

VILLAGE OF WESLEY CHAPEL
PLANNING BOARD MEETING MINUTES
October 27, 2008, 7:00 PM

The Planning Board of the Village of Wesley Chapel, North Carolina, met in the Fellowship Hall of the Wesley Chapel United Methodist Church at 120 Potter Road South, Wesley Chapel, North Carolina, with Chairman John Grexa presiding.

Present: Chairman John Grexa; Members- Chuck Adams, Jimmy Allison, Ray Davis, Stephen Keeney, Alternates - Bill Fairman, Shirley Wilson, Sandi Bush

Others Present: Cheryl Bennett, Clerk; Joshua Langen, Planning/Zoning Administrator
Citizens: Carol Mullis, Legrand Kelly, David Carmichael

1. Pledge and Invocation

Grexia led the pledge and Adams did the invocation.

2. Additions, Deletions and Approval of Agenda

Davis made a motion to approve the agenda; Adams seconded the motion.

The motion passed unanimously.

3. Approval of Minutes

Adams made a motion to approve the minutes of the September 22, 2008 meeting.

Allison seconded the motion.

The motion passed unanimously.

The Board discussed the action taken at the September meeting. Langen noted that Quintessa will come back with a final plat minus the section that was re-zoned and that had the CUP approved. They would have to get approval for any changes from their preliminary plat.

4. Review of CUP 08-02 Indian Trail Church of God

Langen read his staff report;

Indian Trail Church of God c/o Legrand Kelly has submitted this CUP in order to allow for a church on parcel 0600600, currently zoned R-40. The property has existing stables which intrude upon a side setback. They would be considered a non-conforming structure and would only be subject to a 15 foot setback if used as an accessory structure. The applicant indicated they would use the stables as youth classrooms in the future and would have to apply for a variance for the structure as well. In addition, the applicant has indicated a variance will be sought to move the parking and driveway within the southern side yard setback to allow for increased flexibility with the site. However, the applicant has indicated the submitted site plan is feasible even if a variance cannot be obtained. Finally, the application does not have all the required information, however, supplemental information can be accepted and would be necessary as part of a condition for approval. Staff has considered the following criteria;

a) The use will not materially endanger the public health or safety if located were proposed and developed according to the submitted plan.

The proposed use is a church with existing stables. The proposed use would NOT be considered capable of materially endangering the public health or safety if constructed as submitted.

b) The use meets all required conditions and specifications.

The use is allowable with a conditional use permit in an R-40 residential district. The use DOES appear to meet all required conditions and specifications.

c) The Use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity.

The adjoining and abutting properties consist of large-lot single family properties, vacant properties and Potter's trace subdivision. The proposed use is NOT anticipated to injure the value of the adjoining or abutting properties.

d) The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Zoning Ordinance and the Village of Wesley Chapel Land Development Plan.

The proposed use is a church to be located on a property of sufficient size. The proposed church exhibits a high level of design and is located in a large residential land use district. Therefore, the proposed use IS considered to be in harmony with the area and to be in general conformity with the Zoning Ordinance

e) Additional review criteria, as stated in the Ordinance, shall also be considered and addressed where required.

With regards to Section 6.10.5, the project is not anticipated to have any adverse impacts on neighboring properties. The project is considered to be compatible with the general characteristics of the area.

f) Any deviation from the terms of the Zoning Ordinance will result in a project that is at least equal to or better than what would be accomplished under the strict application of this ordinance.

No deviation from the terms of the Zoning Ordinance are requested at this time, although a variance from side yard setbacks is anticipated and would be evaluated as part of a variance request.

g) Any deviation from the terms of the Ordinance will not adversely affect the right of other abutting or nearby property owners in any material manner.

No deviation from the terms of the Zoning Ordinance are requested at this time, although a variance from side yard setbacks is anticipated and would be evaluated as part of a variance request.

As the proposed use and submitted plan can be considered to meet the above criteria, staff recommends APPROVAL of the conditional use request, with the condition that all supplemental information be submitted in order for any approval to be valid and able to be acted upon.

Langen said the Planning Board could either adopt his memo as their statement or make a statement of their own. He added that a certified surveyor map is probably needed.

Grexa said he lives next door to where the church would be, and noted there are wetlands, and as Wesley Chapel has had prior problems with flooding, could we add a condition that there be a hydrological study? Keeney asked if this would come under the new floodwater ordinance, Langen said it would. Keeney said this would create new water coursing. Adams asked if the back parking area would require fill, yes, it would be leveled out, and how deep it would be.

Regarding the existing stable structure, if you spend more than 50% of the value, (the current value being \$45,000) you would not be able to use it. It would have to be insulated, rewired, and heat and air added. There are 1600 square feet down, and 800 feet up. Keeney noted the stable is a pole structure, and conventional and pole structures don't always go together. It might be better to just build new structures with the setbacks. Regarding water coursing and the entrance to Potter Trace, it was estimated a surveyor would cost \$8,000 - \$12,000. Grexa said his major concern was the water, at times the water has come right up to the level of the entrance road in Potter Trace, and this would make the situation worse.

Adams, Allison, Davis and Keeney felt there would be no problem in their using the stables. Mr. Kelly said he talked to the residents of the nearby house, and they did not have a problem with it, they were glad new homes were not going to be built.

Water and sewer was discussed; they are looking at septic in the back and pumping it down to the sewer, or 1000 feet of percolation. Regarding trees, they would like to leave them, but some would have to go. There would be 75 feet left in front.

Adams asked regarding the driveway, how it would impact traffic, and if it would be wide enough at the street to get vehicles off the road. Grexa asked if 69 parking spaces would be enough; Mr. Kelly said they currently have about 120 people and 35-40 spaces. It was suggested it might be best for the applicant to have more information, figure out water and parking, and come back to the Planning Board. Wilson asked what parking spaces the ordinance would require; Langen said one space for four seats. Mr. Legrand said the church, if relocated to this site, would become the Wesley Chapel Church of God. The applicant will obtain more information.

5. Topics to Discuss at Next Meeting

Fairman brought up allowing clubhouses in all R districts without re-zoning; after discussion he said it was not a problem. Langen sent a letter to DOT regarding the flooding at the home on Underwood Road. Adams brought up requiring HOA's; his concern was their power to foreclose on a home. He will come up with recommendations for the next meeting regarding the wording in the Ordinance, and would like to know the village attorney's opinion on whether we could limit HOA's from foreclosing. Allison said he would like to look at what other towns have regarding run-off. Langen said the engineer sent the best examples to him, and he was waiting to see what the situation on Underwood Road would be. He will e-mail the info to Allison. Fairman asked what enforcement do we have five years down the road if conditions are wetter. Langen said recourse would be to the engineer, not the developer.

6. Other Business

The December meeting is scheduled for December 22. We will wait and see if there are items to act on, or if we can postpone it to early January.

7. Adjournment

Davis made a motion to adjourn the meeting; Adams seconded the motion.
The motion was approved unanimously.

The meeting was adjourned at 8:25 pm.

Respectfully submitted

Cheryl Bennett, Village Clerk

Chairman John Grexa