

**VILLAGE OF WESLEY CHAPEL
PLANNING BOARD MEETING MINUTES
July 28, 2014, 7:00 PM**

MINUTES

The Planning Board of the Village of Wesley Chapel, North Carolina, met at Town Hall, 6490 Weddington Road, Wesley Chapel, NC 28104.

Present: Chairman Stephen Keeney, Vice Chairman Chuck Adams, Member John Bowen, Jeff Davis, Alternates David Boyce (sitting as regular member) and Sandy Ells.

Absent: Member John Grexa

Village Staff present: Cheryl Bennett, Village Clerk; Bill Duston, Planning/Zoning Administrator

Others Present: Mayor Brad Horvath, Council Member Elaine Rosoff, Francisco Espinosa, Carol Mullis

1. Pledge and Invocation

The meeting was called to order; a quorum was present. Stephen Keeney led the pledge of allegiance and Chuck Adams gave the invocation.

2. Public Comment –Carol Mullis asked members to use their microphones.

3. Additions, Deletions and Approval of Agenda

“Oaths of Office” was added to the agenda; Chuck Adams motioned to approve the amended agenda. Jeff Davis seconded the motion.

The motion passed unanimously.

4. Oaths of Office

Clerk Bennett administered the oath of office to regular member John Bowen, and alternates David Boyce and Sandra Ells.

David Boyce nominated Chuck Adams to be the vice chair; Jeff Davis seconded the motion.

The motion passed unanimously.

5. Approval of June 23, 2014 Minutes

Jeff Davis motioned to approve the June 23, 2014 minutes; John Bowen seconded the motion.

The motion passed unanimously.

6. Subdivision Ordinance Text Amendments Regarding Roads

Bill Duston reported NC DOT said Union County has good to fair soils for road construction. The proposal was to go from an 8” to 10” base, and 1.5” to 3” of asphalt, with the second course going on after 80% of homes are built. If a four inch base is used,

they recommend going to a five inch base, and from 1.5” to 3” pavement surface. John Underwood at DOT would really like improved standards for all roads, and said it would minimize calls regarding road problems. Vice Chair Chuck Adams did not think it is up to us to change the standards; DOT can do so if it is needed. John Bowen asked if we maintain roads; the Village does not. Mayor Horvath noted the DOT priority for maintenance is on minor and major thoroughfares. David Boyce was in favor of higher standards. Bill Duston added DOT will only sign off on curb cuts for privately maintained roads, and the Village engineer will inspect the construction. Mayor Horvath explained that up until now the developer applies for DOT to take over subdivision roads; DOT inspects and states what needs to be done for them to accept the roads; for example in Wesley Chase repairs were needed and resulted in a patchwork on the road which was not aesthetically pleasing.

Chuck Adams motioned to build publicly and privately maintained roads to DOT specs; if DOT wants to improve the specs, they can. John Bowen seconded the motion.

David Boyce noted when we had the Advance, we wanted roads built to DOT specs or better, the developer is in only until the last house is sold; to be pro-active, we should plan for the most stringent requirements, since subdivision roads are a low priority to DOT. Chuck Adams commented he is not an engineer, and DOT came up with the specs. John Bowen added DOT comes up with the money for maintenance. Stephen Keeney said they may be reacting to funding, DOT knows what they want.

The motion passed 4-1, with David Boyce voting nay.

Chuck Adams requested we discuss all the changes next month. Bill Duston will bring all four chapters and he suggested members look at the text boxes on the side which highlight the changes.

7. Conditional Zoning Text Amendments

Bill Duston reported this is all new text; right now we have conditional use permits, which involve quasi-judicial hearings, and the decision is based on sworn testimony at the hearing; members cannot discuss the subject ahead of time, and the applicant has to provide everything they want to do. Five years ago the statutes were changed to allow conditional zoning, which allows you to discuss the project with the developer; it is not quasi-judicial but a legislative decision. Planning Board and Council can go to the site and discuss the project with the developer. A Traffic Impact Analysis should be done for conditional zoning so you can get the engineer’s and DOT’s input on improvements to be made. Modified versions of stormwater plans are required. Additional information can be requested by Planning Board or Council. Mr. Duston noted you can include that no relaxation of standards will be permitted. Conditional zoning allows for more engagement in the process. Only the property owners can apply for conditional zoning. With current commercial re-zoning, you couldn’t ask what they want to do, with this you can ask and also see what the building will look like. David Boyce asked with conditional zoning if you can still choose to go through the CUP process, you can. Bill Duston noted you can have a finite list of uses, or you can say all uses in B-2 except X, Y, Z. Within two years the applicant must get their building permit, or the Village may act to revoke the conditional zoning district designation per Section 12.3.6. Any substantive changes have to go through the re-zoning process. Mr. Duston proposed a two part public information meetings (PIM), one part on site and one part at town hall. A quorum of planning board cannot attend the PIM, unless you call a special meeting.

Chuck Adams questioned requiring one meeting be during normal business hours; Mr. Duston put that in because you might want NC DOT and Public Works employees to attend, but it can be taken out. Stephen Keeney read from a book by Rich Drucker that you can have site specific requirements when a conditional district is mapped; a unique zoning district is created each time. Bill Duston noted the zoning map must label each zone very specifically; it is more work at the staff level. Proposed text would invite citizens (per the tax roll) within a five hundred foot radius of the parcel extremity. A local town used a half mile, and it was too much, and they later reduced the radius. You could raise the distance for a non-residential change. The applicant would reimburse the village for postage costs. The developer submits the list of adjacent properties, and Bill Duston verifies it. If the parcel fronts on two roads, we put a sign on each road. Chuck Adams requested the distance to notify citizens should be ¼ mile, or 1,320 feet. Bill Duston will bring back the text with all changes: adding “Sec. 12.3” at Section 3.5.B, changing the distance to 1320 feet, striking “during normal business hours” at section 3.5.1 D. (2), and changing the time the Planning Board has from the date first heard to make a recommendation to Council from 60 to 62 days at section 12.3.2.D.

Bill Duston noted at Matthews staff does not attend the PIM, but he feels strongly that staff should be there to answer questions regarding the zoning ordinance and be the eyes and ears for the Village.

Zoning permits would not be issued until the zoning is recorded at the Register of Deeds. Francisco Espinosa said his dream for his property is a convenience store; if he applies for conditional zoning does he lose his re-zoning? Bill Duston replied no, you can apply for conditional zoning and if you lose, you still have B-2 zoning. If someone applies for a re-zoning, and is refused, you can recommend the applicant come back for conditional zoning.

8. Rules of Procedure

Planning Board members were given a copy of the new Rules of Procedure. Chuck Adams asked if we have a volume of Planning Board minutes; Clerk Bennett replied yes. Chuck Adams asked about Rule 7 and what “unexcused” members were. Mayor Horvath noted a member can ask to be recused, and still be present.

9. Other Business

Bill Duston reported Council tasked him to work on senior housing regulations, and he would like some guidance. Becky Plyler from Council agreed to meet with him Thursday, and he asked for a Planning Board member to provide input. Sandra Ells said she could meet on Thursday.

Mayor Horvath noted Council will look at the proposed Land Use Plan changes at their August 11, 2014 meeting, and would like a representative of Planning Board to attend.

Chuck Adams brought up the two acres behind 201 Central that the town owns, and wanted to send a message to council to use it for EMS. Mayor Horvath said no decisions on its use have been made; the Safety Committee addressed Council more than a year ago, and there were significant costs associated with it. In April they did a follow up presentation to Council, there were some conflicts with whether this would fit in the CMC (who runs EMS) business model. They are going through some changes and we were to get a representative from CMC to a meeting. Carol Mullis said three years ago they were talking to County Commissioner Richard Helms and possibilities were we provide land, or they build and staff, or the town buys an ambulance, we build and lease,

etc. The Safety Committee Chairman Tessie Morris reached out to other towns for funding; we have more needs with WCWAA and the park. The Committee had checked on response times and the deputy and fire response times were good, but not the EMS time. Butch Plyler said it is important to dedicate a piece of property but put the ball in their court. Carol Mullis said EMS was asked twice if they wanted a bay for an ambulance at the fire station, and they did not. Mayor Horvath said Council just asked for confirmation they want to put a station here and staff it.

Chuck Adams motioned for Council to reach out to Richard Helms and ask him to visit the next Council meeting and discuss EMS and Council look at it seriously to move forward and see if it makes sense. David Boyce seconded the motion.

The motion passed unanimously.

10. Adjournment

Chuck Adams made a motion to adjourn; John Bowen seconded the motion.

The motion passed unanimously.

The meeting adjourned at approximately 9:07 pm.

Respectfully submitted,

Cheryl Bennett, Village Clerk

Stephen Keeney, Chairman