

**VILLAGE OF WESLEY CHAPEL
PLANNING BOARD MEETING MINUTES
July 25, 2011, 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.

Present: Sandi Bush, Ray Davis, Stephen Keeney; Jeff Davis and Dan DeMattos (alternates sitting as regular members)

Absent: Chuck Adams, John Grexa

Others Present: Cheryl Bennett, Clerk; Joshua Langen, Planning/Zoning Administrator; Mayor Brad Horvath

Citizens: Carol Mullis, Becky Plyler

The meeting was called to order at 7:00 pm; a quorum was present.

1. Pledge and Invocation

Bush led the pledge; Keeney gave the invocation.

2. Public Comments – none

3. Additions, Deletions and Approval of Agenda

Ray Davis made a motion to adopt the agenda; Jeff Davis seconded the motion.

The motion passed unanimously.

4. Approval of Minutes

A change was made to on page 21, Item 5 of the minutes to show maintenance costs are “per year”. Keeney made a motion to approve the minutes from June 27, 2011 with this change; Ray Davis seconded the motion.

The motion passed unanimously.

5. Announcement of Chairperson

Council appointed Sandi Bush as Planning Board Chair. Mayor Horvath noted she was willing, endorsed by fellow members, and served previously as Vice- Chair.

6. Selection of Vice Chairperson

Dan DeMattos made a motion that Stephen Keeney be appointed as Vice Chair; Ray Davis seconded the motion.

The motion passed unanimously.

7. Rule of Procedure

Langen suggested that a change be made to rule 6 to require the materials be delivered 14 days before the meeting, instead of 15 days. This would allow for items that Council requests be sent to Planning Board to be sent with the packets. Discussion was held that

perhaps it should be 13 days so that items can be sent on Tuesday for the Monday meeting 13 days later. Ray Davis made a motion to change the Rule to require materials be sent 13 days before the meeting. Jeff Davis seconded the motion.

The motion passed unanimously.

8. Traffic Management

To explain why 180 feet was chosen for a deceleration lane requirement, Langen included a page from Adams County, Colorado (most places in North Carolina just reference D.O.T.). He went to NC D.O. T. standards and looked at their formula for turn lanes, he used their A (Approach) as the length of the deceleration lane. Using S (speed = 30) squared, times width of 12 feet, divided by 60; it equals 180 feet. DeMattos asked why we couldn't insert the formula in our ordinance; Langen said we would have to pick whether we want minimum or desirable length, and a traffic impact study would be triggered if it was a bigger subdivision. Keeney noted on a posted speed road of 55 miles per hour, you would have an average between 250 and 575 feet for a deceleration lane; the formula when speed is over 40 changes to speed times width. Langen noted if there were a curb cut on a highway, D.O.T. will look at it anyway. This allows us to start incrementally, and we can re-visit it in the future. Keeney suggested that if the posted speed is 45 miles per hour or less, we require a deceleration lane of 180 feet; if it is a higher speed a Traffic Impact Analysis would be required. Langen added we could request a written recommendation from D.O.T. on the faster roads. Keeney made a motion to amend Article 4, Section 405.8(a)(9) to say "Deceleration lanes shall be a minimum of one hundred eighty (180) feet in length, including a taper, for developments located on roads having speed limits of forty-five (45) miles per hour or less. For developments on roads having speed limits of greater than forty-five (45) miles per hour, they shall be required to comply with any NC DOT recommendations." Jeff Davis seconded the motion.

The motion passed unanimously.

Keeney made a motion to adopt all the changes to Article 4 on page 4-6, as amended above. Ray Davis seconded the motion. The motion passed unanimously. Dan DeMattos asked if the changes on section 405.10(f) on page 4-7 were adopted; some of the members only had page 4-6; page 4-7 had been provided in a previous month, but not in this month's back-up. Keeney withdrew his motion and asked that it be brought back next month and that all pages be provided.

Section 6.13 which is entirely new was discussed. Langen said the Institute of Transportation Engineers (ITE) uses 100 trips as their standard. A handout from the LARTP appendix C gave examples of peak trips adopted by other NC communities, several used 100 peak trips. Trips per single family homes are estimated by the ITE at 1.01 per single family detached housing for PM peak hour. Subdivisions larger than 100 homes would require a Traffic Impact Analysis (TIA). DeMattos said he didn't want to put undue burdens on businesses, but still have standards, so this doesn't seem undue. Chairman Bush asked if there were any issues with current subdivisions having more than 100 homes, and would this have eliminated any issues. Langen said it will help with the cumulative effect, if each does a decel lane, you can avoid widening the road and can save long term funding. DeMattos questioned the use of "etc." in the document; it will be

deleted and “including” inserted. DeMattos questioned whether Section 6.13.2 (c) (vi.) should read “existing” or “expected”. Langen said there are wide bands of A, B, C, D and F for levels of service, you can add one hundred homes and stay in the same band of service. Langen said “levels of service” is a standard term.

DeMattos made a motion to approve Section 6.13 with the changes of striking “such as” and inserting “including” and striking “etc.” and inserting “and.”. Jeff Davis seconded the motion.

The motion passed unanimously.

The approved text is:

Section 6.13 Transportation Impact Analysis

6.13.1 Applicability

The development of a Transportation Impact Analysis (TIA) is required for applicable development projects in order to maintain the capacity, function, safety and level of service for the transportation systems related to those proposed developments. Vehicular, bicycle, pedestrian, mass transit and other modes of transportation are to be considered when preparing a TIA.

- a. Transportation Impact Analysis (TIA) is required for all development or redevelopment projects that require a Conditional Use Permit and are anticipated to generate more than one hundred (100) AM or PM peak hour directional trips.
- b. Transportation Impact Analysis (TIA) is also required for all Major Subdivisions that are anticipated to generate more than one hundred (100) AM or PM peak hour directional trips.
- c. The one hundred (100) peak hour direction trip threshold shall also apply towards multi-phased Major Subdivision or Conditional Use projects where each phase may not exceed the threshold, however, cumulative trips for all phases would. In this case, the TIA would be prepared for the entire project, yet provide transportation improvement requirements to be implemented in accordance with the time of each phase.

6.13.2 Procedure

- a. The TIA shall be submitted along with applications for Preliminary Plat or Conditional Use Permit. Cost of the TIA shall be the responsibility of the applicant.
- b. The TIA shall be reviewed by the Zoning Administrator and any Transportation Engineer contracted by the Village of Wesley

Chapel on an as-needed basis. The Zoning Administrator and Transportation Engineer shall review study area, trip distribution, traffic counts, approved developments in the area, pass-by and internal capture percentages and any other issues related to the TIA. The applicant shall be required to modify the TIA in response to review comments. Reimbursement of cost for any contracted Transportation Engineer shall be the responsibility of the applicant.

- c. The TIA shall, at a minimum:
 - i. Estimate the Traffic Generated
Estimate the peak hour traffic that will be generated as a result of the proposed development. Trips should be estimated for all uses located within the development using the standard Institute of Transportation Engineer's Trip Generation Manual, including pass-by trips, internal trip assumptions, and trip distribution assumptions;
 - ii. Evaluate Site Access
Evaluate site access, site distance, parking and internal circulation;
 - iii. Evaluate Existing Capacity
Evaluate the ability of the street network to support the proposed development;
 - iv. Identify Specific Improvements
Identify specific improvements to the street network that are necessary in order to support the traffic anticipated to be generated by the proposed development and any adjacent areas being analyzed, ~~such as including~~ intersection improvements, signalization, ~~and~~ turning lanes, ~~etc.~~;
 - v. Identify Non-Automobile Modes
Identify specific improvements or facilities provided for bicyclists and pedestrians to support non-vehicular access and access to and within the proposed project, including sidewalks, street crossings, ~~and~~ multi-use paths, ~~etc.~~; and
 - vi. Improvements Implementation Program
Include a program for proposed transportation improvements necessary to accommodate each phase of development and to maintain existing levels of service, safety and access. Identified transportation improvements

should include a timeline, funding sources – including public and private matching funds, and responsible parties.

Section 4.16 was reviewed next. Langen noted right of way costs go up if construction has gone on in the right of way, so if you use the proposed right of way to measure lot setbacks, it won't affect parking or buffers, but would prevent buildings from being in the future right of way. Keeney asked if it was standard to measure the right of way from the center line; Langen replied yes. Langen made a change to the text to add "structures shall be located outside of required setbacks, as well as any full/future right of way as proposed/adopted by the State transportation plan. DeMattos questioned this change. Keeney asked how far ahead does D.O.T. publish their future right of ways? Langen said most roads have cross sections assigned to them. Mayor Horvath said D.O.T. has a concept of complete streets; they went through the LARTP with D.O.T. to designate improvements. Langen said the Union County Comprehensive Transportation Plan will assign cross sections to every road, and they will have public meetings before they adopt it. DeMattos said he was afraid the change in wording will end up with houses a few feet from the road. Keeney said if roads are based on the adopted plan that could happen; he agreed with DeMattos. Ray Davis said he agreed, and gave the examples of CVS and Wachovia and the church that has been there for one hundred years. Jeff Davis asked if someone comes to you and if a house is a few feet from future right of way, can they come back to us? Langen said it won't be an eminent domain situation, and he didn't think it would be a problem for us. He noted this language is more restrictive than what we have now.

Dan DeMattos made a motion to adopt the original wording of Section 4.16. Jeff Davis seconded the motion.

The motion passed unanimously.

The text is:

Section 4.16 Applicability of Planned Right-of-Way

Whenever a Zoning Permit is issued, in accordance with Section 10.3 of the Village of Wesley Chapel Zoning Code, minimum lot standards shall be applied to the development project from the edge of the full/future right of way, as proposed/defined by an adopted Village or State Transportation plan

Langen will look into getting copies of the final report of the LARTP from November 2009 for the Planning Board members.

9. Article 4 Temporary Uses – Government Uses and Fireworks

Langen said this came up because someone wanted to do a fireworks display, and this will amend Section 4.7.3 to add they must comply with Federal, State, and Local regulations, and to allow Federal, State or Local Government-sponsored public events. The Mayor said there were changes from the prior year, and they had a process they were starting to enforce. He got an insurance certificate with the town as additional named insured. Discussion was held on charitable versus non-profit, and it was decided to add non-profit because a HOA might be holding the event. Langen said the applicant would get written proof of compliance with the fire marshal. Mayor Horvath added the Council

has to approve the fireworks display, the applicant found out on short notice, and we had to call an emergency meeting. Keeney made a motion to approve the text change to Section 4.7.3 with the inclusion of “and/or non-profit entities”. Jeff Davis seconded the motion.

The motion passed unanimously.

The text is:

4.7.3 Turkey shoots not prohibited by the Firearms Ordinance, sales of agricultural plant products (as defined in Article 2), 4-H shows, ~~and~~ charitable uses, Federal, State or Local Government-sponsored public events and/or non-profit organization-sponsored events of a limited nature and for a limited time may be allowed, but shall be specifically permitted. No vehicles may remain on the property overnight and no trailers shall be used for storage or other purposes other than the delivery of product. One (1) On-Premises sign, limited to twelve (12) square feet and not in violation of Section 8.4, shall be permitted for the duration of the use, as specified in an approved application. Parking, ingress and egress shall be adequate and not represent a safety hazard. The use shall not disturb neighboring properties with respect to noise, vibration, lighting or odor. Applications for fireworks displays shall provide proof of compliance with all applicable Federal, State, and Local regulations. Each such permit shall be issued for a period of forty-five (45) days. A waiting period of forty five (45) days shall be required between temporary permit applications by the same applicant. A Temporary use permit shall not be issued for any single property more than three (3) times per calendar year. Temporary use permits shall not be approved and can be revoked should the Zoning Administrator determine the required criteria have not been met, or acceptable remedy proposed/implemented, at any point during the application or operation of the temporary use.

10. Other Business

PetSmart is under construction, and the YMCA applied and was approved for an upfit permit to go into the old Blockbuster store.

11. Topics to Discuss at Next Meeting

The subject of POD's was discussed, but since they are expensive they probably won't become a problem, and HOA's generally have rules on them. Langen said topics include graffiti, Article 4 from the Subdivision Ordinance, health club/public recreation facility which is not consistent from the Table of Uses to definitions, and a briefing on code enforcement. Mayor Horvath asked that the Board start an on-going list of items to be tackled and meet periodically with the Planning Board Chair for prioritizing items.

12. Adjournment

Vice Chair Keeney made a motion to adjourn the meeting; Ray Davis seconded the motion.

The motion was approved unanimously.

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The meeting adjourned.

Respectfully submitted

Cheryl Bennett, Village Clerk

Chairman Sandi Bush