chapter 34 – Article IV Burning of Land Clearing Vegetation

Mayor Callis reviewed: Council held a discussion on this text amendment last month. Council directed staff to review the penalty section for stronger consequences for violations.

Councilmember Perryman stated that he believes this is self explanatory, but he is curious about making penalties sufficient enough to be appropriate and to deter the violations.

Ms. Wolter explained that the best remedy is notification to the developer that if a violation is not cleaned up, the town will clean it up and charge the violator the cost of extinguishing the fire and the clean up as well as the fines. She stated that a big fine may not be effective in this situation as the goal is to get the fire out.

Ms. Thompson stated that an additional reference to General Statute 160A-193 was added to the text amendment.

Motion: Councilmember Perryman made a motion to approve Text Amendment Chapter 34-Article IV Burning of Land Clearing Vegetation as presented.

Vote: The motion passed with a unanimous vote.

B. Discussion and Consideration of Entering into Contract for Repaving of Ambassador Court

Mayor Callis stated that this item was tabled from last month to allow staff time to tidy up requirements in the paving contract. The contract requires that NCDOT review and approve the scope of work prior to final payment to the contractor.

Councilmember Smith asked Councilmember Buzzard if this was going to be a joint venture with the residents.

Councilmember Buzzard replied that the residents have not been approached yet as he would like to have a firm number to present to them. He also stated that he would like for NCDOT to review the paving contract. He said that after speaking with Ms. Thompson, he understands that as long as the contract is written so that if the work doesn't meet NCDOT standards, the contractor has to bring it up to those standards.

Councilmember Smith asked if Councilmember Buzzard had spoken to NCDOT. Councilmember Buzzard responded that he had and NCDOT confirmed that as long as the road is brought up to their standards, they will take control of the road. Councilmember Smith thanked Councilmember Buzzard for his work on this.

Mayor Callis asked if the Council would like to table this until next month's meeting.

Councilmember Perryman asked if the Council can approve the amount right now, then take it to the residents.

Councilmember Buzzard stated that the Council can agree to the contract amount tonight, the contract doesn't have to be executed immediately. He plans to take it to the residents, and once they approve, the contract can be executed sooner rather than wait for next month's Council meeting.

Councilmember Perryman asked if the contract would be contingent on contributions from residents. He would like to ensure the town isn't locked into paying the entire amount.

Ms. Wolter responded that staff won't execute the contract until given approval from the Council with regard to payment from the residents.

Motion: Councilmember Buzzard made a motion to approve the paving contract with H&S Paving and to authorize Town Administrator and Town Attorney to finalize the contract and to delay execution of contract until Council notifies staff to proceed.

Vote: The motion passed with a unanimous vote.

C. Discussion of House Plans and Consideration of Site Plan Contract for Matthews Property

Mayor Callis opened the floor for discussion. Ms. Thompson stated: At the last Council meeting she was asked to gather bids for the house before moving forward with any site planning contracts for the property. The bids are to bring the house to business occupancy code and to restore the home without changing the internal layout. The following scope was sent to the contractors:

- Demo – Remove back porch roof, remove plaster, remove handrails and porch flooring as needed.
- Roof – quote provided; option to use sub
- Front Porch – Decking as needed, handrails and ADA access

- Windows – keep wood windows where possible. Seal/insulate for energy efficiency
- Paint exterior – prep and paint exterior
- Floors – sand and finish existing hardwood floors. Install new hardwoods to match through the remaining first floor
- Kitchen – renovate kitchen to replace cabinets, countertops, flooring, backsplash, sink
- Bathroom renovation and addition – code requires a male and female restroom, ADA compatible
- Interior trim – carpentry and trim moldings – intent to keep interior doors where possible
- Electrical and lighting – wiring to code and install new lighting
- Plumbing – kitchen and bath per code
- HVAC – assumed to be in working order. Only service call for maintenance and start up
- Structural repairs – quotes included; option to use sub

The Town received 3 bids: Robert Epps Custom Homes, Dwight Hunter Customs Homes, Inc., and Carolina Classic Builders. The bidders were asked to bid as though there was no lead paint in the structure. The highest bid was \$286,000; the second highest was \$285,000 and the lowest was \$153,595. These bids do not include the \$60,000 cost for the structural and roof repairs.

Councilmember Buzzard stated that given the presented dollar figures, he believes demolishing house is way to go.

Councilmember Perryman agreed, stating that two of the bids are out of the range he personally considers reasonable. He believes this is a lot of money and would like to consider what could be built for that cost.

Councilmember Smith stated that the actual cost would probably be more than the initial bids, especially adding the \$60,000 for the structural repairs.

Councilmember Perryman stated that as disappointing as it might be to lose a nice old house, the cost just seems a bit much.

Councilmember Smith agreed and stated that he believes the town can build something more tailored toward its needs.

Councilmember Buzzard stated that once the house is demolished, the plans for a new building can become part of the phases of development for the property.

Councilmember Perryman stated that there are companies that salvage fixtures, doors, window frames, and the like. He asked if it is a possibility to sell some of the parts of the house and use that money toward a new building.

Councilmember Smith stated that it would probably be a nominal amount of money and he would like to give the Council the opportunity to see if there is anything of use to incorporate into the new structure.

Ms Thompson stated that she has auctioned off town property in a different municipality and it did make more money than anticipated.

Council directed staff to research how much of the house materials can be salvaged and sold and to get

quotes to demolish what is left.

Site plan discussion:

Councilmember Smith asked if Council should deal with a new building first, then deal with a site plan or with a decision on the house, move forward with site planning services.

Councilmember Perryman stated that with a decision on the house, Council should start working on the site plan. Councilmember Buzzard agreed.

- Motion:** Councilmember Smith made a motion to direct staff to enter into contract with Cardno, Inc. not to exceed \$3,500 for site planning services and to authorize Staff and Town Attorney to finalize the contract.
- Vote:** The motion passed with a unanimous vote.

10. NEW BUSINESS

A. Discussion and Consideration of Final Plat for Weddington Acres Subdivision

Sunbelt Holdings SE, LLC is seeking re-approval of their final plat application for 25 lots on 41.527 acres located at the southern corner of Weddington Matthews Road and Antioch Church Road. The sketch plan was approved on October 28, 2015. The Planning Board reviewed the Preliminary Plat/Construction Plans on June 26, 2017 and Town Council approved the plans on July 10, 2017. A PRD rezoning was approved for private roads and gates on January 8, 2018 and a modification to the cul-de-sac length of 1,060 linear feet was approved July 9, 2018 with the condition that the final plat be amended through the process. The Planning Board reviewed the plat on August 27, 2018. They asked that a note of DOT approval for the taper lane be added to the final plat. The Planning Board unanimously recommended approval.

Council had no questions. Ms. Thompson presented the six conditions of approval:

1. Bond estimates are reviewed and bonds are obtained prior to recording the plat. A bond for the PRD shall also be obtained per section 58-23.
2. Maintenance Agreement and CCR's to be approved by the Town Attorney. CCR's are required to be updated to include the private roads and access requirements, upkeep and maintenance inspections of the gate per Section 58-23.
3. CBU locations shall be approved by the USPS.
4. Any amendments to the construction plans shall be reviewed and approved by staff.
5. The final plat (once approved) shall be updated to reflect the private roads/entry.
6. A note shall be added about the taper as agreed upon by Town Council.

- Motion:** Councilmember Perryman made a motion to approve the Final Plan for Weddington Acres Subdivision with the conditions as listed by staff.
- Vote:** The motion passed with a unanimous vote.

B. Discussion of Status of Purchase of Radar Trailer

Mayor Callis stated that she has discussed the radar trailer with Ms. Thompson. The Town has received the insurance check for the damaged radar trailer. She is asking Council to give direction to Ms. Thompson as to how to proceed.

Ms. Thompson stated that the quote to repair the damaged trailer is \$989. The insurance check was for \$689 after the deductible. The cost to ship the trailer to get it repaired is approximately \$200 each way. The radar and trailer is 10 years old.

Councilmember Smith stated that there are some things to take into consideration. Structurally, the radar trailer is in bad shape. There isn't anybody local to work on it and it probably is not feasible to try to repair it. He believes the Town should consider scrapping it and buying a new one. It is going to cost more to repair than it's worth. Councilmember Smith stated that Ms. Gaylord did some excellent work when she was working adding this into the budget. If Council agrees, Councilmember Smith stated that he can work with Ms. Thompson to research the best equipment and present some options to the Council.

Councilmember Perryman stated his agreement.

Councilmember Buzzard asked if the Union County Sheriff's Office ever sells off old equipment as they upgrade.

Councilmember Smith stated that he was not sure if they had a radar trailer and if it's old equipment, it's probably stuff the town wouldn't want to buy. He stated that what he would like to do is get something new that reads speed and can act as an information sign and possibly have a camera.

Mayor Callis asked what the ball park cost for a new trailer would be.

Councilmember Smith stated that he would guess between \$6,000 and \$10,000. The town doesn't need too many frills, but traffic counts, speed, and the possibility of an informational board and camera.

Ms. Gaylord stated that a new radar trailer was already included in the budget.

Council directed staff to work with Councilmember Smith on research of procurement of new radar trailer and Council will continue discussion next month.

11. UPDATE FROM TOWN PLANNER

Ms. Thompson presented the update: Staff has finished drafting the erosion control ordinance. Ms. Thompson contacted Julie Coco, the state level person to talk to about implementing an erosion control program. Ms. Thompson is hoping to set up meeting in Raleigh with Ms. Coco in next two weeks to get that process rolling.

12. CODE ENFORCEMENT REPORT (hereby submitted for the record)

Ms. Thompson stated the Town won the court case brought by James and Shannon Cox at 404 Cottonfield Circle for breach of contract from the settlement agreement. The case was dismissed. The only other item is number 4: 3824 Beulah Church Road-a citation was sent this week for junk and trash in the yard.

13. UPDATE FROM FINANCE OFFICER AND TAX COLLECTOR

Ms. Gaylord presented the financial update (hereby incorporated for the record). She stated that taxes have been received from Union County. The town tax bills were mailed last week. The Auditors will be in the office next Tuesday

14. TRANSPORTATION REPORT

Mayor Callis gave a quick update from the quarterly Union County transportation meeting: The only updates are the opening of the Monroe Expressway scheduled for the end of this year. Also, delegates were given an updated list of funded projects for our area, and the dates for the Rea Road Extension and the Tilley Morris round a bout are still scheduled to begin construction in 2019.

15. COUNCIL COMMENTS

Councilmember Scott Buzzard: I want to thank everyone for coming out. We're starting to see a few more people than in the past, that's always good to know that there are folks interested in what we do and the town in general. I want to thank staff for working hard getting the info for us to move forward on some projects that I'm looking forward to getting into.

Councilmember Mike Smith: I just want to echo Scott's comments. Thank you for coming out. I also want to just throw this out there: we've got a storm coming this way. Please use caution-buckle down your patio furniture and don't go out. Stay in, unless you got a boat. Be careful during the storm.

Councilmember Jeff Perryman: This is where I want to echo what Scott said and what Mike said. The only thing I would add to that about the storm-I wasn't here for Hugo, but I was here through Fran and let's just stay on the phones and look out for one another. Especially if you've got friends and family down east, keep them in mind and let's hope we all get through this in good fashion.

Mayor Elizabeth Callis: I want to thank everybody for coming out tonight. I appreciate your interest in the Town.

16. ADJOURNMENT

Motion: Councilmember Smith made a motion to adjourn the September 10, 2018 Regular Town Council Meeting at 7:44 p.m.

Vote: The motion passed with a unanimous vote

Adopted: _____

Elizabeth Callis, Mayor

Karen Dewey, Clerk

TOWN OF WEDDINGTON

MEMORANDUM

TO: Mayor and Town Council

FROM: Lisa Thompson, Administrator/Planner

DATE: October 8, 2018

SUBJECT: Weddington Fitness Center – R-40 Conditional Zoning



Cory Worf requests a conditional zoning to allow for a private community recreational use within an existing building located at 5207 Monroe Weddington Road.

Application Information

Date of Application: August 3, 2018
Applicant/Owner Name: Cory Worf
Parcel ID#: a portion of 06-069-021
Property Location: 5207 Monroe Weddington Road
Existing Zoning: R40

Proposed Zoning: R40 (CZ)
Existing Use: Vacant Church Building
Proposed Use(s): Recreational Use
Parcel Size: 3.12 acres

Use

The applicant proposes a community recreational center in accordance with *Section 58-54 (2)c* of the *Weddington Zoning Ordinance*. All conditional uses are required to go through the conditional rezoning process in *Section 58-271* of the *Weddington Zoning Ordinance*.

(2) *Conditional uses*. The following uses may be permitted by the town council in accordance with [section 58-271](#). The council shall address review criteria for each use which is contained in [section 58-271](#):

- a. Churches, synagogues and other places of worship.
- b. Public and private schools serving all grades, including preschool facilities.
- c. Golf courses, parks, playgrounds and community recreational centers (both public and private).
- d. Country clubs.
- e. Emergency governmental service facilities, including police, fire and rescue.
- f. Cemeteries.
- g. Essential services, classes II and III.
- h. Private airstrips, provided that:
- i. Telecommunication towers.
- j. Public libraries.
- k. Planned residential developments, subject to the requirements of [section 58-23](#).
- l. Amateur radio towers. An amateur radio tower may also be located on a lot that contains another principal use or structure. In no instance, however, shall the amateur radio tower be located in the front yard of a lot containing another principal structure.
- m. Government or town facility.
- n. Land application of biosolids.
- o. Agritourism

Development Standards for a Private Community Recreational Facility

Minimum Lot Area - 40,000 sq ft.
Front Setback-75 feet
Rear Setback-40 feet
Side Setbacks-15 feet
Maximum Building Height - 35 feet

Access and Parking:

The site plan shows a single access point off of Weddington Road. This will become a right in/ right out once the Weddington Road improvements are complete. The applicant will be required to obtain driveway permits from NCDOT as a condition of a conditional rezoning approval.

A parking stall is required to be 9' x 20'. The applicant will use the existing parking lot and restripe it to meet town requirements. Community recreational centers require 1 space for the largest number

of employees per shift, plus 2 spaces for each 3 memberships, plus 1 space for each vehicle used in the operation. 14 parking spaces and 1 ADA space is required. 23 spaces and 2 ADA spaces are provided.

Justin Carroll, the Town's traffic engineer is not requiring a TIA. The AM peak is 7 vehicles and the PM peak hour is 17 vehicles. Mr. Carroll's findings are included in your packet.

Screening and Landscaping:

The applicant provided a 24' foot buffer around the side and rear of the property which shall be left undisturbed per *Section 58-8 of the Weddington Zoning Ordinances*. Staff believes the uses surrounding the existing building aren't uses that need to be screened therefore staff is suggesting that they be exempt from the planting requirement of 5 trees and 20 shrubs per 100 linear feet. However, the existing parking areas shall be screened along the south side to buffer it from Weddington Road.

Elevations:

The applicant is not proposing any additions to the building at this time. They will paint the exterior of the structure and install landscaping around the foot print as needed.

Lighting

There are existing pole mounted lights in the parking lot. Any proposed lights shall meet the requirements within the lighting ordinance.

PIM

The required Public Involvement Meetings for this project were held on August 15, 2018 from 2:00-4:00 on site and 5:00-7:00 PM at Town Hall. Mailings were sent out to parcels within 1300' of the site. Approximately 11 people attended the meetings, all showing support for the proposed conditional zoning. Two concerns were raised; the use would transform into something larger or more commercial in the future, and noise.

Additional Development Standards

Provisions were added to the plan explaining the use, which allows for a recreational building for educational and recreational classes and activities for the people in the community, i.e. a yoga studio, fitness classes, agility training, martial arts studio, etc. All classes shall be group run versus any open type of gym/fitness center. It does not allow a fitness center/club use over 5,000 sq ft., which the average business/retail type of fitness centers are 40,000 sq ft, and it specifically excludes non-traditional recreational tenants such as trampoline parks, rock climbing gyms, and gaming centers. It also excludes any retail components you see in larger fitness centers, like juice bars and cafes, and it shall not have any retail sales like gym equipment, yoga mats, etc.

The applicant also included his hours of operation that shall be incorporated as a condition in this rezoning. His normal hours are Monday –Friday 5:30 am-12pm and 3:30 pm- 7:30 pm, Saturday 8am-12 pm and Sunday 2pm- 5 pm. The condition will allow for a little more flexibility for other classes and shall be M-F 5:30 AM – 8 PM and weekends 8am-5pm.

The noise ordinance will regulate any unreasonably loud noise.

Planning Board

The Planning Board discussed parking, businesses being required to be located in the downtown overlay, whether this use is commercial, whether it fits a community recreational center use in R40, the land use plan, whether the use fits on this specific parcel because of the contiguous uses, profit versus non-profit and other uses in the R40 conditional list and their status. A full excerpt of the minutes will be provided in the packet for the public hearing.

The board vote was 3-3 with the Chairman breaking the tie to give an unfavorable recommendation.

The Planning Board suggested a change to the Land Use Plan Consistency Statement provided by staff as follows: It is inconsistent with the Land Use Plan as it is commercial in nature whereas the Land Use Plan only allows commercial business in the Town Center. It is unreasonable in that based on the Town Survey; residents do not want more commercial business.

Staff struck-through suggested language and changed the land use plan inconsistency statement to reflect Planning Board's suggestions below.

Recommendation

The conditional zoning district process allows for the establishment of certain uses that, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole. In order to accommodate these uses, specific development standards for these uses that allows for flexibility in development while protecting existing nearby areas can be established.

Given the recreational use is surrounded by 50 acres of ball fields, the use within the existing structure with a 5,000 sq ft maximum could be considered to fit the area. However, parameters need to be considered by Planning Board and Town Council to determine if it's a good fit (i.e. size of building, hours, etc). In addition, Planning Board and Town Council need to consider whether this proposal fits a community recreational center use category.

State Statute requires that all zoning regulations shall be made in accordance with a comprehensive plan. When adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan or any other officially adopted plan that is applicable, and briefly explaining why the board considers the action taken to be reasonable and in the public interest.

Proposed Land Use Consistency Statement

The subject parcel is designated for Traditional Residential on the Weddington Land Use Plan.

Consistent: The conditional zoning meets the goals of the land use plan in that the use retains a mix of land uses that reinforce a unique small town character. The design is consistent with the unique small-town character of Weddington and is limited in size to retain the small-scale service to the community. The use is compatible with the area and encourages recreation needs of the community. It is reasonable given the use and character of the area, and the use is surrounded by 50 acres of ball-fields.

Inconsistent: The use does not meet the goals of the land use plan in that it is commercial in nature where the land use plan only allows neighborhood businesses to lie within the Town Center. ~~It is unreasonable in that community recreational centers are typically considered for planned neighborhoods and the recreational facility may not serve the needs of all residents and be accessible to all citizens.~~ It is unreasonable in that based on the Town Survey; residents do not want more commercial business.

Attachments:

Narrative from Applicant
Site / Rezoning Plan
TIA review letter from Justin Carroll
Planning Board Minutes Excerpt

WEDDINGTON FITNESS CENTER

Presentation of Planned Use at
5207 Weddington Road

Presented by
Weddington Fitness Center

I. Meeting Goal

Weddington Fitness Center intends to purchase the subject parcel for the purpose of establishing a family oriented health and fitness center for the surrounding community members.

II. Parcel Information

Applicant/Purchaser Name: Cory Worf / Weddington Fitness Center

Seller Name: Crossroads Church c/o Mark Appleyard

Parcel ID#: 06069021

Acreage: 3.12

Property Location: 5207 Weddington Rd. Wesley Chapel, NC

III. Weddington Fitness Center Overview

Cory Worf has been training members of the greater Weddington community since 2011. He brings an expertise in functional fitness and body mechanics that allows him to help a broad spectrum of individuals to reach their health and fitness goals. Whether an older adult hoping to be able to more easily get up from a chair, or aspiring school age athletes Cory and his team develops targeted programming to meet the varying needs. Weddington Fitness Center strives to become a place where families and community members can gather together and work towards our overall goal to live well and be fit. Cory has 24 years of coaching armature and professional athletes, in Pro Cycling, Pro Motocross, as well as football, soccer, baseball, track and swimming.

IV. Project Overview

Weddington Fitness Center seeks to purchase the Crossroads Church property and transform the existing structure into a fitness center. This center will offer classes to members throughout the day. Our classes will range from 10 to 20 members per hour long class. Members will range in age from 11 through older adults.

V. Options for Use

Weddington Fitness Center would utilize the existing structure located on the property.

Operations Plan

- Hours of Operation:
 - Monday - Friday 5:30am – 12pm / 3:30pm - 7:30pm
 - Saturday: 8am – 12pm
 - Sunday: 2pm – 5pm
- No. of proposed members – 15-20
- No. of proposed cars – 15-20
- Nighttime Operations – Classes end by 7:30pm on Weekdays
- Weekend Operations – Saturday morning group classes and Sunday afternoon group classes, other activities will be seldom
- Consideration of Neighbors – Weddington Fitness Center would not impede on the operations and traffic flow for the Optimist Park or Southbrook Church due to our hours of operations and flow of attendees in and out of the center. Because of the nature of the fitness center and individuals not arriving and departing at the same time there would be no need for a Police or Traffic Officer to be in place. Weddington Fitness Center would look to partner with Southbrook Church and Optimist Park to leverage the space for community events if the need shall arise.

VI. Project Plan

Weddington Fitness Center has already obtained a building inspection, survey, and engineering assessment for the site. Weddington Fitness Center will work towards improvements to the exterior of the site following the sale of the property. At a minimum, Weddington Fitness Center will do the following improvements to the site.

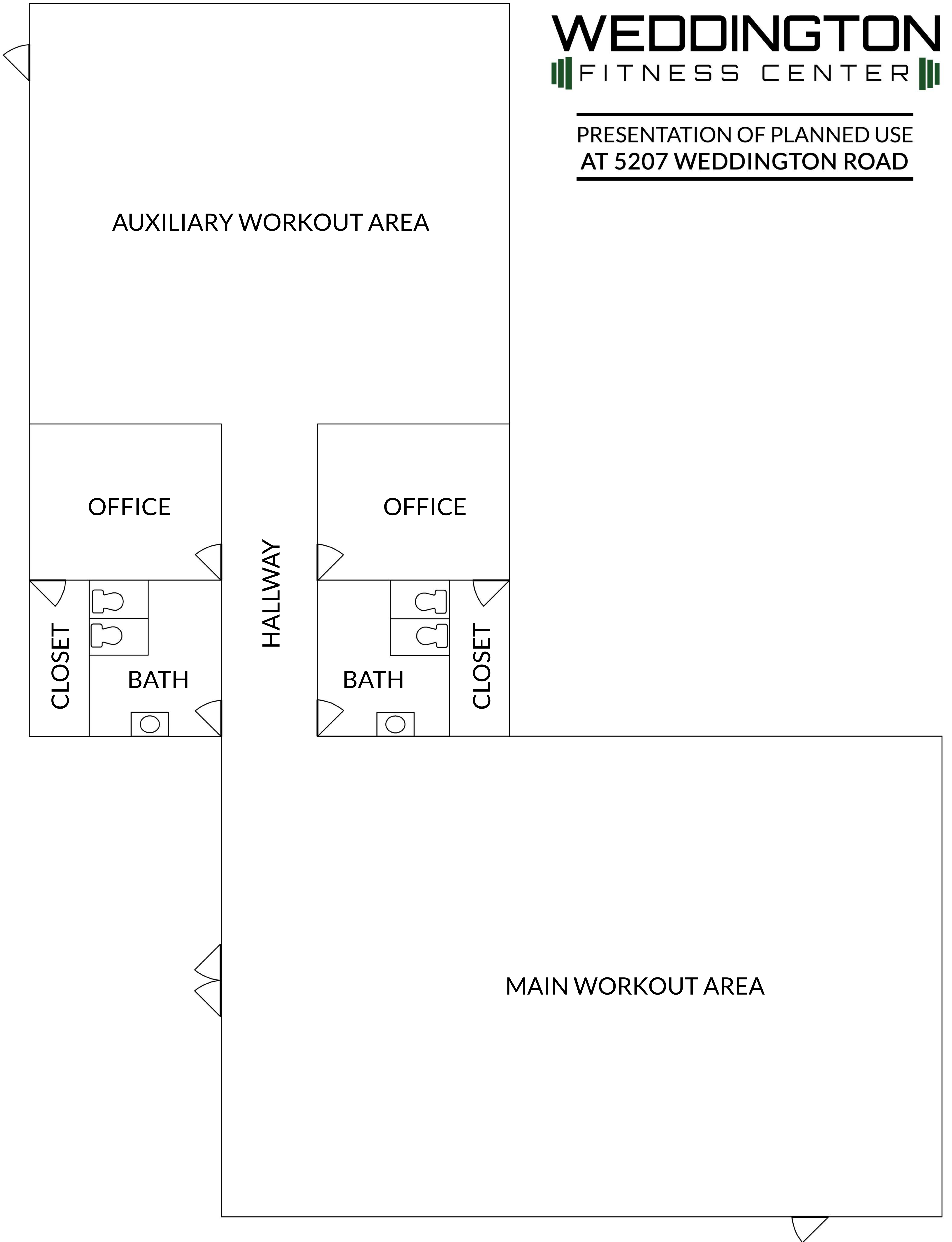
- Paint Exterior of Structure
- Restripe parking to include up to code ADA compliant parking spaces and railings for the stairway
- Install landscaping and gardening as needed
- Other improvements as needed

Exhibit A: Site Plan Package - Existing conditions survey and preliminary site plan.

WEDDINGTON

FITNESS CENTER

PRESENTATION OF PLANNED USE
AT 5207 WEDDINGTON ROAD



WEDDINGTON

FITNESS CENTER

PRESENTATION OF PLANNED USE AT 5207 WEDDINGTON ROAD

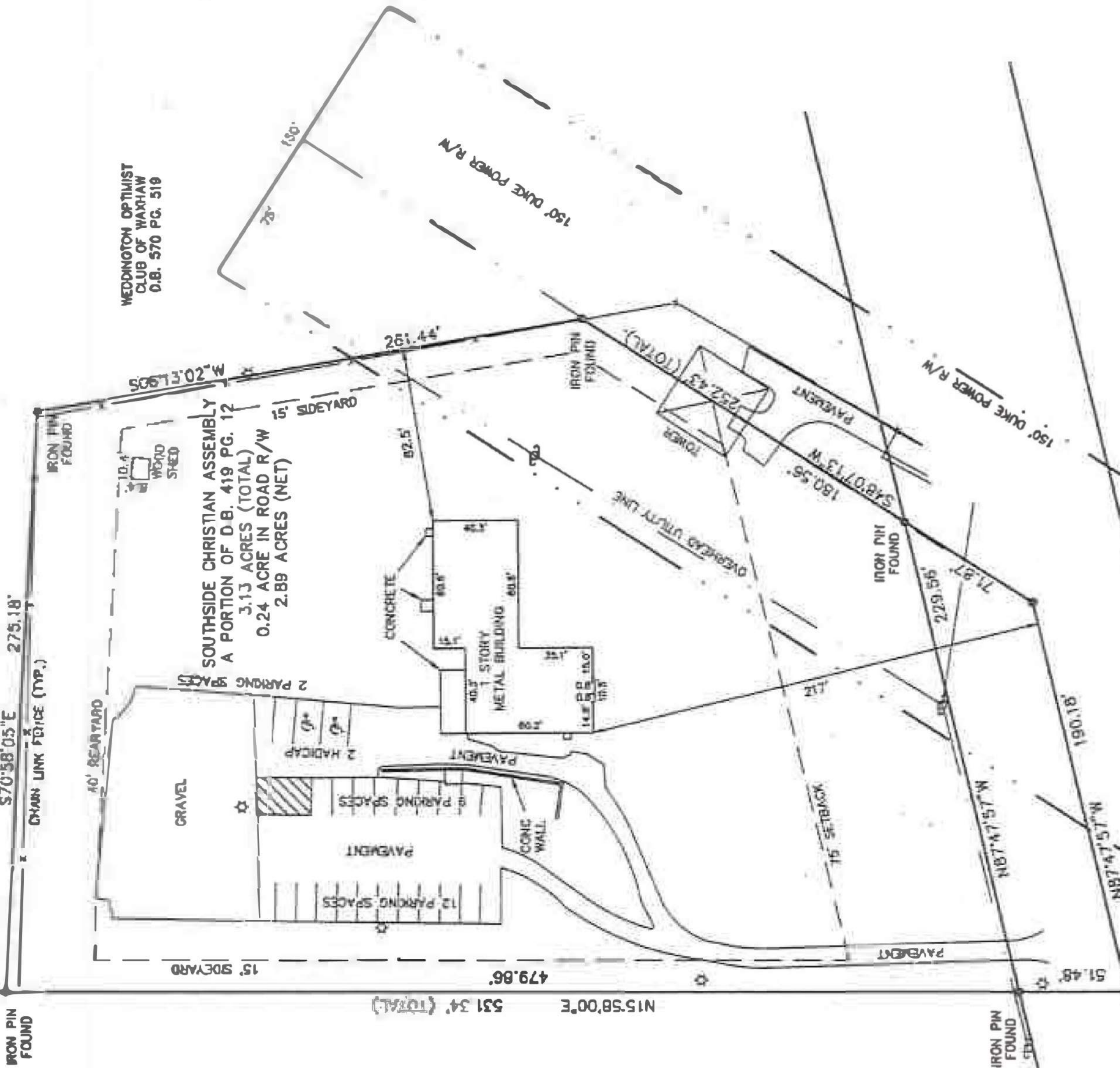
I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 5A .1800), THIS 10th DAY OF MAY, 2013.

SIGNED
JOHN D. SKIDMORE III, NCAL.S L-3837



WEDDINGTON OPTIMIST CLUB OF WAKHAW D.B. 570 PG. 519

WEDDINGTON OPTIMIST CLUB OF WAKHAW D.B. 570 PG. 519

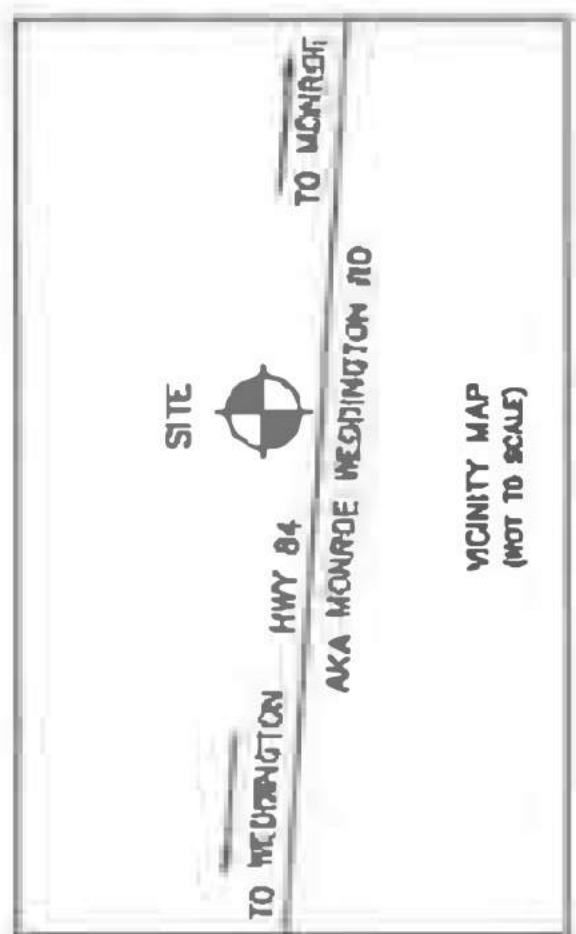


SOUTHSIDE CHRISTIAN ASSEMBLY
A PORTION OF D.B. 419 PG. 12
3.13 ACRES (TOTAL)
0.24 ACRE IN ROAD R/W
2.89 ACRES (NET)

WESLEY CHAPEL WEDDINGTON D.B. 1043 PG. 84

N.C. HWY 84 EXISTING 100' R/W P.C. FILE 844

P.C. FILE 544 - 9/20/01



- LEGEND**
- R/W = RIGHT OF WAY
 - = CORNER AS DESCRIBED
 - ☆ = LIGHT POLE
 - ☆ = COMPUTED POINT
 - = UTILITY POLE
 - = CONCRETE MONUMENT
 - ⊕ = SANITARY SEWER MANHOLE
 - ⊙ = STORM DRAIN MANHOLE
 - = PROPERTY LINE
 - = ADJOINER LINE
 - = RIGHT OF WAY
 - = SEWER EASEMENT
 - = STORM DRAIN EASEMENT
 - = SETBACK LINE

- NOTES:**
- AREA BY COORDINATE METHOD
 - THIS IS A SURVEY OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET
 - THIS MAP IS NOT INTENDED TO MEET G.S. 47-30 AND IS NOT TO BE RECORDED AS A PLAT
 - SUBJECT PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED EASEMENTS, RESTRICTIVE COVENANTS AND/OR CURRENT ZONING R-40
 - FRONT SETBACK 75'
 - SIDE SETBACKS 15'
 - REARYARD 40'
 - MIN. BUILDING HEIGHT 35'



PHYSICAL SURVEY		SCALE: 1" = 30'	DRAWING DATE: 8/9/13
5207 MONROE WEDDINGTON ROAD		FILE NO.:	DRAWING NO.:
SOUTHSIDE CHRISTIAN ASSEMBLY		DEED BOOK: 419 PAGE 12	DRAWING: 13-076/10P
MATHUEWS, UNION COUNTY, NORTH CAROLINA		SKIDMORE SURVEYING, INC.	
SOUTHSIDE CHRISTIAN ASSEMBLY		3343 HUNTER HILL WEST	
		704-286-4653	

F-195



WEDDINGTON

|| FITNESS CENTER ||

PRESENTATION OF PLANNED USE
AT 5207 WEDDINGTON ROAD



WEDDINGTON

|| FITNESS CENTER ||

PRESENTATION OF PLANNED USE
AT 5207 WEDDINGTON ROAD



WEDDINGTON

|| FITNESS CENTER ||

PRESENTATION OF PLANNED USE
AT 5207 WEDDINGTON ROAD



WEDDINGTON

|| FITNESS CENTER ||

PRESENTATION OF PLANNED USE
AT 5207 WEDDINGTON ROAD



TO: Lisa Thompson, Town of Weddington Administrator/Planner

FROM: Justin Carroll, PE, STV Engineers, Inc.

DATE: August 23, 2018

SUBJECT: Determination of Traffic Impact Analysis: Weddington Fitness Center, Town of Weddington, Union County, NC

Introduction

STV Engineers, Inc. has prepared this response to the request of a traffic impact analysis (TIA) for the proposed Weddington Fitness Center, located on the northern side of Highway 84 (Weddington Road) between the entrances to Weddington Optimist Park (Westfork Run). The parcel was previously occupied by Crossroads Church. The proposed development includes the existing building which will be used for group-led educational and recreational classes and activities. The building encompasses an area of approximately 4,750 square feet. Currently, Highway 84 is a two-lane undivided roadway and has a two-way left turn lane along the parcel frontage. Due to the NCDOT State Transportation Improvement Program’s Project U-3467 (Rea Road Extension), Highway 84 is being upgraded to a four-lane divided facility so the Fitness Center driveway will be right-in/right-out.

Refer to Figure 1 for a map of the study location.

Figure 1: Study Location



Data

According to the NCDOT Congestion Management’s “Rate vs Equation” spreadsheet (effective July 1, 2018), the suggested method for site trip calculations for land use code (LUC) 492 (Health/Fitness Club) per the ITE Trip Generation Manual 10th edition is as follows:

LUC	DESCRIPTION	INDEPENDENT VARIABLE	PEAK HOUR TYPE	SUGGESTED METHOD		
				RATE	EQUATION	LOCAL DATA
492	Health/Fitness Club	1,000 GFA	Adjacent	-	-	X

Source: NCDOT Congestion Management's "Rate vs Equation" spreadsheet

With no local data to consider, the average rate calculation method was used. Due to the limited number of studies, LUC 492 (Health/Fitness Club) does not possess an equation. The average weekday AM peak hour rate is reported as 1.31 vehicles per 1,000 sq. ft. GFA (gross floor area) and the average weekday PM peak hour rate is reported as 3.45 vehicles per 1,000 sq. ft. GFA.

Trip Generation Data Statistics

LUC	DESCRIPTION	INDEPENDENT VARIABLE	TIME PERIOD	AVERAGE RATE
492	Health/Fitness Club	1,000 sq. ft. GFA	Weekday, AM Peak Hour Between 7 and 9 a.m.	1.31
492	Health/Fitness Club	1,000 sq. ft. GFA	Weekday, PM Peak Hour Between 4 and 6 p.m.	3.45

Source: ITE Trip Generation Manual 10th Edition (<https://itetripgen.org>)

Trip Generation Calculations

LAND USE	INTENSITY		TIME PERIOD	TOTAL	IN	OUT
Health/Fitness Club	4.75	1,000 sq. ft. GFA	Weekday, AM Peak Hour Between 7 and 9 a.m.	6.2	3.2	3
TOTAL TRIP GENERATION				7	4	3
Health/Fitness Club	4.75	1,000 sq. ft. GFA	Weekday, PM Peak Hour Between 4 and 6 p.m.	16.4	9.3	7.1
TOTAL TRIP GENERATION				17	10	7

As shown in the above calculations, the value for the weekday AM peak hour (one hour between 7-9 a.m.) is 7 vehicles for 4,750 sq. ft. The value for the weekday PM peak hour (one hour between 4-6 p.m.) is 17 vehicles for 4,750 sq. ft. Both values are below the required trips to require a traffic impact analysis.

Conclusion

As Appendix C of the Traffic Impact Analysis Ordinance from Weddington, NC Code of Ordinances states, a TIA is required for any major subdivision, or conditional rezoning, or portion thereof, which is expected to create fifty (50) or more peak hour vehicle trips or 500 or more daily vehicle trips. Also, for redevelopment projects, including changes of use, trip generation thresholds shall be defined as the number of net new trips anticipated to be generated by the proposed



development over and above the number of trips generated by the current use of the site. Based on the information contained herein, the calculations above, and engineering judgement, the proposed fitness center **does not** meet or exceed the threshold to require a traffic impact analysis.

Attachment:

Town of Weddington Code of Ordinances: Appendix C - Traffic Impact Analysis Ordinance

APPENDIX C - TRAFFIC IMPACT ANALYSIS ORDINANCE

Sec. I. - Overview.

The adequacy of service levels for local, private, and state road intersections that serve or are affected by a proposed project shall be determined in accordance with the provisions of this Appendix. A Traffic Impact Analysis (TIA) required by this Appendix will be prepared by a qualified traffic engineering consultant retained by the Applicant and reviewed and approved by the Town of Weddington. All requirements and recommendations resulting from the TIA must be coordinated with and approved by NCDOT.

(Ord. No. O-2015-05, 5-11-2015)

Sec. II. - Applicability.

A. *Generally.*

- 1) Except as provided in subsections 3) through 7) below, a TIA is required for any major subdivision, or conditional rezoning, or portion thereof, which is expected to create fifty (50) or more peak hour vehicle trips or 500 or more daily vehicle trips. Peak hour and daily vehicle trips are those occurring on peak days on the roadway adjacent to the proposed development, based on the current edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, with the exception of public and private schools which will be based on the NCDOT's most current Municipal School Transportation Assistance (MSTA) School Traffic Calculator. For the purposes of determining the requirement to submit a TIA, no adjustments such as modal split, pass-by trips, and/or internal capture rates will be allowed to the site traffic calculation.

NCDOT Congestion Management's "Rate versus Equation" spreadsheet shall be used to guide site trip calculations and determine allowable pass-by percentages. Alternative trip generation rates/equations for non-standard uses may be utilized subject to Town approval. A "Determination of Need" for a TIA shall be made by the Town in accordance with the trip generation standards set forth in subsection II.A.1). (See the Town of Weddington TIA Process and Procedures Manual for additional information.)

- 2) The determination of the number of trips generated also shall take into account pass-by trips, internal trip capture for MX projects (e.g., roadway and/or pedestrian connectivity) and any proposed transportation demand management system where adequate guarantees are provided by the applicant to the Town, which ensure the proposed demand management system will function as proposed for the life of the project.
- 3) For redevelopment projects, including changes of use, trip generation thresholds shall be defined as the number of net new trips anticipated to be generated by the proposed development over and above the number of trips generated by the current use of the site.
- 4) No TIA shall be required for special events, which either are temporary in nature, consistent with the Town Zoning Ordinance, or which generate trips that meet or exceed the thresholds set forth in subsection 1), but which do not occur during the peak hours of the roadways adjacent to the proposed development.
- 5) Nothing herein shall prohibit the Town from requiring on-site or off-site improvements necessary to address traffic safety concerns created by a proposed development, regardless of whether the thresholds set forth above have been met.
- 6) This Appendix shall not apply to any rights that have vested prior to the effective date of this Appendix, nor shall this Appendix be applied in a manner that would result in a taking of property.

7) This Appendix shall not apply to any development proposal that is part of a conditional zoning plan or subdivision plan submitted prior to the effective date of this Appendix.

B. *Consecutive or Sequential Applications.*

Proposed developments may not be phased or subdivided in piecemeal fashion to avoid application of this Appendix. Two or more developments represented as separate developments shall be aggregated and treated as a single development where the Administrator determines the developments to be part of a unified plan of development and physically proximate to one another, based on the following factors:

- 1) There is common ownership, indicated by the fact that:
 - a) The same person, company, partnership or legal entity controls the developments;
 - b) The same person, company, partnership or legal entity has ownership or a significant legal or equitable interest in the developments;
 - c) There is common management of the developments which controls the form of physical development or disposition of parcels of the development;
 - d) There is proximity in time between the completion of 80 percent or less of one development and the submission of a development proposal for a subsequent development indicating a common development effort;
 - e) The sharing of infrastructure or improvements between multiple developments;
 - f) There is a common advertising scheme or promotional effort or plan for the developments;
or
 - g) Any other credible information gained by the Town suggesting that the project is being phased or subdivided to avoid the requirements of this Appendix.

C. *TIA Submission and Completion Requirement.*

Once the Town has made a Determination of Need for a TIA, the applicant may proceed with the TIA study, in accordance with the terms of the most recent version of the Town of Weddington TIA Process and Procedures Manual, as approved by Zoning Administrator and all applicable Zoning Ordinance and Subdivision Ordinance requirements.

(Ord. No. O-2015-05, 5-11-2015)

Sec. III. - Level of Service Standards; Compliance; Mitigation; Excess Capacity.

A. *Level of Service Standards and Compliance.*

1. The applicant must determine the existing (base) Level of Service (LOS) for all intersections within the Impact Area, as described in Section IV. The applicant shall be required to identify mitigation improvements to the roadway network if at least one of the following conditions exists when comparing base Level of Services to project conditions: (1) the total average delay at an intersection or individual approach delay increases by 25% or greater, while maintaining the same LOS; (2) the LOS degrades by at least one level; (3) or LOS is an "F". This determination shall be based on the most currently accepted Highway Capacity Manual (HCM) methodology. For turning lanes, mitigation improvements shall be identified when the SimTraffic analysis indicates that the Max Queue exceeds the storage capacity of the existing lane.

The proposed mitigation measures required to meet the LOS standards may be modified, subject to final approval of the Town Council to substantially achieve the standards, purpose and intent of this ordinance. The determination of "substantial achievement" based upon an expert opinion provided by the Town's Designated Transportation Engineer.

2. As an alternative to mitigation, the developer may elect to phase the project, reduce its intensity, or delay the project until the LOS standards have been met as a result of a transportation improvement planned by the Town, the North Carolina Department of Transportation (NCDOT) or another party.

B. *Mitigation.*

Mitigation measures shall be consistent with the Design Standards found within the Town of Weddington Roadway Standards.

Mitigation may include participation by the Town or other governmental agencies or private parties, and also may include the funding of road improvements planned by other governmental agencies. Such improvements can be advanced to mitigate the impacts of the proposed development. The nature and type of mitigation should reflect the timing and the availability of necessary right-of-way or other improvements, the existence and timing of other developments within the area, and the particular characteristics of the particular site and the needed transportation improvements. Monetary mitigation, if proposed by the applicant, may be accepted by the Town Council provided it is shown that such mitigation is a reasonable substitute for actual construction, based on the LOS standards and construction time frames set forth herein.

Proposed mitigation shall be included as a condition of approval or a binding agreement between the applicant and the Town, with the consent, as appropriate, of the NCDOT or other governmental regulatory agencies with jurisdiction.

C. *Transportation improvements.*

Transportation improvements provided through mitigation, pursuant to this Appendix, shall be completed and available within three (3) years of the Town Council's final approval of the development proposal, unless expressly provided otherwise by the Town Council. Any improvements not completed prior to the issuance of a Certificate of Occupancy, shall be bonded at 115% of the cost of the remaining required improvement(s), as reviewed and approved by the Zoning Administrator following review by the Town Designated Transportation Engineer. All necessary right-of-way for identified transportation improvements shall be acquired prior to the issuance of a Certificate of Occupancy.

D. *Excess Capacity.*

If a private party or developer chooses to build a transportation facility that provides capacity in excess of that needed to serve the proposed development, the Town and other responsible parties may enter into an agreement to facilitate the participation of subsequent developers, the Town, NCDOT, or other parties in the provision or funding of the transportation improvement.

(Ord. No. O-2015-05, 5-11-2015)

Sec. IV. - Impact Area.

The impact area designates the distance from a proposed development within which the TIA is conducted to determine compliance with the LOS standards set forth above. The following impact areas apply to any development subject to this Appendix:

- 1) Public street intersections within a half-mile radius from the proposed development property line.
- 2) Intersections where proposed development contributes seven (7) percent or more of the traffic on any intersection approach during any peak hour.

(Ord. No. O-2015-05, 5-11-2015)

Sec. V. - Contents of TIA.

A. *Generally.*

The TIA shall generally follow the guidelines set forth by the ITE Transportation Impact Analysis for Site Development consistent with the Town of Weddington Roadway Standards, or as required by the Zoning Administrator, and may include, but is not limited to, the following:

- 1) Traffic analysis information related to trip generation, peak hour impacts, and other factors evaluated to determine compliance with applicable LOS standards for intersections within the impact area;
- 2) Site location map and site layout;
- 3) Existing and proposed land uses;
- 4) Timing and phasing of the proposed development, by month and year;
- 5) A narrative describing the project, including any special transportation related impacts or considerations; and
- 6) Other information determined by the Town Designated Transportation Engineer to be necessary in order to determine whether the proposed project complies with the requirements of this Appendix and the requirements of the ITE guidelines for the preparation of TIAs for site development.

B. *Demand Measures.*

TIAs shall take into account the following demand factors:

- 1) Existing traffic volumes;
- 2) Background traffic, including historical growth traffic and projected trips associated with approved, but un-built development(s); and
- 3) The trips to be generated by the proposed development.

C. *Capacity Measures.*

TIAs shall take into account the following existing or anticipated capacity measures:

- 1) Existing road segments, intersections, and proposed development access points;
- 2) Roadway and intersection improvements planned by the Town, NCDOT, or other party, scheduled to be completed and available within three (3) years of the approval of the development proposal and which either have or are reasonably certain to have all necessary governmental approvals.

D. *Mitigation Measures Needed.*

The TIA shall describe what, if any, transportation facility improvements within the impact area are needed for the proposed development to comply with the intersection level of service standards set forth in section III of this Appendix.

(Ord. No. O-2015-05, 5-11-2015)

Sec. VI. - Intergovernmental Coordination.

While the Town coordinates with NCDOT and other appropriate governmental agencies on development proposals, it shall remain the responsibility of the Applicant to contact NCDOT to discuss access and traffic impact issues on state roads.

(Ord. No. O-2015-05, 5-11-2015)

Sec. VII. - Appeals and variances.

An applicant may seek a variance from the terms of this Appendix or appeal a determination by the Zoning Administrator made pursuant to the terms of this Appendix to the Zoning Board of Adjustment, as provided in Article VIII of the Zoning Ordinance.

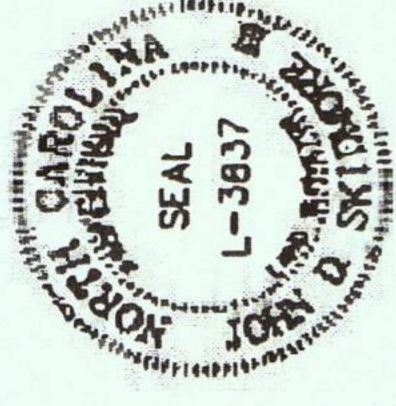
(Ord. No. O-2015-05, 5-11-2015)

PRESENTATION OF PLANNED USE AT 5207 WEDDINGTON ROAD

Agenda Item 8.A.3

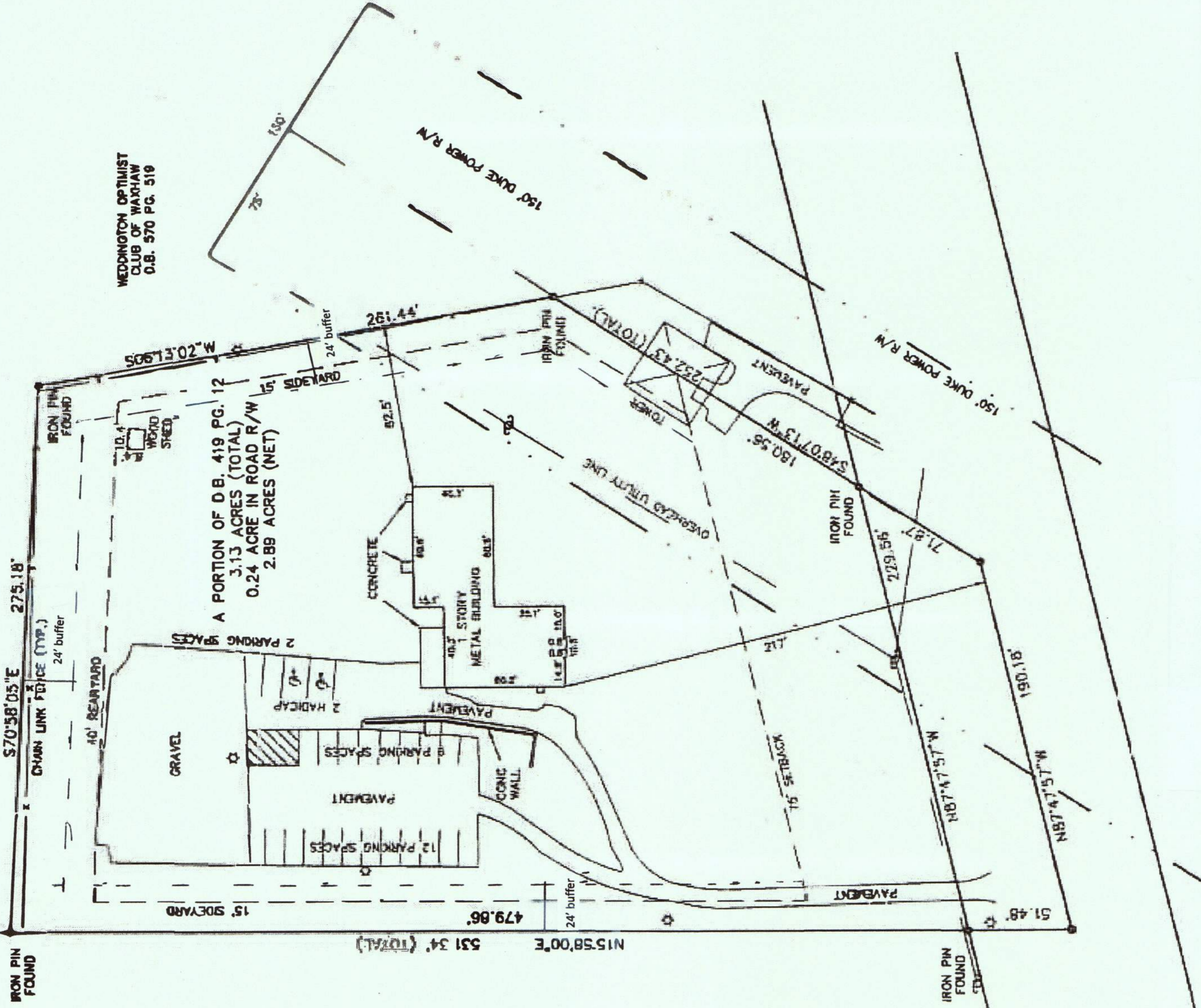
I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (NEED RECORDED IN BOOK 419, PAGE 12); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION AS SHOWN ON PLAT; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (31 NCAC 5B.1800), THIS 10th DAY OF MAY, 2013.

SIGNED: 
CAROL L. LINA, L-3837
NORTH CAROLINA SURVEYING BOARD



P.C. FILE 544 - 9/20/01

WEDDINGTON OPTIMIST CLUB OF WAHAW D.B. 570 P.G. 519



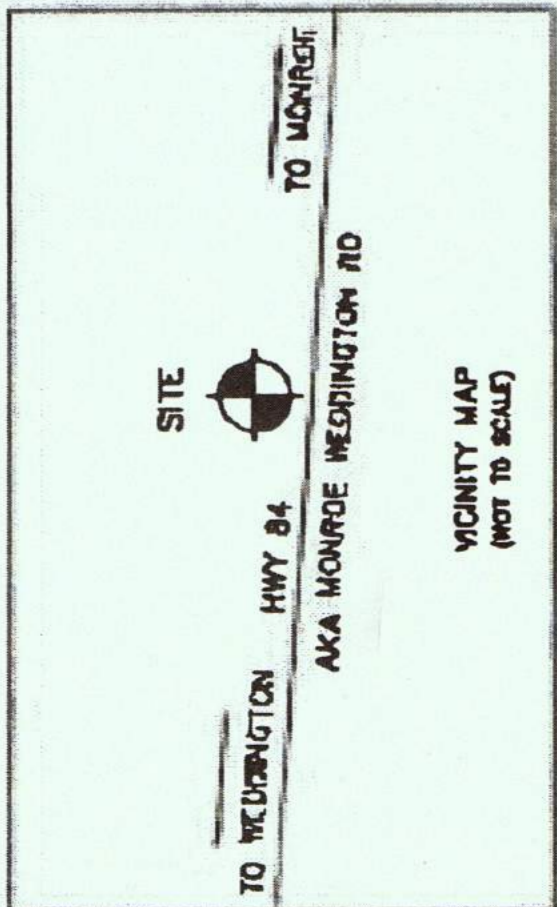
WEDDINGTON OPTIMIST CLUB OF WAHAW D.B. 570 P.G. 519

WEDDINGTON OPTIMIST CLUB OF WAHAW D.B. 570 P.G. 519

WESLEY CHAPEL WEDDINGTON D.B. 1845 P.G. 84

FRONT SETBACK 75'
SIDE SETBACKS 15'
REAR YARD 40'
MIN. BUILDING HEIGHT 35'

CONDITIONAL REZONING SITE PLAN		SCALE: 1" = 30'	DATE: 9/20/13
5207 MONROE WEDDINGTON ROAD		TAX PARCEL 06069021	BOOK 419 PAGE 12
MATTHEWS, UNION COUNTY, NORTH CAROLINA		SKIDMORE SURVEYING, INC.	3343 HIGHWAY 74 WEST MONROE, N.C. 704-288-4855



- LEGEND**
- R/W ■ RIGHT OF WAY
 - CORNER AS DESCRIBED
 - ☆ LIGHT POLE
 - COMPUTED POINT
 - ⊙ UTILITY POLE
 - ⊞ CONCRETE MONUMENT
 - ⊕ SANITARY SEWER MANHOLE
 - ⊖ STORM DRAIN MANHOLE
 - PROPERTY LINE
 - ADJOINER LINE
 - RIGHT OF WAY
 - SEWER EASEMENT
 - STORM DRAIN EASEMENT
 - - - SETBACK LINE

This site shall be governed by this rezoning site plan, notes on this plan, approved conditions, and all applicable provisions within the Town of Weddington Code of Ordinances.

Existing Use: Church/Vacant

Proposed Use: Community Recreational Center

Existing Zoning: R40

Proposed Zoning: R40 Conditional

Acreage: 3.13 acres

Parcel Number: 06069021

Parking Spaces Required: 14 and 1 ADA

Parking Spaces Provided: 23 and 2 ADA

Hours of Operation: Weekdays 5:30AM - 9:00 PM
Weekends 8:00AM - 5:00 PM

This use is contained in the existing building and parking lot. Future amendments to the Plan may be applied for in accordance with the provisions of Section 58-27(f) of the Zoning Ordinance.

All lighting fixtures on site shall comply with Chapter 14, Article IV of the Weddington Code of Ordinances

Screening and landscaping shall conform to the requirements of Section 58-8 of the Zoning Ordinance.

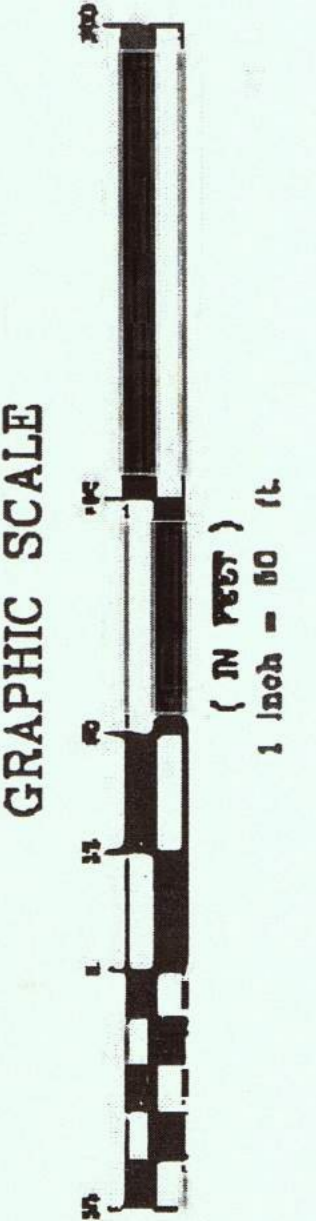
Signage shall comply with Article V of the Zoning Ordinance.

Landscaping, Signage and Elevations are required to be reviewed and approved by Planning Board and Town Council per Section 58-27(0).

Any additional impervious surface that exceeds the maximum threshold shall be required to install storm water management in accordance with Section 58-543 of the Zoning Ordinance.

The underlying zoning is R40. This conditional rezoning plan shall allow for a Recreational Building as defined herein per the rezoning where there are educational and recreational classes and activities for people who live in a community. Classes shall be group led versus any open gym type fitness center (e.g. Yoga studio, fitness classes, agility training, and martial arts studio, etc).

This zoning shall not allow any public or private fitness center/club use over 5,000 sf. Or any non-traditional recreational uses such as trampolines, rock climbing gym, and fun and gaming centers. It shall not allow for any accessory retail uses within that are associated with larger fitness centers, such as cafe or juice bars and it shall not have any retail sales associated with the community recreational building.



1. NEW BUSINESS

A. Review and Consideration of Conditional Zoning for 5207 Weddington Road Weddington, for the Purpose of Establishing a Community Recreational Center.

Ms. Thompson presented the staff report: Cory Worf requests a conditional zoning to allow for a private community recreational use within an existing building located at 5207 Monroe Weddington Road. The property is zoned R-40, which allows for community recreational center, both public and private, as a conditional use. The parcel is 3.2 acres and is bordered on the North, West, and East by WCWAA, which is a park and recreational facility within the RCD zoning district. And RCD Woodford Chase subdivision is to the south. The site plan shows a single access point off of Weddington Road. This will become a right in/ right out once the Weddington Road improvements are complete. The applicant will be required to obtain driveway permits from NCDOT as a condition of a conditional rezoning approval.

The applicant will use the existing parking lot and restripe it to meet town requirements. Community recreational centers require 1 space for the largest number of employees per shift, plus 2 spaces for each 3 memberships, plus 1 space for each vehicle used in the operation. 14 parking spaces and 1 ADA space is required. 23 spaces and 2 ADA spaces are provided.

Justin Carroll, the Town's traffic engineer is not requiring a TIA. The AM peak is 7 vehicles and the PM peak hour is 17 vehicles.

The required Public Involvement Meetings for this project were held on August 15, 2018 from 2:00-4:00 on site and 5:00-7:00 PM at Town Hall. Mailings were sent out to parcels within 1300' of the site. Approximately 11 people attended the meetings, all showing support for the proposed conditional zoning. Two concerns were raised; the use would transform into something larger or more commercial in the future, and noise. To respond to those concerns, a provision was added to the plan, noting that a recreational building for educational and recreational classes and activities for the people in the community. All classes will be group run rather than an open type gym or fitness center and it is limited to 5,000 square feet.

Ms. Thompson stated that this is a conditional zoning legislative decision. It is not quasi judicial nor does it involve any fact finding exercise or building of evidence to support or deny a decision. Those members of the Board not in favor may simply state that the use does not fit under the community recreational center definition. Those in favor can look at the use of the surrounding area and because it is site specific, consider setting parameters, review the positive and negative impacts of the use, to make a decision for this site. State statute requires a Land Use Plan consistency statement. Ms. Thompson proved both a statement of consistency and one of inconsistency to which the Board may add.

Ms. Thompson introduced the applicant, Mr. Cory Worf.

Mr. Worf presented his plan to the Planning Board. He stated his willingness to work with the Town to make this happen.

Chairman Dow stated a procedural clarification that this was for conditional zoning in an R40 district. This isn't a rezoning of a parcel, only a conditional use on an R40 parcel. Ms. Thompson gave the list of allowable uses:

- a. Churches, synagogues and other places of worship.
- b. Public and private schools serving all grades, including preschool facilities.
- c. Golf courses, parks, playgrounds and community recreational centers (both public and private).
- d. Country clubs.
- e. Emergency governmental service facilities, including police, fire and rescue.
- f. Cemeteries.
- g. Essential services, classes II and III.
- h. Private airstrips, with provisions.
- i. Telecommunication towers.
- j. Public libraries.
- k. Planned residential developments, subject to the requirements of [section 58-23](#).
- l. Amateur radio towers. An amateur radio tower may also be located on a lot that contains another principal use or structure. In no instance, however, shall the amateur radio tower be located in the front yard of a lot containing another principal structure.
- m. Government or town facility.
- n. Land application of biosolids.
- o. Agritourism

Chairman Dow continued: this particular application is being considered under item C. Golf courses, parks, playgrounds and community recreational centers (both public and private) as a community recreational center. Any conditions related to the conditional use can be attached to any approval. And lastly, if it fits the category, the Planning Board needs to discuss if it fits the land use plan and adopt a consistency statement. The Planning Board will make a recommendation to the Town Council based on their finding if the application meets the ordinances.

Board member Hartman asked if the parking would be adequate or if it will spill over into the ball field parking. Mr. Worf responded that there is ample parking including a gravel lot beyond the paved one. Board member Hartman asked approximately how many cars Mr. Worf will be expecting at a time. Mr. Worf responded that there are 12-16 people in a class now, there may be 20 cars. On Saturday mornings there may be more, but the timing would be before the ball fields are active.

Board member Hartman asked if Mr. Worf anticipates overlap with peak times with the ball fields. Mr. Worf responded that his peak time is on Saturday morning and they will be done early in the day.

Board member Prillaman made a statement that the Town just conducted a survey and the results were specific about commercial and residential areas. Weddington is restrictive as far as where the businesses are located. Is this a commercial entity and if it is, it doesn't fit. Regardless of anything else, that's the first thing the Planning Board has to answer.

Chairman Dow agreed and stated the need to get Mr. Worf's total presentation and go through the application to be sure the Board understands the business. The Board should then go back and check item C on the list of allowable uses and see if this use fits that intention. The Board may find that commercial is okay in a conditional use, notwithstanding the Land Use Plan. At the same time, the Board may not be able to give it a favorable recommendation because of the Land Use Plan. Let the Planning Board discuss the application as it applies to item C on the list of allowable conditional uses in an R40 district. There's no question that this is a commercial entity. In the Town of Weddington zoning definitions a community center means a building used for recreational, social, educational, and cultural activities usually owned and operated by a public or nonprofit group or agency. The other items in that approved list are also member owned like a country club or non-profit entities. This use is clearly commercial, and no where does it state that the use cannot be commercial, but let the Board try to figure the intent. First determine if it is suitable and if so, then cover Board member Prillaman's question regarding if this is a commercial entity.

Board member Harrison stated that her first instinct is that it this is a commercial use and originally she planned to vote no, but after looking at the application and the list of the allowable uses, she believes it works. A golf course can be public and is a commercial entity. She stated that if the Town of Weddington can allow a commercial golf course, why couldn't the Town allow this use. She sees that it is a dilemma. This may be commercial, but she believes it fits.

Chairman Dow gave an example: If the Weddington Athletic Center, an entity that is beneficial to the community, wanted to build onto his facility, is that allowable in an R-40 district?

Ms. Thompson responded that conditional rezoning is site specific.

Board member Prillaman gave another example: consider at public golf course, it is a nonprofit situation set up under 501(c)3 and is a completely different conversation. Nobody is making money off parks and municipal golf courses, but a for-profit commercial entity is set up where the town does not want commercial development. He stated his reluctance to vote for a recommendation because the survey results stated that the Town does not want

more commercial. Board member Prillaman reiterated that his issue with this is extending the commercial entities outside the boundaries previously set.

Chairman Dow stated that this zoning stays with the property. If this became more successful and the applicant needed more room, and had to move, this site would be allowed to continue as the same use. The conditional use does not follow the business.

Board member Vivian stated that this is tough because look at the physical site: what is around this tract of land is all recreational. Therefore, as an R40 piece of property, the conditional use brings validity because of the surrounding contiguous land.

Chairman Dow agreed that there isn't the usual ill fit that there would be in a residential neighborhood.

Board member Prillaman stated that this parcel has power lines, a cell tower, and ball fields. This is tough. That notwithstanding. It is what it is. It's commercial.

Board member Hogan agreed that he has the same trouble getting past the fact that it is a business. If it were a nonprofit business, than he can see potential that this might work. As a business, it just doesn't work outside business area.

Board member Hartman asked if there was any chance that the applicant could organize as a nonprofit. Mr. Worf responded that it has been discussed and he is still considering it. He stated that he does a lot of charity work and he doesn't make a lot of profit now, he does what he does because he loves it and wants to help people.

Chairman Dow stated that is strictly up to the applicant. Board member Hartman stated that it could be included as a condition. Chairman Dow responded that would create a different applicant from this application and the process would have to re-start. Board member Hartman clarified that the Board could make it a condition of approval of the rezoning. Chairman Dow responded that if the applicant is willing to give up control to a board and take a salary that is offered by a board and meet all the requirements of a non-profit that is up to him. At this stage, for this entity, the question is if it meets the function of item C under allowed uses in a conditional rezoning. If this application is refused because the Land Use Plan states that no commercial business is allowed outside of the town center district, then a new entity, like a nonprofit can come back and reapply.

Board member Hogan stated that the Board has to be careful about setting a precedent. This is commercial use not in the commercial district.

Motion: Board member Prillaman made a motion to forward the application to the Town Council with an unfavorable recommendation, as it is inconsistent with the Land Use Plan as it is commercial in nature where as the Land Use Plan only allows commercial business in the Town Center. It is unreasonable in that based on the Town Survey; residents do not want more commercial business.

Chairman Dow read from the ordinance: Upon making a recommendation, the Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and with any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Town Council.

Second: Board member Hogan
Vote: Board members Hogan, Prillaman, and Godfrey voted in favor of the motion. Board members Hartman, Vivian, and Harrison voted against the motion. Chairman Dow voted in favor of the motion, breaking the tie. The motion passed with a 4-3 vote.

TOWN OF W E D D I N G T O N

MEMORANDUM

TO: Mayor and Town Council

FROM: Lisa Thompson, Town Administrator/Planner

DATE: October 8, 2018

SUBJECT: Christ Lutheran Church Conditional Zoning Request

Christ Lutheran Church requests a conditional zoning for a church use on 11.697 acres at the northwest corner of Rea and Reid Dairy Road.

Application Information

Date of Application: July 6, 2018
Applicant/Owner Name: Christ Lutheran Church
Parcel ID#: P/o 06177015, 06177014, 06177013
Property Location: 305 Reid Dairy Road
Existing Zoning: R-60
Proposed Zoning: R-60 (CZ)
Existing Use: Two Single Family Homes
Proposed Use(s): church, synagogue, and other places of worship, along with any incidental and accessory uses associated therewith
Parcel Size: 11.697

General Information

The applicant proposes a Church in accordance with *Section 58-53 (2)a* of the *Weddington Zoning Ordinance*.

The required Public Involvement Meetings for this project were held on August 22, 2018 from 2:00-4:00 on site and 5:00-7:00 PM at Town Hall. Mailings were sent out to parcels within 1300' of the site. Two residents attended the meetings. Concerns were raised about noise (specifically if a church bell would be ringing every hour), lighting from any ball fields proposed, and traffic from a day care use that may be associated with the church.

The *Weddington Zoning Ordinance* requires that all CZ Applications go through the Construction Document process per *Section 58-271*. The applicant is aware that the Town has a Stormwater ordinance, and the construction documents will include all necessary engineering plans for stormwater management. Any significant changes to the site plan due to the design or review of the construction documents may require the applicant to submit a revised CZ application.

Development Standards (for a Church in the R60 zoning district):

- Minimum Lot Area-3 acres
- Front Setback-75 feet
- Rear Setback-60 feet
- Side Setbacks-50 feet
- Maximum Building Height - 35 feet except as permitted in *Section 58-15*

Access and Parking:

- The site plan shows two points of access, one off Rea Road and the second off Reid Dairy Road. The Church has yet to obtain driveway permits for the access plan and will be required to do so as a condition of a conditional rezoning approval.
- The applicant is not required to submit a traffic impact analysis. The AM peak hour equals 48 trips while the Sunday peak hour equals 318 trips. The traffic engineer's analysis is attached.

Screening and Landscaping:

- The applicant is required to provide a 50-foot landscaped buffer around the property, as required in Section 58-8. Much of the rear portion is wooded and shall be left undisturbed.

Planning Board Review

The planning board reviewed the rezoning on August 27, 2018. They questioned a school or day care use as part of this proposal. The applicant responded not at this time. They were concerned about traffic for a day care type use and given the proposed fire station use. The TIA doesn't include that use which doesn't warrant improvements, but if it's added in the future there's no guarantee a new TIA would be given. They asked about water/sewer or septic. They were concerned about incidental accessory uses and how that is defined. They asked about hours of operation and lighting and suggested mimicking what we approved for other church uses. They discussed weddings and outdoor events.

The Planning Board recommended approval with adding three conditions:

1. Get an assessment from the traffic engineer of the potential impact on the proposed fire station,
2. Requirements for lights out and special event hours must be consistent with other churches in town, and
3. Add the fire pit to the site plan.

After the Planning Board staff reviewed other churches hours of operation which ended between 9:30 PM and 10:00 PM, the last church approval required the Applicant to receive Town Council approval for any or all lights that will remain on for security purposes past 9:30PM except for Easter Sunday, Christmas Eve and Christmas Day. The applicant must receive Town Council approval before extending church uses to any additional activities such as daycare or "mother's morning out."

Several other changes have been addressed on the plans to relieve concerns from neighbors, planning board and staff.

In the development standards section 2.B was added to limit the hours from 7:00am-10:00pm with exceptions. Section 2.C adds restrictions for wedding receptions with regards to hours, lights, and parking. Section 2.D prohibits lighted athletic fields, and 2.E covers added uses such as day care or preschool sites. Section 10 requires the applicant to follow the town noise ordinance. And, the fire pit and wedding reception area was added to the site plan.

Last of all the applicant is requesting vested rights for 5 years. Section 38-65 allows a site-specific plan to be vested for two years up to 5 upon request. Due to the nature of the development the applicant is requesting 5 years. Condition number 8 was added per 38-64 (d).

Recommended Conditions of Approval:

1. Any engineering must be approved by Town Engineer.
2. Water plans to be approved by Union County Public Works and Environmental Health.
3. Prior to commencement of construction, Construction Documents shall be approved by the Weddington Town Council in accordance with Section 58-271 of the *Weddington Code of Ordinances*.
4. Driveway permits are required and shall be approved by NCDOT.
5. A lighting plan shall be submitted at the time of construction plan approval.
6. The applicant provided Proof of Septic approval to Town Staff. Water will be provided with final approvals from Union County.
7. Any new use or amendment (i.e. preschool) shall require an updated TIA assessment*** (*added after Planning Board review*)
8. The site plan shall contain the following notation: "Approval of this plan establishes a zoning vested right under G.S. 160A-385.1. Unless terminated at an earlier date, the zoning vested right shall be valid until 10/8/2023.

State Statute requires that all zoning regulations shall be made in accordance with a comprehensive plan. When adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan or any other officially adopted plan that is applicable, and briefly explaining why the board considers the action taken to be reasonable and in the public interest.

Proposed Land Use Consistency Statement

The subject parcel is designated for Traditional Residential on the Weddington Land Use Plan.

The conditional zoning meets the goals of the land use plan in that the use retains a mix of land uses that reinforce a unique small-town character; the design is consistent with the unique small-town character of Weddington. The existing trees and undisturbed area create a buffer between the existing residential homes. It is reasonable given the use and character of the area with the school and fire department nearby.

Attachments:
Narrative from Applicant
Site Plan/Architectural Drawings
TIA review letter from Justin Carroll

adwarchitects
 environments for life

architecture planning interiors

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 CHARLOTTE, NORTH CAROLINA 28217
 P 704.379.1919
 F 704.379.1920
 www.adwarchitects.com

Site Development Data:

Acreage: 11.697

Tax Parcels: # 06177013, #06177014, portion of #06177015

Existing Zoning: R-60
Proposed Zoning: R-60 (CZ)

Proposed Uses: Churches, Synagogues and other places of worship, along with any incidental and accessory uses associated therewith

Max. Height: Building - Thirty-five (35) feet;
Section 58-15 Design Features - Sixty (60) feet

Buffer: Fifty (50) feet undisturbed vegetation

Parking:

- 600 Patrons/4 = 150 spaces
- 10 employees +10 spaces
- Total Required = 160 spaces
- Proposed: 200 Parking Spaces

CHRIST SOUTH

323 REID DAIRY RD.
WEDDINGTON NC
28104

CONDITIONAL REZONING PLAN

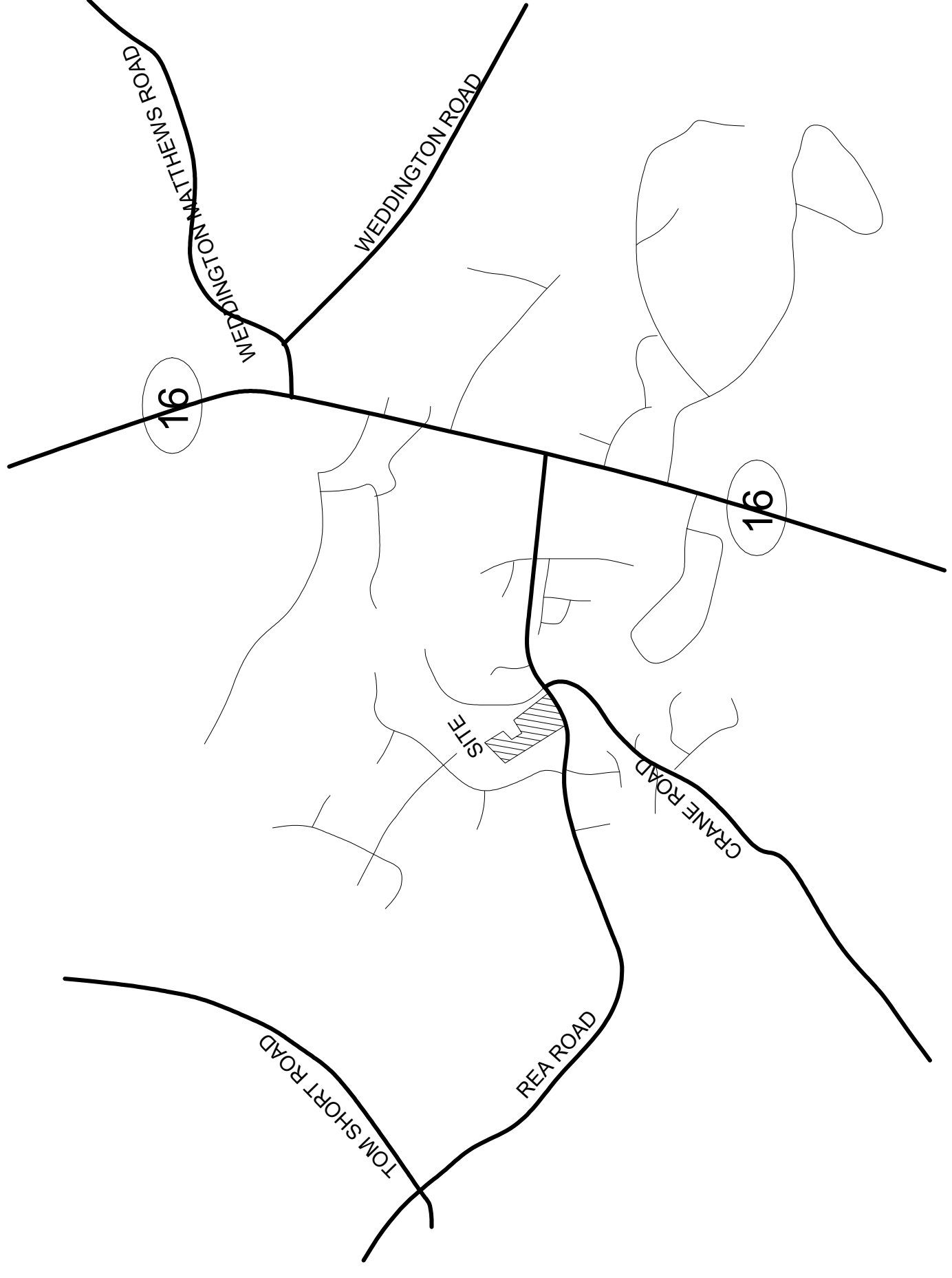
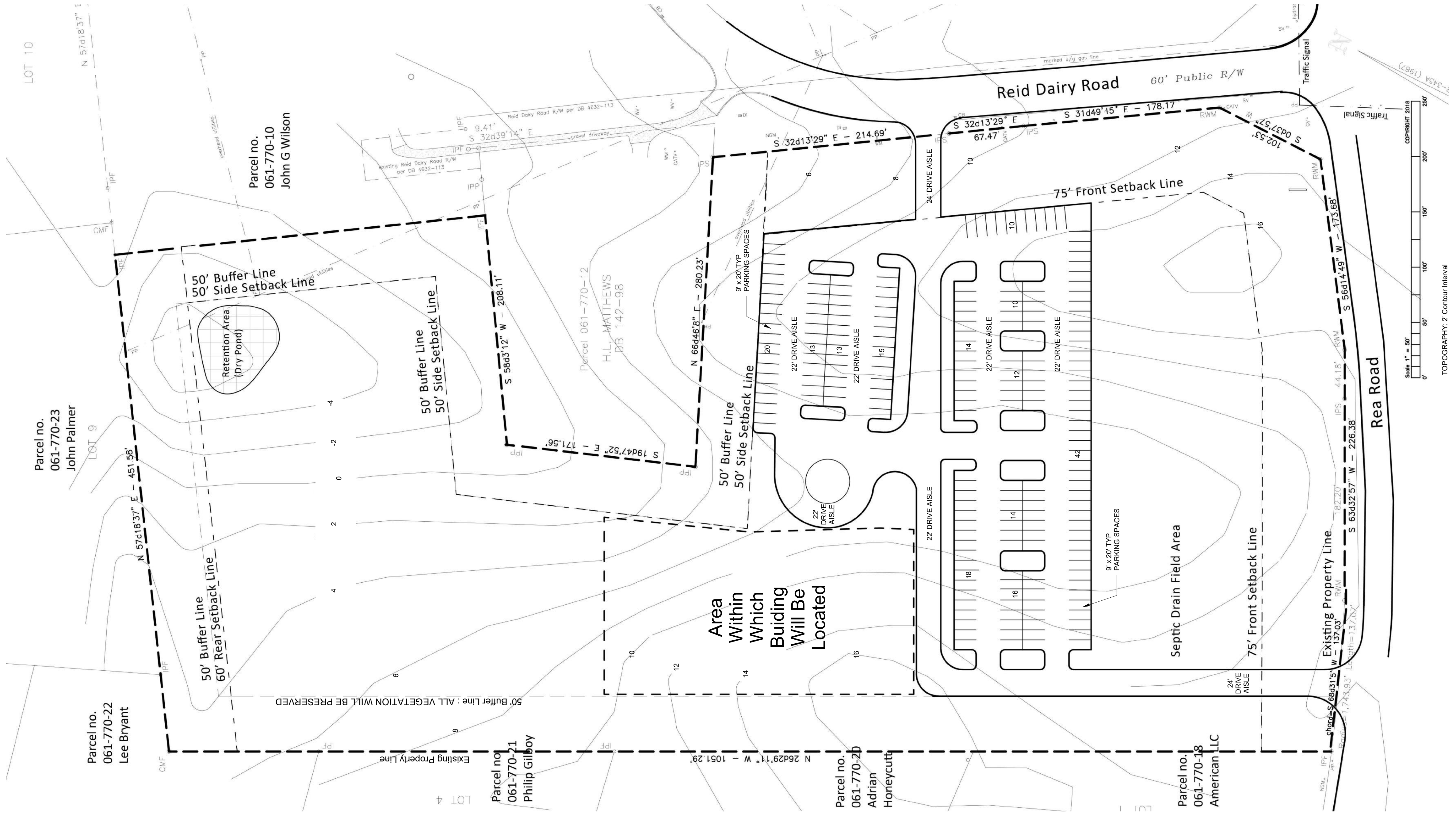
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 PROJECT NO: 18039

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DEVELOPMENT STANDARDS

October 8, 2018

1. GENERAL PROVISIONS

- A. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Application filed by Christ Lutheran Church (the "Applicant") for an approximately 11.967 acre site located on the northwest corner of Reid Dairy Road and Rea Road, which site is more particularly depicted on the Rezoning Plan and is further identified as all of Tax Parcel No. 06177013, all of Tax Parcel No. 06177014, and a portion of Tax Parcel No. 06177015 (hereinafter referred to as the "Site").
- B. The development and use of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of Chapter 58 of the Town of Weddington Code of Ordinances (the "Zoning Ordinance"). The regulations established under the R-60 zoning district shall govern the use and development of the Site.
- C. The development depicted on the Rezoning Plan is schematic in nature and intended to depict the general arrangement of uses and improvements on the Site. Accordingly, the configurations, placements and sizes of the building footprints as well as the internal drives and parking areas depicted on the Rezoning Plan are schematic in nature and, subject to the terms of these Development Standards and the Zoning Ordinance, may be altered or modified during design development and construction document phases.
- D. The principal building and any accessory structures developed on the Site shall be located within the building envelope depicted on the Rezoning Plan.
- E. The Site shall be considered to be a planned/unified development. Therefore, side and rear yards, buffers, building height separation requirements and other zoning standards shall not be required internally between improvements and uses on the Site. The Site shall be required to meet side and rear yard requirements and buffer requirements with respect to the exterior boundaries of the Site.
- F. Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner or owners of the Site in accordance with the provisions of Section 58-271(j) of the Zoning Ordinance. Minor alterations or changes to the Rezoning Plan and/or these Development Standards are subject to Section 58-271(j) of the Zoning Ordinance.

2. PERMITTED USES

- A. In addition to all permitted uses within the R-60 zoning district, the Site also may be devoted to the following conditional uses that are allowed within the R-60 zoning district:
 - 1. Churches, synagogues and other places of worship, along with any incidental and accessory uses associated therewith.

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7. ENVIRONMENTAL FEATURES

- A. Storm water management on the Site shall comply with the requirements of Section 58-543 of the Zoning Ordinance.

8. SIGNS

- A. The Applicant may install a sign on the Site at the location more particularly identified on the Rezoning Plan, which sign shall comply with the requirements of Article V of the Zoning Ordinance.

9. LIGHTING

- A. All freestanding lighting fixtures installed on the Site shall comply with the requirements of Chapter 14, Article IV of the Town of Weddington Code of Ordinances.

10. NOISE

- A. The Applicant shall comply with the requirements of Chapter 22 of the Town of Weddington Code of Ordinances.
- B. The Applicant shall not erect or operate a bell tower or similar chiming feature on the Site.

11. BINDING EFFECT OF THE REZONING APPLICATION

- A. If this Rezoning Application is approved, all conditions applicable to the development and/or use of the Site imposed under this Rezoning Plan will, unless amended in the manner provided under the Zoning Ordinance, be binding upon and inure to the benefit of Applicant and the current and subsequent owners of the Site and their respective successors in interest and assigns. Throughout these Development Standards, the terms, "Applicant" and "owner" or "owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Applicant or the owner or owners of the Site from time to time who may be involved in any future development thereof.
- B. Any reference to the Zoning Ordinance or the Town of Weddington Code of Ordinances herein shall be deemed to refer to the Zoning Ordinance or the Town of Weddington Code of Ordinances in effect as of the date this Rezoning Petition is approved.

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- B. With the exception of Holy Week and Christmas Eve, the public hours of operation for permitted uses on the Site shall be 7:00 am to 10:00 pm; provided, however, that the following uses shall be permitted to take place on the Site outside of the above hours of operation:
 - 1. Small group activities;
 - 2. Spiritual and spiritual formation activities for congregants;
 - 3. Church-community relationship building activities; and
 - 4. Conducting church business, operations and/or management activities.

- C. The following restrictions shall apply to wedding ceremonies and wedding receptions held outdoors on the Site:
 - 1. Any wedding ceremonies and/or receptions held on the Site must be held within the hours of operation set forth in Note 2.B.
 - 2. Outdoor wedding ceremonies and/or receptions shall be held within the building envelope depicted on the Rezoning Plan.
 - 3. The maximum number of guests for any outdoor wedding ceremony and/or reception held on the Site shall be in accordance with the maximum occupancy of the principal building on the Site as determined by the fire marshal or fire chief.
 - 4. Temporary exterior lighting, if any, shall not project into adjoining residential lots. Use of stadium-style or other pole-mounted lighting is prohibited.
 - 5. Parking along the public right of way, or parking that blocks any driveways, sight triangles or emergency access, is prohibited. Off-site parking shall be permitted only if the Applicant maintains an agreement with the owner of land where vehicles are parked specifically permitting such parking.
 - 6. The event area shall provide sufficient on-site trash receptacles, and ensure that windblown trash or other debris does not accumulate anywhere on the Site.
 - 7. The event area shall ensure adequate ingress and egress from all buildings and structures to accommodate emergency services access.

- D. No dedicated and lighted athletics fields (e.g. baseball diamonds) shall be provided on the Site.

- E. The Applicant acknowledges that it must seek Town Council approval of any extension of permitted church uses to include operation of a day care or a preschool on the Site.

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3. TRANSPORTATION

- A. Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access points are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Town of Weddington and/or North Carolina Department of Transportation ("NCDOT") in accordance with applicable published standards.

- B. Off-street vehicular parking shall be provided in accordance with the requirements of the Zoning Ordinance.

- C. The alignment of the internal drives and vehicular circulation areas may be modified by the Applicant to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by Town of Weddington and/or NCDOT in accordance with applicable published standards.

4. ARCHITECTURAL STANDARDS

- A. Building design and architectural standards will meet the applicable requirements of Chapter 14, Article V of the Town of Weddington Code of Ordinances.

- B. The principal building on the Site shall not exceed 55,000 square feet of gross floor area.

- C. The maximum height of the principal building to be located on the Site shall be 35 feet as measured from the ridge of the roof.

- D. Attached to the Rezoning Plan are a series of conceptual, architectural perspectives of the principal building to be located on the Site, which are intended to depict the general conceptual architectural style and character of the building. Accordingly, such building shall be designed and constructed so that it is substantially similar in appearance to the attached relevant conceptual, architectural perspectives with respect to architectural style, design and character. Notwithstanding the foregoing, changes and alterations to the exterior of the building that do not materially change the overall conceptual architectural style and character shall be permitted.

5. DIMENSIONAL STANDARDS

- A. Development of the Site shall comply with the yard regulations for the R-60 zoning district set out in Section 58-53(3) of the Zoning Ordinance as it exists on the date of the Rezoning Application.

6. SCREENING AND LANDSCAPING

- A. Screening and landscaping shall conform to the requirements of Section 58-8 of the Zoning Ordinance.

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**CHRIST
SOUTH**

**323 REID DAIRY RD.
WEDDINGTON NC
28104**

**CONDITIONAL REZONING
PLAN**

DATE: 10-08-2018
PROJECT NO: 18039

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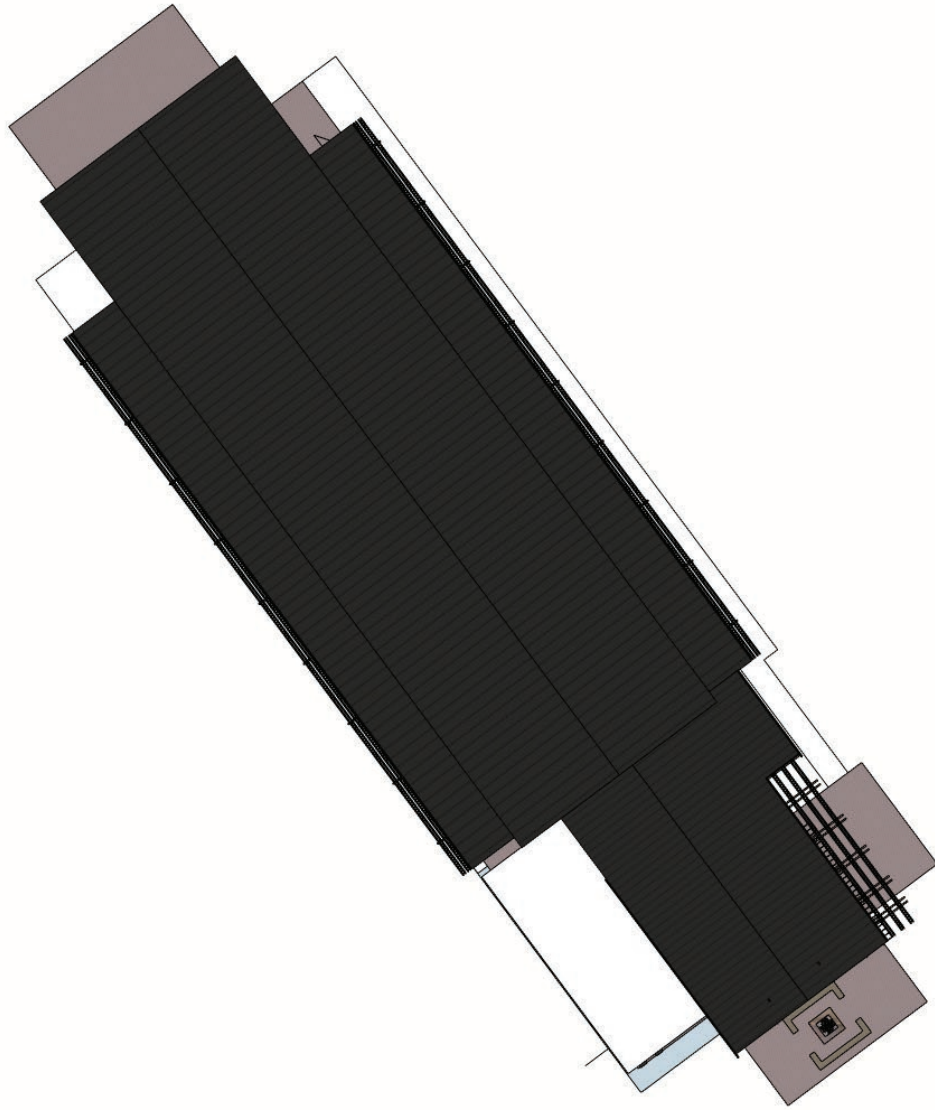
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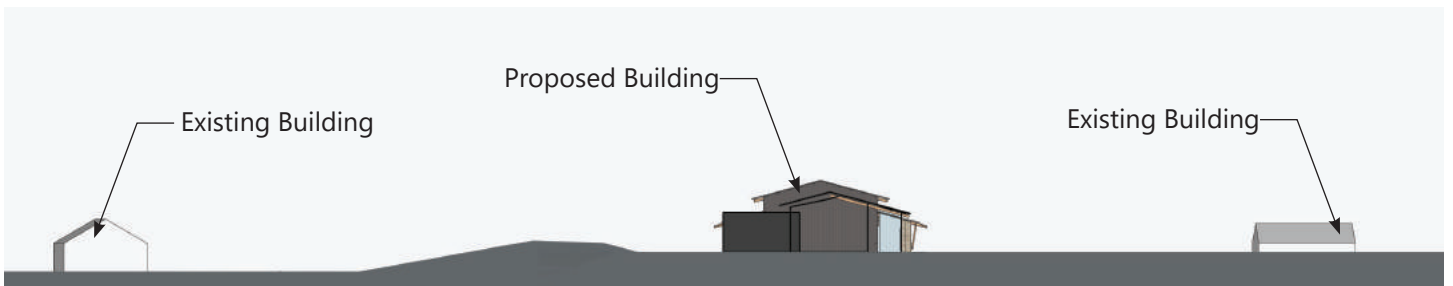
CHRIST SOUTH ZONING SUBMITTAL

Narrative Description

Christ Lutheran Church has submitted a Conditional Rezoning Application seeking approval to develop its Christ South campus on the Reid Dairy Road site more particularly identified in the Application and on the accompanying Site Plan. Christ South is a campus of Christ Lutheran Church, whose main campus is located in Charlotte. The church building proposed for the Rezoning Site will accommodate 600 worshippers. In addition to worship space, the building will include offices, meeting rooms, and fellowship space. At this time, the only development planned for the Christ South campus is a single phase consisting of construction of the church building, associated parking, and access points, all as more particularly depicted on the Rezoning Plan.

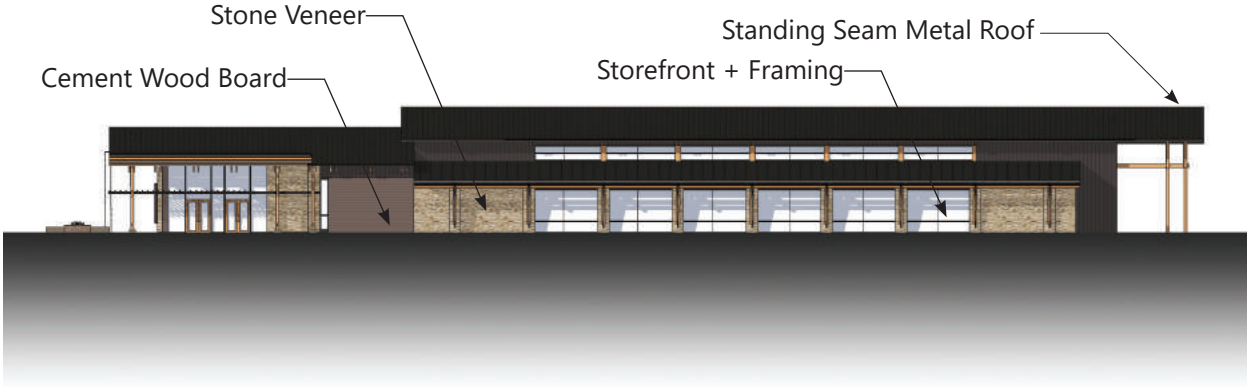


AERIAL VIEW

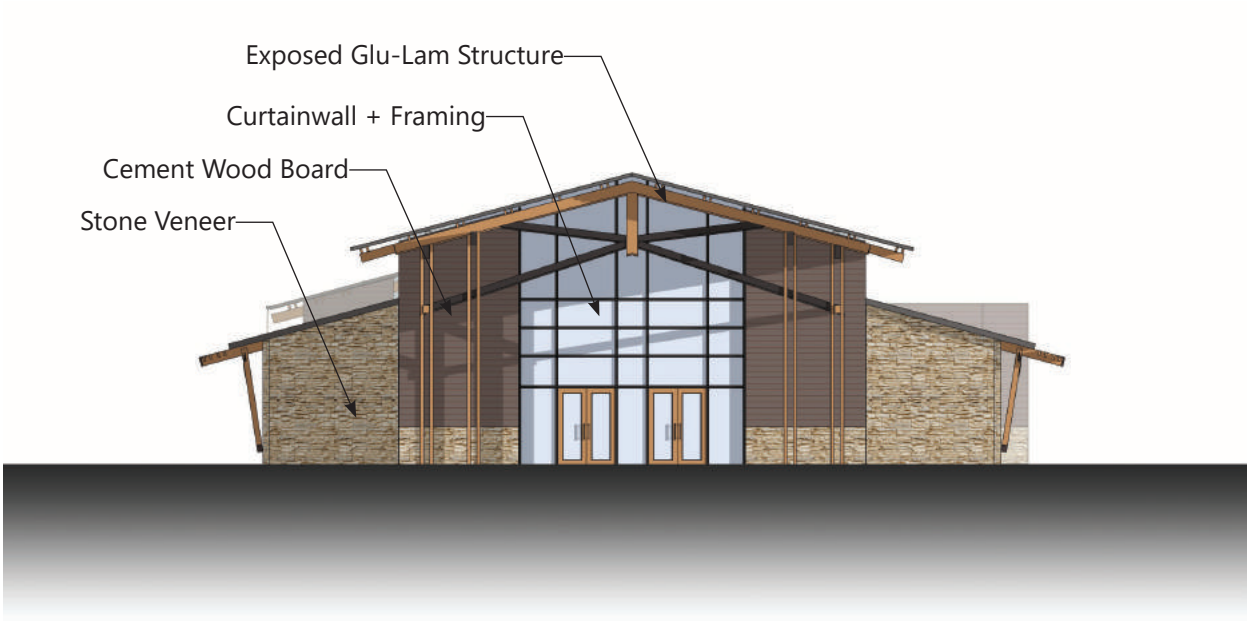


SITE SECTION

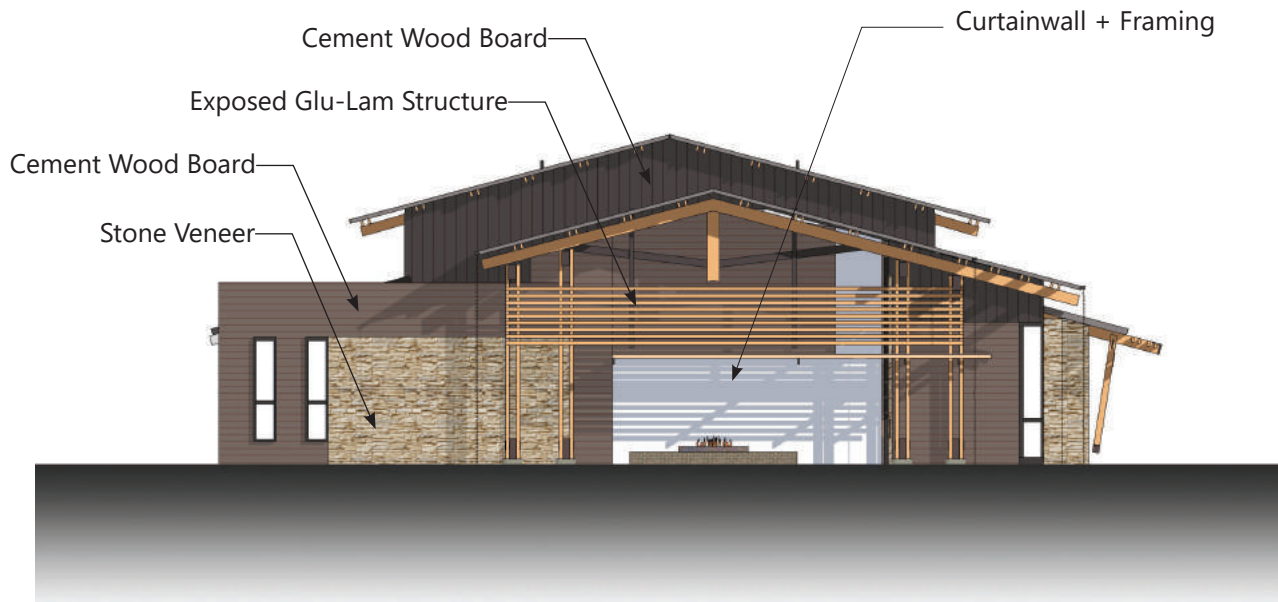
1" = 50'



Elevation East



Elevation North



Elevation South



Perspective
Vehicular View from Circular Dropoff



Perspective
Pedestrian View from Entry Looking Down Facade



Perspective
Pedestrian View from Wedding Lawn



TO: Lisa Thompson, Town of Weddington Administrator/Planner

FROM: Justin Carroll, PE, STV Engineers, Inc.

DATE: August 23, 2018

SUBJECT: Determination of Traffic Impact Analysis: Christ South, Town of Weddington, Union County, NC

Introduction

STV Engineers, Inc. has prepared this response to the request of a traffic impact analysis (TIA) for the proposed Christ South campus, located on the western corner of NC 1316 (Rea Road) and NC 1384 (Reid Dairy Road). Christ South is a campus of Christ Lutheran Church, whose main campus is located in Charlotte. The proposed development will include offices, meeting rooms, and fellowship space accommodating 600 worshippers. Currently, Rea Road is a four-lane median-divided roadway and Reid Dairy Road is a two-lane undivided roadway, which terminates approximately a half mile to the north of Rea Road at Rea View Elementary School and continues to the south as SR 1309 (Crane Road). The two roadways intersect at a signalized intersection.

Refer to Figure 1 for a map of the study location.

Figure 1: Study Location





Data

According to the NCDOT Congestion Management’s “Rate vs Equation” spreadsheet (effective July 1, 2018), the suggested method for site trip calculations for land use code (LUC) 560 (Church) per the ITE Trip Generation Manual 10th edition is as follows:

LUC	DESCRIPTION	INDEPENDENT VARIABLE	PEAK HOUR TYPE	SUGGESTED METHOD		
				RATE	EQUATION	LOCAL DATA
560	Church	1,000 GFA	Generator	-	-	X

Source: NCDOT Congestion Management's "Rate vs Equation" spreadsheet

With no local data to consider and no knowledge of the proposed building’s gross floor area (GFA), the average rate calculation method was used with attendees as the independent variable. Due to the limited number of studies, LUC 560 (Church), with attendees as the independent variable, does not possess an equation. The average weekday rate is reported as 0.08 trips per attendee and the average Sunday rate is reported as 0.53 trips per attendee.

Trip Generation Data Statistics

LUC	DESCRIPTION	INDEPENDENT VARIABLE	TIME PERIOD	AVERAGE RATE
560	Church	Attendees	Weekday, AM Peak Hour of Generator	0.08
560	Church	Attendees	Sunday, Peak Hour of Generator	0.53

Source: ITE Trip Generation Manual 10th Edition (<https://itetripgen.org>)

Trip Generation Calculations

LAND USE	INTENSITY		TIME PERIOD	TOTAL	IN	OUT
Church	600	Attendees	Weekday, AM Peak Hour of Generator	48	24	24
TOTAL TRIP GENERATION				48	24	24
Church	600	Attendees	Sunday, Peak Hour of Generator	318	159	159
TOTAL TRIP GENERATION				318	159	159

As shown in the above calculations, the value for the weekday AM peak hour equals to 48 trips for 600 attendees, which is below the required trips to require a traffic impact analysis. Additional analysis shows the Sunday peak hour equals 318 trips for 600 attendees.

Conclusion

As Appendix C of the Traffic Impact Analysis Ordinance from Weddington, NC Code of Ordinances states, a TIA is required for any major subdivision, or conditional rezoning, or portion thereof, which is expected to create fifty (50) or more peak hour vehicle trips or 500 or more daily vehicle trips. Based on the information contained herein, the calculations above, and engineering judgement, the proposed church campus **does not** meet or exceed the threshold to require a traffic impact analysis.

Attachment:

Town of Weddington Code of Ordinances: Appendix C - Traffic Impact Analysis Ordinance

APPENDIX C - TRAFFIC IMPACT ANALYSIS ORDINANCE

Sec. I. - Overview.

The adequacy of service levels for local, private, and state road intersections that serve or are affected by a proposed project shall be determined in accordance with the provisions of this Appendix. A Traffic Impact Analysis (TIA) required by this Appendix will be prepared by a qualified traffic engineering consultant retained by the Applicant and reviewed and approved by the Town of Weddington. All requirements and recommendations resulting from the TIA must be coordinated with and approved by NCDOT.

(Ord. No. O-2015-05, 5-11-2015)

Sec. II. - Applicability.

A. *Generally.*

- 1) Except as provided in subsections 3) through 7) below, a TIA is required for any major subdivision, or conditional rezoning, or portion thereof, which is expected to create fifty (50) or more peak hour vehicle trips or 500 or more daily vehicle trips. Peak hour and daily vehicle trips are those occurring on peak days on the roadway adjacent to the proposed development, based on the current edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, with the exception of public and private schools which will be based on the NCDOT's most current Municipal School Transportation Assistance (MSTA) School Traffic Calculator. For the purposes of determining the requirement to submit a TIA, no adjustments such as modal split, pass-by trips, and/or internal capture rates will be allowed to the site traffic calculation.

NCDOT Congestion Management's "Rate versus Equation" spreadsheet shall be used to guide site trip calculations and determine allowable pass-by percentages. Alternative trip generation rates/equations for non-standard uses may be utilized subject to Town approval. A "Determination of Need" for a TIA shall be made by the Town in accordance with the trip generation standards set forth in subsection II.A.1). (See the Town of Weddington TIA Process and Procedures Manual for additional information.)

- 2) The determination of the number of trips generated also shall take into account pass-by trips, internal trip capture for MX projects (e.g., roadway and/or pedestrian connectivity) and any proposed transportation demand management system where adequate guarantees are provided by the applicant to the Town, which ensure the proposed demand management system will function as proposed for the life of the project.
- 3) For redevelopment projects, including changes of use, trip generation thresholds shall be defined as the number of net new trips anticipated to be generated by the proposed development over and above the number of trips generated by the current use of the site.
- 4) No TIA shall be required for special events, which either are temporary in nature, consistent with the Town Zoning Ordinance, or which generate trips that meet or exceed the thresholds set forth in subsection 1), but which do not occur during the peak hours of the roadways adjacent to the proposed development.
- 5) Nothing herein shall prohibit the Town from requiring on-site or off-site improvements necessary to address traffic safety concerns created by a proposed development, regardless of whether the thresholds set forth above have been met.
- 6) This Appendix shall not apply to any rights that have vested prior to the effective date of this Appendix, nor shall this Appendix be applied in a manner that would result in a taking of property.

7) This Appendix shall not apply to any development proposal that is part of a conditional zoning plan or subdivision plan submitted prior to the effective date of this Appendix.

B. *Consecutive or Sequential Applications.*

Proposed developments may not be phased or subdivided in piecemeal fashion to avoid application of this Appendix. Two or more developments represented as separate developments shall be aggregated and treated as a single development where the Administrator determines the developments to be part of a unified plan of development and physically proximate to one another, based on the following factors:

- 1) There is common ownership, indicated by the fact that:
 - a) The same person, company, partnership or legal entity controls the developments;
 - b) The same person, company, partnership or legal entity has ownership or a significant legal or equitable interest in the developments;
 - c) There is common management of the developments which controls the form of physical development or disposition of parcels of the development;
 - d) There is proximity in time between the completion of 80 percent or less of one development and the submission of a development proposal for a subsequent development indicating a common development effort;
 - e) The sharing of infrastructure or improvements between multiple developments;
 - f) There is a common advertising scheme or promotional effort or plan for the developments;
or
 - g) Any other credible information gained by the Town suggesting that the project is being phased or subdivided to avoid the requirements of this Appendix.

C. *TIA Submission and Completion Requirement.*

Once the Town has made a Determination of Need for a TIA, the applicant may proceed with the TIA study, in accordance with the terms of the most recent version of the Town of Weddington TIA Process and Procedures Manual, as approved by Zoning Administrator and all applicable Zoning Ordinance and Subdivision Ordinance requirements.

(Ord. No. O-2015-05, 5-11-2015)

Sec. III. - Level of Service Standards; Compliance; Mitigation; Excess Capacity.

A. *Level of Service Standards and Compliance.*

1. The applicant must determine the existing (base) Level of Service (LOS) for all intersections within the Impact Area, as described in Section IV. The applicant shall be required to identify mitigation improvements to the roadway network if at least one of the following conditions exists when comparing base Level of Services to project conditions: (1) the total average delay at an intersection or individual approach delay increases by 25% or greater, while maintaining the same LOS; (2) the LOS degrades by at least one level; (3) or LOS is an "F". This determination shall be based on the most currently accepted Highway Capacity Manual (HCM) methodology. For turning lanes, mitigation improvements shall be identified when the SimTraffic analysis indicates that the Max Queue exceeds the storage capacity of the existing lane.

The proposed mitigation measures required to meet the LOS standards may be modified, subject to final approval of the Town Council to substantially achieve the standards, purpose and intent of this ordinance. The determination of "substantial achievement" based upon an expert opinion provided by the Town's Designated Transportation Engineer.

2. As an alternative to mitigation, the developer may elect to phase the project, reduce its intensity, or delay the project until the LOS standards have been met as a result of a transportation improvement planned by the Town, the North Carolina Department of Transportation (NCDOT) or another party.

B. *Mitigation.*

Mitigation measures shall be consistent with the Design Standards found within the Town of Weddington Roadway Standards.

Mitigation may include participation by the Town or other governmental agencies or private parties, and also may include the funding of road improvements planned by other governmental agencies. Such improvements can be advanced to mitigate the impacts of the proposed development. The nature and type of mitigation should reflect the timing and the availability of necessary right-of-way or other improvements, the existence and timing of other developments within the area, and the particular characteristics of the particular site and the needed transportation improvements. Monetary mitigation, if proposed by the applicant, may be accepted by the Town Council provided it is shown that such mitigation is a reasonable substitute for actual construction, based on the LOS standards and construction time frames set forth herein.

Proposed mitigation shall be included as a condition of approval or a binding agreement between the applicant and the Town, with the consent, as appropriate, of the NCDOT or other governmental regulatory agencies with jurisdiction.

C. *Transportation improvements.*

Transportation improvements provided through mitigation, pursuant to this Appendix, shall be completed and available within three (3) years of the Town Council's final approval of the development proposal, unless expressly provided otherwise by the Town Council. Any improvements not completed prior to the issuance of a Certificate of Occupancy, shall be bonded at 115% of the cost of the remaining required improvement(s), as reviewed and approved by the Zoning Administrator following review by the Town Designated Transportation Engineer. All necessary right-of-way for identified transportation improvements shall be acquired prior to the issuance of a Certificate of Occupancy.

D. *Excess Capacity.*

If a private party or developer chooses to build a transportation facility that provides capacity in excess of that needed to serve the proposed development, the Town and other responsible parties may enter into an agreement to facilitate the participation of subsequent developers, the Town, NCDOT, or other parties in the provision or funding of the transportation improvement.

(Ord. No. O-2015-05, 5-11-2015)

Sec. IV. - Impact Area.

The impact area designates the distance from a proposed development within which the TIA is conducted to determine compliance with the LOS standards set forth above. The following impact areas apply to any development subject to this Appendix:

- 1) Public street intersections within a half-mile radius from the proposed development property line.
- 2) Intersections where proposed development contributes seven (7) percent or more of the traffic on any intersection approach during any peak hour.

(Ord. No. O-2015-05, 5-11-2015)

Sec. V. - Contents of TIA.

A. *Generally.*

The TIA shall generally follow the guidelines set forth by the ITE Transportation Impact Analysis for Site Development consistent with the Town of Weddington Roadway Standards, or as required by the Zoning Administrator, and may include, but is not limited to, the following:

- 1) Traffic analysis information related to trip generation, peak hour impacts, and other factors evaluated to determine compliance with applicable LOS standards for intersections within the impact area;
- 2) Site location map and site layout;
- 3) Existing and proposed land uses;
- 4) Timing and phasing of the proposed development, by month and year;
- 5) A narrative describing the project, including any special transportation related impacts or considerations; and
- 6) Other information determined by the Town Designated Transportation Engineer to be necessary in order to determine whether the proposed project complies with the requirements of this Appendix and the requirements of the ITE guidelines for the preparation of TIAs for site development.

B. *Demand Measures.*

TIAs shall take into account the following demand factors:

- 1) Existing traffic volumes;
- 2) Background traffic, including historical growth traffic and projected trips associated with approved, but un-built development(s); and
- 3) The trips to be generated by the proposed development.

C. *Capacity Measures.*

TIAs shall take into account the following existing or anticipated capacity measures:

- 1) Existing road segments, intersections, and proposed development access points;
- 2) Roadway and intersection improvements planned by the Town, NCDOT, or other party, scheduled to be completed and available within three (3) years of the approval of the development proposal and which either have or are reasonably certain to have all necessary governmental approvals.

D. *Mitigation Measures Needed.*

The TIA shall describe what, if any, transportation facility improvements within the impact area are needed for the proposed development to comply with the intersection level of service standards set forth in section III of this Appendix.

(Ord. No. O-2015-05, 5-11-2015)

Sec. VI. - Intergovernmental Coordination.

While the Town coordinates with NCDOT and other appropriate governmental agencies on development proposals, it shall remain the responsibility of the Applicant to contact NCDOT to discuss access and traffic impact issues on state roads.

(Ord. No. O-2015-05, 5-11-2015)

Sec. VII. - Appeals and variances.

An applicant may seek a variance from the terms of this Appendix or appeal a determination by the Zoning Administrator made pursuant to the terms of this Appendix to the Zoning Board of Adjustment, as provided in Article VIII of the Zoning Ordinance.

(Ord. No. O-2015-05, 5-11-2015)

**TOWN OF
W E D D I N G T O N**

MEMORANDUM

TO: Mayor and Town Council

FROM: Lisa Thompson Town Administrator/Planner

DATE: October 8, 2018

SUBJECT: Update on Erosion Control Ordinance

Staff received the go-ahead to begin the process of a town-controlled erosion control program. Staff drafted an ordinance, developed a fee schedule, and prepared the following forms: financial responsibility/ownership, plan check list, plan review chart and a self-inspection and self-monitoring form.

The proposed ordinance regulates when a permit is needed and requires a submitted plan that identifies critical areas, limits time of exposure, limits exposed areas, controls surface water, controls sedimentation, and helps manage run-off. The ordinance includes design and performance standards, maintenance, inspections, appeals and penalties.

When reviewing the proposed ordinance (which mimics Waxhaw's ordinance) versus the state, one major change is the former regulates land disturbing activities over 12,000 sq. ft. needing an erosion control permit. Staff believes the Town should follow the state requirement of any land-disturbing activity over 1 acre requires a plan and installation of erosion control devices in accordance with the State Planning and Design Manual. Staff believes the Town doesn't have the man-power to regulate individual lots. This is something that can be considered in the future.

Items 1 -3 of the checklist below are complete. Staff will bring the draft ordinance to Planning Board this month for review and plan to call for a public hearing in November for December adoption. After adoption the Town will submit the ordinance to the Sedimentation Control Commission (SCC) for delegation. Staff intends to communicate with the state and send a draft in hopes of receiving review comments prior to Town Council adoption.

1. Establish grassroots effort to ascertain local interest in a local erosion and sediment control program.
2. Obtain model ordinance from Land Quality Section website
<https://deq.nc.gov/about/divisions/energy-mineral-land-resources/erosionsediment-control/local-government-programs>

3. Create local ordinance and supporting documentation necessary to establish and enforce an erosion and sedimentation control program. Local ordinance standards must equal or exceed those in the Sedimentation Pollution Control Act of 1973, GS 113A.
4. Two or more units of local government can establish a joint program and enter agreements that are necessary for the proper administration and enforcement of a local program.
5. Submit ordinance to local government bodies for passage. Adopt ordinance locally before asking SCC for delegation in writing.
6. Submit three copies of ordinance for review by the State Sediment Specialist, Assistant Sediment Specialist, and DEQ Attorney preferably three months before implementation. Address material to Assistant Sediment Specialist, 1612 MSC, Raleigh, NC 27699-1612.
7. Submit delegation request to the Assistant Sediment Specialist, 1612 MSC, Raleigh, NC 27699-1612. Joint programs must include a certified copy of the resolution stating the terms of agreement.
8. The SCC will review delegation request within 90 days and shall notify the petitioner that it has been approved, approved with modifications, or disapproved.



**EROSION AND
SEDIMENTATION CONTROL
ORDINANCE**

**October
2018**

**AN ORDINANCE TO ADD
CHAPTER 65 TO THE
TOWN OF WEDDINGTON
CODE OF ORDINANCES**

BE IT ORDAINED by the Town Council of the Town of Weddington that the Town of Weddington Code of Ordinances be amended to add Chapter 65, Erosion and Sedimentation Control, as follows:

CHAPTER 65: EROSION AND SEDIMENTATION CONTROL

PREAMBLE

65.01 PURPOSE

65.02 JURISDICTION

65.03 DEFINITIONS

65.04 EXCLUSIONS

65.05 GENERAL REQUIREMENTS AND OBJECTIVES

65.06 MANDATORY STANDARDS FOR LAND DISTURBING ACTIVITIES

65.07 DESIGN AND PERFORMANCE STANDARDS

65.08 STORMWATER OUTLET PROTECTION

65.09 BORROW AND WASTE AREAS

65.10 ACCESS AND HAUL ROADS

65.11 OPERATIONS IN LAKES OR NATURAL WATERCOURSES

65.12 RESPONSIBILITY FOR MAINTENANCE

65.13 ADDITIONAL MEASURES

65.14 EXISTING UNCOVERED AREAS

65.15 PERMITS

65.16 EROSION AND SEDIMENTATION CONTROL PLANS

65.17 TRANSFERS OF PLANS

65.18 INSPECTIONS AND INVESTIGATIONS

65.19 PENALTIES

65.20 INJUNCTIVE RELIEF

65.21 RESTORATION OF AREAS AFFECTED BY FAILURE TO COMPLY

65.22 APPEALS

65.23 SEVERABILITY

65.24 EFFECTIVE DATE

PREAMBLE

The sedimentation of streams, lakes and other waters of this State constitute a major pollution problem. Sedimentation occurs from the erosion or depositing of soil and other materials into the waters, principally from construction sites and road maintenance. The continued development of this Town will result in an intensification of pollution through sedimentation unless timely and appropriate action is taken. Control of erosion and sedimentation is deemed vital to the public interest and necessary to the public health and welfare, and expenditures of funds for erosion and sedimentation control programs shall be deemed for a public purpose. It is the purpose of this Ordinance to provide for the creation, administration, and enforcement of a program and for the adoption of minimal mandatory standards which will permit development of this Town to continue with the least detrimental effects from pollution by sedimentation.

65.01 PURPOSE. This Ordinance is adopted for the purpose of:

- (1) Regulating certain land-disturbing activity to control accelerated erosion and sedimentation in order to prevent the pollution of water and other damage to lakes, watercourses, and other public and private property by sedimentation; and
- (2) Establishing procedures through which these purposes can be fulfilled.

65.02 JURISDICTION.

This Ordinance is hereby adopted by the Town Council to apply to all areas within the corporate limits of the Town of Weddington.

The Town shall have jurisdiction, to the exclusion of local governments, to adopt rules concerning land-disturbing activities that are:

- a. Conducted by the State.
- b. Conducted by the United States.
- c. Conducted by persons having the power of eminent domain other than a local government.
- d. Conducted by a local government.
- e. Funded in whole or in part by the State or the United States.
- f. Related to oil and gas exploration and development on the well pad site.

In addition, certain exclusions are set forth in Section 65.04.

Where a conflict exists between any limitation or requirement contained in this Ordinance and those in any other ordinance, regulation, or plan, the more restrictive limitation or requirement shall apply. Except as otherwise provided herein, this ordinance shall not repeal, abrogate, or revoke any other ordinance, regulation, or plan.

65.03 DEFINITIONS.

The words and phrases used in this Ordinance shall have the meaning assigned in this Section provided, unless the context clearly indicates otherwise. These definitions are derived from the North Carolina Sedimentation Control regulations, 15A NCAC § 4A.0105 and the Sedimentation Pollution Control Act of 1973, NCGS § 113A-52.

Accelerated Erosion – means any increase over the rate of natural erosion as a result of land disturbing activity.

Act – means the North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant to it, as amended from time to time.

Adequate Erosion Control Measure, Structure, or Device – means one which controls the soil material within the land area under responsible control of the person conducting the land-disturbing activity, as such controls are specified in the Ordinance.

Affiliate – a person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control of another person.

Being Conducted – means a land-disturbing activity has been initiated and permanent stabilization of the site has not been completed.

Borrow – means fill material which is required for on-site construction and is obtained from other locations.

Buffer Zone – means the strip of land adjacent to a lake or natural watercourse.

Completion of Construction or Development – means that no further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.

Commission/NCSCC – means the North Carolina Sedimentation Control Commission.

Department - means the North Carolina Department of Environmental Quality.

Discharge Point – means that point at which runoff leaves a tract.

District/SWCD – means the Union Soil and Water Conservation District (also referred to as the “SWCD”) created pursuant to Chapter 139 of the North Carolina Statutes.

Energy Dissipater – means a structure or a shaped channel section with mechanical armoring placed at the outlet of pipes or conduits to receive and break down the energy from high velocity flow.

Erosion – means the wearing a way of land surface by the action of wind, water, gravity, or any combination thereof.

Ground Cover – means any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.

Lake or Natural Watercourse – means any stream, river, brook, swamp, creek, run, branch, and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.

Land-Disturbing Activity – means any use of the land by any person in residential, industrial, educational, institutional, or commercial development, highways and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

Local Government – means any county, village, town, or city, or any combination of counties, villages, towns and cities acting through a joint program with the Town pursuant to the provisions of the Act.

NCSCC – means the North Carolina Sedimentation Control Commission.

Natural Erosion – means the wearing away of the earth’s surface by water, wind or other natural agents under natural environmental conditions undisturbed by man.

Parent – an affiliate that directly or indirectly, through one or more intermediaries, controls another person.

Person – means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

Person Conducting Land-Disturbing Activity – means any person who may be held responsible for a violation unless expressly provided otherwise by this Ordinance, the Act, or any order adopted pursuant to this Ordinance or the Act.

Person Responsible for the Violation – as used in this Ordinance and G.S. 113A-64 means:

- (1) The developer or other person who has or holds themselves out as having financial or operational control over the land-disturbing activity; and/or
- (2) The landowner or person in possession or control of the land who has directly or indirectly allowed the land-disturbing activity or has benefited from it or has failed to comply with any provision of this Ordinance, the Act, or any order adopted pursuant to this Ordinance or the Act.

Phase of Grading – means one of two types of grading, rough or fine.

Plan – means a complete Erosion and Sedimentation Control Plan.

Sediment – means solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

Sedimentation – means the process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse.

Siltation – means sediment resulting from accelerated erosion which is removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity; and which has been deposited in or is in suspension in water.

Storm Drainage Facilities – means the system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey storm water through and from a given drainage area.

Storm Water Runoff – means the direct runoff of water resulting from precipitation in any form.

Subsidiary – an Affiliate that is directly or indirectly, through one or more intermediaries, controlled by another person.

SWCD/ Union SWCD – means the Union Soil and Water Conservation District.

Ten-Year Storm – means the surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten years, and of a duration which will produce the maximum peak rate of runoff, for the watershed of interest under average antecedent wetness conditions.

Town – means Town of Weddington.

Town Council – means the Town of Weddington Town Council.

Town of Weddington Erosion Control Inspector/ Erosion Control Inspector/ Inspector – includes the Town of Weddington Zoning Administrator, who is principally responsible for the administration of this Section, or his duly authorized designee. This term shall also include any persons, agents or other representatives of the town as authorized by the Zoning Administrator.

Tract – means all contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

Twenty-five Year Storm – means the surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 25 years, and of a duration which will produce the maximum peak rate of runoff, from the watershed of interest under average antecedent wetness conditions.

Two-Year Storm – means the surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 2 years, and of a duration which will produce the maximum peak rate of runoff, from the Watershed of interest under average antecedent wetness conditions.

Uncover(s)(ed)(ing) – means the removal of ground cover from, on, or above the soil surface.

Undertaken – means the initiating of an activity, or phase of activity, which results or will result in a change in the ground cover or topography of a tract.

Velocity (ies) – means the average speed of flow through the cross section of the main channel at the peak flow of the storm of interest. The cross section of the main channel shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overload flows are not to be included for the purpose of computing velocity of flow.

Waste – means surplus materials resulting from on-site construction and disposed of at locations either on or off site other than the initial source of the materials.

Watershed – means the region drained by or contributing water to a stream, lake or other body of water.

Working Days – means days exclusive of Saturday and Sunday during which weather conditions or soil conditions permit land-disturbing activity to be undertaken.

65.04 EXCLUSIONS.

This Section shall not apply to the following land-disturbing activities:

- (1) Activities, including the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture undertaken on agricultural land for the production of plants and animals useful to man, including, but not limited to:
 - a. Forages and sod crops, grains and feed crops, tobacco, cotton, and peanuts.

- b. Dairy animals and dairy products.
 - c. Poultry and poultry products.
 - d. Livestock, including beef cattle, llamas, sheep, swine, horses, ponies, mules, and goats.
 - e. Bees and apiary products.
 - f. Fur producing animals.
 - g. Mulch, ornamental plants, and other horticultural products. For purposes of this section, "mulch" means substances composed primarily of plant remains or mixtures of such substances.
- (2) Activities undertaken on forestland for the production and harvesting of timber and timber products and conducted in accordance with best management practices set out in Forest Practice Guidelines Related to Water Quality, as adopted by the Department.
 - (3) Activities for which a permit is required under the Mining Act of 1971, Article 7 of Chapter 74 of the General Statutes.
 - (4) For the duration of an emergency, activities essential to protect human life, including activities specified in an executive order issued under G.S. 166A-19.30(a)(5).
 - (5) Activities undertaken to restore the wetland functions of converted wetlands to provide compensatory mitigation to offset impacts permitted under Section 404 of the Clean Water Act.
 - (6) Activities undertaken pursuant to Natural Resources Conservation Service standards to restore the wetlands functions of converted wetlands as defined in Title 7 Code of Federal Regulations § 12.2

65.05 GENERAL REQUIREMENTS AND OBJECTIVES.

(A) Plan Required. No Person shall initiate any land-disturbing activity which uncovers more than twelve thousand (12,000) square feet of land for commercial, industrial, or subdivision development without having a plan approved by the Erosion Control Inspector. Land-disturbing activities resulting from single-family residential development on an individual lot which disturbs one (1) acre of land or less are excluded from plan submittal and approval, provided that erosion control devices are installed in accordance with the details for residential lot development found in the **Town of Weddington Engineering, Standards and Procedures Manual**. Single-family residential development exceeding one (1) acre of land disturbed will be required to submit for plan approval. Land-disturbing activities resulting from single-family residential development on multiple contiguous lots which disturb a total of one (1) acre of land or less may conduct such activity with a single approved plan encompassing all the lots or with separate **approved ESC Installation and Maintenance Agreements** for each lot.

(B) ESC Installation and Maintenance Agreement Required. No person shall initiate any Land-Disturbing Activity for the purpose of new single-family residential development on an individual lot to a maximum of one (1) acre, without having an ESC Installation and Maintenance Agreement approved by the Erosion Control Inspector.

(C) Protection of Property. Persons conducting land-disturbing activity shall take all reasonable measures to protect all public and private property from damage caused by such activity.

(D) Basic Control Objectives. A plan may be disapproved pursuant to Section 65.16 of this Ordinance if the plan fails to address the following control objectives:

- (1) Identify Critical Areas – On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention.

- (2) Limit Time of Exposure – All land-disturbing activity is to be planned and conducted to limit exposure to the shortest feasible time.
- (3) Limit Exposed Areas – All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time.
- (4) Control Surface Water – Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure.
- (5) Control Sedimentation – All land-disturbing activity is to be planned and conducted so as to prevent off-site sedimentation damage.
- (6) Manage Storm Water Runoff – When the increase in the velocity of storm water runoff resulting from a land-disturbing activity is sufficient to cause accelerated erosion of the receiving watercourse, plans are to include measures to control the velocity to the point of discharge so as to minimize accelerated erosion of the site and increased sedimentation of the stream.

65.06 MANDATORY STANDARDS FOR LAND DISTURBING ACTIVITIES.

No land-disturbing activity subject to the control of this Ordinance shall be undertaken except in accordance with the following mandatory standard:

(A) Buffer Zone.

- (1) No land-disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearest the land-disturbing activity.
- (2) Unless otherwise provided, the width of the buffer zone begins and is measured landward from the normal pool elevation of impounded structures (lakes) to the nearest edge of the disturbed area and/ or five feet from the edge of the top of the bank of streams or rivers to the nearest edge of the disturbed area. Natural or artificial means of confining visible siltation must be placed, constructed or installed outside the undisturbed buffer zone.
- (3) For any watercourse, where more than one stream buffer width is imposed by Town of Weddington Code of Ordinance or other local, state or federal law(s), rule(s), or regulation(s), the greater buffer width stipulated shall apply.

(B) Graded Slopes and Fills. The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed will, within 14 calendar days of completion of any phase of grading, be planted or otherwise be provided with ground cover, devices, or structures sufficient to restrain erosion.

(C) Ground Cover. Whenever more than one (1) a c r e of land is uncovered or new residential development on an individual lot is initiated, the person conducting the land-disturbing activity shall install such sedimentation and erosion control devices and practices as are sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of said tract, and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development. Provisions for a ground cover

sufficient to restrain erosion must be accomplished within 15 working days or 60 calendar days, whichever is shorter following completion of construction or development.

(D) Prior Plan Approval. No Person shall initiate any land-disturbing activity on a tract if more than one (1) acre of land is to be uncovered, excluding single-family residential development in accordance with Subsection 65.05(B), unless, thirty or more days prior to initiating the activity, a plan is filed with and approved by the Erosion Control Inspector. The Erosion Control Inspector shall forward to the North Carolina Director of the Division of Water Quality a copy of each plan for a land-disturbing activity that involves the utilization of ditches for the purpose of de-watering or lowering the water table of the tract.

(E) Zoning Permits. Any person requesting a grading permit in association with a land-disturbing activity on a tract which involves the uncovering of more than twelve thousand (12,000) square feet of land or new residential development on an individual lot, shall be required to have an approved Erosion and Sedimentation Control Plan or ESC Installation and Maintenance Agreement in accordance with this Ordinance.

65.07 DESIGN AND PERFORMANCE STANDARDS.

Erosion and sedimentation control measures, structures, and devices shall be so planned designed, and constructed as to provide protection from the calculated maximum peak rate of storm water runoff from the ten-year storm. Storm water runoff rates shall be calculated using the procedures in the USDA, Natural Resources Conservation Service's "National Engineering Field Manual for Conservation Practices," or other acceptable calculation procedures.

65.08 STORMWATER OUTLET PROTECTION.

(A) Persons shall conduct land-disturbing activity so that the post-construction velocity of the ten-year storm runoff in the receiving watercourse to the discharge point does not exceed the greater of:

- (1) The velocity established in Table 65.08-1 of this Section; or
- (2) The velocity of the ten-year storm runoff in the receiving watercourse prior to the land-disturbing activity.

(B) If the conditions of Section 65.08 (A) cannot be met, then the receiving watercourse to and including the discharge point shall be designed and constructed to withstand the expected velocity anywhere the velocity exceeds the "prior to land-disturbing activity" velocity by ten percent (10%).

(C) Acceptable Management Measures. Measures applied alone or in combination to satisfy the intent of this section are acceptable if there are no objectionable secondary consequences. The Town recognizes that the management of storm water runoff to minimize or control downstream channel and bank erosion is a developing technology. Innovative techniques and ideas will be considered and may be used when shown to have the potential to produce successful results. Some alternatives are to:

- (1) Avoid increases in surface runoff volume and velocity by including measures to promote infiltration to compensate for increased runoff from areas rendered impervious.
- (2) Avoid increases in storm water runoff discharge velocities by using vegetated or roughened swales and waterways in lieu of closed drains and high velocity paved sections.
- (3) Provide energy dissipaters at outlets of storm drainage facilities to reduce flow velocities to the point of discharge. These may range from simple rip-rapped sections to complex structures.

(4) Protect watercourses subject to accelerated erosion by improving cross sections and/or providing erosion-resistant lining.

(D) Exceptions. This rule shall not apply where it can be demonstrated that storm water discharge velocities will not create an erosion problem in the receiving watercourse.

(E) Maximum permissible velocity for storm water discharges shall be regulated in accordance with Table 65.08-1.

Table 65.08-1 Maximum Permissible Velocities

Material	Feet/Second	Meters/Second
Fine sand (noncolloidal)	2.5	0.8
Sandy loam (noncolloidal)	2.5	0.8
Silt loam (noncolloidal)	3.0	0.9
Ordinary firm loam	3.5	1.1
Fine gravel	5.0	1.5
Stiff clay (very colloidal)	5.0	1.5
Graded, loam to cobbles (noncolloidal)	5.0	1.5
Graded, silt to cobbles (colloidal)	5.5	1.7
Alluvial silts (noncolloidal)	3.5	1.1
Alluvial silts (colloidal)	5.0	1.5
Coarse gravel (noncolloidal)	6.0	1.8
Cobbles and shingles	5.5	1.7
Shales and hard pans	6.0	1.8

65.09 BORROW AND WASTE AREAS.

When the Person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained and which are not regulated by the provisions of the Mining Act of 1971, and waste areas for surplus materials other than landfills regulated by the North Carolina Department of Environment and Natural Resources's Division of Solid Waste Management, shall be considered as part of the land- disturbing activity where the borrow material is being used or from which the waste material originated. When the person conducting the land-disturbing activity is not the person obtaining the borrow and/or disposing of the waste, these areas shall be considered a separate land- disturbing activity.

65.10 ACCESS AND HAUL ROADS.

Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.

65.11 OPERATIONS IN LAKES OR NATURAL WATERCOURSES.

Land-disturbing activity in connection with construction in, on, over, or under a lake or natural watercourse shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel. The relocation of a lake, stream or other watercourse where relocation is an essential part of the proposed activity, shall be planned and executed so as to minimize changes in the lake, stream or other watercourse flow characteristics, except when justification acceptable to the Town for significant alteration to flow characteristic is provided.

65.12 RESPONSIBILITY FOR MAINTENANCE.

During the development of a site, the person conducting the land-disturbing activity shall install and maintain all temporary and permanent erosion and sedimentation control measures as required by the approved plan or any provision of this Ordinance or the Act, or any order adopted pursuant to this Ordinance or the Act. After site development, the landowner or person in possession of the land shall install and/or maintain all necessary permanent erosion and sediment control measures, except those measures installed within a road or street right-of-way or easement accepted for maintenance by a governmental agency.

65.13 ADDITIONAL MEASURES.

Whenever the Erosion Control Inspector determines that significant sedimentation is occurring as a result of land-disturbing activity, despite application and maintenance of protective practices, the person conducting the land-disturbing activity will be required to and shall take additional protective action.

65.14 EXISTING UNCOVERED AREAS.

(A) All uncovered areas existing on the effective date of this Ordinance which resulted from land-disturbing activity which exceed one (1) acre of land, that are subject to continued accelerated erosion and are causing off-site damage from sedimentation, shall be provided with a ground cover or other protective measures, structures, or devices sufficient to restrain accelerated erosion and control off-site sedimentation.

(B) The Erosion Control Inspector will serve upon the landowner or other person in possession or control of that land a written notice of violation by registered or certified mail, return receipt requested, or other means reasonably calculated to give actual notice. The notice will set forth the measures needed to comply, and will state the time within which such measures must be completed. In determining the measures required and the time allowed for compliance, the Erosion Control Inspector shall take into consideration the economic feasibility, technology, and quantity of work required, and shall set reasonable and attainable time limits of compliance.

(C) The Erosion Control Inspector reserves the right to require preparation and approval of a plan in any instance where extensive control measures are required.

65.15 PERMITS.

(A) No person shall undertake any land-disturbing activity subject to this Ordinance without having first obtained a Plan Certificate and Letter of Approval or ESC Installation and Maintenance Agreement Approval from the Erosion Control Inspector, except that no Plan Certificate and Letter of Approval or ESC Installation and Maintenance Agreement Approval shall be required for any Land-Disturbing Activity:

- (1) For the purpose of fighting fires; or
- (2) For the stock piling of raw or processed sand, stone, or gravel in material processing plants and storage yards, provided that sediment control measures have been utilized to protect against off-site damage; or
- (3) That does not disturb more than one (1) acre in surface area.

In determining the area, lands under one or diverse ownership being developed as a unit will be aggregated.

(B) Although a Plan Certificate and Letter of Approval is not required for land-disturbing activity comprising less than one (1) acre for residential projects, such activity shall be subject to all other requirements of this Ordinance and any other applicable standards or ordinances adopted by the Town of Weddington.

(C) Submittals for erosion and sediment control plan approval and erosion control inspections shall be subject to any and all relevant fees as adopted by the Town Council and prescribed in the Town of Weddington Code of Ordinances. Fees shall accompany plan submittals, otherwise the submittal shall be determined incomplete and shall be returned to the applicant.

65.16 EROSION AND SEDIMENTATION CONTROL PLANS.

(A) Persons conducting land-disturbing activity shall be responsible for preparing a plan for all land-disturbing activities subject to this Ordinance whenever the proposed activity is to be undertaken on a tract disturbing more than one (1) acre of land, excluding single-family residential development addressed in Section 65.05 (B).

(B) Three complete copies of the plan shall be filed with the Control Inspector in the office of the Town of Weddington Zoning Administrator at least 30 days prior to the commencement of the proposed activity. A fee, made payable to the Town of Weddington, shall be charged for each plan review. Such fee shall be in accordance with a fee schedule adopted by the Town of Weddington Town Council. No plan shall be considered complete unless accompanied by such fee and a performance bond in the form of a certified check, cash or irrevocable letter of credit, in an amount deemed sufficient by the Town Engineer to cover all costs of protection or other improvements required to establish protective cover on the site in conformity with this ordinance. The performance bond shall remain effective until work has been completed, inspected and approved by the Town.

(C) The Erosion Control Inspector shall transmit a copy of the complete plan to the Union Soil and Water Conservation District (SWCD) for their review. The SWCD shall be given up to twenty (20) days to make comment on the plan. Failure of the SWCD to submit its comments to the Erosion Control Inspector within such time period shall not delay final action on the proposed plan by the Erosion Control Inspector.

(D) The Erosion Control Inspector shall render a decision on a plan within thirty (30) days of submittal. The Erosion Control Inspector shall condition approval of a draft plan upon the applicants' compliance with local, state and federal water quality laws, regulations, ordinances and rules. Such decision shall be approval, approval with modifications, approval with performance reservations, or disapproval. Failure to approve, approve with modifications or performance reservations, or disapprove a complete plan within thirty (30) days of receipt shall be deemed approval.

(E) Any final decision made pertaining to the proposed plan shall be filed in the Town of Weddington Zoning Administrator (or as otherwise designated by the Town) and sent to the applicant by first class mail.

(F) Denial of a plan or a revised plan must specifically state in writing the reasons for disapproval. The Erosion Control Inspector must approve, approve with modifications, or disapprove a revised plan within fifteen (15) days of receipt, or it is deemed to be approved.

(G) Plan approval shall expire three (3) years following the date of approval, if no land-disturbing activity has been undertaken, or if no land-disturbing activity has occurred with three (3) years. If, following commencement of a land-disturbing activity pursuant to an approved plan, the Erosion Control

Inspector determines that the plan is inadequate to meet the requirements of this ordinance, the Erosion Control Inspector may require any revision of the plan that is necessary to comply with this ordinance.

(H) Persons conducting land-disturbing activities which are addressed by Section 65.16 shall have secured a Plan Certificate and Letter of Approval (in accordance with procedures described herein) before any land-disturbing activities commence. A copy of the approved plan and the Certificate of Plan Approval shall be maintained at the job site by the persons conducting the land-disturbing activity. After approving the plan, if the Erosion Control Inspector, either upon review of such plan or on inspection of the job site, determines that a significant risk of accelerated erosion or off-site sedimentation exists, the Inspector may require that a revised plan be submitted. Pending the preparation and approval of the revised plan, work shall cease or shall continue under conditions outlined by the Erosion Control Inspector.

(I) A plan may be disapproved unless accompanied by an **authorized statement of financial responsibility and ownership**. This statement shall be signed by the person financially responsible for the land-disturbing activity or their attorney-in-fact. The statement shall include the mailing and street addresses of the principal place of business of the person financially responsible and of the owner of the land or their registered agents. If the person financially responsible is not a resident of North Carolina, a North Carolina agent must be designated in the statement for the purpose of receiving notice of compliance or non-compliance with the plan, the Act, this ordinance, or rules or orders adopted or issued pursuant to this ordinance. If the applicant is not the owner of the land to be disturbed, the draft erosion and sedimentation control plan must include the owner's written consent for the applicant to submit a draft erosion and sedimentation control plan and to conduct the anticipated land disturbing activity.

(J) The person submitting a plan to the Erosion Control Inspector is, prior to submission of the plan, solely and exclusively responsible for determining whether the proposed land-disturbing activities require any form of state or federal environmental certification or documentation. Any plan submitted for a land-disturbing activity for which an environmental document is required by the North Carolina Environmental Policy Act (G.S. 113A-1, et seq.) shall be deemed incomplete until a complete environmental document is available for Town review. The Erosion Control Inspector, upon discovery that an environmental certification or documentation is required but was not obtained, shall promptly notify the person submitting the plan that the thirty (30) day time limit for review of the plan pursuant to Section 65.16 (D) of this Ordinance shall not begin until a complete environmental document or certificate is available for review by the Erosion Control Inspector. However, no term or condition in the Ordinance shall be interpreted to place the burden for determining the necessity for an environmental certificate or documentation upon the Erosion Control Inspector, and the person submitting the plan, as well as any other persons specified by law, rule or regulation, shall remain solely and exclusively responsible for such determination.

(K) The plan required by this section shall contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to adequately describe the proposed development of the tract and the measures planned to comply with the requirements of this Ordinance. Any erosion and sediment control measures and/or devices must be drawn to scale and contour when deemed applicable by the Erosion Control Inspector. Plan content may vary to meet the needs of specific site requirements. Detailed guidelines for plan preparation shall be found in the Town of Weddington **Engineering, Standards and Procedures Manual**. The Erosion Control Inspector shall automatically disapprove a plan if it is determined that implementation of the plan would result in a violation of rules adopted by the Environmental Management Commission to protect riparian buffers along surface waters.

(L) A plan may be disapproved upon a finding that an applicant, or a parent, subsidiary, or other affiliate of the applicant:

- (1) Is conducting or has conducted land-disturbing activity without an approved plan, or has received notice of violation of a plan previously approved by the NCSCC or the Town pursuant to the Act and has not complied with the notice within the time specified in the notice.
- (2) Has failed to pay a civil penalty assessed pursuant to the Act or a local ordinance adopted pursuant to the Act by the time the payment is due.
- (3) Has been convicted of a misdemeanor pursuant to G.S. 113A-64(b) or any criminal provision of a local ordinance adopted pursuant to the Act; or
- (4) Has failed to substantially comply with applicable local, State or Federal laws, regulations, rules or ordinances adopted pursuant to the Act. For purposes of this subsection 65.16 (L), an applicant's record may be considered for only the two (2) years prior to the application date.

(M) Applications for amendment of a plan in written and/or graphic form may be made at any time under the same format as the original application. Until such time as said amendment is approved by Erosion Control Inspector, land-disturbing activity shall not proceed except in accordance with the plan as originally approved.

(N) Any person engaged in land-disturbing activity who fails to file a plan in accordance with this Ordinance, or who conducts a land-disturbing activity except in accordance with provisions of an approved plan shall be deemed in violation of this Ordinance.

65.17 TRANSFER OF PLANS.

(A) The Town of Weddington may transfer a plan if all of the following conditions are met:

- (1) The successor-owner of the property submits to the local government a written request for the transfer of the plan and an authorized statement of financial responsibility and ownership.
- (2) The local government finds all of the following:
 - a. The plan holder is one of the following:
 - (i) A natural person who is deceased.
 - (ii) A partnership, Limited Liability Corporation, corporation, or any other business association that has been dissolved.
 - (iii) A person who has been lawfully and finally divested of title to the property on which the permitted activity is occurring or will occur.
 - (iv) A person who has sold the property on which the permitted activity is occurring or will occur.
 - b. The successor-owner holds title to the property on which the permitted activity is occurring or will occur.
 - c. The successor-owner is the sole claimant of the right to engage in the permitted activity.
 - d. There will be no substantial change in the permitted activity.

(B) The plan holder shall comply with all terms and conditions of the plan until such time as the plan is transferred.

(C) The successor-owner shall comply with all terms and conditions of the plan once the plan has been transferred.

(D) Notwithstanding changes to law made after the original issuance of the plan, the local government may not impose new or different terms and conditions in the plan without the prior express consent of the

successor-owner. Nothing in this subsection shall prevent the local government from requiring a revised plan pursuant to Section 65.16(G).

(E) Denials of transfer requests may be appealed pursuant to Section 65.22(A)

65.18 INSPECTIONS AND INVESTIGATIONS.

(A) The Erosion Control Inspector will periodically inspect land-disturbing activities to ensure compliance with the Act, this ordinance, or rules or orders adopted or issued pursuant to this ordinance, and to determine whether the measures required in the plan are effective in controlling erosion and sediment resulting from land-disturbing activity. Notice of the right to inspect shall be included in the certificate of approval of each plan. The landowner, the financially responsible party, or the landowner's or the financially responsible party's agent shall perform an inspection of the area covered by the plan after each phase of the plan has been completed and after establishment of temporary ground cover in accordance with 65.06 (C). The person who performs the inspection shall maintain and make available a record of the deviation from the approved erosion control plan, identify any measures that may be required to correct the deviation, and document the completion of those measures. The record shall be maintained until permanent ground cover has been established as required by the approved erosion and sedimentation control plan.

(B) No person shall willfully resist, delay, or obstruct the Erosion Control Inspector, while inspecting or attempting to inspect a land-disturbing activity under this section.

(C) If it is determined that a person engaged in the land-disturbing activity has failed to comply with the Act, this Ordinance, or rules, or orders adopted or issued pursuant to this Ordinance, or has failed to comply with an approved plan, a notice of violation shall be served upon that person. The notice shall be served by registered or certified mail or by any means authorized under GS 1A-1, Rule 4. The Notice of Violation shall specify a date by which, or a cure period within which, the person must comply with this Ordinance, and inform the person of the actions that need to be taken to comply with this Ordinance. The Notice shall set forth the measures necessary to achieve compliance with the plan, specify a reasonable time period within which such measures shall be completed, and warn that failure to correct the violation within the time period stated is subject to a civil penalty and other enforcement actions. However, no time period for compliance need be given for failure to submit a plan for approval, for obstructing, hampering or interfering with an authorized representative while in the process of carrying out his official duties, or for the penalty that may be assessed pursuant to this Ordinance for the day the violation is assessed by the Erosion Control Inspector. Any person who fails to comply within the time specified in the Notice is subject to additional civil and criminal penalties for a continuing violation as provided in this Ordinance.

If the person engaged in the land-disturbing activity has not received a previous notice of violation under this section, the Erosion Control Inspector shall deliver the notice of violation in person and shall offer assistance in developing corrective measures. Assistance may be provided by referral to a technical assistance program in the Department, referral to a cooperative extension program, or by the provision of written materials such as Department guidance documents. If the Erosion Control Inspector is unable to deliver the notice of violation in person within 15 days following discovery of the violation, the notice of violation may be served in the manner prescribed for service of process by G.S. 1A-1, Rule 4, and shall include information on how to obtain assistance in developing corrective measures.

(D) The Erosion Control Inspector shall have the power to conduct such investigation as may be reasonably deemed necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and

inspecting the sites of any land-disturbing activity. No person shall refuse entry or access to the Erosion Control Inspector who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out their official duties as provided in this Ordinance.

(E) The Erosion Control Inspector shall also have the power to require written statements, or the filing of reports under oath, with respect to pertinent questions relating to land-disturbing activity.

(F) On any tract on which five (5) or more acres are disturbed, the person conducting land-disturbing activity will be responsible for self-inspection of erosion and sedimentation control facilities at least once every seven (7) days or within 24 hours of a storm event of greater than 0.5 inches of rain per 24-hour period.

65.19 PENALTIES; STOP WORK ORDERS.

(A) Civil Penalties.

- (1) Any person who violates any of the provisions of the applicable State, Federal or local laws, rules, regulations or ordinances, including this Ordinance, or rules or orders adopted or issued pursuant to applicable State, Federal or local laws, rules, regulations or ordinances, including this Ordinance, or who initiates or continues a land-disturbing activity for which an erosion and sedimentation control plan is required except in accordance with the terms, conditions, and provisions of an approved plan, is subject to a civil penalty. The maximum civil penalty for a violation is five thousand dollars (\$5,000). A civil penalty may be assessed from the date of the violation. Each day of a continuing violation shall constitute a separate violation. When the person has not been assessed any civil penalty under this subsection for any previous violation and that person abated continuing environmental damage resulting from the violation within 180 days from the date of the notice of violation, the maximum cumulative total civil penalty assessed under this subsection for all violations associated with the land-disturbing activity for which the erosion and sedimentation control plan is required is twenty-five thousand dollars (\$25,000).
- (2) The Erosion Control Inspector shall determine the amount of the civil penalty and shall notify the person who is assessed the civil penalty of the amount of the penalty, the reason for assessing the penalty, the option available to that person to request a remission of the civil penalty under G.S. 113A-64.2, the date of the deadline for that person to make the remission request regarding this particular penalty, and, when that person has not been assessed any civil penalty under this section for any previous violation, the date of the deadline for that person to abate continuing environmental damage resulting from the violation in order to be subject to the maximum cumulative total civil penalty under subdivision (1) of this subsection. The notice of assessment shall be served by any means authorized under G.S. 1A-1, Rule 4, and shall direct the violator to either pay the assessment or contest the assessment within 30 days by filing a petition for a contested case under Article 3 of Chapter 150B of the General Statutes. If a violator does not pay a civil penalty assessed by the Town of Weddington within 30 days after it is due, the Erosion Control Inspector may institute a civil action to recover the amount of the assessment. The civil action may be brought in the superior court of any county where the violation occurred or the violator's residence or principal place of business is located. A civil action must be filed within three years of the date the assessment was due. An assessment that is not contested is due when the violator is served with a notice of assessment. An assessment that is contested is due at the conclusion of the administrative and judicial review of the assessment.

(3) In determining the amount of the penalty, items which may be considered are the degree and extent of harm caused by the violation, the cost of rectifying the damage, the amount of money the violator saved by non-compliance, whether the violation was committed willfully and the prior record of the violator in complying with or failing to comply with this Ordinance.

(4) The clear proceeds of civil penalties collected by the Town must be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S 115C-457.2.

(B) Criminal Penalties. Any Person who knowingly or willfully violates any provision of this Ordinance, or rule, regulation or order adopted or issued pursuant to this Ordinance, or who knowingly or willfully initiates or continues a land-disturbing activity for which a plan is required, except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a Class 2 misdemeanor which may include a fine not to exceed \$5,000.00.

(C) Stop Work Orders

(1) The Erosion Control Inspector may issue a stop-work order if he finds that a land-disturbing activity is being conducted in violation of this Section or of any rule adopted or order issued pursuant to this Section, that the violation is knowing and willful, and that either:

(a) Off-site sedimentation has eliminated or severely degraded a use in a lake or natural watercourse or that such degradation is imminent.

(b) Off-site sedimentation has caused severe damage to adjacent land or that such damage is imminent.

(c) The land-disturbing activity is being conducted without an approved plan.

(2) The stop-work order shall be in writing and shall state what work is to be stopped and what measures are required to abate the violation. The order shall include a statement of the findings made by the Town of Weddington pursuant to subsection (a) of this section, and shall list the conditions under which work that has been stopped by the order may be resumed. The delivery of equipment and materials which does not contribute to the violation may continue while the stop-work order is in effect. A copy of this section shall be attached to the order.

(3) The stop-work order shall be served by the sheriff of Union County or by some other person duly authorized by law to serve process as provided by G.S. 1A-1, Rule 4, and shall be served on the person at the site of the land-disturbing activity who is in operational control of the land-disturbing activity. The sheriff or other person duly authorized by law to serve process shall post a copy of the stop-work order in a conspicuous place at the site of the land-disturbing activity. The Town of Weddington shall also deliver a copy of the stop-work order to any person that the Town of Weddington has reason to believe may be responsible for the violation.

(4) The directives of a stop-work order become effective upon service of the order. Thereafter, any person notified of the stop-work order who violates any of the directives set out in the order may be assessed a civil penalty as provided in Section 65.18(A). A stop-work order issued pursuant to this section may be issued for a period not to exceed five days.

(5) The Erosion Control Inspector shall designate an employee (which may be the Erosion Control Inspector) to monitor compliance with the stop-work order. The name of the

employee so designated shall be included in the stop-work order. The employee so designated, or the Erosion Control Inspector, shall rescind the stop-work order if all the violations for which the stop-work order are issued are corrected, no other violations have occurred, and all measures necessary to abate the violations have been taken. The Erosion Control Inspector shall rescind a stop-work order that is issued in error.

- (6) The issuance of a stop-work order shall be a final agency decision subject to judicial review in the same manner as an order in a contested case pursuant to Article 4 of Chapter 150B of the General Statutes. The petition for judicial review shall be filed in the superior court of the county in which the land-disturbing activity is being conducted.
- (7) As used in this section, days are computed as provided in G.S. 1A-1, Rule 6.
- (8) The Attorney for the Town of Weddington shall file a cause of action to abate the violations which resulted in the issuance of a stop-work order within two business days of the service of the stop-work order. The cause of action shall include a motion for an ex parte temporary restraining order to abate the violation and to effect necessary remedial measures. The resident superior court judge or any judge assigned to hear the motion for the temporary restraining order shall hear and determine the motion within two days of the filing of the complaint. The clerk of superior court shall accept complaints filed pursuant to this section without the payment of filing fees. Filing fees shall be paid to the clerk of superior court within 30 days of the filing of the complaint.

65.20 INJUNCTIVE RELIEF.

(A) Whenever the Erosion Control Inspector has reasonable cause to believe that any person is violating or threatening to violate this Ordinance or any term, condition, or provision of an approved plan, he/she may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the superior court in Union County.

(B) Upon determination by a court that an alleged violation is occurring or is threatened, the court shall enter any order of judgment that is necessary to abate the violation, to ensure that restoration is performed, or to prevent the threatened violation. The institution of an action for injunctive relief under this section shall not relieve any party to the proceedings from any civil or criminal penalty prescribed for violations of this Ordinance.

65.21 RESTORATION OF AREAS AFFECTED BY FAILURE TO COMPLY.

The Erosion Control Inspector may require a person who engaged in a land-disturbing activity and failed to retain sediment generated by the activity as required by subsection 65.06 (C) to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation. This authority is in addition to any other civil or criminal penalty or injunctive relief authorized under this Ordinance.

65.22 APPEALS.

Procedures which constitute the appeals process, related to the following actions:

(A) Plan Approval with Modifications or Plan Disapproval. The appeal of an approval, approval with modifications or disapproval of a plan made by the Erosion Control Inspector with regard to this Ordinance shall be governed by the following provisions:

- (1) The order of approval, disapproval, or modification of any proposed Plan made by the Erosion Control Inspector shall entitle the Person challenging such decision to a public hearing before the Town of Weddington Board of Adjustment if such Person submits written demand for a hearing and completes the necessary forms and pays the required appeals fee within fifteen (15) days following the date the decision was filed in The Town's Zoning Administrator office or mailed to the applicant, whichever date is later. Such written request and completed forms shall be submitted to the Clerk of the Board of Adjustment or his designee. **Forms shall be available at the Town of Weddington Town Hall,** or as directed by the Erosion Control Inspector. **A fee for such public hearing** shall be in accordance with a fee schedule adopted by the Town of Weddington Town Council. No request shall be considered complete unless accompanied by such fee.
- (2) Notice of the Board of Adjustment public hearing shall be sent by first class mail to the applicant at least ten (10) days prior to the public hearing and to any person who has submitted written request to receive such notice at least ten (10) days prior to the date of the public hearing. The hearing shall be held no later than thirty (30) days after the date of receipt of said written request.
- (3) A hearing shall be conducted by the Board of Adjustment. A concurring vote per the Board of Adjustment's officially adopted by-laws will be necessary to reverse any order, requirement, decision, or determination of any official charged with the enforcement of this Ordinance, or to decide in favor of an appellant any matter upon which is required to pass or to grant variance from the provisions of this Ordinance. The Town shall keep minutes of the proceedings, showing the votes of each member upon each question and the attendance of each member at such hearings. The final disposition of the Town shall be based on findings of fact.
- (4) A party dissatisfied with the decision of the Board of Adjustment following the public hearing shall appeal such decision to the NCSCC pursuant to Title 15, Chapter 4B, Section .0018(d) of the North Carolina Administrative Code and as provided by NC GS 113A-61(c).

(B) Plan Disapproval Due To Prior Violation, Unpaid Penalties, or Non-compliance. In the event that a plan is disapproved pursuant to Subsection 65.16 (L) of this Ordinance, the Town of Weddington Inspector shall notify the Director of the Division of Land Resources of such disapproval, along with the reasons therefore, within ten (10) days after the date of the decision. The Erosion Control Inspector shall advise the applicant and the Director of the Division of Land Resources in writing as to the specific reasons that the plan was disapproved. The applicant may appeal the Erosion Control Inspector's disapproval of the plan pursuant to Subsection 65.16 (L) of this Ordinance directly to the NCSCC.

(C) Issuance of Notice of Violation, Penalties, or Order of Restoration. The appeal of Issuance of Notice of Violation, Assessment of Civil Penalty, or Order of Restoration made by the Town of Weddington with regard to this Ordinance shall be governed by the following provisions:

- (1) The issuance of a notice of violation, assessment of a civil penalty, or an order of restoration by the Erosion Control Inspector shall entitle the person alleged to be in violation of the Ordinance (petitioner) to appeal within thirty days by filing a petition for a contested case with the State Office of Administrative Hearings under Article 3 of Chapter 150B.

65.23 SEVERABILITY.

If any section or specific provision or standard of this ordinance is found by a court to be unconstitutional or invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, or standard of these regulations, except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

65.24 EFFECTIVE DATE.

This ordinance shall become effective upon approval of the North Carolina Sedimentation Control Commission.

Attest:

Karen Dewey, Town Clerk

Elizabeth Callis, Mayor

TOWN OF WEDDINGTON

MEMORANDUM

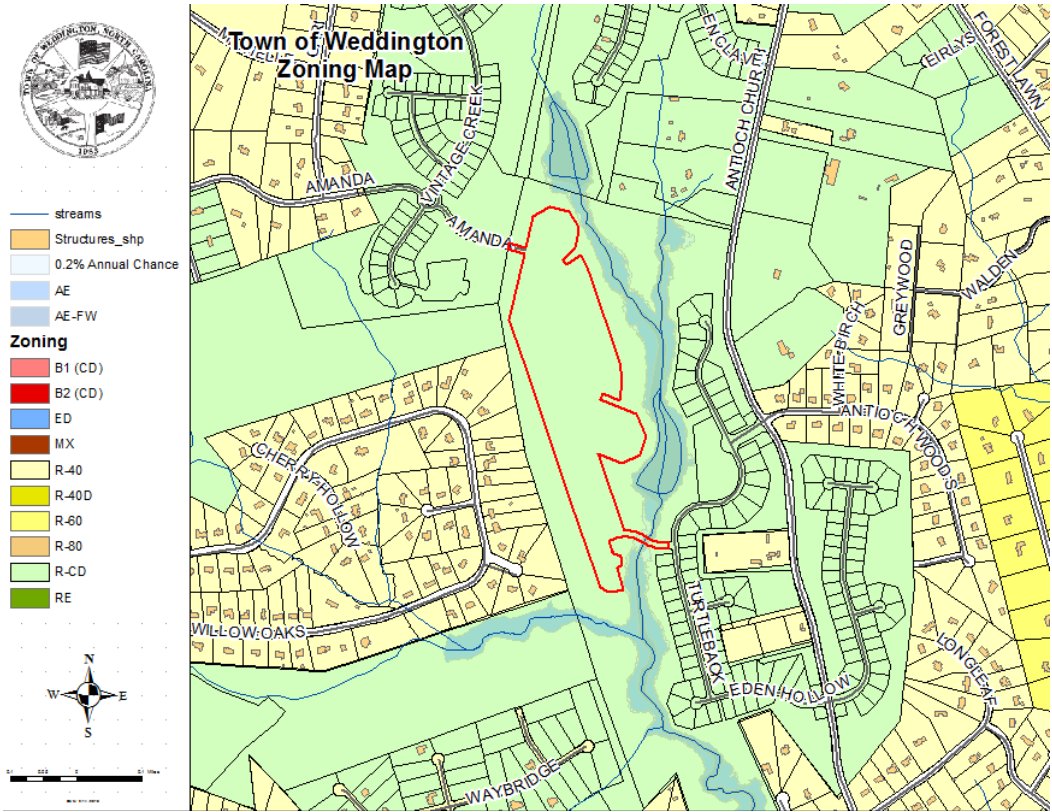
TO: Mayor and Town Council

FROM: Lisa Thompson, Administrator/Planner

DATE: October 8, 2018

SUBJECT: The Falls at Weddington Final Plat - Phase 3 Map 1

The Town Council is requested to review and approve the phase 3, map 1 final plat for The Falls at Weddington subdivision.



Application Information:

Date of Application: January 28th, 2016
 Applicant/Developer Name: The Falls at Weddington, LLC
 Parcel ID#: 06093007
 Property Location: Antioch Church Rd.

Project Information:

The Falls at Weddington Subdivision preliminary plat consists of 185 lots and was approved on December 8, 2014. The subdivision is located on both sides of Antioch Church Rd and is being developed by The Falls at Weddington, LLC, as an RCD conservation subdivision. Phase 3 is the last phase to be developed and consists of 69 lots. It is the most western portion of the overall tract and is adjacent to Vintage Creek and Willow Oaks Subdivisions.

Conservation Easement:

Section 58-58 (4) of the Weddington Zoning Ordinance stipulates that a minimum of 50% of the gross acreage must be retained as conservation land. Conservation lands must remain conservation lands in perpetuity. A separate conservation easement plat has already been recorded. This map contains 2.74 acres of common open space.

Recommended Conditions of Approval:

Bond estimates to be approved by the Town's engineering consultant

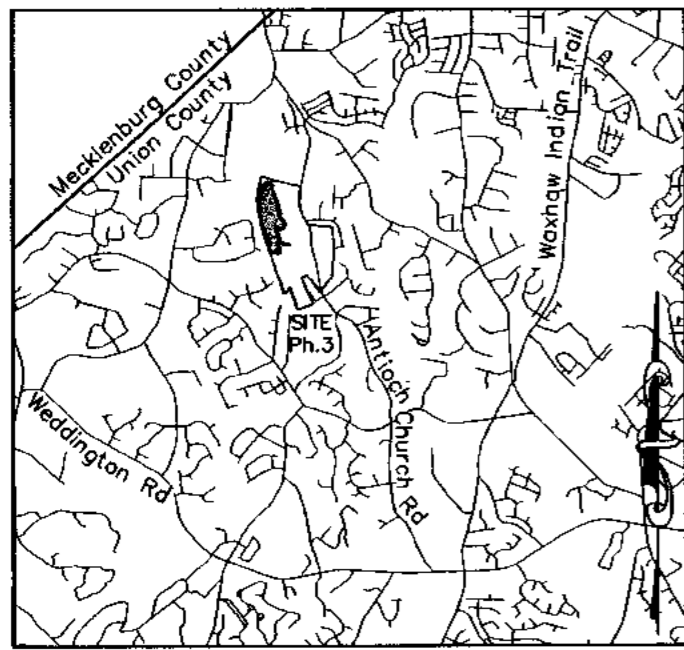
1. Bond instruments to be reviewed and approved by the Town Attorney and the final bond instruments must be submitted to the Town prior to recording of the final plat.
2. Declaration of Conservation Easement and Restrictions shall be reviewed by the Town Attorney and executed prior to recording of the final plat
3. Maintenance Plan and Maintenance Agreement shall be reviewed by the Town Attorney and executed prior to recording of the final plat
4. Covenants, Conditions and Restrictions (CCRs) shall be reviewed by the Town Attorney and executed prior to recording of the final plat
5. Coordinate with USPS and DOT to approve the cluster mailboxes location within subdivision.

Planning Board Action:

The Planning Board reviewed the final plat on September 24, 2018 and unanimously recommended approval with the above listed conditions.

Staff Recommendation:

Staff recommends approval of the final plat phase 3 map 1 of The Falls at Weddington Subdivision with the listed conditions.



Vicinity Map - Not to Scale

Legend

- EIP Existing Iron Pin
- IPS Iron Pin Set (#5 Rebar)
- CM Concrete Monument
- PT Calculated Point
- DB Deed Book
- PG Page
- SSE Sanitary Sewer Easement
- SDE Storm Drain Easement
- UE Utility Easement
- COS Common Open Space
- R/W Right-of-Way
- N/F Now or Formerly
- CGF Combined Grid Factor
- XXX Address
- FHE 10' Fire Hydrant Easement
- STE Site Triangle Easement
- TCE Temporary Construction Esmt
- Easement

Lender:
Mr. James Hosman
Market President
Centennial Bank
201 East Garden Street
Pensacola, FL 32502
Ph: 850-936-1983

Owner:
The Falls at Weddington, LLC
by RRJ Land, LLC.
Robert Stiegele, Manager
811 Coral Ridge Drive
Coral Springs, FL 33071
954-324-1711

Engineer:
LandDesign, Inc.
223 N. Graham St.
(704) 333-0325
Dale Stewart-PE
Mark Kime-LA

Surveyor:
LDSI, Inc.
201 W. 29th St.
(704) 337-8329
David B. Boyles-PLS
Seth F. Martin-PLS

NOTE: SEE SHEET 3 FOR CERTIFICATIONS, GENERAL NOTES, LINE CALLS AND CURVE CALLS

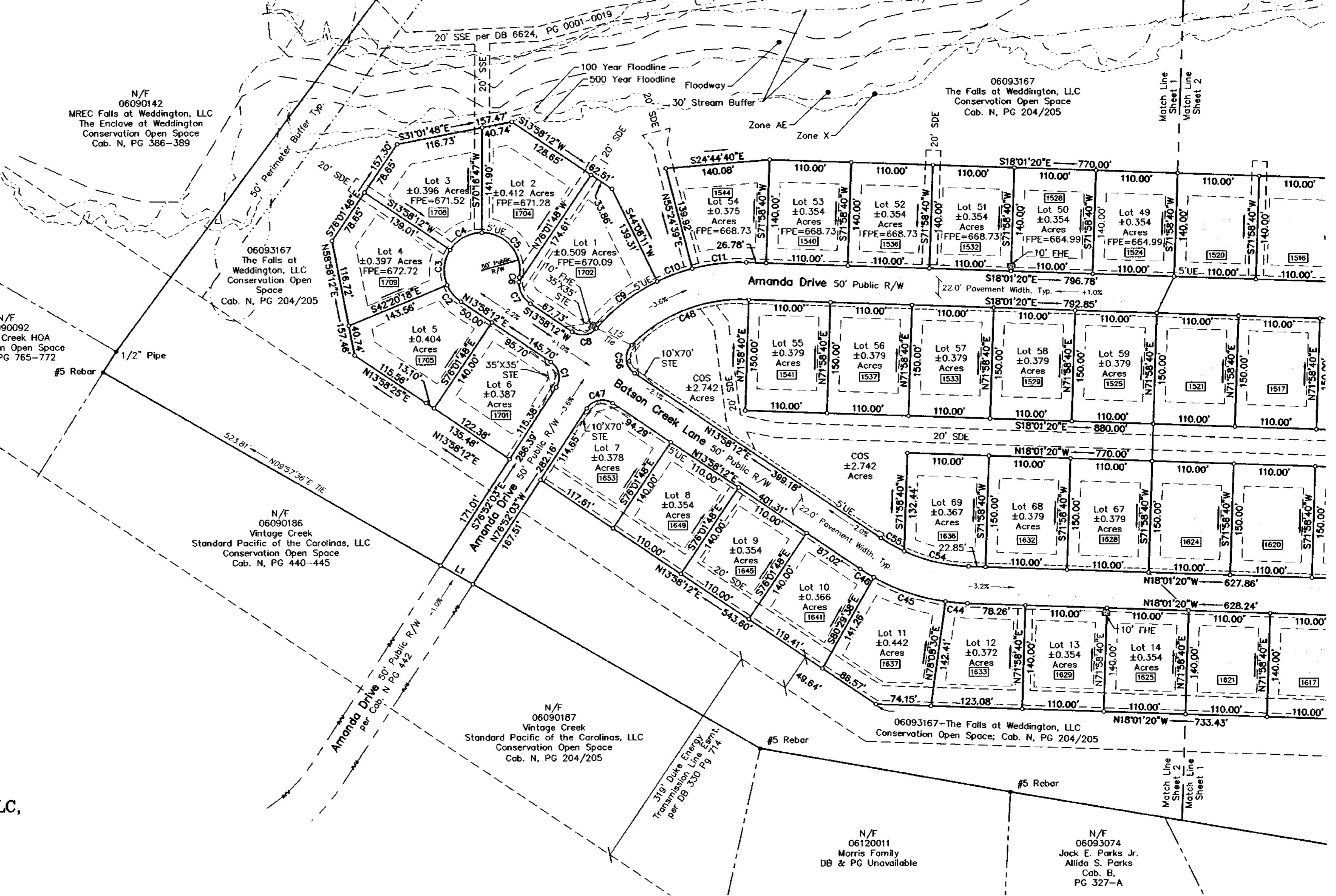
Final Plat
The Falls at Weddington
Phase 3 Map 1
for
The Falls at Weddington, LLC,
Antioch Church Road,
Town of Weddington,
Sandy Ridge Township,
Union County,
North Carolina

LDSI Phone: (704) 337-8329
Fax: (866) 861-1277
201 W. 29th St.
Charlotte, NC 28206
License No.: C-1926



Date: September 10, 2018
Project Number: 4114029
Sheet 1 of 3
Owner: The Falls at Weddington, LLC
811 Coral Ridge Drive
Coral Springs, Florida, 33071

State of North Carolina
County of Union
I, _____ Review Officer of Union County certify that the map of plat to which this certification is affixed meets all statutory requirements for recording.
Date _____ Review Officer _____



NCDOT Construction Standards Certification
I hereby certify that the streets on this plat designed as public are or will be in accordance with the minimum right of way and construction standards established by the board of transportation for acceptance on the state highway system.
District Engineer _____ Date _____

Certificate of approval of the design and installation of streets, utilities, and other required improvements.

I hereby certify that all streets and other required improvements have been installed in an acceptable manner and according to N.C. Department of Transportation and/or Town of Weddington specifications and standards in the The Falls at Weddington Subdivision or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the Town of Weddington have been given and received.

Mayor of the Town of Weddington, NC _____ Date _____

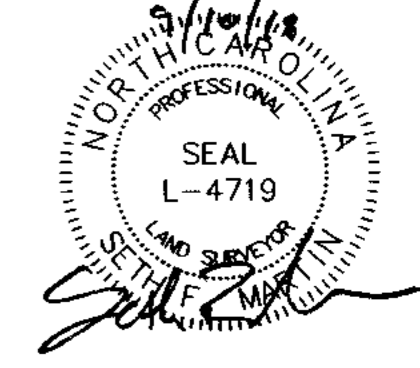
I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Weddington, North Carolina, and that this plat has been approved by the Weddington town council for recording in the Office of the Register of Deeds of Union County, North Carolina. This _____ day of September, 2018.

Mayor of the Town of Weddington, NC _____ Date _____

Certification of Ownership and Dedication

I hereby certify that I am the owner of the property described herein, which is located in the subdivision jurisdiction Town of Weddington and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I hereby dedicate all infrastructure being the whole system of improvements required for the use of the subdivision that allow it to be used for its intended subdivided purpose. This includes but is not limited to public streets, street curb and gutter, sidewalks, public sewer, public water, storm water detention, drainage features, traffic control devices, street lighting, street signs, and landscaping to the appropriate agency.

RRJ Land, LLC, Manager _____ Date _____



NOTE: SEE SHEET 3 FOR CERTIFICATIONS, GENERAL NOTES, LINE CALLS AND CURVE CALLS

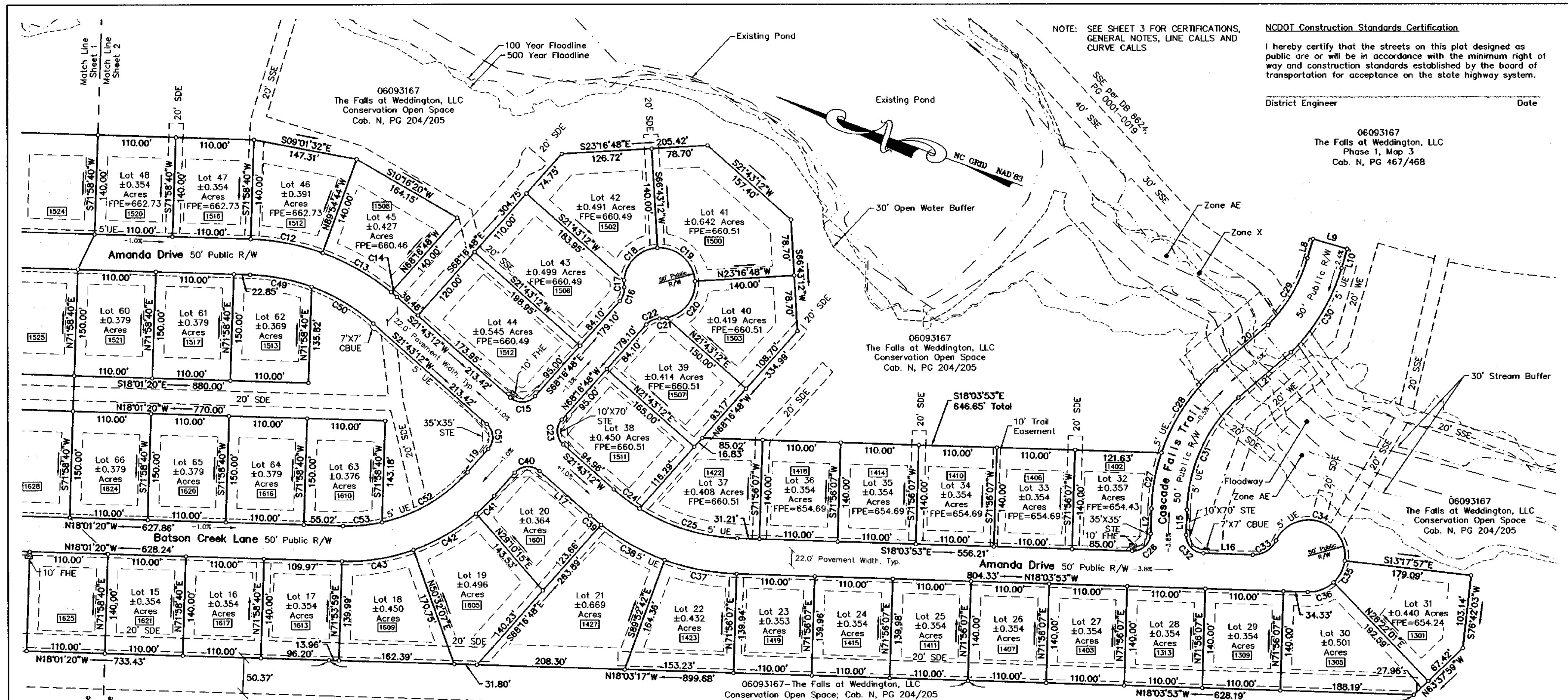
NCDOT Construction Standards Certification

I hereby certify that the streets on this plat designed as public are or will be in accordance with the minimum right of way and construction standards established by the board of transportation for acceptance on the state highway system.

District Engineer

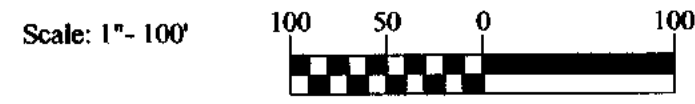
Date

06093167
The Falls at Weddington, LLC
Phase 1, Map 3
Cab. N, PG 467/468



Final Plat
The Falls at Weddington
Phase 3 Map 1
for
The Falls at Weddington, LLC,
Antioch Church Road,
Town of Weddington,
Sandy Ridge Township,
Union County,
North Carolina

LDSI
Phone: (704) 337-8329
Fax: (980) 681-1277
201 W. 29th St.
Charlotte, NC 28206
License No.: C-1925



Date: September 10, 2018
Project Number: 4114029
Sheet 2 of 3

Owner: The Falls at Weddington, LLC
811 Coral Ridge Drive
Coral Springs, Florida, 33071

Certificate of approval of the design and installation of streets, utilities, and other required improvements.

I hereby certify that all streets and other required improvements have been installed in an acceptable manner and according to N.C. Department of Transportation and/or Town of Weddington specifications and standards in the The Falls at Weddington Subdivision or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the Town of Weddington have been given and received.

Mayor of the Town of Weddington, NC Date

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Weddington, North Carolina, and that this plat has been approved by the Weddington town council for recording in the Office of the Register of Deeds of Union County, North Carolina. This _____ day of September, 2018.

Mayor of the Town of Weddington, NC Date

Certification of Ownership and Dedication

I hereby certify that I am the owner of the property described hereon, which is located in the subdivision jurisdiction Town of Weddington and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I hereby dedicate all infrastructure being the whole system of improvements required for the use of the subdivision that allow it to be used for its intended subdivided purpose. This includes but is not limited to public streets, street curb and gutter, sidewalks, public sewer, public water, storm water detention, drainage features, traffic control devices, street lighting, street signs, and landscaping to the appropriate agency.

RRJ Land, LLC, Manager Date

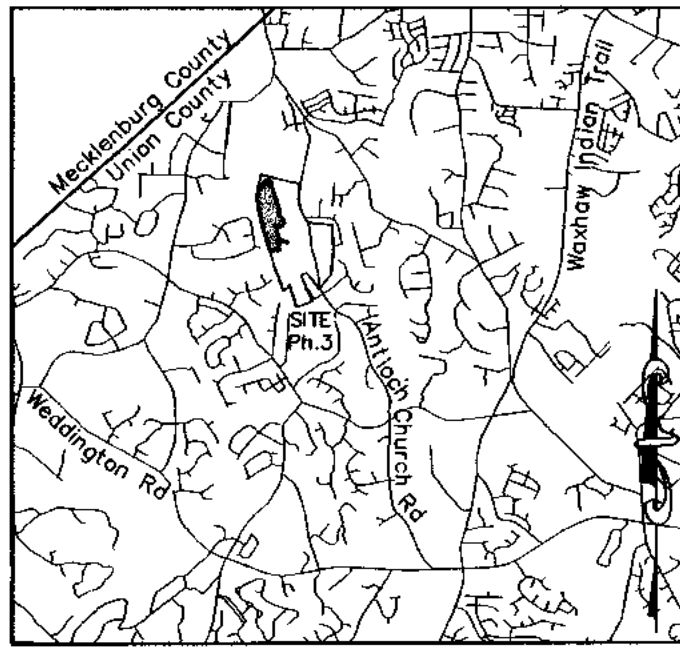
Owner
The Falls at Weddington, LLC
by RRJ Land, LLC.
Robert Stiegele, Manager
811 Coral Ridge Drive
Coral Springs, FL 33071
954-324-1711

Lender
Mr. James Hosman
Market President
Centennial Bank
201 East Garden Street
Pensacola, FL 32502
Ph: 850-936-1983

Engineer
LandDesign, Inc.
223 N. Graham St.
(704) 333-0325
Dale Stewart-PE
Mark Kime-LA

Surveyor
LDSI, Inc.
201 W. 29th St.
(704) 337-8329
David B. Boyles-PLS
Seth F. Martin-PLS





Vicinity Map - Not to Scale

- Legend**
- EIP Existing Iron Pin
 - IPS Iron Pin Set (#5 Rebar)
 - CM Concrete Monument
 - PT Calculated Point
 - DB Dead Book
 - PG Page
 - SSE Sanitary Sewer Easement
 - SDE Storm Drain Easement
 - UE Utility Easement
 - WE Waterline Easement
 - COS Common Open Space
 - R/W Right-of-Way
 - N/F Now or Formerly
 - CGF Combined Grid Factor
 - xxxx Address
 - FHE 10' Fire Hydrant Easement
 - STE Site Triangle Easement
 - TCE Temporary Construction Easmt
 - ESMT Easement

Notes:

1. Dead Reference(s) - DB 6418, PG 714
2. Tax Parcel ID - 06093007
3. Current Owner - The Falls at Weddington, LLC
4. All bearings are NC Grid bearings.
5. All distances are shown horizontal.
6. Grid distance = Horizontal distance x Combined Grid Factor (0.99984616)
7. Area - Total: ±36.773 Acres; Lots: ±27.329 Acres
R/W: ±6.688 Acres
COS: ±2.756 Acres
Total Lots Map 1, Phase 3: 69
8. Building Setbacks - Front Yard: 20'; Side Yard: 5' (30' Aggregate); Rear Yard: 30'
9. Iron pins (#5 Rebar) or other monumentation (as shown) found or set at all property corners.
10. Zoning - R-CD
11. This property is located in a special Flood Hazard Area as determined by FEMA and the State of North Carolina. Reference Community Panel Number: 3710448700J Dated: 10/16/2008
12. Flood lines shown are based upon field run survey data; line work provided by LandDesign.
13. The North Carolina Grid Coordinates shown on this map were derived by real-time kinematic GPS observations using Trimble RB Receivers and processed using North Carolina Geodetic Survey Virtual Reference System.
14. All Common Open Space will be maintained by The Falls at Weddington Homeowners Association, Inc.
15. Site Triangles typical in all areas; 10'x70' and 35'x35'
16. The property owner shall not construct or permit construction or placement of any type structure, plant trees, or make use of the easement area in any manner that will result in interference, interruption, or impediment of the County's easement & ingress/egress.
17. A Union County Public Works right-of-way shall exist on all sanitary sewer laterals, water meters, and fire hydrants, the utility right-of-way is located 5 feet all sides from the cleanout, water meter, or fire hydrant to the public or private road right-of-way.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	25.00'	38.90'	35.10'	N58°33'05"E
C2	51.00'	29.44'	29.03'	N30°30'15"E
C3	51.00'	49.68'	47.73'	N74°56'33"E
C4	51.00'	50.57'	48.52'	S48°44'55"E
C5	51.00'	89.92'	78.72'	S30°10'10"W
C6	35.00'	6.58'	6.57'	S75°17'34"W
C7	35.00'	34.17'	32.83'	S41°56'12"W
C8	25.00'	36.30'	33.20'	S27°37'43"E
C9	255.00'	104.09'	103.37'	S57°31'59"E
C10	255.00'	50.35'	50.27'	S40°10'59"E
C11	255.00'	73.46'	73.20'	S26°16'28"E
C12	325.01'	103.68'	103.24'	S09°03'02"E
C13	325.01'	112.17'	111.61'	S09°58'30"W
C14	325.01'	10.54'	10.54'	S20°47'27"W
C15	25.00'	39.27'	35.36'	S23°16'48"E
C16	25.00'	21.03'	20.41'	N87°37'31"E
C17	50.00'	9.88'	9.86'	N69°11'25"E
C18	50.00'	71.44'	65.52'	S64°12'54"E
C19	50.00'	78.54'	70.71'	S21°43'12"W
C20	50.00'	71.44'	65.52'	N72°20'42"W
C21	50.00'	9.88'	9.86'	N25°45'01"W
C22	25.00'	21.03'	20.41'	N44°11'06"W
C23	25.00'	39.27'	35.36'	S66°43'12"W
C24	275.00'	45.24'	45.19'	S17°00'24"W
C25	275.00'	145.71'	144.01'	S02°53'08"E
C26	25.00'	39.27'	35.36'	S63°03'53"E
C27	275.00'	80.25'	79.97'	N80°17'44"E
C28	275.36'	140.54'	139.02'	S76°42'54"E

Certification of Ownership and Dedication

I hereby certify that I am the owner of the property described hereon, which is located in the subdivision jurisdiction Town of Weddington and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I hereby dedicate all infrastructure being the whole system of improvements required for the use of the subdivision that allow it to be used for its intended subdivided purpose. This includes but is not limited to public streets, street curb and gutter, sidewalks, public sewer, public water, storm water detention, drainage features, traffic control devices, street lighting, street signs, and landscaping to the appropriate agency.

RRJ Land, LLC, Manager _____ Date _____

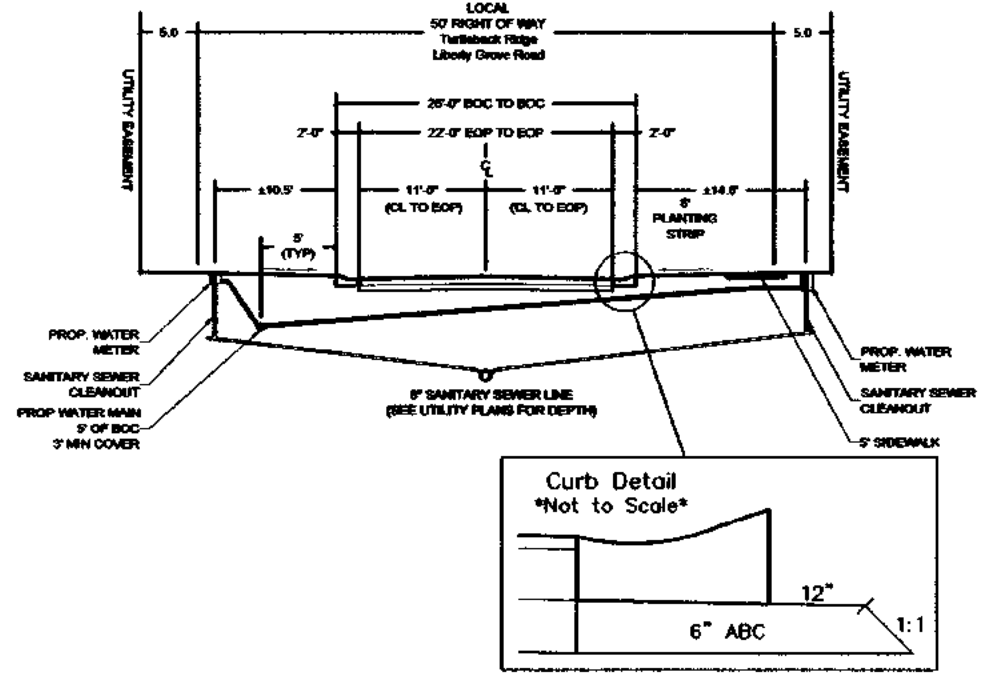
State of North Carolina
County of Union

I, _____ Review Officer of Union County certify that the map of plat to which this certification is affixed meets all statutory requirements for recording.

_____ Date _____ Review Officer _____

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C29	224.70'	111.16'	110.03'	S79°34'40"E
C30	275.00'	140.49'	138.96'	N79°06'25"W
C31	225.00'	178.89'	174.21'	N85°17'17"W
C32	25.00'	39.27'	35.36'	S26°56'07"W
C33	35.00'	40.75'	38.49'	S51°25'15"E
C34	51.00'	144.73'	100.83'	S03°28'42"E
C35	51.00'	35.03'	34.34'	N82°30'18"W
C36	51.00'	39.85'	38.84'	N40°26'52"W
C37	325.00'	103.65'	103.21'	N09°00'53"W
C38	325.00'	102.46'	102.04'	N09°09'12"E
C39	325.00'	20.05'	20.05'	N19°57'08"E
C40	25.00'	39.27'	35.36'	N23°16'48"W
C41	275.00'	35.76'	35.74'	N64°33'16"W
C42	275.00'	102.54'	101.95'	N50°08'49"W
C43	275.00'	102.54'	101.95'	N28°46'57"W
C44	275.00'	29.58'	29.57'	N14°56'25"W
C45	275.00'	102.54'	101.95'	N01°10'34"W
C46	275.00'	21.42'	21.42'	N11°44'17"E
C47	25.00'	39.64'	35.61'	N31°26'55"W
C48	205.32'	174.45'	169.25'	S41°03'07"E
C49	275.00'	88.68'	88.30'	S08°47'02"E
C50	275.00'	102.07'	101.48'	S11°05'14"W
C51	25.00'	39.27'	35.36'	S66°43'12"W
C52	225.00'	141.82'	139.48'	N50°13'25"W
C53	225.00'	55.55'	55.41'	N25°05'41"W
C54	225.00'	89.49'	88.91'	N06°37'39"W
C55	225.00'	36.14'	36.10'	N09°22'07"E
C56	25.00'	43.90'	38.48'	N64°16'45"E

LINE	BEARING	DISTANCE
L1	N 09°57'36" E	50.08'
L2	N 71°56'07" E	35.88'
L8	N 86°15'29" E	27.99'
L9	N 03°44'31" W	50.00'
L10	N 86°15'29" E	27.99'
L15	S 71°56'07" W	35.88'
L16	N 18°03'53" W	69.61'
L17	N 21°43'12" E	94.96'
L18	S 68°16'48" E	43.77'
L19	S 68°16'48" E	43.77'
L20	S 60°45'21" E	97.68'
L21	N 60°40'44" W	97.77'



NCDOT Construction Standards Certification

I hereby certify that the streets on this plat designed as public are or will be in accordance with the minimum right of way and construction standards established by the board of transportation for acceptance on the state highway system.

_____ District Engineer _____ Date _____

Final Plat
The Falls at Weddington
Phase 1 Map 3
 for
The Falls at Weddington, LLC,
Antioch Church Road,
Town of Weddington,
Sandy Ridge Township,
Union County,
North Carolina

Owner:
 The Falls at Weddington, LLC
 by RRJ Land, LLC.
 Robert Stiegele, Manager
 811 Coral Ridge Drive
 Coral Springs, FL 33071
 954-324-1711

Lender:
 Mr. James Hosman
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 201 East Garden Street
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_____ Mayor of the Town of Weddington, NC _____ Date _____

I hereby certify that the subdivision plot shown hereon has been found to comply with the Subdivision Regulations of the Town of Weddington, North Carolina, and that this plat has been approved by the Weddington town council for recording in the Office of the Register of Deeds of Union County, North Carolina. This _____ day of September, 2018.

_____ Mayor of the Town of Weddington, NC _____ Date _____



Date: September 10, 2018
 Project Number: 4114029
 Sheet 3 of 3

Owner: The Falls at Weddington, LLC
 811 Coral Ridge Drive
 Coral Springs, Florida, 33071

Witness my original signature, registration number and seal this 10th day of September, A.D. 2018.

Registration No.: L-4719 N.C.

**AN ORDINANCE TO AMEND CHAPTER 50 ARTICLE II Section 50-20
OF THE CODE OF ORDINANCES
OF THE TOWN OF WEDDINGTON
O-2018-06**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEDDINGTON THAT
CHAPTER 50 ARTICLE II SECTION 50-20 OF THE CODE OF ORDINANCES BE AMENDED
AS FOLLOWS:**

Sec. 50-20. CERTAIN VEHICLES PARKED ONLY FOR LOADING AND UNLOADING.

- a) It shall be unlawful for any person to park any of the following vehicles on streets or roads within the corporate limits of the town at any time, except when engaged in loading and unloading or otherwise lawfully and actively engaged in conducting the business for which they are intended and only for the duration of such activities:
 - 1) Private vehicles whose overall dimensions, including any trailer attached thereto, are more than 6 ½ feet in width or 20 feet in length or 8 feet in height.

Adopted the 8th day of October 2018

Elizabeth Callis, Mayor

Attest:

Karen Dewey, Town Clerk

WEDDINGTON CODE ENFORCEMENT REPORT

September 2018

1. **4005 Ambassador Ct., Inez B. McRae Trust**
 - **12/31/17 through 9/30/2018—Deterioration continues, building still vacant and closed.**

2. **3824 Beulah Church Rd.**
 - **Trash and debris in back yard around trash containers and utility building. Courtesy letter has been sent to owner.**
 - **7/31/18---Monitoring.**
 - **8/31/18---Going back out on this one.**
 - **9/30/18---Citation & Notice of Violation issued 9/10/18 with fines starting 9/25/18 if violation not corrected.**

3. **501 Devonport Dr.**
 - **Inspection—vehicles parked on driveway at garage. Did not see any violation issues.**
 - **6/30/18----Monitoring.**
 - **7/31/18---Monitoring.**
 - **9/30/18---Monitoring.**

4. **8319 Lake Providence Dr.**
 - **Courtesy letter to owner to discontinue pool and spa business from this address.**
 - **8/31/18---Monitoring.**
 - **09/30/18---Monitoring.**

5. **150 Amanda Dr.**
 - **Notice of Violation issued ordering discontinuance of grading business from this location**
 - **8/31/18---Monitoring.**
 - **9/30/18---Monitoring.**

6. **2317 Huntington Dr.**
 - **9/28/18----Courtesy letter issued to owner requesting property be mowed.**

TOWN OF WEDDINGTON
BALANCE SHEET

Agenda Item 13.1

FY 2018-2019

PERIOD ENDING: 09/30/2018

10

ASSETS

ASSETS

10-1120-000	TRINITY CHECKING ACCOUNT	1,009,623.72
10-1120-001	TRINITY MONEY MARKET	1,119,827.49
10-1170-000	NC CASH MGMT TRUST	539,957.23
10-1211-001	A/R PROPERTY TAX	993,517.64
10-1212-001	A/R PROPERTY TAX - 1ST YEAR PRIOR	8,487.37
10-1212-002	A/R PROPERTY TAX - NEXT 8 PRIOR YRS	13,990.65
10-1232-000	SALES TAX RECEIVABLE	2,648.45
10-1610-001	FIXED ASSETS - LAND & BUILDINGS	2,346,268.11
10-1610-002	FIXED ASSETS - FURNITURE & FIXTURES	20,583.08
10-1610-003	FIXED ASSETS - EQUIPMENT	118,306.60
10-1610-004	FIXED ASSETS - INFRASTRUCTURE	26,851.01
	TOTAL ASSETS	6,200,061.35

LIABILITIES & EQUITY

LIABILITIES

10-2120-000	BOND DEPOSIT PAYABLE	75,002.25
10-2155-000	HEALTH INSURANCE PAYABLE	-2,714.50
10-2156-000	LIFE INSURANCE PAYABLE	-32.20
10-2620-000	DEFERRED REVENUE - DELQ TAXES	8,487.37
10-2625-000	DEFERRED REVENUE - CURR YR TAX	993,517.64
10-2630-000	DEFERRED REVENUE-NEXT 8	13,990.65
	TOTAL LIABILITIES	1,088,251.21

EQUITY

10-2620-001	FUND BALANCE - UNASSIGNED	2,199,653.14
10-2620-003	FUND BALANCE-ASSIGNED	249,500.00
10-2620-004	FUND BALANCE-INVEST IN FIXED ASSETS	2,512,011.00
10-2620-005	CURRENT YEAR EQUITY YTD	295,833.69
	CURRENT FUND BALANCE - YTD NET REV	-145,187.69
	TOTAL EQUITY	5,111,810.14
	TOTAL LIABILITIES & FUND EQUITY	6,200,061.35

TOWN OF WEDDINGTON
REVENUE & EXPENDITURE STATEMENT BY ACCOUNT

FY 2018-2019

09/01/2018 TO 09/30/2018

	<u>CURRENT PERIOD</u>	<u>YEAR-TO-DATE</u>	<u>BUDGETED</u>	<u>% BUDGET REM</u>
REVENUE:				
10-3101-110 AD VALOREM TAX -	99,474.54	99,918.83	1,065,000.00	91
10-3102-110 AD VALOREM TAX - 1ST	0.00	799.78	3,000.00	73
10-3103-110 AD VALOREM TAX - NEXT 8	0.00	55.88	1,000.00	94
10-3110-121 AD VALOREM TAX -	10,941.16	19,798.94	92,500.00	79
10-3115-180 TAX INTEREST	0.00	105.24	2,250.00	95
10-3231-220 LOCAL OPTION SALES TAX	32,488.67	32,488.67	335,000.00	90
10-3322-220 BEER & WINE TAX	0.00	0.00	45,000.00	100
10-3324-220 UTILITY FRANCHISE TAX	103,580.37	103,580.37	460,000.00	77
10-3340-400 ZONING & PERMIT FEES	2,337.50	13,647.50	35,000.00	61
10-3350-400 SUBDIVISION FEES	2,750.00	2,750.00	20,000.00	86
10-3830-891 MISCELLANEOUS REVENUES	100.00	450.00	1,000.00	55
10-3831-491 INVESTMENT INCOME	0.00	0.00	7,500.00	100
TOTAL REVENUE	251,672.24	273,595.21	2,067,250.00	87
EXPENDITURE:				
10-4110-126 FIRE DEPT SUBSIDIES	61,946.34	185,839.02	747,860.00	75
10-4110-127 FIRE DEPARTMENT	0.00	0.00	25,000.00	100
10-4110-128 POLICE PROTECTION	0.00	72,149.40	288,600.00	75
10-4110-192 ATTORNEY FEES - GENERAL	5,000.00	10,000.00	60,000.00	83
10-4110-193 ATTORNEY FEES -	-4,833.85	-4,655.80	25,000.00	119
10-4110-195 ELECTION EXPENSE	0.00	0.00	3,500.00	100
10-4110-340 PUBLICATIONS	0.00	0.00	12,000.00	100
10-4110-342 HOLIDAY/TREE LIGHTING	0.00	0.00	7,500.00	100
10-4110-343 SPRING EVENT	0.00	0.00	4,500.00	100
10-4110-344 OTHER COMMUNITY EVENTS	340.00	340.00	600.00	43
10-4110-495 COMMITTEE & OUTSIDE	0.00	0.00	10,500.00	100
10-4120-121 SALARIES - CLERK	1,849.37	5,423.73	23,000.00	76
10-4120-123 SALARIES - TAX COLLECTOR	3,387.73	10,623.10	50,000.00	79
10-4120-124 SALARIES - FINANCE OFFICER	1,244.76	2,175.80	13,310.00	84
10-4120-125 SALARIES - MAYOR &	2,100.00	6,300.00	25,200.00	75
10-4120-181 FICA EXPENSE	656.42	1,875.70	8,750.00	79
10-4120-182 EMPLOYEE RETIREMENT	739.20	2,277.07	8,500.00	73
10-4120-183 EMPLOYEE INSURANCE	1,069.50	3,208.50	12,750.00	75
10-4120-184 EMPLOYEE LIFE INSURANCE	12.60	37.80	175.00	78
10-4120-185 EMPLOYEE S-T DISABILITY	12.00	36.00	175.00	79
10-4120-191 AUDIT FEES	0.00	0.00	8,750.00	100
10-4120-193 CONTRACT LABOR	0.00	0.00	7,000.00	100
10-4120-200 OFFICE SUPPLIES - ADMIN	189.35	745.18	10,000.00	93
10-4120-210 PLANNING CONFERENCE	0.00	0.00	500.00	100
10-4120-321 TELEPHONE - ADMIN	168.64	337.36	3,000.00	89
10-4120-325 POSTAGE - ADMIN	401.50	551.50	2,000.00	72
10-4120-331 UTILITIES - ADMIN	375.55	873.56	6,000.00	85
10-4120-351 REPAIRS & MAINTENANCE -	0.00	1,049.50	67,500.00	98
10-4120-352 REPAIRS & MAINTENANCE	17,429.14	26,253.66	75,000.00	65

TOWN OF WEDDINGTON
REVENUE & EXPENDITURE STATEMENT BY ACCOUNT

FY 2018-2019

09/01/2018 TO 09/30/2018

	<u>CURRENT PERIOD</u>	<u>YEAR-TO-DATE</u>	<u>BUDGETED</u>	<u>% BUDGET REM</u>
10-4120-354 REPAIRS & MAINTENANCE	3,937.00	6,899.50	58,000.00	88
10-4120-355 REPAIRS & MAINTENANCE	0.00	0.00	1,500.00	100
10-4120-356 REPAIRS & MAINTENANCE	540.00	980.00	6,000.00	84
10-4120-370 ADVERTISING - ADMIN	26.67	61.42	1,000.00	94
10-4120-397 TAX LISTING & TAX	-29.20	17.70	250.00	93
10-4120-400 ADMINISTRATIVE:TRAINING	175.00	1,475.00	4,000.00	63
10-4120-410 ADMINISTRATIVE:TRAVEL	766.22	905.90	5,000.00	82
10-4120-450 INSURANCE	0.00	13,136.82	15,000.00	12
10-4120-491 DUES & SUBSCRIPTIONS	0.00	14,710.16	19,500.00	25
10-4120-498 GIFTS & AWARDS	0.00	65.83	3,000.00	98
10-4120-499 MISCELLANEOUS	116.62	382.80	8,000.00	95
10-4130-121 SALARIES - ZONING	6,008.34	18,025.02	72,150.00	75
10-4130-122 SALARIES - ASST ZONING	0.00	0.00	2,500.00	100
10-4130-123 SALARIES -	1,321.75	4,369.00	17,650.00	75
10-4130-124 SALARIES - PLANNING	425.00	1,225.00	5,200.00	76
10-4130-125 SALARIES - SIGN REMOVAL	389.80	978.47	4,000.00	76
10-4130-181 FICA EXPENSE - P&Z	601.13	1,815.85	7,725.00	76
10-4130-182 EMPLOYEE RETIREMENT -	1,097.93	3,337.71	14,855.00	78
10-4130-183 EMPLOYEE INSURANCE	1,327.50	3,982.50	15,750.00	75
10-4130-184 EMPLOYEE LIFE INSURANCE	19.60	58.80	250.00	76
10-4130-185 EMPLOYEE S-T DISABILITY	12.00	36.00	175.00	79
10-4130-193 CONSULTING	0.00	8,198.80	61,075.00	87
10-4130-194 CONSULTING - COG	0.00	2,011.75	11,500.00	83
10-4130-200 OFFICE SUPPLIES -	346.23	542.08	5,000.00	89
10-4130-201 ZONING SPECIFIC OFFICE	0.00	204.98	2,500.00	92
10-4130-215 HISTORIC PRESERVATION	0.00	0.00	1,000.00	100
10-4130-220 INFRASTRUCTURE	0.00	8,000.00	206,000.00	96
10-4130-321 TELEPHONE - PLANNING &	168.66	337.39	3,000.00	89
10-4130-325 POSTAGE - PLANNING &	401.50	551.50	2,000.00	72
10-4130-331 UTILITIES - PLANNING &	472.42	970.41	6,000.00	84
10-4130-370 ADVERTISING - PLANNING	26.68	61.43	1,000.00	94
TOTAL EXPENDITURE	<u>110,239.10</u>	<u>418,782.90</u>	<u>2,067,250.00</u>	<u>80</u>
BEFORE TRANSFERS	<u>141,433.14</u>	<u>-145,187.69</u>	<u>0.00</u>	
AFTER TRANSFERS	<u>141,433.14</u>	<u>-145,187.69</u>	<u>0.00</u>	

**TOWN OF
WEDDINGTON**

MEMORANDUM

TO: Mayor and Town Council

FROM: Kim Woods, Tax Collector

DATE: October 8, 2018

SUBJECT: Monthly Report –September 2018

Transactions:	
Tax Charge 2018	\$1,171,360.20
2018 Exemptions	\$(57,641.40)
2018 Deferments	\$(19,903.83)
2018 Levy Write offs <5.00	\$(1008.82)
2018 Late List Penalties	\$147.74
Adjustments <5.00	\$(1.62)
2007 Tax Write offs	\$(83.43)
Discovery	\$51.27
Releases	\$(11.36)
Refunds	\$13,730.07
Interest Charges	\$144.03
Penalty and Interest Payments	\$(33.79)
Taxes Collected:	
2018	\$(113,170.82)
As of September 30, 2018; the following taxes remain Outstanding:	
2008	\$808.16
2009	\$554.28
2010	\$530.18
2011	\$52.18
2012	\$789.41
2013	\$1145.15
2014	\$1581.40
2015	\$2104.59
2016	\$6425.30
2017	\$8487.37
2018	\$993,517.64
Total Outstanding:	\$1,015,995.66

