

**VILLAGE OF WESLEY CHAPEL
PLANNING BOARD MEETING MINUTES
November 28, 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, Chuck Adams (arrived late), Ray Davis, John Grexa; Alternates Jeff Davis and Dan DeMattos

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

Citizens: Carol Mullis, Jill Ammons and Becky Plyler

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

Jill Ammons, owner of Southern Whimsy commented that her store did not fit in the rules of the shopping center; she received two letters and visits from Joshua Langen, and she can't deal with that during business hours. She felt it was unfair to make her store fit to the big box rules. She welcomed Planning Board members to visit her store, and said she was passionate about fitting the old Wesley Chapel.

3. Additions, Deletions and Approval of Agenda

Stephen Keeney requested Ms. Ammons' issue be added to tonight's agenda; it became item 6B. Ray Davis made a motion to adopt the agenda with this addition; Stephen Keeney seconded the motion.

The motion passed unanimously.

4. Approval of Minutes

Keeney made a motion to approve the minutes from October 24, 2011; Ray Davis seconded the motion.

The motion passed unanimously.

5. Residential Parking

Langen reported that he added definitions for All-Terrain Vehicle, Motorcycle, Modular Home, Mobile Home, and Vehicle, Motor. He used 30 days and more than fifty percent intact for Inoperable. Grexa questioned who determines whether it is 50%; Langen said it would be his call. Keeney said it might take two years or more to restore a vehicle. Langen said if it was that long it must be screened. Definitions of types of recreational vehicles he obtained from the NC DMV definitions.

Langen proposed allowing unlimited inoperable vehicles as long as they are screened from public right-of-way by year around fencing or plant materials or combination thereof, providing at least seventy-five percent opaque coverage. (Adams arrived at this point.) There needs to be a definition of “commercial vehicles”. Langen proposed changing 9.1.4 (f) to not allow parking areas including driveways in the rear yard setbacks. In 9.1.4(g) he proposed parking aisles for non-residential uses not extend into required rear yard and side yard setbacks; but parking lot access may be located within a side or rear yard setback, if such access is perpendicular to the set back line to the greatest extent possible. Langen said he determined a drawing would be too complicated, so he changed the definition and watered it down. Grexa asked if we are dividing residential and non-residential parking, it is confusing to mix the two together, DeMattos, Keeney and Jeff Davis agreed. So Planning Board added “non-residential” to 9.1.5 and “residential” to Section 9.1.4.; and Langen will move 9.1.4(g) to the end of 9.1.5 as item (k).

Adams asked about the 30 days for the definition of inoperable noting you may not be able to get a part in 30 days. Langen said it was increased from 72 hours. Adams suggested increasing it to 90 days in the definitions of “Inoperable” and “Vehicle, Inoperable”; Grexa thought the 30 days was okay. DeMattos asked if anyone had looked at the property that Planning Board gave a 90 day extension to last month, and said they should look at what they are approving. Keeney said it was done based on the Zoning Administrator’s suggestion. Chairman Bush asked if we want to keep the 30 days for inoperable, or make it 90 days. Grexa suggested a middle ground of 60 days. DeMattos said the number of days doesn’t make a difference, in Hampton Meadows it probably took years to get that way. Langen said the number of days starts the clock for a violation. Chairman Bush asked how many cases are on-going; Langen said three in Hampton Meadows. Langen said he asks the homeowners how long the vehicles have been there, and whether they are inoperable, he comes back a few weeks later and if they said it is operable, he can see for himself. Adams asked if neighbors complained; Langen said he noticed the one property when he was investigating another complaint. Chairman Bush polled the members on what number of days to use: Jeff Davis and John Grexa said 30, Dan DeMattos said the number of days is a factor, but by the time a neighbor complains it is probably 90; Keeney, Adams and Ray Davis said 90 days. Consensus was to change from 30 days to 90 days in the definition of “Inoperable” and “Vehicle, Inoperable”. Grexa said last month we said 30 days, why the change? Adams said Langen said 90 days is easier for residents; it might take more than 30 days to get the funds and to make repairs. Grexa said it might give more time before starting the fine process, but not here. Adams asked if it would apply to farm equipment. Grexa asked if an inoperable vehicle could be in the street or in the shopping center. Langen said the street is separately platted, so if on the road, the owner of the road would be in violation. The Sheriff would handle cars on the road and the shopping center would remove if they were there. Adams did not want to see farm equipment having to be screened. Ray Davis said farm equipment would be moved regularly. Mayor Horvath said the definition of inoperable doesn’t apply to farm equipment; it is equipment just not being used at the present time. Adams said we don’t want to legislate farmers to have to screen it. Keeney said simpler is better, Langen said we are relaxing the standards. Chairman Bush concluded we will take out the first and third references to “farm equipment” in 9.1.4(e)

and we need a definition of agricultural equipment added. Langen proposed changes to Section 9.1.5 (a) to use the CUP process to determine paving requirements for parking for churches, Village owned uses, and indoor or outdoor public or private recreation facilities. He also suggested nonconforming use parking areas in compliance with Article 7 shall be clearly delineated with a gravel bed and maintained border.

Becky Plyler said she thinks the ordinance should be simpler, and asked about advertising text amendments, noting people don't read the legal notices and don't know about the changes to the ordinances. Jill Ammons asked for more sensitivity to people who have been here many years.

This section will come back next month.

6A. Campaign and B-1 Signage

Langen said there are sandwich signs at the shopping center, but in the B-1 district the stores may be further from the road and have visibility issues. He proposed changes to Section 8.2 B. to clarify that multiple signs can go on one application and for one fee. The proposed change to Section 8.3 C is to comply with the new State law on political signs, and he left it open ended in case the law changes again. He proposed the sandwich board signs be up to thirty-five feet from the principal entrance in B-1 and L-I. Langen proposed at 8.7A.1. (a) (i) (ii) and (iii) adding "painted" signs and increased sizes for signs from the current ordinance restrictions of five percent of wall area or a maximum of twenty square feet to (in B-1 and L-I) 20% of the wall area for externally lit signs, or 5% for internally lit signs, and (in B-2 and O-I) ten percent of wall area for externally lit signs or five percent for internally lit signs. Langen said he used the standards for the existing shopping center CUP's. Adams asked how this would affect Southern Whimsy. Langen said their sign is on the fascia and their sandwich board signs would meet the regulations. The signs for special equipment would not meet the standard. Jill Ammons said this weekend is their Christmas party, and asked about signs for it and paying a \$35 fee every time you want a sign. Langen said fees are in another section – a church also brought up the question of paying fees, but that would be a Council issue. Grexa said his wife loves Southern Whimsy but two neighbors complained and he has to represent them – they do not like the hand painted signs. Langen said he can move items out of permitted signs to exempt signs so they don't have to pay fees. Chairman Bush said it is not on the agenda tonight, and both Planning Board and Council spent a long time discussing signs; they need direction from Council. Mayor Horvath agreed it is a slippery slope, but in areas like Hampton Meadows who don't have a HOA, what is their recourse, you can say it applies to one acre residential or to B-1 but not B-2; as we grow and develop things do change.

Chairman Bush asked for comments on changes to Sections 8.2 and 8.3. Ray Davis said there should be a way to reduce fees. Grexa asked why the percentages were changed and noted a Coca Cola painted sign is more than twenty percent. Langen said now we limit signs to five percent of wall area, and we need a higher size for externally lit signs. Mayor Horvath asked if the wall area is one façade or the sum of all four walls. Langen said if three facades face parking you can have signs on three sides, per the CUP's; however the ordinance doesn't say that. We haven't regulated the number of signs except for the CUP's. B-1 properties are Southern Whimsy and Wells Fargo. L-I is the

property on Will Plyler. O-I is the town hall property. Adams made a motion to approve the proposed changes to Sections 8.2, 8.3 and 8.7, incorporated herein. Keeney seconded the motion.

The motion passed unanimously.

The proposed changes are 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 would like to preserve this satisfactory environment through the regulation of signage;

Section 8.2 General Requirements

- B. Required Permits and Approvals. A zoning permit shall be secured from the Zoning Administrator prior to the construction, reconstruction, erection, enlargement, relocation, or structural alteration of a sign. A complete application must be submitted to and approved by the Zoning Administrator in order to obtain a zoning permit. A single application and fee, if applicable, may be submitted for multiple signs, provided those signs are to be constructed or posted at the same time and for the same property or event.

Section 8.3 Signs Permitted Without Permit

The following signs shall not require a permit:

- C. Temporary signs for candidates seeking public office. ~~Such signs shall not be placed on property more than thirty (30) days prior to the election date. All political signs shall be removed by the candidates within five (5) days after Election Day (including primaries).~~ All such political signs shall be posted in accordance with State of North Carolina law.
- L. Free-standing Sandwich Board signs, as defined in Article 2, limited to one (1) sign per establishment. For B-2 and O-I zoning districts, such signs shall be located within five feet (5') of the principal entrance and not located greater than one foot (1') from the relevant building façade. For B-1 and L-1 zoning districts, such signs shall be located within thirty-five (35) feet of the principal entrance.

Section 8.7 Signs allowed in the B-1, B-2, O-I and L-1 Zoning Districts by permit

- A. Signs on premises of permitted B-1, B-2, O-I and L-1 uses conducted in buildings or with buildings associated shall require issuance of a permit, or be approved as part of a conditional use permit process, and shall be regulated as follows:
1. Types of sign permitted:
 - a. Attached (On-Structure or Canopy) signs for any free-standing structure or in-line tenant space shall be allowed, shall require a permit and must comply with the following guidelines:
 - i. Signs shall be fastened by permanent mount or mechanism or painted, as defined in Article 2.
 - ii. For B-1 and L-1 Zoning Districts, No attached sign or combination of signs, shall exceed ~~five~~ twenty percent (20%) of the wall area for externally lit signs, or five percent (5%) for internally lit signs, ~~or a maximum of twenty (20) square feet.~~
 - iii. For B-2 and O-I Zoning Districts, no attached sign or combination of signs, shall exceed ten percent (10%) of the wall area for externally lit signs, or five percent (5%) for internally lit signs.
 - iv. No sign shall be located on the roof of any structure or extended above the parapet or eave line of any structure.

NOW, THEREFORE, BE IT RESOLVED that the Village of Wesley Chapel Council hereby adopts the above listed Zoning Ordinance text amendments.

Adopted this ____ day of _____, 2011.

Attest:

Cheryl Bennett, Clerk

Mayor Brad Horvath

6B. Extension of Time for Southern Whimsy Compliance

Langen requested an extension for the Southern Whimsy violation; the earliest Council could approve this is the first meeting in January. Adams made a motion to grant a 90 day extension on the Southern Whimsy violation; Keeney seconded the motion.

The motion passed unanimously.

7. Ordinance Priority Amendment List

Langen said accessory structures will be on the agenda for December; also the definition of commercial vehicle, agricultural equipment, temporary signage and home occupations. Carol Mullis asked what this means for Southern Whimsy. Langen said if the text is not adopted in 90 days he will send them a new letter and give them fifteen days to comply, and then five more days before enforcing the violation. Mayor Horvath said if Council doesn't make a decision timely, Langen can ask for another extension. If Council votes no, the violation process would start and Langen would re-issue his last letter. Jill Ammons asked Langen for a copy of the complaint on her business and asked if she can put up a mural. He said a sandwich board sign can change content.

8. Other Business - none

9. Topics to Discuss at Next Meeting

The December meeting is on December 26th; most members will be able to attend, however Langen will be out of town.

9. Adjournment

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

The motion was approved unanimously.

The meeting adjourned.

Respectfully submitted

Cheryl Bennett, Village Clerk

Chairman Sandi Bush