

**VILLAGE OF WESLEY CHAPEL
PLANNING BOARD MEETING MINUTES
June 25, 2012, 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, Ray Davis, and John Grexa; Alternates Dan DeMattos and Ashleigh Mock

Absent: Alternate Jeff Davis

Others Present: Mayor Brad Horvath; Council Members Kim Ormiston (left early), Becky Plyler, Elaine Rosoff; Cheryl Bennett, Clerk; Joshua Langen, Planning/Zoning Administrator

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

1. Pledge and Invocation

Chair Bush led the pledge; Vice-Chair Keeney gave the invocation. Mayor Horvath presented a plaque to Ray Davis thanking him for his six years of service to the Village Planning Board. Several Council members were present to honor Ray.

2. Public Comments - none

3. Additions, Deletions and Approval of Agenda

Chuck Adams made a motion to adopt the agenda which had been revised to include "Application of RUC Zoning to FY 2011-2012 Annexations". Ray Davis seconded the motion.

The motion passed unanimously.

4. Approval of Minutes

Ray Davis made a motion to approve the minutes from May 21, 2012; Chuck Adams seconded the motion.

The motion passed unanimously.

5. Application of RUC Zoning to FY 20101-2012 Annexations

Langen reported that maps showing the lots annexed had been e-mailed to Board members; the lots include two in Winding Creek, one in Estates at Wesley Oaks and two in Blackstone. The annexation is effective June 30, 2012. Applying RUC zoning will allow them to keep the setbacks they were platted with. After some discussion; John Grexa made a motion to recommend applying RUC zoning to the annexed lots. Ray Davis seconded the motion.

The motion was a 2-2 tie with Ray Davis and John Grexa voting yea, and Stephen Keeney and Chuck Adams voting nay. Chairman Sandi Bush then voted yea, and the motion passed 3-2.

Planning Board asked about the annexation process – we have always used only voluntary annexation and there is a statute regulated process by which annexations are done.

6. Section 5 Table of Uses and Article 5 Zoning District Regulations

Langen said he had not gotten clear direction on whether we wanted to use 10,000 square feet as a cut-off for requiring a CUP. He researched and CVS is about 11,700 square feet; and grocery stores are 45,000 – 55,000 square feet. John Grexa thought 10,000 was too large, and preferred 7,500 for the cutoff. Back in 2004 the Ordinance was amended from 3,000 to 2,000 square feet; Bennett read the minutes regarding that. Langen said PetSmart is 25,000 to 30,000 square feet; and no CUP was required because it was already within the shopping center CUP. Board members were surveyed; Keeney, Ray Davis, and Ashley Mock liked 10,000 square feet. DeMattos had no opinion; and Adams and Grexa preferred something smaller. John Grexa said you can still build, but this gives us more control over how it looks. Mayor Horvath said back in 2004 we didn't have a rear yard setback, now we have one. Chuck Adams asked about building height, it is not to the peak, but an average of peak and gutter heights; and we will add a reference to that in the definition. Chuck Adams questioned why the minimum lot area is "none" (i.e. 5.6.3(a)); however with the building and setbacks there will be a certain amount of area required. Langen noted B2 land is expensive and subdivisions only are for exactly what land is needed. Langen noted you could change the minimum lot width to prevent panhandle lots, the purpose being to avoid a lot of driveways along a road. Discussion was held on guidelines for driveways, that you cannot run a commercial driveway in a setback, and that we have a limited number of parcels zoned for business; consensus was to leave this as is.

Chuck Adams made a motion to add the definition reference to building height and approve the text amendments. Stephen Keeney seconded the motion.

The motion passed 4-1 with John Grexa voting nay; he felt the 10,000 square foot cut-off for a CUP was too high, and preferred 7,500 square feet.

The recommended text amendment is as follows:

SECTION 5 TABLE OF USES

Note: Any permitted individual use having a gross floor area in excess of 210,000 square feet shall require a conditional use permit in the B-1, B-2 and O-I districts.

ARTICLE 5 ZONING DISTRICT REGULATIONS

Section 5 Table of Uses (*Added and adopted 10.17.05*)

The Table of Uses should be read in close conjunction with the definitions of terms set forth in Section 2.2 and the other interpretative provisions set forth in this article, and Article 4, General Provisions Regulations.

.....

Section 5.5 General Business District B-1

(Deleted 10.17.05)

(Revised 01.12.04 – 3000 changed to 2000)

5.5.1 *(Reserved 10.17.05)*

5.5.2 *(Reserved 10.17.05)*

5.5.3 Yard Requirements

Within any B-1 zoning district, the following dimensional requirements shall be complied with:

- a. Minimum lot area – none
- b. Maximum enclosed floor area per use (including all principal and accessory structures – ~~210,000~~ square feet, unless otherwise approved through the conditional use process. *(Changed 01.12.04 – 3000 to 2000)*
- c. Minimum lot width – none.
- d. Minimum front yard setback.
 1. Essential Services Class IV – 10 feet from existing right-of-way;
Natural Gas Substation – 75 feet from the edge of existing pavement to fence line. *(Amended 01.14.08)*.
 2. All other uses – ~~none except 80~~ 65 feet from existing right-of-way, if any parking located in front yard, 25 feet for side and rear yard parking only.
- e. Minimum side yard setback.
 1. Essential Services Class IV – 10 feet; Natural Gas Substation – 15 feet and 75 feet on street side of corner lots *(Amended 01.14.08)*.

2. All other uses —~~20 feet, none,~~ except that 230 feet shall be required ~~on a corner lot~~ when the side yard abuts any residential zoning district street.

f. Minimum Rear Yard Setback.

1. Essential Services Class IV – 10 feet; Natural Gas Substation – 15 feet. (*Amended 01.14.08*).

2. All other uses – ~~20 feet, none,~~ except that 230 feet shall be required ~~on a corner lot~~ when the rear yard abuts any residential zoning district street.

g. Maximum Building Height.

1. Essential Services Class IV – 10 feet.

2. All other uses – 35 feet, as defined in Article 2, except as permitted in Section 4.8.

.....

Section 5.6 Shopping Center District B-2

.....

5.6.3 Yard Requirements

Within any B-2 zoning district, the following dimensional requirements shall be complied with:

- a. Minimum lot area – none.
- b. Maximum enclosed floor area per use (including all principal and accessory structures – 210,000 square feet, unless otherwise approved through the conditional use process.) (*Added 01.12.04*)
- c. Minimum lot width – none.
- d. Minimum front yard setback.
 - 1. Essential Services Class IV – 10 feet; Natural Gas Substation – 75 feet from the edge of existing pavement to fence line (*Amended 01.14.08*).

2. All other uses – ~~none except~~ 80 65 feet from existing right-of-way, if any parking located in front yard, 25 feet for side and rear yard parking only.

e. Minimum side yard setback.

1. Essential Services Class IV – 10 feet; Natural Gas Substation – 15 feet, and 75 feet on street side of corner lots (*Amended 01.14.08*).
2. All other uses – ~~20 feet, none,~~ except 40 that 30 feet shall be required ~~on a corner lot~~ when the side yard abuts any residential zoning district street.

f. Minimum rear yard setback.

1. Essential Services Class IV – 10 feet; Natural Gas Substation – 15 feet (*Amended 01.14.08*).
2. All other uses – 20 feet, none, except that 230 feet shall be required when the rear yard abuts any residential zoning district.

g. Maximum building height.

1. Essential Services Class IV – 10 feet.
2. All other uses – 35 feet, as defined in Article 2, except as allowed in Section 4.8.

.....

Section 5.7 Light Industrial District L-1

(Deleted 10.17.05)

5.7.1 *(Reserved 10.17.05)*

5.7.2 *(Reserved 10.17.05)*

5.7.3 Yard Requirements

Within any L-1 zoning district, the following dimensional requirements shall be complied with.

- a. Minimum lot area: None

- b. Minimum lot width: None
- c. Minimum front yard setback.
 - 1. Essential Services Class IV – 10 feet from the existing right-of-way; Natural Gas Substation – 75 feet from the edge of existing pavement to fence line (*Amended 01.14.08*).
 - 2. All other uses – 80 feet from the existing right-of-way
- d. Minimum side yard setback.
 - 1. Essential Services Class IV – 10 feet; Natural Gas Substation – 15 feet, and 75 feet on street side of corner lots (*Amended 01.14.08*).
 - 2. All other uses – ~~None except that 40 feet shall be required on a corner lot or when the side yard abuts any residential district.~~
- e. Minimum rear yard setback.
 - 1. Essential Services Class IV – 10 feet; Natural Gas Substation – 15 feet. (*Amended 01.14.08*).
 - 2. All other uses – ~~None, except that 20 40 feet shall be required when the rear yard abuts any residential district.~~
- f. Maximum building height.
 - 1. Essential Services Class IV – 10 feet
 - 2. All other uses – 35 feet, as defined in Article 2, except as allowed in Section 4.8

.....

Section 5.8 Office-Institutional District O-I (*Added 10.17.05*)

5.8.1 Reserved

5.8.2 Reserved

5.8.3 Yard Requirements

Within any O-1 zoning district, the following dimensional requirements shall be complied with:

- a. Minimum lot area – none.
- b. Maximum enclosed floor area per use (including all principal and accessory structures – 210,000 square feet, unless otherwise approved through the conditional use process.
- c. Minimum lot width – none.
- d. Minimum front yard setback.
 1. Essential services Class IV – 10 feet from existing right-of-way; Natural Gas Substation – 75 feet from the edge of existing pavement to fence line (*Amended 01.14.08*)
 2. All other uses – ~~25~~ 65 feet from existing right-of-way, if any parking located in front yard, 25 feet for side and rear yard parking only. .
- e. Minimum side yard setback.
 1. Essential Services Class IV – 10 feet; Natural Gas Substation – 15 feet, and 75 feet on street side of corner lots (*Amended 01.14.08*).
 2. All other uses – ~~none~~ 20 feet, except 430 feet shall be required ~~on a corner lot~~ when the side yard abuts any residential zoning district.
- f. Minimum Rear Yard Setback.
 1. Essential Services Class IV – 10 feet; Natural Gas Substation – 15 feet. (*Amended 01.14.08*).
 2. All other uses – ~~none~~ 20 feet, except 430 feet shall be required when the rear yard abuts any residential zoning district.
- g. Maximum Building Height.
 1. Essential Services Class IV – 1- feet.

2. All other uses – 35 feet, as defined in Article 2, except as permitted in Section 4.8

7. Wesley Chapel Land Use Plan

On the first page elementary school was made a plural, and “in the 2010 census” was added after population. Periodic review was changed to every five years. John Grexa asked why we were putting in things like “office and institutional uses would be allowed at the intersection of NC 84 and Potter Rd.” when we don’t intend to have that in the next five years. Dan DeMattos thought the third and fourth bullet point items on page two were very specific and didn’t belong there. Joshua Langen said we are not looking to re-write this, we just are freshening it up. Chuck Adams said if this is just an historical review then he was okay with the section. Langen will add another paragraph detailing what we want as of 2012. DeMattos asked if we can just delete the history. John Grexa asked if we can start with the land use map and then make a document to fit it. Langen said usually you look at population characteristics and needs first, and then draw the map. Mayor Horvath was asked his perspective; he said he was okay with Planning Board expanding the land use plan. At a class in January it was suggested that you update your land at least every five years. The future land use plan is dependent on infrastructure, and it might be good to have a large map here for Planning Board to reference. Stephen Keeney agreed with Dan that it is selective, and questioned what the last bullet point on page two meant; he felt the document should be more conceptual. Ray Davis noted we have built with wells and septic, it shouldn’t stop you if the land perks. Langen will review the old minutes and work on this page.

Adams said he thought the Planning Board should take ownership and re-do this document. Chairman Bush noted members are busy, and asked everyone to read the back-up before the meetings and send comments to Joshua Langen.

John Grexa asked why on page three, goal one refers to “low-density residential development...except at specifically designated locations”. Langen said senior age communities have far fewer trips, and this would leave the door open for that. You could have clustering with a net density of one per acre such as one hundred homes on fifty acres and fifty acres open space. John Grexa asked about policy 2 under goal one, and asked what size the lots are; Langen replied he would delete “or that were zoned R-20” and refer instead to RUC zoning. Ashley Mock asked that we strike policy 4. Chuck Adams asked what the traffic calming infrastructure in policy 5 would be; Langen replied speed bumps or chicanes. John Grexa asked about connectivity, such as at Wesley Oaks; Langen said you can either make it so circuitous that only residents use it or do a boulevard or single loaded street through CUP or design regulations. In policy 6, Chuck Adams noted “to the greatest degree feasible” and “required” are contradictions. Dan DeMattos suggested taking out “to the greatest degree feasible”. Policy 10 was discussed; Stephen Keeney said an open land feeling does not come from small areas of high density, for example the Stallings park no longer has any grass areas. He cited the development Walden as an example of open space, with large lots, and natural separation. Ashley Mock said the idea is that conservation subdivisions are environmentally friendly. Langen added that more infrastructure is needed for one acre lots. Dan DeMattos agreed with Keeney; he said the challenge to Wesley Chapel is we don’t have neighborhoods

like Walden; we are not protecting trees, we are protecting developers. Chuck Adams noted the survey showed people wanted R40, not R40 cluster. Dan DeMattos asked if we should be more systematic and go point by point. Chairman Bush went back to bullet point 7; the consensus was to approve it. Regarding 8, Chuck Adams asked what external streets are; Langen said streets not in the subdivision; Grexa thought that should be clarified. Part of 8 was deleted leaving "Residential subdivisions shall have sidewalks, curb and gutter along external streets." Dan DeMattos asked about the Village's role in encouraging sidewalks. Cheryl Bennett, speaking as a citizen, questioned bullet point 9 noting encouraging the greenway easements could lead to it in people's backyards, and noted in her subdivision it would affect only about ten lots, but could be approved by a majority of the lots in the subdivision, most whom it would not directly be affected. Langen will add a statement to be respectful of privacy through a buffer between the thread trail and people's lots since there would be a lot more foot traffic and will change "encouraged" to "considered". Discussion was held on what degree of commitment the Village has to the thread trail. Chairman Bush said we will start next month at policy 10. Members were encouraged to study the document and get questions to Joshua Langen.

8. Procedure for Violation Complaints

This was tabled to next month.

9. Other Business

Mayor Horvath noted Council had reappointed Sandi as Chairman of the Planning Board; Jeff Davis will be moved to a regular seat, and Tonya VanWynsberg was appointed as an alternate. John Grexa thanked Ray Davis for all his years of service. Ray Davis said he appreciated the opportunity to serve. Ashley Mock asked if we need to do another survey. Langen said he will reference past surveys, but not make conclusions from them.

10. Topics to Discuss at Next Meeting

Topics include the Land Use Plan and procedure for violation complaints (please study Section 10.6). Joshua Langen will send his procedures, and we can discuss whether complaints can be anonymous.

11. Adjournment

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

The meeting adjourned.

Respectfully submitted

Cheryl Bennett, Village Clerk

Chairman Sandi Bush