

**VILLAGE OF WESLEY CHAPEL  
PLANNING BOARD MEETING MINUTES  
October 24, 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:** Chair Sandi Bush, Vice Chair Stephen Keeney, Ray Davis, John Grexa; Dan DeMattos (alternate sitting as regular member)

**Absent:** Member Chuck Adams, Alternate Jeff Davis

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

**Citizens:** Carol Mullis, Becky Plyler; a couple of boy scouts and their leader were present for part of the meeting

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

1. Pledge and Invocation

Chairman Bush led the pledge; Keeney gave the invocation.

2. Public Comments – none

3. Additions, Deletions and Approval of Agenda

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

The motion passed unanimously.

4. Approval of Minutes

John Grexa had three changes to the September minutes; on item 5 he clarified the statement regarding Carolina Courts to add Saturday nights “during tournaments and weeknights during games and practice”; on item 7 he added “Grexas voiced concern that changes were made to ordinances (signs and parking) after a lot of time was spent on it in Planning Board and the Planning Board recommendations seemed disregarded.”, and clarified the next sentence as follows: “Grexas said he had received two complaints about the sign being painted on the roof shingles at Southern Whimsy.”

Keeney made a motion to approve the minutes from September 26, 2011 with the above changes; Ray Davis seconded the motion.

The motion passed unanimously.

5. Health Clubs

Langen reported that he worked to match up the definitions to the table of uses. “Dance, Gymnastics or Martial Arts Studio” was reviewed and will be changed to include a clause on the sale of merchandise. DeMattos asked where retail sales are defined. Langen said it is usually defined by the type of retail. Keeney asked what if a dance studio ends up

with their own line of clothing and does sell more than they do in lessons; Langen said in the shopping center it would still be allowed; it is more for marginal uses where you don't have the facilities for tractor trailer trucks. Differentiating retail and services gives you flexibility down the road.

The definition of "Paintball or Laser Gun Facility" was discussed; Paintball will reference outdoor and Laser Gun indoor recreation facilities. Grexa asked if you have a farm could you do a laser gun facility part time. Langen said yes, it is compatible with neighborhood uses, and could be handled as a temporary use. DeMattos said he didn't think we need to define every type of business and this doesn't need to be included. A boy scout present asked about airsoft; it can be done inside or outside; Langen will add it to the definitions. Disc golf was brought up; the Board decided not to address it. For the Table of Uses, R-80, R60, and RA-40 will be added as a conditional use for the "Paintball or Laser Gun Facility".

DeMattos made a motion to recommend approval of this text amendment to Council, with the changes described above. Ray Davis seconded the motion.

The motion passed unanimously.

The proposed text is as follows:

VILLAGE OF WESLEY CHAPEL  
TO ADOPT ZONING ORDINANCE TEXT AMENDMENT

THAT WHEREAS, the Village of Wesley Chapel 2030 Vision Master Plan participant survey showed approximately sixty seven percent of survey respondents were satisfied with the clean and healthy environment of Wesley Chapel; and

WHEREAS, the Village of Wesley Chapel 2030 Vision Master Plan participant survey showed approximately ninety two percent of survey respondents considered architectural standards for commercial development important; and

WHEREAS, the Village of Wesley Chapel would like to preserve our clean and healthy environment as well as high architectural standards through the regulation of health clubs, recreation facilities, and other recreational/health establishments; and

WHEREAS the following text amendments address health clubs, recreation facilities and other recreational/health establishments;

ARTICLE 2

DEFINITIONS OF TERMS USED IN THIS ORDINANCE

Dance, Gymnastics or Martial Arts Studio.

An establishment operated for the primary purpose of providing dance, gymnastics or martial arts instruction. Dance, Gymnastics or Martial Arts Studios do not include establishments which generate more than a simple majority of their income through sales of merchandise, food and/or drink.

Day Spa.

An establishment operated for the primary purpose of providing cosmetic and relaxation services, including tanning salons, but not including adult establishments, hair and nail salons, or health clubs. Day spas do not include establishments which generate more than a simple majority of their income through sales of merchandise, food and/or drink.

Gymnasium.

See recreational facility, indoor.

Hair and Nail Salons

Establishments operated for the primary purpose of providing hair or nail services and which do not generate more than a simple majority of their income through sales of merchandise, food and/or drink.

Health Club.

Permanent public or private health or exercise clubs where all associated principal uses are conducted within enclosed buildings, are primarily operated for the purpose of individual fitness, do not generate more than a simple majority of their income through sales of merchandise, food and/or drink, primarily provide services in exchange for membership fees and do not host spectator events or sports. Health clubs do not include facilities operated by homeowners' associations for the exclusive use of homeowners' association members and their guests. Health clubs also do not include adult establishments, country clubs, dance, gymnastics and martial arts studios, day spas, gymnasiums, indoor firing ranges, indoor recreation facilities, martial arts studios, hair and nail salons, tanning salons, or theatrical/musical venues.

Massage Parlor

See Day Spa for massage businesses which do not meet the definition of Adult Establishment, otherwise see Adult Establishment.

Paintball, Airsoft or Laser Gun Facility

See recreation facility, indoor and recreational facility, outdoor.

Recreation Facility, Indoor.

Permanent public or private health or exercise clubs establishments operated for the primary purpose of providing individual and team sporting facilities, where fifty percent (50%) or more of associated principal use square footage is conducted within enclosed buildings, and which may conduct organized competition, sponsored competition and/or spectator events. Indoor recreation facilities do not include facilities operated by homeowners' associations for the exclusive use of homeowners' association members and their guests. Indoor recreation facilities also do not include country clubs, dance and gymnastics studios, day spas, indoor firing ranges, theatrical/musical venues, or indoor sporting facilities which generate a simple majority of their income through sales of merchandise, other than food and/or drink.

ARTICLE 5

SECTION 5 TABLE OF USES

Change Use; Dance and gymnastics studio to; Dance, Gymnastics and Martial Arts Studio

Change Use; Fitness Center (See Health Club) to; Fitness Center (See Day Spa and Health Club)

Change Use; Hair, Nails, Tanning, and other services typically provided by Barber Shops, Beauty Salons, and/or Day Spas, such as skin care and massage therapy Principal Use (Excludes Adult Establishments) to; Hair and Nail Salons

Change Use; Health club, Spa and Gymnasium (Principal Use)(Indoors) to; Day Spa and Health Club

Add Use;

Paintball or Laser Gun Facility as "C" for B-1, B-2 or L-1 Zoning Districts.

6. Residential Parking

Langen used verbiage from state law on the definition of manufactured home. He noted modular homes are the same as stick built homes, and are not differentiated in uses. The

last sentence of the current ordinance definition of Manufactured Home was deleted but will be reinserted. Langen will review the definition again, particularly the verbiage about homes built before June 15, 1976. Under "Mobile Home" Langen will add, "or does not meet the definition of manufactured home". The definition of "Inoperable" was discussed; it applies to boats etc., and not just vehicles; it was noted it can take a long time to restore a vehicle; Langen proposed allowing two inoperable motor vehicles at any time. Langen proposed changing the Table of Uses on Manufactured Home, to eliminate the reference to Class A and Class B; noting new state law does not differentiate between Class A and Class B; and adding Mobile Home as not allowed in any zoning district.

Article 9.1 Off-Street Parking was discussed. Langen proposed changes allowing inoperable vehicles to be stored on an unpaved surface. DeMattos said if the vehicle can't be seen it is not an issue. Langen said a reference to sight lines, from the road and from a neighbor, can be added. A long discussion was held on how many vehicles could be stored and how they would be screened. Keeney and Ray Davis were against requiring screening. Chair Bush noted the Board has traditionally stayed away from legislating these things. Grexa noted there is a difference between inoperable or operable vehicles. This section will be brought back. Langen's text allowed a total of six (2 inoperable motor vehicles, 2 inoperable recreational vehicles and 2 inoperable boats). Planning Board consensus was to allow two vehicles in view and as many as you want if screened. Grexa noted some should be grandfathered, for instance farm equipment. Langen surveyed local towns and all allow parking areas for residential driveways to extend into side and rear yard setbacks, so he inserted this in the proposed text. He also added parking aisles for non-residential uses can have access within a side or rear yard setback, at an angle of less than 60 degree, or greater than 120 degrees, to allow you to cut through a setback but not run along it. Langen will add a drawing of this. Questions came up on a circular drive. Langen encouraged connections between buildings to keep traffic off the roads. Grexa questioned whether you want do to this. This section will come back next month.

7. Subdivision Section 405.8.A(5) reference

DeMattos made a motion to strike the sentence at 405.8a(5) since the reference to 405.9a(3) is a section that doesn't exist. Keeney seconded the motion.

The motion passed unanimously.

8. Other Business

Langen noted he has a current violation at 427 Cottonwood Circle in Hampton Meadows, they have a plan laid out to correct the violation and Planning Board has the ability to extend the deadline. He issued a citation on Friday, and said 90 days would be sufficient; in 30 days they have made some progress. When Langen was investigating other complaints he noticed this problem and initiated the complaint. Keeney made a motion to grant 90 days to correct the violation; Ray Davis seconded the motion. DeMattos noted people in Hampton Meadows appreciate help from the town in keeping the appearance of the subdivision up. Keeney said there is a philosophy of whether

government should solve the problem or if neighbors should work together. Grexa said it will create more of a detriment by letting it go to January.

The motion passed 3-1, with DeMattos voting nay.

9. Topics to Discuss at Next Meeting

Chair Bush noted the ordinance prioritization list will be used. Topics for next month include election signs, sign regulations for B-1, residential parking, and number of signs per sign permit.

9. Adjournment

Ray Davis made a motion to adjourn the meeting; DeMattos seconded the motion.

The motion was approved unanimously.

The meeting adjourned.

Respectfully submitted

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Cheryl Bennett, Village Clerk

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Chairman Sandi Bush