

03.23.09 Planning Board minutes  
Approved 04.27.09

VILLAGE OF WESLEY CHAPEL  
PLANNING BOARD MEETING MINUTES  
March 23, 2009, 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 Vice-Chairman Chuck Adams presiding.

**Present:** Chairman John Grexa, Vice-Chairman Chuck Adams, Members- Ray Davis, Stephen Keeney; Alternates - Sandi Bush, Shirley Wilson, Bill Fairman (sat as regular member).

**Absent:** Member Jimmy Allison

**Others Present:** Cheryl Bennett, Clerk; Joshua Langen, Planning/Zoning Administrator

**Citizens:** Carol Mullis, Stephen Heidorn, James Clark, Anthony Clark, John R. Urban, Robert Mitchell, John Surface, Marshall Surface, Dan Ashworth.

The meeting was called to order at 7:06 pm; a quorum was present.

1. Pledge and Invocation

Grexia led the pledge of allegiance, 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 February 23, 2009 minutes. Davis seconded the motion.

The motion passed unanimously.

4. Review of CUP-09-02

Zoning Administrator Joshua Langen read from his staff memo on CUP-09-02:

Staff has found that Arborbrook Christian Academy has submitted a Conditional Use application, CUP-09-02 in order to allow for the placement of a temporary modular classroom on the subject property. 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 temporary modular class room for private high school students. Access would be gained through exiting curb cuts, driveways and parking lot associated with the Central Baptist Church of Mathews. The proposed modular classroom is proposed as a temporary structure, although no date of removal is given. The site has adequate parking and WOULD NOT be considered capable of materially endangering the public health or safety if constructed as submitted.

03.23.09 Planning Board minutes

Approved 04.27.09

Jim Clark and Steve Heidorn, representing Arborbrook, explained the proposal is for one temporary building that will be at the school for at least three years; their intent is to build at another location eventually.

Adams made a motion to put in a time frame of five years that can be renewed upon application for five more years; Fairman seconded the motion.

The motion was approved unanimously.

The Board went through the finding of fact.

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

Board members unanimously voted yes.

- b) **The use meets all required conditions and specifications.**

Zoning Administrator Langen read from his staff memo on CUP-09-02:

The proposed use would be allowed as a conditional use in the R-40 zoning district. Parking, and access conditions would be met. The temporary structure would not be required to adhere to stormwater regulations. Additional landscaping is proposed, although a formal plan has not been submitted. Architecture is proposed to be in keeping with the neighborhood, although façade details have not been submitted. Adequate landscaping already exists on site and the temporary nature of the structure would lessen an architectural impact. Landscaping and Elevations will be provided for the Planning Board meeting. The use DOES appear to meet all required conditions and specifications.

Langen said parking is adequate, it is not in the floodplain; since it is temporary it doesn't have to go to the engineer; landscaping is not required for a buffer, since they are not a business or commercial property. If the Board wants a landscape plan, they can request one. Planning Board members asked if the Flood Damage Ordinance would apply. Mr. Heidorn said there would be underpinnings, and they will do some shrubs. It will be a four classroom building, modular space, with a shingled roofline.

Davis made a motion to approve this use meets all required conditions and specifications; Adams seconded the motion.

The motion passed unanimously.

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

Zoning Administrator Langen read from his staff memo on CUP-09-02:

The adjoining lots consist of residential properties. The structure is to be a temporary structure, lessening the impact on neighboring properties, parking is adequate, school and church functions will not be held simultaneously, modular architecture will be design-oriented, and additional landscaping is anticipated. The proposed use IS NOT anticipated to injure the value of the adjoining or abutting properties and IS NOT considered to be a public necessity.

The church and school will be careful not to hold functions simultaneously. The building will only be used for a school. Fairman made a motion to agree this use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity. Adams seconded the motion.

The motion passed unanimously.

- 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 this Ordinance and the Village of Wesley Chapel Land Development Plan.**

Zoning Administrator Langen read from his staff memo on CUP-09-02:

The proposed use is a temporary modular class room for private high school student. As the property is located in a Low-Density Residential Land Use District, it DOES comply with the Land Use Plan, if granted a Conditional Use Permit. As the use is temporary and minimal traffic is anticipated, the proposed use IS considered to be in harmony with the area AND to be in general conformity with the Zoning Ordinance

Adams made a motion that the project meets this finding. Davis seconded the motion.

The motion passed unanimously.

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

Zoning Administrator Langen read from his staff memo on CUP-09-02:

The additional review categories, as listed in 6.10.5 Golf Courses, Churches require the proposed use minimize any impacts on nearby properties and to be compatible with the general characteristics of the area. These review criteria are met.

Adams made a motion that the project meets this finding. Fairman seconded the motion.

The motion passed unanimously

**f) Any deviation from the terms of this 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.**

Zoning Administrator Langen read from his staff memo on CUP-09-02:

No deviation from the terms of the Zoning Ordinance are anticipated.

Davis made a motion that the project meets this finding. Adams seconded the motion

The motion passed unanimously

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

Zoning Administrator Langen read from his staff memo on CUP-09-02:

No deviation from the terms of the Zoning Ordinance are anticipated.

**As the proposed use and submitted plan can be considered to meet the above criteria, staff recommends APPROVAL of the conditional use request. In addition, a set time for the removal of the structure should be specified**

Adams made a motion that the project meets this finding. Fairman seconded the motion.

The motion passed unanimously.

Adams made a motion to recommend approval of CUP 09-02 for Arborbrook Christian Academy. Davis seconded the motion.

The motion passed unanimously.

5. Review of CUP-B2-09-01

Langen noted there are two site plans on the Hillbilly Produce Farmers Market, please use the newer one, which is one sheet. The application, a narrative, and their response to

staff's findings were given to the Planning Board. Present were landowner Marshall Surface, his son Jason Surface, architect John Urban and Dan Ashworth from Lash Engineering.

Adams asked how long it would take to build; John Urban said about five to seven months for the building and a short time for site preparation. Marshall Surface said there are two wells on site, also city water, and septic. He said they have a business on Independence, but the highway will take their land eventually and this will be their second location until that time, when this will become their one location. On three acres they plan to offer community gardens, and raise produce to sell at the store. There is also an area by the oak trees for a farmers market if so wanted. John Urban had a database of farmers markets which showed the closest was six miles in Waxhaw, and the next one eleven miles away in Matthews, and one in Monroe. Grexa asked about parking; there are 30 spaces based on 6,000 square feet; if there were a farmers market, customers could park on the grass. John Urban said they were trying to minimize impervious surface.

Adams asked regarding access. Urban said there is a one way out to the right. The primary entrance is in and out. The road width is twelve feet on the right. Dan Ashworth said the main driveway is 24 feet wide; fire trucks can get in, and the rest is twelve feet wide. There is a fire hydrant down New Town Road about two hundred feet.

They were asked about septic; John Surface said they can do a pre-treatment system, and based on tests feel it will perc well enough for that. Dan Ashworth said there is a detention pond; he said Wesley Chapel pretty much adopted Charlotte's ordinance with the exception of Chapter 2. It allows up to 20,000 square feet of impervious surface without a detention pond because the run-off is not significant. It was noted there is a gully between this land and Danny Boatright next door. Dan Ashworth said there will be trees similar to the power plant's landscaping; magnolias, and shrubs. There will not be berms.

Adams asked if Stonegate knew about this project. Langen said he was told they do, but he couldn't verify that. Keeney asked about the community gardens' irrigation – it would be fed with water from the detention area, and the well water could also be used. Urban said they also looked at using gray water reclamation. Any runoff would be collected in a cistern. Dan Ashworth said they are having less than 24% of the surface impervious; so it should meet stormwater quality rules without things like a rain garden. Marshall Surface said they would have runoff only with heavy rains, and it would do what it does now. Dan Ashworth said there won't be water standing for more than 48 hours. Water would eventually cross New Town Road on the culvert at the southwest corner, and will go toward Stonegate. The detention area will keep the rate of flow from going up.

Grexa asked how large the pipe is at Underwood; Langen said fourteen inches; so the pipe here is larger. Dan Ashworth said the cisterns are not a definite; it won't be much of a pond, nothing like the pond at the substation. The area will be grassed and not fenced. John Urban said it will be about forty feet wide and 80-100 feet long.

Adams asked if they would be open year round, and Marshall Surface replied yes.

Zoning Administrator Langen read from his staff memo on CUP-B2-09-01:

Staff has found that Marshall Surface has submitted a Conditional Use application, CUP-B2-09-01 in order to allow the construction and operation of a home improvement/grocery/garden supply/retail/office store. 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 home improvement/grocery/garden supply/retail/office store. Access would be gained through two access points on Will Plyler Rd., with adequate s i t e distance for both entrances. However, the unpaved entrance does not comply with the zoning ordinance and could be considered a safety issue as a gravel road could become unsafe after extensive use by commercial traffic. The proposed use WOULD be considered capable of mat erially endangering the public health or safety if constructed as submitted.

The Board went through the findings of fact.

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

Langen noted the supplemental sheet said it will be paved, so there will not be a safety issue. There will be excess traffic. He e-mailed COG regarding traffic counts, and there will be more traffic than that generated by five, one acre lots, but he didn't think it would be near capacity. We don't require a traffic study. Adams noted in subdivisions we require a 26 foot road; it was changed last year. Dan Ashworth said the twenty four foot width came from DOT. Marshall Surface said they can do the twenty six foot width. Adams asked if they need more pull off space on the road, to get off the road before you turn in. Langen asked if he meant a deceleration lane. Marshall Surface said he didn't see the need for it, there are hardly any cars on Will Plyler; Adams said that's today. Langen said generally you require deceleration lanes for traffic a developer generates, not for others' traffic. Jason Surface said on Independence there are three lanes and no turn lanes. Langen said curb cuts can vary; the curb turning radius needs to be to commercial standards. Dan Ashworth said it is thirty feet, and based on NC DOT standards. Since the road is not maintained by the Village, DOT inspections would be done. Dan Ashworth said now you have a five foot offset, but you could push for a seven foot offset and make it a longer taper, but you are at the mercy of DOT. Adams said that would be good. Langen said our ordinance just says it has to be adequate to accommodate two way traffic. The existing twelve foot driveway will be paved. Fairman made a motion to approve this finding, and specify all driveways and parking be paved. Adams seconded the motion.

The motion passed unanimously.

**b) The use meets all required conditions and specifications.**

Zoning Administrator Langen read from his staff memo on CUP-B2-09-01:

The proposed uses would be allowed, as-of - right in a B2 commercial zoning district, with the exception of the Garden Supply use. This would require a conditional use permit. Therefore, the application for a parallel conditional use a long with B2 zoning would allow for the proposed uses. A formal land use/buffer plan has not been provided, although a landscape plan will be provided for the Planning Board meeting. An unpaved entrance is also proposed. The use DOES NOT appear to meet all required conditions and specifications.

Langen reminded Planning Board members that if they disagree with his findings, they do have the ability to reverse his assessments. If they find a majority of the findings are not met, and vote to approve the project, it might not be consistent, and vice versa. Langen said we do have an adequate landscape and buffer plan; the ordinance says when you have a large parcel, the Zoning Administrator has the power to adjust the requirements. The original plans didn't have the paved driveway. Adams asked if it was okay that the plans say gravel driveways to be resurfaced with pavement; Langen

explained the original plans did not say that. Originally Langen did not have a landscape plan, but we have it now in response to the staff memo. Adams made a motion that they approve (b) with a statement that the exit driveway is listed on the plans to be paved and the landscape of the street sides has been included on the plans. Grexa asked what the hours of operation would be: Marshall Surface said 8 am – 6 pm January – March (Sundays 10 – 6) ; starting in late April they stay open 8 am – 8 pm until Christmas tree time when they stay open 8 am to 10 pm. Grexa asked about lighting; only at Christmas tree time they have lights and trees lit up. Surface said the rest of the year they are closed before dark. Langen said a lighting plan is required. John Urban said they will follow the ordinance, and have full cutoff structures, generally not wall packs, one or two poles, you could have a condition on this item. Langen said it would be a required condition, like stormwater and lighting. Adams withdrew his motion. Davis asked about the authority to approve a CUP for a commercial building in a residential district. Langen explained it was a parallel rezoning and CUP. John Urban pointed out that their plan did take into account Ordinance Section 4.10.1-.3. Fairman made a motion that based on the updated plans, (b) is met, and the driveway must be paved, stormwater and lighting guidelines must be met. Adams seconded the motion.

The motion passed unanimously.

The application is a parallel conditional rezoning Langen explained; which means it is not a straight re-zoning, nor a straight CUP. Adams asked if when it is done, if it becomes B-2. Langen said it will be CU-B-2, and that implies you can only do what is shown here, only the listed uses can go with the property. There will be one public hearing for the re-zoning and the CUP combined since there is one application, however Langen will double check. Langen said the property does have to be landscaped, the ordinance has specifics, and a berm or fence does reduce the number of shrubs. John Urban noted Section 4.2 looks at the number of trees and shrubs per hundred feet; they are buffering the road sides, and the plants along the building and parking lot buffer the Boatright side, they weren't sure how far from the property line the buffering could be. Fairman asked if based on the aerial any of the trees were on their property, there is a swale running between the properties. Langen said based on existing plants or new trees or based on the size of the land you can waive the landscape requirement. A question was asked about the types of plants that would be grown on site; they said in one area plants for the garden, and in another area shrubs. Jason Surface said they talked to adjoining neighbors, and the neighbor to the north said he'd rather see the plants. Langen said another requirement is a market study. John Urban said a market study is expensive; he spoke to the Warren people, and the problem is looking at comparables, they can use demographics from the Village Commons study.

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

Zoning Administrator Langen read from his staff memo on CUP-B2-09-01:

The adjoining lots consist of residential properties. Buffers are proposed along side and rear of building and parking, although a formal plan not submitted. The proposed development project would generate commercial traffic and would not be in keeping with this residential district. Adequate commercial development is located at the Town Center, although a market study will be provided for the Planning Board meeting. The proposed rezoning could be considered "spot" zoning as it is surrounded by residential property and is not located at the intersection of major thoroughfares. The proposed use could also encourage additional commercial

### 03.23.09 Planning Board minutes

Approved 04.27.09

re-zonings in the future. The proposed use IS anticipated to injure the value of the adjoining or abutting properties and IS NOT considered to be a public necessity.

Langen added we are in agreement we need a landscape plan, we talked about the market study, the Board can decide whether the existing Village commons market study and the additional information handed out tonight are adequate. Langen stands by his other statements regarding traffic and the zoning could be considered spot zoning and could encourage other re-zonings. Grexa asked if that meant we are setting a precedent. Langen said since this is a small parcel among a large zoning district, it could be considered spot zoning, and is more easily challenged in court. It could then injure values of adjacent properties. Adams asked about this, and Langen said adjacent property owners bought their property based on existing zoning and could injure the value of adjacent properties. If it leads to more re-zonings, it can create more traffic. Lange said it is his professional opinion. Bush noted the power plant injured property values, and she thought this a good buffer between the residential and power plant. Grexa said he concurred it was a concern regarding setting a precedent. Adams and Bush said this would not fit at the town center. Keeney said this would enhance the Village and fit a need. Langen said often planners are brought in as professional witnesses; some things can be quantified such as traffic and stormwater, but some things are professional judgment. Spot zoning is a professional term, he said; whether this is spot zoning or not would be subject to legal interpretation; he felt it could be used in court as a precedent. A citizen noted the power substation is not in Wesley Chapel, and not subject to our ordinances. Keeney felt the precedence was set since the substation was in ETJ area. Grexa asked if this should be done in stages, with re-zoning first. Langen said re-zoning opens it to all uses allowable in B-2. Dan Ashworth said as zoned you could get one house on the property; there is no sewer, so you can do septic for one house which is similar to the flow for this building. Grexa asked regarding setting a precedent; John Urban said this is a plan for a 6,000 square foot building out of 280,000 square feet; so this is a precedent for a low impact scale. Urban said since you could only get one house on the property, you don't see people spending a lot of money for homes looking at a substation. Keeney said the Master Plan showed 85% preferred for Wesley Chapel to continue in an agricultural attitude. Adams made a motion to re-write this section as follows: "The adjoining lots consist of residential properties. Buffers are proposed, along the side and rear of building and parking areas. The proposed development may add to the value of adjacent properties. Further, it would enhance the rural nature of Wesley Chapel although not a public necessity; the proposed farm market will be a benefit to the community." Fairman seconded the motion.

Vote: Adams; Davis, Keeney, Fairman voted yea; Grexa abstained, which counts as a yes vote.

- 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 this Ordinance and the Village of Wesley Chapel Land Development Plan.**

Zoning Administrator Langen read from his staff memo on CUP-B2-09-01:

### 03.23.09 Planning Board minutes

Approved 04.27.09

The proposed use is a home improvement/grocery/garden supply/retail/office store. As the property is located in a Low-Density Residential Land Use District, it DOES NOT comply with the Land Use Plan. In addition, this area is residential in character and would not be suited to commercial traffic and development. Therefore, the proposed use IS NOT considered to be in harmony with the area NOR to be in general conformity with the Zoning Ordinance

Marshall Surface said the type of home improvements sold would be decorative stones and pine mulch, not 2x4's and ladders. The classification of home improvement was discussed; Langen said the ordinance has additional requirements for large home improvement centers over 15,000 square feet. Grexa noted this application is a 6,000 square foot project. Langen felt home improvement was the most intense use proposed, for example large trucks carrying pallets of stone might occur, and this was only allowable in B-2. Adams asked if it should be classified as a garden supply and seed store.

Langen read the definition of a farmers market:

“An outdoor market open to no greater than twenty-five (25) vendors at which locally grown fruits and vegetables, bakery items, condiments, flowers, plants and craft goods are sold on a retail basis. Vehicles used to transport the products to be sold shall be limited to cars, vans, sport utility vehicles and trucks of no greater than three-quarter (3/4) ton in weight capacity.”

Keeney discussed the “agricultural flavor” that was referred to in the Master Plan and that 85% of residents desired. They discussed whether they should replace Langen’s language, or just add to it. Adams said he felt this project was in harmony with the area, because it was agricultural and adds to the agricultural flavor. Adams said he feels most people think of a home improvement store as a Lowes/Home Depot; he would rather call this project a farmers market/garden supply. Langen said if a use is not listed it can be disallowed, so he was looking for the best fit. The Board discussed the classification and noted an office is included. Jason Surface said there will be an office in the store. Langen said there can be a garden supply/sales can be a CUP but be in B-1. Adams made a motion: “That the majority of the population, when considering the Master Plan, wanted Wesley Chapel to stay agricultural and rural in flavor. The proposed property, although commercial, is a facility that sells as well as produces agricultural products and will conserve the natural flavor and is in harmony with our community, and based on that, finding (d) is met. Keeney seconded the motion.

The motion passed unanimously.

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

Zoning Administrator Langen read from his staff memo on CUP-B2-09-01:

Landscaping, buffering and paving are criteria required to be reviewed. Stormwater is being reviewed for exempt status due to low impervious surface ratio.

Langen said if we address landscaping, buffering and paving; there is stormwater criteria, and he found out that even though they are below 20,000 square feet they do have to comply with stormwater requirements. Langen said the alternatives are a) consider the application incomplete, b) accept that their statements on their plan are adequate, or (c) make a conditional decision based on their successful review before signing their zoning permit. Langen said we also require a market study. Adams asked why. Langen said it

shows that the use is needed and necessary and would be supported by the surrounding demographics, and it is a requirement of the ordinance. You can not waive it, but you could say the Village Commons study would be adequate. Langen said it could be updated, and you could say along with what they handed out tonight it is adequate, or you could consider the application incomplete, or make the decision contingent on a sufficient market study. Grexa asked if we were done with the stormwater criteria. Keeney said it is an engineering acceptance. Grexa said looking at number 9 on the map, he was comfortable with it dumping into a 24 inch pipe, but acknowledged he is not an engineer. Langen said if the pipe here backs up, it would back up on their own property, and was not really related to the problem elsewhere where it drained on other people's property. Davis said he never saw a water problem on this property. Keeney said the ordinance we passed that came from the State, said the stormwater administrator must approve, and that would be Langen and the engineer, and that is out of the Planning Board's hands; the Board does not have technical ability to approve it. It was noted that the fire department plans were delayed because of a lack of landscaping and a stormwater plan, however there were some differences in the two situations. Dan Ashworth said any project changes can change the stormwater plan; they can do a preliminary plan. It is expensive to produce a study, when the re-zoning could be turned down. A lighting plan and market study is also needed. John Urban noted the Surface's have been doing this for 25 years, plus they can filter the Warren Associates study. Bennett asked how you could use studies six years old. Adams said if there were enough people then, there are even more now. It was noted that Mr. Boatright next door can't supply enough produce. John Urban had a conversation with Mike Warren, he said the demographics hadn't changed much, the growth rate had slowed from about 6% to half that. He wasn't sure how to figure in the produce market. Customers are willing to drive to get the freshness and taste, and this would lessen the miles a customer would have to travel. Fairman made a motion to approve (e), (f), and (g); that this does not materially adversely affect adjacent and abutting properties, that the market study from JDH and Aston Properties is adequate, that we need a preliminary stormwater report, that the landscaping and buffering plan has been approved and that lighting comply with the ordinance. Keeney seconded the motion.

The motion was passed unanimously.

**f) Any deviation from the terms of this 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.**

Zoning Administrator Langen read from his staff memo on CUP-B2-09-01:

**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.**

Landscaping, buffering and paving criteria are anticipated to be deviated from. The paving criteria deviation WOULD NOT be considered equal to or better than what would be accomplished under the strict application of the Zoning Ordinance. Landscaping and buffering deviations cannot be assessed until submittal of plan.

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

Zoning Administrator Langen read from his staff memo on CUP-B2-09-01:

- 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.**

The anticipated deviations from the terms of the Zoning Ordinance WOULD affect the right of other abutting or nearby property owners to remain located in a residential district.

**As the proposed use and submitted plan cannot be considered to meet the above criteria, staff recommends DENIAL of the conditional use request.**

Adams asked Langen why he was recommending disapproval. Langen said first of all this doesn't agree with the land use plan. Keeney said you are dismissing our whole Master Plan. Langen said the Comprehensive Plan usually comprises 8-11 elements, and our Master Plan is a recommended land use plan, that was not adopted per se, and he was using the Land Use Plan that is approved. The districts in the Master Plan do not match up with our existing districts. Langen also didn't feel that all criteria have been met, feels it sets a precedent for more development, and can strip out the road with less intense elements. Keeney asked about subjectivity in the process. Langen said there is some subjectivity to it. Keeney said he felt the Council was much in favor of the Master Plan so much so that they invited the County plan to participate in it with them. Langen agreed it is subject to interpretation. Fairman said Langen is bound to follow the Land Use Plan. Grexa said his biggest concern is that it sets a precedent; he thinks it is a great plan and fits in the Master Plan. Fairman said everything sets precedent. Fairman made a motion that based on the new information, we approve CUP B2-09-01. Keeney seconded the motion.

The motion passed unanimously.

Bennett noted the adjacent property owners should include the Stonegate HOA, Union Power and Byrums across the street for notification of the public hearing.

#### 6. Review of February Catawba Lands Conservancy presentation

Adams made a motion to table this item until the next meeting; Davis seconded the motion.

The motion passed unanimously.

#### 7. Review of proposed Food Vendor (Concession Stand) Amendment to Zoning Ordinance

Keeney made a motion to table this item until the next meeting; Adams seconded the motion.

The motion passed unanimously.

#### 8. Discussion of **Section 411. Homeowners' Associations Required** of the Village of Wesley Chapel Subdivision Ordinance

#### 9. Discussion of Recreation Facilities, Outdoor, (Parks, Playground,) Zoning Table Amendment

03.23.09 Planning Board minutes  
Approved 04.27.09

Adams made a motion to table these two items until the next meeting; Davis seconded the motion.

The motion passed unanimously.

#### 10. Topics to Discuss at Next Meeting

Items for the next meeting include Items 6-9 from tonight's meeting, and the width of parking lot turn ins and the definition of home improvement and garden centers. Fairman made a motion to table these two items until the next meeting; Adams seconded the motion.

The motion passed unanimously.

#### 11. Other Business

Grexa noted at the January meeting there was a consensus to send Jimmy Allison a letter regarding his absences, Grexa called him; he said he had been busy at work but wanted to be on the board and would attend in February. He did not attend the February meeting, and a letter was sent February 26, 2009. In accordance with the procedures in Section 6.2, the Planning Board unanimously voted to recommend he vacate the position and request Council appoint a replacement.

#### 12. Adjournment

Fairman made a motion to adjourn the meeting; Adams seconded the motion.

The motion was approved unanimously.

The meeting was adjourned at 10:00 pm.

Respectfully submitted

---

Cheryl Bennett, Village Clerk

---

Chairman John Grexa