

Minutes 01.14.08
Approved 02.11.08

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING
MINUTES
January 14, 2008 – 7:00 P. M.

The Council 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, with Mayor Tracey Clinton presiding.

Present: Mayor Clinton, Mayor Pro-tem Croffut, Council Members Bradford, Horvath, Pierce

Others Present:

Village Clerk/Finance Officer: Cheryl Bennett

Planning/Zoning Administrator: Justin Krieg

Tax Collector: Nancy Schneeberger

Concerned citizens: Ray Davis, Marc Ehrlich, Rick Morris, Don Hughes - UCPS, Chip Leiner, Carol Mullis, Chuck Adams, Bill Tuck, Jim McManus, Shirley Wilson, Dave Casper, Regina Routledge, Bill Zemak, Helen Laurenti, Rom Reitz, Ajay Pillai

Absent: Village Attorney: George Sistrunk

Meeting was called to order at 7:00 PM and a quorum was present.

1. PLEDGE OF ALLEGIANCE / INVOCATION

Mayor Clinton led the Pledge of Allegiance and Croffut gave the invocation.

2. PUBLIC HEARING ON CUP 07-03 NEW TOWN ELEMENTARY TRAILERS

The public hearing was opened. There were no requests to speak from the public. Mayor Clinton swore in Justin Krieg. Krieg reported the Planning Board recommended approval with the conditions that: the MCR's shall be located in rear yard if possible, if rear yard cannot accommodate the MCR's then they can be placed in the side yard and MCR's can be placed in the front yard only if the MCR's cannot be accommodated in the rear or side yards; MCR underpinning and crawl spaces shall be screened; and landscaping/planting shall be provided between the MCR and any adjacent roads from which the MCR's are visible. Krieg recommended approval with these conditions; and noted proper notices and certifications had been sent out.

3. PUBLIC HEARING ON TEXT AMENDMENTS AND CHANGES TO TABLE OF USES IN ZONING ORDINANCE FOR: LIQUOR BY THE DRINK, ELECTRIC AND GAS SUBSTATIONS; AND UNION COUNTY PUBLIC SCHOOLS STANDARDIZED DEVELOPMENT CRITERIA

Don Hughes, Director of Facilities Planning and Construction at Union County Public Schools reiterated the importance of standardized rules. Indian Trail has adopted the Standardized Development Criteria, and he has been in contact with other towns. This

Minutes 01.14.08

Approved 02.11.08

will help them to plan ahead regarding the budget process. He noted there was some give and take; the schools came up on planting in the parking lots. Hughes said sidewalks are a cost and safety factor; children perceive sidewalks as safe, but they may have to cross a highway to get to it, and the cost is \$50 per linear foot. Regarding wall pack lighting fixtures, he noted they have to meet safety codes, and have to have back-up power. It costs \$200 for a wall pack, and \$1500 for a pole light, plus the wiring to it. The wall pack shines down, not out, thus less light pollution. At New Town Elementary they would have to add 40-50 light poles. Regarding wet detention ponds they do screen and plant, but dry detention ponds are often left unfenced since they are generally dry. Regarding section 4.8.10, if the schools cut down 10 acres of trees, where would they replant all the trees required? Hughes noted Indian Trail required sidewalks, but can negotiate the half foot of candle light spillover to residential; the main problem is with stadiums at high schools. Carol Mullis noted she is appreciative of the schools leaving the trees along Cuthbertson Road. The Public Hearing was closed.

4. INFORMAL PUBLIC COMMENTS –

Regina Routledge reported her neighborhood of Demere is interested in annexation. They are not in the ETJ area. Council said they will discuss it at the work session meeting on Jan. 22, and the Clerk will get back to Ms. Routledge.

Tom Caldwell, an attorney from Monroe, who represents The Woods in Weddington spoke. He said two thirds of the Rea Road Extension goes through The Woods. In October 2006 they got a “will serve” sewer letter. At this point they still don’t have sewer approval. The sewer was subject to the road going through The Woods and putting in a 16 inch water pipe, and extending the road to Highway 16. He spoke with County Commissioner Chairman Alan Baucom who said he wants to see a groundswell of support for the Rea Road Extension. Baucom would like to see official action from the towns, so Mr. Caldwell contacted Mayor Clinton. The project is costing the investors \$50,000 per week, and they may pull the project.

Carol Mullis asked why several months’ minutes are not on the website, she noted Mayor Clinton is posting the minutes, and why were some items deleted, such as information on the donation of the town property.

Dean Harrell, developer of Quintessa, spoke regarding the timing on the plat of Phase 2. He said he understands it is a quasi-judicial procedure. Originally Quintessa was one phase of 90 lots. In 2003 they planned a small amenity center, of one acre with a pool and cabana. Then they purchased 183 acres more, for 165 lots. With this Phase 2, they decided to build a larger amenities center with a clubhouse. They started turning in preliminary layouts in 2005 when the sewer problems started. In September 2007 they were ready but the Ordinance had changed the street widths. This change affected a lot of things engineering wise. They had gotten a “will serve” sewer letter for Quintessa 2, then the moratorium came, now the new policy. Quintessa 2 has 115 lots, and today Christy Putnam said there is no water/sewer in Union County. Our Ordinance requires if

Minutes 01.14.08

Approved 02.11.08

a sewer line is near the property, to hook up to it. If their lots perk, they would like to be able to use that. Harrell heard later today Putnam may come up with taps for the amenity site.

5. ADDITIONS, DELETIONS, AND / OR ADOPTION OF AGENDA
Item 10, "APFO Update" was deleted; Item 17 became 17A, and Item 17B was added, "Receive Information on The Woods project". Pierce made a motion to approve the agenda with these changes. Horvath seconded the motion.

The motion was approved unanimously.

6. APPROVE MINUTES FOR:

Closed Minutes, Emergency Meeting December 4, 2007

Council Meeting December 10, 2007

Council Work Session December 18, 2007

The Closed Minutes, Emergency Meeting December 4, 2007 were tabled to the work session. Croffut made a motion to approve the minutes for the Council Meeting December 10, 2007 and the Council Work Session December 18, 2007. Pierce seconded the motion.

The motion was approved unanimously.

7. STAFF REPORTS

a. Review and approve the Village Financial Reports dated December 31, 2007, submitted by Cheryl Bennett, Finance Officer.

Bennett reported she had separated the cable tax revenue into two accounts, in accordance with the audit, one for the money received directly from Time Warner and the other for the funds received through the state. Horvath made a motion to approve the December 31, 2007 financial reports; Bradford seconded the motion.

The motion was approved unanimously.

b. Approve Ordinance 2008-03, Budget Amendment #1 to 2007/08 Budget.

Bennett reported this budget amendment moved budgeted revenues to the new cable revenue account, and adjusted salaries for previously approved items. Croffut made a motion to approve Ordinance 2008-03, Budget Amendment #1 to 2007/08 Budget, incorporated herein. Pierce seconded the motion.

The motion was approved unanimously.

Budget Amendment 2007/08 #1 – Ord. 2008-03

BE IT ORDAINED by the Governing Board of the Village of Wesley Chapel, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2008:

Section 1. To amend the General Fund, the appropriations are to be changed as follows:

| | Decrease | Increase |
|------------------------------------|----------|----------|
| <u>Revenues:</u> | | |
| <u>Fees and Licenses:</u> | | |
| Cable Franchise (from Time Warner) | | 8,000. |
| <u>Revenue Sharing:</u> | | |
| Cable (from State) | \$8,000. | |
| <u>Expenditures:</u> | | |
| <u>General Govt. Salaries:</u> | | |
| Allowance for Salary Adjustment | \$1,770 | |
| Finance Officer Salary | | \$120 |
| Sign Removal | | \$75 |
| Tax Collector Salary | | \$75 |
| <u>Planning & Zoning:</u> | | |
| P/Z Admin. Salary | | \$1500 |

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction.

Adopted this 14th day of January, 2008.

Cheryl Bennett, Clerk

Mayor Tracey Clinton

c. Approve June 30, 2007 Village of Wesley Chapel Audit Report
The audit shows a surplus for the year of \$261,215, and fund balance of \$992,273 unreserved, \$219,373 reserved for town hall, \$117,135 reserved for park land, and \$62,470 reserved for state statute. Pierce made a motion to accept the audit report; Bradford seconded the motion.

The motion was approved unanimously.

d. Tax Report Update dated December 31, 2007 prepared by Nancy Schneeberger
Schneeberger reported December tax collections of \$21,017.83, and 2007 tax receivable of \$9736.85. (See Attachment B). Croffut made a motion to accept the tax report; Horvath seconded the motion.

The motion was approved unanimously.

e. Request tax refunds for: Bonterra Builders LLC, parcels 06-045-116,117,137, 162, 163, 164, 165, 168, and 203 each \$17.30, parcel 06-045-125 \$67.89 and parcel 06-045-129 \$64.50 – total Bonterra refund

\$305.39; Craft Homes parcel 07-123-110 \$66.13; St. Lawrence Homes Inc. parcel 06-048-357 and parcel 06-048-374 \$14.42 each parcel; total refunds are \$400.36.

Schneeberger reported she had one additional refund for parcel 06-051-084 for 2006 of \$2.10 for total refunds of \$402.46. Pierce made a motion to approve the above refunds of \$402.46; Horvath seconded the motion.

The motion was approved unanimously.

- f. Monthly planning report, submitted by Justin Krieg, Planning and Zoning Administrator.

Krieg noted permits were low. The Master Plan meeting at UNCC for – presentation of draft findings was well attended, and the next meeting is February 13. Next Tuesday Kevin Flynn will give an update on Village Commons. JDH is finishing roadway work; a crosswalk will be installed and curb cuts adjusted. The final CO for Walgreen's will not be issued until all roadway improvements are completed. The Town of Weddington Transportation Plan Proposal applied for funding of \$80,000, and MUMPO Technical Coordination Committee gave a positive endorsement, it will be voted on by MUMPO at their January 16, 2008 meeting. Horvath noted there is also 20% of funding to be committed to collectively by the four towns. Krieg reported Quintessa's preliminary plat appears to be in compliance, and is going to the Planning Board.

8. DISCUSSION OF TIMING ON QUINTESSA PLAT/CUP

Krieg reported on the timeline for the Quintessa Plat and CUP; it is a priority but there are certain time restraints by State Statute and ordinance requirements for notification and timing. The preliminary plat is under review and going to Planning Board now, and it is possible to give approval subject to sewer approval. It was asked if they had to have all the sewer permits for Phase 2 to build the pool; Krieg said Phase 2A would just require enough capacity for the pool and a small number of homes. Krieg said at the January 28th meeting, the Planning Board would make a recommendation, the final decision would come at the February 11 Council meeting, hopefully an answer will come from Public Works by then.

9. UPDATE ON GUN RANGE

Bradford has talked to the NRA representative in Virginia and some documents are in process. Dr. Land has to sign a legal document to allow the inspection. Once the documents are complete, then the NRA will have us contract with a local person to set a date. Friday Feb. 1, and every other Friday thereafter are possible dates. Our costs will be \$150 for the request, and travel and gas, which brings expected total costs to under \$300.

10. APFO UPDATE – item deleted from Agenda.

Minutes 01.14.08

Approved 02.11.08

11. CONSIDER APPROVAL OF ORDINANCE 2008-01, REPLACING ORDINANCE 2007-10, DECLARING SPEED LIMIT MODIFICATIONS ON SR 1008

Croffut made a motion to approve Ordinance 2008-01, Replacing Ordinance 2007-10, Declaring Speed Limit Modifications on SR 1008. Pierce seconded the motion.

The motion was approved unanimously.

**ORDINANCE 2008-01; REPLACES ORDINANCE 2007-10
DECLARING SPEED LIMIT MODIFICATIONS ON SR 1008**

WHEREAS the State of North Carolina, Department of Transportation has declared the following speed limit modification; and

WHEREAS they have requested the Village of Wesley Chapel enact an ordinance declaring the following speed limit modification;

THEREFORE the Village of Wesley Chapel declares the following speed limit:

| <u>Speed Limit</u> | <u>Route</u> | <u>Description</u> |
|--------------------|--------------|---|
| 35 | SR 1008 | (Waxhaw Indian Trail Rd.) from a point 0.6 mile south of SR 1315 (New Town Road) northward to a point 0.1 mile south of SR 1315, a school zone in effect from 30 minutes before to 30 minutes after school begins and ends on school days only. |

Approved this 14th day of January, 2008.

Mayor Tracey Clinton

Attest:

Village Clerk Cheryl Bennett

12. CONSIDER APPROVAL OF ORDINANCE 2008-02
DECLARING SPEED LIMIT MODIFICATIONS IN CHAMPION FOREST
SUBDIVISION

Horvath made a motion to approve Ordinance 2008-02, Declaring Speed Limit Modifications in Champion Forest Subdivision. Bradford seconded the motion.

The motion was approved unanimously.

Ordinance is incorporated herein.

ORDINANCE 2008-02
DECLARING SPEED LIMIT MODIFICATIONS IN CHAMPION FOREST
SUBDIVISION

WHEREAS the State of North Carolina, Department of Transportation has declared the following speed limit modification; and

WHEREAS they have requested the Village of Wesley Chapel enact an ordinance declaring the following speed limit modification;

THEREFORE the Village of Wesley Chapel declares the following speed limit:

| <u>Speed Limit</u> | <u>Route</u> | <u>Description</u> |
|--------------------|--------------|---|
| 25 | SR 3600 | (Waynewood Drive) from a point 0.04 mile south of SR 3601 (Dobson Dr) northward to SR 1321 (Cuthbertson Rd), Champion Forest Subdivision – subdivisionwide. |
| 25 | SR 3601 | (Dobson Dr) from SR 3600 (Waynewood Dr) northward to SR 1321 (Cuthbertson Rd), Champion Forest Subdivision – subdivisionwide. |
| 25 | SR 3602 | (Bauer Place) from a point 0.06 mile south of SR 3600 (Waynewood Dr) northward to SR 3600, Champion Forest Subdivision – subdivisionwide. |
| 25 | SR 3603 | (Chisholm Place) from SR 3601 (Dobson Dr) northward to a point 0.15 mile north of SR 3601, Champion Forest Subdivision – subdivisionwide. |
| 25 | SR 3604 | (Whitaker Place) from a point 0.11 mile west of SR 3600 (Waynewood Dr) eastward to SR 3600, Champion Forest Subdivision – subdivisionwide. |

Approved this 14th day of January, 2008.

Mayor Tracey Clinton

Attest:

Village Clerk Cheryl Bennett

13. CONSIDER APPROVAL OF RESOLUTION 2008-01, NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION REQUEST FOR ADDITION TO STATE MAINTAINED SECONDARY ROAD SYSTEM DOT met with Crosland, who agreed to address some issues at the first property on the left at the entrance. They will drain the pond, and empty the silt.

Minutes 01.14.08

Approved 02.11.08

Pierce made a motion to approve Resolution 2008-01, North Carolina State Department Of Transportation Request For Addition To State Maintained Secondary Road System. Horvath seconded the motion.

The motion was approved unanimously.

**NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
REQUEST FOR ADDITION TO STATE MAINTAINED SECONDARY ROAD
SYSTEM**

Village of Wesley Chapel, North Carolina

R-2008-01

North Carolina
County of Union

Road Description: Request for SR-2 Resolution for Hardwood Drive, Linden Glen Drive, Golden Rain Drive, Shade Tree Court, Autumn Gold Court, Meadow Crest Court located in the Lindenwood Subdivision in Wesley Chapel.

WHEREAS, the attached petition has been filed with the Village Council of the Village of Wesley Chapel, Union County, requesting that the above described road, the location of which has been indicated in red on the attached map, be added to the Secondary Road System; and,

WHEREAS, the Village of Wesley Chapel is of the opinion that the above described road should be added to the Secondary Road System, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of road to the system.

NOW, THEREFORE, be it resolved be the Village of Wesley Chapel of the County of Union that the Division of Highways is hereby requested to review the above-described road, and to take over the road for maintenance if it meets established standards and criteria.

Adopted this 14th day of January, 2008.

Tracey Clinton, Mayor

Attest:

Cheryl Bennett, Village Clerk

14. DISCUSSION AND POSSIBLE VOTE ON NEW TOWN
ELEMENTARY SCHOOL TRAILERS CUP 07-03

Council went through the findings of fact checklist, and voted as follows:

| FINDINGS OF FACT | <u>YES</u> | <u>NO</u> |
|---|------------|-----------|
| 1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. | <u>4</u> | <u>0</u> |
| 2. The use meets all required conditions and specification. | <u>4</u> | <u>0</u> |
| 3. The use will not substantially injure the value of adjoining or abutting property or the use is a public necessity. | <u>4</u> | <u>0</u> |
| 4. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with this Ordinance and the Wesley Chapel Land Development Plan. | <u>4</u> | <u>0</u> |
| 5. That the proposed use will be compatible with the general characteristics of the area with respect to the (a) location of structures, (b) the location, design, and screening of parking and service areas, and (c) the location, size and character of signs and streetscape. | <u>4</u> | <u>0</u> |
| 6. That the proposed use will not create or seriously heighten the congestion on area thoroughfares. | <u>4</u> | <u>0</u> |
| 7. That the use meets all other review criteria as set forth in the Zoning Ordinance and in particular, specific review criteria for certain applicable uses as set forth in Section 6.10 of the Zoning Ordinance. | <u>4</u> | <u>0</u> |

Pierce made a motion to approve the CUP with the following conditions:

1. Mobile classrooms (MCR's) shall be located in rear yard if possible. If rear yard cannot accommodate the MCR's, then they can be placed in the side yard. MCR's can be placed in the front yard only if the MCR's cannot be accommodated in the rear or side yards.

2. MCR underpinning and crawl spaces shall be screened.
3. Landscaping/planting shall be provided between the MCR and any adjacent roads from which the MCR's are visible.

Bradford seconded the motion.

The motion was approved unanimously.

The Public Hearing was closed.

15. DISCUSSION AND POSSIBLE VOTE ON TEXT AMENDMENTS
AND CHANGES TO TABLE OF USES IN ZONING ORDINANCE.

The electric and gas substations amendments were discussed. Bradford reported the Planning Board discussed the requirement of having a percentage of the structure screened, this would encourage low profile structures. Horvath inquired if we want more specificity or not, could there be further enhancements to the Ordinance. Pierce asked if there is a minimum height for the lightning rod to be effective; Adams said no.

Horvath made a motion to approve the text amendments regarding gas and electric substations, incorporated herein. Croffut seconded the motion.

The motion was approved unanimously.

Electric Substation –Text Amendments

1. Change Table of Uses to require CUP in all zoning districts. L-1 is currently a Use by Right.
2. **Revise Section 4.2, #7 to read:** (c) If a berm is used as a screen for an Essential Services, Class II use, the backside of the berm can be up to a 2:1 slope.
3. **Revise Section 4.2, #11 to read:** All buffer screening materials shall be maintained in ~~order to fulfill the purpose(s) for which it is established~~ a horticultural manner similar to the surrounding areas, i.e. mowing, irrigation, fertilizing, mulching. The owner of the property and any tenants shall be jointly and severally responsible for maintenance of all required screening.
4. **Revise Section 4.2.10 to read:** Essential Services, Classes I, II, III, and IV shall be naturally screened on all sides in compliance with the Screening and Landscaping provisions of Section 4.2 above. In addition, best efforts will be made by the developer to select plants native to the region for purposes of hardiness, drought tolerance, and cohesion with surrounding landscape.

Gas Substation – Text Amendments

1. Change Table of Uses to include a “Natural Gas Substation” category and require a Conditional Use Permit for every zoning district. Use will also indicate supplemental regulations apply (Section 6.10.6).
2. Gas Substation setbacks in every zoning district will change from:
Min. Front Yard Setback – 200 ft.
Min. Side Yard Setback – 75 ft.
Min. Rear Yard Setback – 75ft.
To:
Setbacks are to be measured inward from existing edge of pavement or property line to fence line of facility, whichever is greater.
Min. Front Yard Setback – 75 ft. from the edge of existing pavement to fence.
Min. Side Yard Setback – 15 ft., and 75 ft. on street side of corner lots
Min. Rear Yard Setback – 15 ft.
3. Revise Section 6.10.6 Additional Review Criteria to include the following:

- (b.) All outside storage areas are fenced and screened using black vinyl chain link fencing with diagonal black slats that completely fill the voids.
- (d.) Noise levels, as measured at the property boundary, are compatible with the existing area noise background levels, and the latest silencing technology will be utilized as needed.
- (h.) Parts located above the fence line will be painted with rust colored heat resistant paint and maintained adequately to sustain color.
- (i.) A vehicle barrier will be required along 100% of the fence line facing the road. Additionally, a vehicle barrier will be required along 25% of the sides of the facility unless the site warrants a reduction of those amounts as decided by the Village Council.

Union County Public Schools Standardized Development Criteria was considered next. The comments from Don Hughes were considered. Krieg noted the Table of Uses now puts public and private schools together; we will have to split them. The objective of this standardized criteria is to avoid a CUP. This makes public schools a use by right. This will be adopted as Appendix 17.2 to the Zoning Ordinance. Council went through the criteria item by item.

1. Union County Schools holds closed sessions regarding land negotiations. They will try to have an informal public meeting subject to closed session.
 2. Sections 4.3.2, 4.3.3, and 4.3.4 are reserved for future use. These sections were proposed by the schools regarding sidewalks if they were the municipal responsibility.
 3. Section 4.4.2, our Ordinance specifies no wall pack lights; we don't see any reason not to allow them, so we will stay with the Schools proposal.
 4. Section 4.8.4; we will add language so the Zoning Administrator has some leeway to require a fence if the area is deep or rocks are there.
 5. Section 4.8.10; we don't have a Tree Ordinance yet, but would want the Schools to follow it when we have one. Carol Mullis expressed concerns regarding the playground and ravine at New Town Elementary; the kids kick balls in there; Hughes said if the principal requests fence, they can put one up. Chuck Adams expressed concern regarding all the trees cut at Rocky River School. Krieg noted under item 3 we can have an optional CUP if unique conditions exist.
 6. Horvath noted on item 2 he had concerns with unlimited MCR's. Krieg noted each school is designed for a maximum number including trailers. Don Hughes said New Town Elementary is over capacity now but expect a drop off in 2010. We will put in a cap of six trailers per school; above that we will have a CUP. Croffut asked if there should be a time limit on trailers; Krieg said they could still re-submit after the time limit; Hughes said at some schools trailers are there a long time such as at Sun Valley.
 7. On sidewalks, Horvath said kids cross the road anyway; he felt we should require sidewalks to be built.
-
1. Horvath made a motion to approve the final draft of the Union County Public Schools Standardized Development Criteria, with the exceptions noted above of a maximum of 6 MCR's per school, replace wall pack with the original proposed language, amend 4.8.4 to add "if needed" and "zoning administrator"; and to

Minutes 01.14.08

Approved 02.11.08

revise Table of Uses to reflect a separate category for Public Schools and Private Schools, and revise Table of Uses to reflect a Use by Right with supplemental regulations for the Public Schools use. (Supplemental regulations will refer to Appendix 17.2). Bradford seconded the motion.

The motion was approved unanimously.

The final language adopted is as follows.

Appendix 17.2

Union County Public Schools Standardized Development Criteria

Union County Public Schools (UCPS) is currently subject to 13 different sets of local land use regulations (12 different municipalities and Union County). Regulations vary from jurisdiction to jurisdiction, making it difficult to build new schools, renovate existing schools or locate mobile units in a consistent, timely and cost effective manner.

As a part of the Union County Board of Education's adopted "Building Program Cost Saving Principles", UCPS is endeavoring to establish a standard zoning classification and standardized requirements for school construction regardless of the schools locale in Union County. Such standardization will result in (i) equitable school facilities throughout the county; (ii) more efficient permitting of school facilities and (iii) cost savings for the benefit of the taxpayers of Union County.

Staffs from UCPS, Union County and local municipalities have met and have agreed to make recommendations to their elected boards as follows:

1. UCPS staff will involve local municipal staff early in the site selection process as well as the local community, if possible. The local municipal staff will make recommendations regarding target sites or areas within their respective jurisdictions that are suitable for school uses. Pursuant to state statute, final decisions regarding the selection of school sites are made by the Union County Board of Education.
2. Allow all new schools, additions, mobile classrooms (MCR) up to six (6) total (any additional will require CUP approval), or renovation uses by right with supplemental standards. This will eliminate the costly and time-consuming discretionary (CUP/SUP) zoning process and site-by-site negotiations. All local government entities benefit by having expectations regarding school design and construction identified in advance.
3. Jurisdictions may consider an optional CUP/SUP review process if unique conditions exist as determined by the zoning/planning administrator. The administrator shall consider if the proposed project poses a negative impact on the public health and safety.
4. Supplemental standards shall include:
 - 4.1. Exterior of buildings.
 - 4.1.1. Exterior building materials shall be limited to masonry brick (brick or pre-finished block), natural or synthetic stucco, pre-finished insulated or non-insulated metal panel system, pre-finished metal fascia and wall coping, standing seam metal roof (for sloped roof only), painted hollow metal and/or pre-finished aluminum door and window frames, glass, painted or pre-finished steel.

- 4.1.2. UCPS staff will work with municipality staff to follow any requirements of municipality “special overlay districts” as it relates to the exterior design of the facility.
- 4.1.3. Exterior of buildings will be articulated to enhance the area of the site.
- 4.2. Mobile classrooms (MCR):
 - 4.2.1. MCR’s shall be located in rear yard if possible. If rear yard cannot accommodate the MCR’s then they can be placed in the side yard. MCR’s can be placed in the front yard only if the MCR’s cannot be accommodated in the rear or side yards.
 - 4.2.2. MCR underpinning and crawl spaces shall be screened.
 - 4.2.3. Landscaping/planting shall be provided between the MCR and any adjacent roads from which the MCR’s are visible.
- 4.3. Sidewalks:
 - 4.3.1. **Sidewalks will be required along all roads extending the length of the property line. Sidewalks must be four (4’) feet wide with a four inch depth (4’’) concrete with a tamped base. Installation and maintenance requirements set forth in Section 309.1 of the Subdivision Ordinance shall apply.**
 - 4.3.2. **Reserved**
 - 4.3.3. **Reserved**
 - 4.3.4. **Reserved**
- 4.4. Exterior Illumination:
 - 4.4.1. Driveway and parking area lighting shall be no more than 10 foot candles. Spill over to adjacent properties shall not exceed 1 foot candle. Lighting fixtures shall be shielding type.
 - 4.4.2. Lighting fixtures located on the building exterior shall not emit more than 5 foot candles and shall be shielding type.
 - 4.4.3. Lighting for athletic fields shall follow the current standards as set forth by the North Carolina High School Athletic Association Lighting Standard. A lighting control package shall be included and lights shall be shut-off no later than one hour after the end of the event.
- 4.5. Signs:
 - 4.5.1. Materials for sign base and structure shall match the primary building materials.
 - 4.5.2. Sign face shall not exceed 40 square feet and does not include the sign support structure. The bottom of the sign face shall be no less than 24” above nor more than 72” above the ground surface. The sign support structure can include columns and walls on either side of and below the sign face and shall not be more than 16” taller than the sign face.
 - 4.5.3. One sign shall be permitted per school. Alternatively, if multiple schools use the same driveway access, then the allowable square footage may be increased by 10 square feet for each additional school.
 - 4.5.4. One wall sign per school shall be permitted and only for the name of the school and shall be reviewed by the administrator.
 - 4.5.5. External illumination is allowed.
- 4.6. Parking:
 - 4.6.1. At elementary and middle schools provide 1 space per staff member plus 1.6 spaces per classroom or 1 space for each 3 seats used for assembly purposes whichever is greater.

- 4.6.2. At high schools provide 5 spaces per instructional classroom or 1 space for each 3 seats used for assembly purposes whichever is greater.
- 4.6.3. No more than 20% of the required spaces can be compact spaces.
- 4.6.4. Minimum size of spaces shall be 9' wide by 19' long for regular, 7.5' wide by 15' long for compact, and accessible spaces shall meet current accessibility codes. Compact spaces shall be marked with a "c" or "compact."
- 4.7. Student Drop Off Stacking:
 - 4.7.1. On-site vehicle stacking for student drop-off shall be based on NCDOT requirements using the NCDOT required calculator.
- 4.8. Landscaping and Screening/buffering:
 - 4.8.1. Trees and shrubs shall be as indicated within the municipality species list.
 - 4.8.2. Parking Area: 1 large or 2 small trees shall be provided for each 12 parking spaces. Each parking space shall be located within 65' of a tree. Rows of parking spaces shall be terminated with a landscaped island and shall be the same size as a parking space.
 - 4.8.3. Parking areas shall be screened from adjacent public roads with shrubs based on the municipality's species list.
 - 4.8.4. Storm Detention Basins: Wet detention basins shall be screened with black vinyl chain link fencing in addition to landscaping as determined by the zoning administrator. Dry detention basins shall be screened with black vinyl chain link fencing and/or shrubs if needed, as determined by the zoning administrator and shall be dependant upon the size, location, and use of the basin.
 - 4.8.5. Land berms will not be permitted between school facilities and roads.
 - 4.8.6. Land berms can be used in conjunction with required screening/buffering to adjacent uses as determined by the local regulations.
 - 4.8.7. Screening/buffering from adjacent uses will be opaque and shall consist of:
 - 4.8.7.1. Small trees planted at a rate of 3 per 100' and 6' high evergreen shrubs planted at a rate of 25 per 100', or
 - 4.8.7.2. Large trees planted at a rate of 2.5 per 100' and a 6' high solid wood fence, or
 - 4.8.7.3. Tall evergreen trees with branches touching the ground planted in a stagger.
 - 4.8.8. If the adjoining property is of similar or compatible use the Administrator may reduce or eliminate the screening/buffer.
 - 4.8.9. Screening/buffering requirements may be waived when screening/buffering is already provided. There may be cases where the unusual topography or elevation of a site, or the size of the parcel involved, or the presence of screening on adjacent property would make the strict adherence to the regulation serve no useful purpose. In those cases, the Administrator is empowered to waive the requirements for screening so long as the spirit and intent of this section and the general provisions of this section pertaining to screening are adhered to. This section does not negate the necessity for establishing screening for uses adjacent to vacant property.
 - 4.8.10. UCPS will adhere to all Tree Preservation ordinances of the municipalities and shall preserve natural buffers between the school facility and adjacent properties as much as practical.

- 4.8.11. UCPS will retain as much existing trees and vegetation on school sites as practical and will re-introduce common local species into the project as possible.
- 4.9. In the event any provisions of the supplemental regulations conflict with any other provisions of this ordinance, then the provisions of these supplemental regulations shall control. Other ordinance provisions not in conflict with these supplemental regulations remain in effect.

Text amendments regarding liquor by the drink were considered next.

Krieg proposed a new definition of a Restaurant in Article 2 of the Zoning Ordinance; Restaurant – An establishment substantially engaged in the business of preparing and serving meals. To qualify as a restaurant, an establishment’s gross receipts from food and nonalcoholic beverages shall be not less than thirty percent (30%) of the total gross receipts from food, nonalcoholic beverages, and alcoholic beverages. A restaurant shall also have a kitchen and an inside dining area with seating for at least 36 people.

Krieg also proposed changing Article 5 of the Zoning District Regulations, Table of Uses: Lounge/Bar (Principle Use) – Conditional Use Permit is required in the B-2 and L-1 zoning districts. The use is not allowed in any other zoning district.

Bradford suggested the following:

Liquor by the Drink Ordinance Changes – Proposed Changes to Zoning Definitions
Change:

Restaurant – As outlined in N.C.G.S. 18B-1000, an establishment substantially engaged in the business of preparing and serving meals. To qualify as a restaurant, an establishment’s gross receipts from food and nonalcoholic beverages shall be not less than thirty percent (30%) of the total gross receipts from food, nonalcoholic beverages, and alcoholic beverages. A restaurant shall also have a kitchen and an inside dining area with seating for at least 36 people.

Change:

Lounge – An establishment (e.g., bar, tavern) used primarily for the serving of alcoholic beverages to patrons and where the sale of prepared food if provided, is accessory to the primary use.

Please note that state law per N.C.G.S. 18B-1000 does not draw a distinction between bars and restaurants for the purpose of alcoholic beverage sales. Like a restaurant, a Lounge’s total gross receipts from food and nonalcoholic beverages shall be not less than thirty percent (30%) of the total gross receipts from food, nonalcoholic beverages, and alcoholic beverages.

Any lounge which provides facilities or services which satisfy any portion of the definition of “adult establishment” per G.S. 14.202.10 shall be considered an “adult establishment.”

Add:

Bar – See “Lounge.”

Minutes 01.14.08
Approved 02.11.08

Add:

Nightclub – See “Lounge.”

Add:

Private Club - As outlined in N.C.G.S. 18B-1000, an establishment that is organized and operated solely for a social, recreational, patriotic, or fraternal purpose and that is not open to the general public, but is open only to the members of the organization and their bona fide guests. This definition does not include Country Clubs.

Change:

Club or Lodge – See “Private Club.”

(Currently “A building or site used by a non-profit membership organization for recreational or social purposes”.)

Bradford’s suggestions stem from trying to reflect ABC definitions of restaurants and bars. She noted the state ABC doesn’t distinguish between bars and restaurants, and most people are likely to refer to a “bar”, not a “lounge”. She noted a private club can serve as much alcohol as they want. She expressed concern regarding small bars, which from the Advance, most residents wanted to restrict.

Mayor Clinton asked if we put private club in only L1, there might be other clubs with no alcohol use that we might be restricting; Horvath agreed.

It was requested that since these proposed changes are more involved, they go back to the Planning Board.

Pierce made a motion that we take Lounge/Bar out of B-1 in the Table of Uses.

Horvath seconded the motion.

The motion was approved unanimously.

The change is as follows:

Wesley Chapel Zoning Ordinance – Article 5, Zoning District Regulations, Table of Uses

~~Lounge/Bar (Principle Use) – Conditional Use Permit is required in the B-1, B-2, L-1 zoning districts. The use is not allowed in any other zoning district.~~

Lounge/Bar (Principle Use) – Conditional Use Permit is required in the B-2 and L-1 zoning districts. The use is not allowed in any other zoning district.

Croffut made a motion to send Bradford’s proposed changes back to the Planning Board for their recommendation. Pierce seconded the motion.

The motion was approved unanimously.

16. DISCUSS DATES AND FORMAT FOR YEARLY ADVANCE

Council agreed to have the same format as in prior years. The date shall be after the final Master Plan presentation on April 2. The Clerk will call Larry Parks for availability. The item is tabled until the next meeting.

17. A. UPDATE ON VILLAGE OF WESLEY CHAPEL v. ADAMS.

Back in 2003 a lawsuit was filed by Mr. Adams who owned the property which is now Quintessa 2. He annexed into the Village, later realized his land could have been developed differently under then County standards. On December 11, 2007 the 4th Court of Appeals in Virginia ruled in favor of Wesley Chapel. The Adams still have the right to appeal to the US Supreme Court; and there are still some Superior Court issues pending.

17. B. RECEIVE INFORMATION ON THE WOODS PROJECT

Tom Caldwell explained they are developing 203 residential lots on 273 acres, on Hwy. 84 opposite Cox Road. They got preliminary plat approval from Weddington. Only 100 lots would perk, and the development wanted sewer. In exchange, they propose building the Rea Road extension from Hwy. 16 to Hwy. 84. There would be three phases of the road project:

- A. 2400 feet from Hwy. 16 to The Woods, grant Right of Way (ROW) and build the road; estimated DOT cost \$2.4 million and timing 2011-2012; only part is DOT funded.
- B. The Woods to Hwy. 84 – DOT estimates \$17 million; The Woods thinks they can do it cheaper, they would pave two lanes, make a 4 lane ROW, grade, and bridges. They would install a 16 inch water line and landscape the median (it would be a divided median road).
- C. Four lane Hwy. 84 to Waxhaw/Indian-Trail Road.

Caldwell said Larry Helms at DOT said if A&B get built, there would be impetus for DOT to look again at funding C. He talked to Bob Smith, the Monroe representative to MUMPO, and they want to see access to the airport. Regarding timing, last Tuesday he asked to be on the County Commissioners Agenda for January 22. The County had indicated they would provide water and sewer if The Woods dedicated ROW and engineering, and built two lanes and funded \$2.4 million now, and get money back in 2011 or 2012. The Woods folks were willing to front the funds. Chairman of County Commissioners Baucom asked Mr. Caldwell to bring Resolutions from the municipalities indicating their support for A and B, to be done as fast as possible. Caldwell said there is nothing else on the agenda in this area to reduce road congestion, the investors want sewer approval in January, or they may pull out of the project. Caldwell said natural drainage of the property is through Aeroplantation's lakes. The investors had gotten a letter saying they could pump back to Six Mile Creek. The Woods is in the third level of sewer capacity.

Horvath questioned if they bring the road only to Hwy. 84 and Waxhaw/Indian Trail Road it will make traffic worse in Wesley Chapel; he would like to see it widened to Airport Road. Caldwell said Monroe may be willing to guarantee the \$2.4 million to widen to Airport Road. Adams asked if the Hwy. 16 widening will end at Rea Road; the answer was yes. Mayor Clinton said she was uncomfortable supporting this for what repercussions it may have; we might want to have Christy Putnam and Dick Black come to one of our meetings to

understand the picture. Caldwell said you don't have a say in water and sewer, but you may have a say in regional transportation. The Clerk was directed to check on when we supported Rea Road in regards to Jim Mullis' vote at MUMPO; Caldwell will call us. Croffut agreed with the Mayor's suggestion. Pierce suggested Caldwell look at how the local municipalities voted at the MUMPO meeting.

18. ANNOUNCEMENTS

The last group of annexations effective December 31, 2007 was approved by the Justice Department. Horvath noted the Regional Leadership Training session was interesting and may be useful in the future. It gave a little different understanding of how council members can be at community meetings as citizens as long as they are not deliberating. Bradford said Indian Trail is having a joint Planning Board/Council meeting regarding liquor by the drink, the same night as our work session. Krieg will find out from their Planning Staff what they plan to do. Bennett will attend the CONNECT meeting next week. The Clerk was directed to get more information on the Elected Official Planning Training at COG; we may decide to not participate. On January 15 the Planning Board County Steering Committee is having a meeting, Pierce will attend, although Wesley Chapel may not be one of the invited towns. Horvath commented on the ranking of issues by the County Commissioners in the newspaper.

19. OTHER BUSINESS

Mayor Clinton said the old website is time consuming and difficult to update; she didn't deliberately delete anything specifically. The new website is going live soon. Croffut suggested citizens be referred to the Clerk for copies of minutes.

20. COUNCIL COMMENTS

Krieg suggested we look at our Ordinance regarding alternatives to hooking up to sewer.

21. ADJOURNMENT

Pierce made a motion to adjourn; Bradford seconded the motion.

The motion was approved unanimously.

The meeting was adjourned at 10:00 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Tracey Clinton