

**VILLAGE OF WESLEY CHAPEL  
PLANNING BOARD MEETING MINUTES  
May 20, 2013, 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 Stephen Keeney, Vice Chair Chuck Adams, Bill Bennett, Jeff Davis, John Grexa (arrived late), Alternate Jim Mullis

**Others Present:** Clerk Cheryl Bennett, Planning/Zoning Administrator Joshua Langen, Carol Mullis, Karen Schultz, John Bowen

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

1. Pledge and Invocation

Chair Keeney led the pledge and Vice Chair Adams gave the invocation.

2. Public Comments – none

3. Additions, Deletions and Approval of Agenda

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

The motion passed unanimously.

4. Approval of Minutes

Bill Bennett made a motion to approve the April 22, 2013 minutes. Jeff Davis seconded the motion.

The motion passed unanimously.

5. Discussion of Rezoning Process

Joshua Langen said a comprehensive plan has a number of elements, and the culmination is the Land Use Plan. A CUP is a quasi-judicial (facts, not opinions) process. When Planning Board considers a re-zoning they will see if it is consistent with the Land Use Plan and other adopted plans. They do not do finding of facts. Since a re-zoning is not a conditional zoning, the applicant can present a project, but the zoning is a right for any permissible use in the zone. Chuck Adams said for 55 plus housing, how do you ensure they do what they say they plan to do. (John Grexa arrived at this point.) Langen said there are two ways; either a text amendment to add an R-10 zoning column, and make it conditional for residential and have conditions, or a parallel conditional use re-zoning. Chairman Keeney asked if we would consider a proposal if the Land Use Map doesn't have that shown. Langen said we would have to amend the Land Use Plan, it should agree with the Land Use Plan but it doesn't preclude approval. Keeney asked if he had any applications. Langen said yes, one for R-20 to be re-zoned to R-40 for 6-7 acres. Keeney asked if there was any information we can refer to; Langen said he will get some info from the attorney regarding Conditional Use Districts or re-zoning.

6. Article 4 – Subdivision – Fees-in-lieu

Langen said he liked Keeney's idea of a path at the front of a subdivision which meanders and has a park-like feel, and brought a photo of an example of this nearby. The revised text for section 408.1 was reviewed. He inserted "suitable for passive recreation" at 408.1(a), and described what open space would be suitable for in section 408.1(c). John Grexa asked if we are clear that we are doing dedication or reservation; he said the attorney made it clear that dedication is to the town and reservation is to the Homeowners Association. The Clerk read an excerpt from the attorney's memo on this. If the land is dedicated, then you cannot exclude outsiders. Chuck Adams asked how we can do the greenway system. Langen said it will get done eventually, and even if only a mile gets done. John Grexa asked if we want to dedicate or reserve land. Langen said the word "buffer" was taken out of this section. The amendment had the wording "paved trail"; Langen said that could be a gravel path, paved is generally asphalt or cement. In Section 408.1(c) "paved" will be changed to "cement". Chairman Keeney noted we need to run this by the attorney; we could add additional language re reservation or dedication and who does the land maintenance. John Grexa asked if the title of Section 408.1 should be changed from "Dedication of Land" to "Reservation of Land". Langen said reserving has different connotations; you could say "easements can be placed"; he will run it by the attorney but did not think it would be a problem. John Grexa said deed and dedication are two different things. Langen said when a subdivision forms, the developer controls the HOA until the homes are sold, then turns it over to the HOA. John Grexa said the land in his subdivision was not dedicated to the HOA; it was deeded to the HOA by the developer. Bill Bennett said the text changed for the positive, it was closer, just a couple of semantic changes are needed, and to get the attorney's review. Langen will check with the attorney on the use of "Dedication" at the title of section 408.2. Carol Mullis using the example of Wesley Chase asked where the public would park if they want to walk there. If it is signed, you cannot trespass. Karen Schultz asked if it is a goal to come together or just be separate subdivisions. Chuck Adams said we are composed of many neighborhoods, and some people tend to say, this is mine. John Grexa said in Potters Trace they have welcomed people, but some don't pick up after their dogs. They just ask that visitors treat the property like they would their own, but some got upset when asked to respect rules. The ordinance still has an option for a fee. Bill Bennett said the goals of a rural feel include separating the subdivision from the road, and connectivity, if a private subdivision wants to do a private trail just for their residents, that is okay. This does those two things - leaves open the connectivity door and promotes a rural feel. At section 408.1(c) Langen will re-word the sentence beginning with "a limited access easement" to add "or a public access easement". Open space on private lots might have a sign on the lots showing they are only for subdivision use.

7. Article 3 – Section 310 Information to be Contained in or Depicted on Preliminary and Final Plats

Joshua Langen said this is what the engineer suggested. Cheryl Bennett asked about the current outstanding bills we have for our engineer's work on developer stormwater maintenance agreements with JDH and Aston. Langen will investigate and see if we can

05.20.2013 Planning Board minutes,

withhold permits. Chuck Adams made a motion to recommend this text amendment to Council; Jeff Davis seconded the motion.

The motion passed unanimously.

VILLAGE OF WESLEY CHAPEL  
TO ADOPT SUBDIVISION ORDINANCE TEXT AMENDMENT

ARTICLE 3 – SECTION 310

THAT WHEREAS, the Village of Wesley Chapel would like to preserve our clean and healthy environment through the regulation of stormwater, wetland and flood protection areas; and

WHEREAS the following text amendments are found to be compatible with the 2003 Village of Wesley Chapel Land Use Plan;

ARTICLE 3

PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

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SECTION 310 Information to be Contained in or Depicted on Preliminary and Final Plats

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Table 310-1

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	Preliminary	Final
The location and dimensions of all drainage easements as defined in Article 14 of the Zoning the Flood Damage Prevention Ordinance, including P.E. certifications when required.	X	X
A copy of permits from Army Corps of Engineers, pursuant to Section 14.14 Article 14 of the Village of Wesley Chapel Zoning Ordinance	X	
.....		
Compliance with Section 14.9, “Setbacks from Streams Outside Designated Special Flood Hazard Areas (SFHA)” of the Zoning Flood Damage Prevention Ordinance.	X	X
Establishment of Flood Protection Elevation (FPE) in accordance with Section 14.9 the Flood Damage Prevention of the Zoning Ordinance.	X	X

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Stormwater Management Plan Approval in compliance with Article 14 of the Village of Wesley Chapel Zoning Ordinance	X	X
All ponds/dams shall be evaluated in accordance with Article 14 of the Village of Wesley Chapel Zoning Ordinance	X	X
A copy of the recorded Operation and Maintenance Agreement for stormwater management facilities, in compliance with Article 14 of the Village of Wesley Chapel Zoning Ordinance		X
The location and dimensions of all permanent drainage and access easements for stormwater management facilities, and a note designating the financially responsible party, as required by Article 14 of the Village of Wesley Chapel Zoning Ordinance		X

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

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2013.

Attest:

\_\_\_\_\_  
Cheryl Bennett, Clerk

\_\_\_\_\_  
Mayor Brad Horvath

8. Article 4 – Fireworks Display  
Langen reviewed the changes to the text of Section 4.7.3 and 4.7.7. Vehicles and trailers would be allowed overnight. Karen Schultz asked if we require security; Langen said the shopping center will require insurance, so it is not a problem. Bill Bennett asked what if a truck filled with fireworks blows up. Langen said we can add a line that no hazardous materials such as explosives, fireworks or fuel can be contained. There could be a lot of vehicles, such as for a festival. Fireworks was moved to Section 4.7.7. Wording will be changed so that the minutes will be provided directly from the Village to the fire marshal. This text amendment will come back for further Planning Board review.

9. Other Business  
Mayor Horvath said that Council was concerned that elimination of sandwich signs is not business friendly and they wanted to take another look at it and will review the language Langen had brought to Planning Board. Chuck Adams said he didn't think sandwich signs will help build out the shopping center. The Mayor noted Marvin and Weddington prohibit sandwich signs, while Waxhaw allows them. Bill Bennett said he looked at marketing studies showing sandwich signs don't contribute to growth, and also saw

across the country where they require separate liability insurance for them; he noted at the Advance Bill Duston stressed being consistent and fair. Chairman Keeney said the Board was also looking for simplicity and less visual assault on the senses. John Grexa noted with growth Joshua can't check for all the ordinances. Keeney noted that parking is abutted to the sidewalk and the signs can infringe on access and travel. Planning Board would like to hear back on this ordinance. Karen Schultz asked if all businesses want to use these signs and if there is an aesthetic alternative.

John Grexa asked about the Land Use Map – if Wesley Chapel Elementary School is shown as O-I, then shouldn't New Town Elementary be O-I also? Chairman Keeney noted in Mineral Springs the school board sold the school property and it became a town hall. Chuck Adams said if they sold the school and it became an office there would be less traffic. John Grexa made a motion that the public schools properties should be O-I on the Land Use Map. Chuck Adams seconded the motion.

The motion passed unanimously.

10. Topics to Discuss at Next Meeting  
Topics include Article 4 – fireworks and Fees in Lieu.

11. Adjournment  
Chuck Adams made a motion to adjourn the meeting; John Grexa seconded the motion.  
The motion was approved unanimously.

The meeting adjourned at approximately 8:30 pm.

Respectfully submitted

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Cheryl Bennett, Village Clerk

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Chair Stephen Keeney