

**VILLAGE OF WESLEY CHAPEL
PLANNING BOARD MEETING MINUTES
June 22, 2015, 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, Members John Grexa and John Bowen; Alternates David Boyce and John Souza sitting as regular members

Absent: Vice Chairman Chuck Adams, Member Jeff Davis, Alternate Sandra Ells

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

Others Present: Mayor Brad Horvath, Council Members Becky Plyler and Elaine Rosoff, Carol Mullis, Sandy Fenn

1. Pledge and Invocation

Chairman Keeney led the pledge of allegiance, and gave the invocation.

2. Public Comment - none

3. Additions, Deletions and Approval of Agenda

John Grexa motioned to approve the agenda, John Bowen seconded the motion.

The motion passed unanimously.

4. Approval of Minutes

John Bowen motioned to approve the May 30, 2015 and June 1, 2015 minutes; John Grexa seconded the motion.

The motion passed unanimously.

5. Conservation Zoning

Bill Duston reviewed the summary of proposed Wesley Chapel conservation zoning text. There is a new definition, the subdivisions would be allowed in any residential zoning district subject to a conditional zoning or conditional use permit (CUP). A conservation subdivision would still have to meet all applicable Village subdivision requirements; language could be written to have the rezoning or CUP approved simultaneously with preliminary plat approval unlike Marvin which allows going below the standards. Maximum density would be the same as could be developed under a conventional subdivision; a yield plan would be developed and this would determine the maximum number of lots in the proposed conservation zoning subdivision. A viewshed buffer of at least one hundred feet in width shall be provided substantially parallel to all exterior public roads that abut the subdivision (Weddington also requires one hundred feet, in Marvin the width varies). Right now Wesley Chapel only requires undisturbed buffers along major roads with a maximum width of fifty feet, a smaller width is allowed for

subdivisions less than ten acres, and the buffer is only required if the side or rear yard abuts the road. Conservation land would include floodplains, wetlands, lakes/ponds, rivers/streams, greenways, viewshed buffers, forest land, farmland, and pastureland; unless dictated by natural conditions, all conservation land must be at least seventy feet in width. This expands the types of natural areas currently regulated in the Subdivision Ordinance. Fifteen percent plus the viewshed buffer within the subdivision must be retained as conservation lands (Marvin also does this). Weddington sets priorities on which land shall be conserved. Aside from the exterior landscaped buffer that is now required along major and minor thoroughfares, no open space is required in current Village subdivision regulations. John Bowen noted if the conservation land is open land, you will clearly see your neighbor. The viewshed buffer can be empty land, it can have minimal disturbances like a bench, but cannot be a storm water pond. Minimum lot size could be 30,000 square feet, except that up to 30% of lots within the subdivision can have an area of no less than 25,000 square feet. Any lot less than 30,000 square feet must abut conservation land. Current standards require 40,000 square feet lots. Proposed text does not allow conditional zoning to be used to reduce lot sizes or other standards. Chair Keeney disagreed with that, stating R-40 projects are not as good as conservation zoning can be, and conservation zoning is primarily for those who don't live there but drive by. John Grexa felt it should protect the people buying in the subdivision as well as those who live nearby. Pros and cons of Candella were discussed.

Bill Duston noted going below the standards is like a modification, in Marvin you can go below with a good justification. Structures allowed in conservation lands would be agricultural uses, low-impact passive recreational uses, non-commercial recreation areas, water and sewer disposal systems, utility easements, sidewalks, lakes/ponds, berms; utility easements; underground utility rights-of-way. This is somewhat different than Wesley Chapel's current subdivision text regarding allowed uses in the external landscape buffer, virtually none are now allowed nor are utility easements. Weddington requires thirty feet between houses, but one lot could have twenty five feet from the structure to lot line, and the next could be five feet. Proposed text has conservation land protected through a conservation easement which is held by a public conservation/recreation agency, a private conservation organization, or, in the absence, by a homeowners' association. Fee-in-lieu could not offset the amount of conservation land. Proposed required setbacks are 50 feet in front, 20 feet side but 30 feet if abutting rear yard of another lot in the subdivision, 75 feet if abutting another lot outside the subdivision; and 50 feet for rear, 75 feet if the rear yard abuts another lot or is separated by conservation land less than 50 feet in width.

John Bowen questioned mathematically, how many lots would fit under these proposed rules. Bill Duston suggested using existing plats of Brookmead or Candella, and apply these standards to see how many lots would fit. Chair Keeney liked the proposed viewshed buffer and conservation land types, but did not like the minimum lot sizes proposed. He felt conservation zoning should enable working with the land instead of arbitrary numbers that don't always work.

Urgency to do the text was discussed. Mayor Horvath noted we do have pressure to do this from the legislators, but we need to take the time do this right. Some conversation ensued.

John Grexa motioned to see how this would work with 55% R-40 and 20% R-30, with 15% infrastructure, 15% open space including the viewshed buffer, Bill Duston will apply the yield plan and these standards and see how it works with Brookmead and

Candella (excluding the power lines section). Marvin allows 37 lots on 50 acres but with Marvin other numbers can be reduced under conservation zoning. You could say the yield plan holds, but the developer determines the rest of the standards. John Grexa noted Marvin's rules produced larger lots which Planning Board liked better. David Boyce stated the viewshed buffer is very important. Chair Keeney questioned how the survey will be effective, citing all the details to it. After much discussion, two options were created; option A with 20% infrastructure and 15% open space, and option B with 20% infrastructure and 15% open space plus a one hundred foot view shed buffer. John Bowen seconded the motion. The second was rescinded. John Grexa rescinded the motion.

Direction was for Bill Duston to analyze Candella and Brookmead using their yield plans to see what the two options would yield and determine what percent would have to be R-30.

6. Text Change: Temporary Uses

Bill Duston reviewed the current text, written before the park was open. The text doesn't work because it restricts them to three events per year and a 45 day hiatus between events. Also he has issued permits for agricultural products that would require a longer time period. The original basis for the 45 day rule was to prevent continual permits that would give a basis for re-zoning. Bill Duston presented options including having no temporary use permit for events hosted by a unit of government or a non-profit, however there are reasons you would want to require a permit such as verifying off duty deputies, health okays, etc. Sales of agricultural plant products currently require a temporary use permit, we could discontinue that or apply different restrictions depending on the size of the lot from which the produce is sold, such as a three acre minimum. Length of permit could be increased to 60 or 90 days. Number of permits could be changed to six or more, or put no limit. Hiatus between permit applications is currently 45 days, it could be shortened or eliminated. John Souza noted the "45 days between permit applications" does not preclude permit applications the next day after a current one. Chair Keeney noted tomato stands also have produce not grown on site. John Grexa suggested no permit for produce if grown on their own land, but should be a permit if they truck in produce. Bill Duston pointed out he would not know where the produce came from. John Bowen motioned to go an additional 45 days for agricultural use permits, and on a minimum of three acres, and allow them four times per year. Discussion was held on full-fledged farms operating here, and we have not issued yard sale permits. John Bowen amended his motion to take out the three acres, and add the Statement of Consistency that the proposed text changes are consistent with the Village's Land Use Plan. Most of the Village is classified as "low-density residential" on the Future Land Use Plan Map and this designation "aims to maintain the low-density, rural atmosphere of the Village, which is characterized by single-family residential and agricultural uses". The proposed change would greatly increase the ability to sell locally-grown produce within the Village. David Boyce seconded the motion.

The motion passed unanimously.

Regarding governmental uses, John Grexa motioned to remove the number of times the permit may be issued per year for local government and non-profit sponsored events, and remove the hiatus between events, and adopt the statement of consistency, as stated above. David Boyce seconded the motion.

The motion passed unanimously.

The proposed text is:

4.7.3 Turkey shoots not prohibited by the Firearms Ordinance, sales of agricultural plant products (as defined in Article 2), 4-H shows, charitable uses, Federal, State or Local Government-sponsored public events and/or non-profit organization-sponsored events of a limited nature and for a limited time may be allowed, but shall be specifically permitted... Each such permit shall be issued for a period of forty-five (45) days. A waiting period of forty five (45) days shall be required between temporary permit applications by the same applicant, *with this waiting period not applicable to temporary use permits for Federal, State or Local Government-sponsored events and/or non-profit organization-sponsored events.*

A temporary use permit shall not be issued for any single property more than three (3) times per calendar year *with the following exceptions:*

- 1. A permit may be issued up to four (4) times per calendar year for the sale of agricultural plant products; and,*
- 2. There shall no limit on the number of temporary use permits issued for Federal, State or Local Government-sponsored public events and/or non-profit organization-sponsored events.*

Temporary use permits shall not be approved and can be revoked should the Zoning Administrator determine the required criteria have not been met or no acceptable remedy proposed/implemented, at any point during the application or operation of the temporary use.

7. Text Change: Congregate Mailboxes

Bill Duston noted for most new subdivisions the Post Office is requiring congregated mailboxes. John Grexa said he tried to call the Postmaster multiple times, and research the Congressional information for when this was changed. The proposed text was presented. John Bowen motioned to accept the proposed text for Section 405.13 for Congregate Mailboxes. John Grexa seconded the motion.

The motion passed unanimously.

The proposed text is:

405.13 Congregate Mailboxes

As required by the United States Postal Service (USPS), an area for one or more congregated mailboxes shall be provided within the subdivision. Evidence that the USPS has approved the location of the congregated mailbox facility shall be provided with the preliminary plat. A minimum of two (2) paved off-street parking spaces shall be provided for each subdivision where a congregated mailbox is required. For mailboxes that serve more than one-hundred (100) residences, one (1) additional parking space shall be provided for each additional fifty (50) residences.

For congregate mailboxes that are located within a community center facility designated for that subdivision, off-street parking provided for the community center can be used to satisfy these minimum requirements.

8. Village Survey

John Bowen retracted the questions he submitted. Mayor Horvath noted Council wanted 8-10 questions per group. Chair Keeney expressed concerns with the authenticity of the survey. Consensus was to let council pick the questions from the ones submitted by Chuck Adams, David Boyce and John Grexa.

9. Other Business

John Bowen whose term ends June 30, 2015 stated he has personal business circumstances that will require more work, so he chose regretfully not to continue on Planning Board. Chairman Keeney thanked John for his time.

10. Adjourn

John Bowen motioned to adjourn, Chuck Adams seconded the motion. The motion passed unanimously.

The meeting adjourned at 9:18 pm.

Respectfully submitted,

Cheryl Bennett, Village Clerk

Chairman