

VILLAGE OF WESLEY CHAPEL
PLANNING BOARD MEETING MINUTES
November 22, 2010, 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, with Vice Chairman Sandi Bush presiding.

Present: Vice Chairman Sandi Bush, Members Ray Davis, John Grexa, Stephen Keeney, Alternate Shirley Wilson (sitting as regular member)

Absent: Chairman Chuck Adams, Alternates Jeff Davis and Bill Fairman

Others Present: Cheryl Bennett, Clerk; Joshua Langen, Planning/Zoning Administrator

Citizens: Carol Mullis

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

1. Pledge and Invocation

Vice Chairman Bush led the pledge; Keeney gave the invocation.

2. Public Comments – none

3. Additions, Deletions and Approval of Agenda

Ray Davis made a motion to approve the agenda; John Grexa seconded the motion.
The motion passed unanimously.

4. Approval of Minutes

Grexia made a motion to approve the minutes from October 25, 2010; Ray Davis seconded the motion.
The motion passed unanimously.

5. Temporary Signs Supplemental Information

Joshua Langen reported on temporary signs rules in other N.C. towns; length of time for temporary sign permits ranged from 14 in Indian Trail and Hickory, to 30 days in Weddington, Wilmington, and Asheville. Number of permits per year ranged from two in Asheville and Wilmington to six in Hickory and Indian Trail. Our new language allows a temporary sign for thirty days, and allows four per year.

6. Marginal Access

Langen noted this came up because a developer wanted to put in several lots on a thoroughfare. Individual driveways every hundred feet are not a good idea on a major or minor thoroughfare. The proposed text was reviewed; Grexa felt “in cases where it is not feasible or practical” was too subjective. Langen noted the Village Council can grant an exception or we could change it to a variance application which is more structured and

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requires findings. He also said we could exempt administrative subdivisions, and could do eyebrow access for minor subdivisions. The language was amended and is incorporated herein. Grexa made a motion to approve the amended text; Shirley Wilson seconded the motion.

The motion passed unanimously.

405.3 Marginal Access Street

~~Where a tract of land to be subdivided~~ minor or major subdivision would adjoins a major or minor thoroughfare, as designated on the Village of Wesley Chapel Zoning Map or adopted Transportation Plan, the subdivider shall provide a public or private marginal access street, with platted right-of-way and built to North Carolina Department of Transportation standards, parallel to the major thoroughfare or reverse frontage on a minor street for the lots to be developed adjacent to the ~~major thoroughfare.~~ ~~Where reverse frontage is established,~~ Private driveways shall be prevented from having direct access to the thoroughfare. In cases where it is not feasible or practical for the subdivider to provide a marginal access street, or when the Village Council determines that the installation of a marginal access would result in a less desirable subdivision design, the Village Council may grant an exception to the requirement for a marginal access street. Before granting said exception, the Village Council shall find that the spirit and intent of this Ordinance are preserved and that circumstances particular to the subject property, such as topography or shape of the tract, exist to warrant such an exception.

7. Tree Retention

Langen stated the text now just applies to subdivisions. Keeney made a motion to approve the text for Section 404.3, incorporated herein; Ray Davis seconded the motion.

The motion passed unanimously.

ARTICLE 4

REQUIRED IMPROVEMENTS, DEDICATION, RESERVATION, AND MINIMUM STANDARDS OF DESIGN

404.3 Retention of Existing Vegetation

The Village of Wesley Chapel encourages the retention of existing vegetation to help assure a future environment in keeping with the current character of the Village. In particular, the retention of mature trees and large shrubs throughout all proposed minor and major subdivisions may enhance the approval process and will increase the desirability of such attractively – developed properties.

~~The incorporation of mature trees in buffer zones may, at the sole discretion of the Subdivision Administrator, be considered favorably in the event a waiver of the minimum requirements of Table 405.4(a) is requested as part of a subdivision~~

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~~preliminary plat submittal. The only acceptable basis for consideration of any such waiver shall be that large, existing trees are further apart than the specified spacing, but otherwise meeting the intent of this Ordinance's screening requirements.~~

~~The details of any such waiver approval shall be shown on the preliminary plat, and the subsequent removal of such existing vegetation before, during or after installation of subdivision improvements shall constitute sufficient reason for disapproval of the subdivision final plat application.~~

(1) Purpose and intent

Protection of existing tree and vegetation cover is intended to preserve the visual and aesthetic qualities of natural landscapes; encourage site design techniques that preserve the natural environment and enhance the developed environment; increase slope stability, and control erosion, slippage, and sediment run-off into streams and waterways; protect wildlife habitat and migration corridors; and conserve energy by reducing heating and cooling costs.

(2) Applicability

The standards of this Section shall apply to development of all minor and major subdivisions.

(3) Tree and Vegetation Protection Exemptions

The following development activities and types of vegetation are exempt from the standards of this Section:

(A) Removal of Dead Vegetation

The removal of dead or naturally fallen trees or vegetation.

(B) Maintaining Clear Visibility

The selective and limited removal of trees or vegetation necessary to obtain clear visibility at driveways or intersections, or for the purpose of performing authorized field survey work.

(E) Utility Companies

The actions of public and private utility companies within their utility easements, provided Crown reduction of pine tree is limited to lateral limbs. Cutting the leader of mature wood constitutes topping and is prohibited. Pruning which removes more than one-fourth of the canopy of a tree is prohibited. If this type of activity is contemplated, removal and replacement with a tree of appropriate size should be considered.

(4) Retention of Existing Tree Canopy

(A) Tree Inventory

Prior to beginning any tree clearing, development work, or land disturbance, the owner of land subject to this Section shall prepare and submit an inventory of trees on the parcel, subject to the following requirements:

(i) General

The inventory shall identify any canopy tree ten (10) inches or larger in diameter at breast height (DBH), and any groups of trees in close proximity (i.e., those within five (5) feet of each other), which are to be designated as a clump or cluster of trees. The survey should depict any individual trees and areas of existing tree canopy that are to be saved in accordance with this Section. Known dead or diseased trees shall be identified, where practical.

(ii) Professionally Prepared

All tree surveys for minor or major subdivisions shall be prepared by a licensed landscape architect, surveyor, arborist, registered forester, or engineer registered in the state.

(iii) Use of Aerial Photo for Developments Larger Than Ten Acres

Aerial Photos may be used to identify clumps or clusters of trees (i.e. those within five (5) feet of each other), but shall not be used to identify trees ten (10) DBH or greater.

(B) Tree Canopy Retention Standards

(i) In no case shall less than the percentage of the existing tree canopy indicated in table below, Tree Canopy Retention Standards, be retained on a parcel of land during any tree clearing or development process on land subject to this Section:

TREE CANOPY RETENTION STANDARDS
MINIMUM REQUIRED TREE CANOPY RETENTION
(AS A PERCENT OF THE TOTAL TREE CANOPY COVER)

<u>EXISTING TREE CANOPY</u>	<u>COVER (AS A PERCENT OF THE TOTAL TREE CANOPY COVER)</u>
<u>80% - 100%</u>	<u>30%</u>
<u>60% - 79%</u>	<u>36%</u>
<u>40% - 59%</u>	<u>45%</u>
<u>20% - 39%</u>	<u>48%</u>
<u>19% or less</u>	<u>54%</u>

(ii) Existing Tree Canopy Defined

For the purposes of this Section, the “existing tree canopy” shall be composed of significant vegetation. For the purposes of this Section, “significant vegetation” shall be composed of the crowns of all healthy self-supporting canopy trees with a diameter of ten (10) inches or greater and understory trees with a caliper size of four (4) inches or greater.

(iii) Priority Retention Areas

Priority areas for retention of existing trees and vegetation shall include the following (listed in priority order):

- a. Areas containing Heritage Trees, and their associated critical root zones;
- b. Thoroughfare buffers
- c. Riparian buffers, wetlands, or wellhead protection areas; and
- d. Areas designated as Endangered, Threatened, Candidate, Federal Species of Concern, Bald and Golden Eagle, Experimental or Proposed Species, as defined by the U.S. Fish and Wildlife Service, Critical Habitat.

Streets, buildings, and lot layouts shall be designed to minimize disturbance to all trees ten (10) inches DBH or larger. For purposes of this Section, Heritage trees shall be defined as trees having a 20” or greater Diameter at Breast Height (DBH).

(6) Tree Protection Zone

(A) For purposes of this Section, the area containing the canopy and critical root zones of trees composing the existing tree canopy to be retained shall be known as the “Tree Protection Zone.”

(B). Prior to the approval of a Zoning Permit, all Tree Protection Zones shall be identified for protection in a form acceptable to the City Attorney, and shall be areas where the existing tree canopy will be maintained, and where buildings and structures can not be located. The Tree Protection Zone shall be depicted on the Preliminary Plat for Subdivision, Site Plan, or PD Master Plan, whichever is appropriate. The Tree Protection Zone shall also be depicted on the Final Plat for Subdivision if it is required prior to development.

(C) Thoroughfare Buffer Credit for Tree Cover Requirements

Any percentage of land covered by a required thoroughfare buffer may be credited against required tree cover percentage.

(D) Replacement/Mitigation Standards

When development of a site causes accidental damage or disturbance to trees inside the Tree Protection Zone, the disturbed area shall be re-vegetated to preexisting conditions as follows:

(i). Replacement of Trees with less than ten (10) Inch DBH

Any tree that is damaged or removed from the Tree Protection Zone shall be replaced with trees that have a caliper of at least two (2) inches and a cumulative caliper equal to one and one half (1&1/2) times the tree cover that has been damaged or removed.

(ii). Replacement of Trees with ten (10) Inch DBH or Greater

Any tree with a ten (10) inch DBH or larger that is accidentally damaged or removed from the Tree Protection Zone shall be replaced by trees with a four (4) inch caliper with a cumulative caliper measurement equal to twice that of the tree that is damaged or removed.

(iii). Priority Replacement Areas

Priority areas for the replacement of damaged or removed trees shall include the following (listed in priority order):

- a. Tree Protection Zones
- b. Thoroughfare buffers
- c. Anywhere on development site

(E) Protection of Heritage Trees

For purposes of this Section, Heritage trees shall be defined as trees having a 20'' or greater Diameter at Breast Height (DBH). All major or minor subdivision plats and development shall be required to protect Heritage Trees on a development site in accordance with the following standards:

(i) General Requirement

No Heritage Tree may be removed, except in accordance with provisions of this Section. In addition, Heritage Trees shall have the following protections:

a. Cutting, Removal, or Harm Prohibited

Heritage Trees shall not be cut, removed, pushed over, killed, or otherwise harmed; and

b. Paving or Soil Compaction Prohibited

The area within the dripline of any Heritage Tree shall not be subject to paving or soil compaction greater than ten percent (10%) of the total dripline square footage or within twelve (12) feet of the

tree trunk.

(ii) Removal of a Heritage Tree

A Heritage Tree that is certified by an arborist or other qualified professional as severely diseased, high risk, or dying shall be exempt preservation requirements.

(iii) Replacement/Mitigation Standards

When development of a site causes accidental damage or disturbance to a Heritage tree, the tree shall be replaced with trees that have a caliper of at least four (4) inches and have a cumulative caliper equal to three (3) times the DBH of the Heritage tree that has been damaged or removed.

(iv) Priority Replacement Areas

Priority areas for the replacement of damaged or removed Heritage trees shall include the following (listed in priority order):

- a. Tree Protection Zones
- b. Thoroughfare buffers
- c. Anywhere on development site

(F) Tree Protection During Construction

(i) Owner's Responsibility

During development, the owner or developer shall be responsible for the erection of any and all barriers necessary to protect any existing or installed vegetation from damage both during and after construction.

(ii) Tree Protection Fencing

a. Where Required

Heritage Trees, trees in a Tree Protection Zone, and other existing trees being used for credit towards landscaping requirements in accordance with this Section shall be fenced with a sturdy and visible fence before grading begins. Fencing shall extend as far as practical, preferably at least nine (9) inches in radius from the tree for each inch of diameter (DBH), or to the dripline, whichever is greater. The applicant and municipal staff shall consider existing site conditions in determining the exact location of any tree protection fencing.

b. Type of Fencing

All fencing required by this Section shall be a minimum four (4) feet high and of durable construction (i.e., chain link or wooden

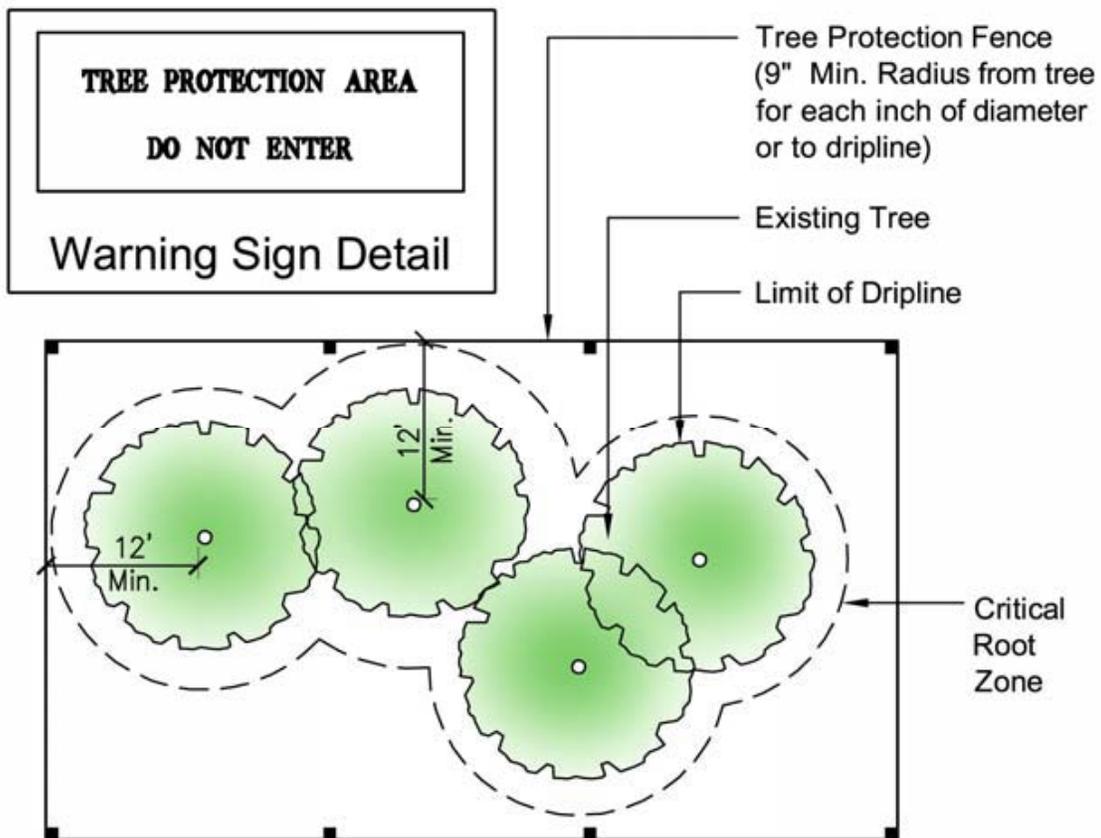
post with 2x4 wire mesh). Chain link or wire fencing utilized as tree protection fencing shall not be required to vinyl coated. Passive forms of tree protection may be utilized to delineate tree save areas that are remote from areas of land disturbance. These must be surrounded by fencing, continuous rope, or durable taping (minimum four (4) inches wide).

c. Signage

Signs shall be installed on the tree protection fence visible on all sides of the fenced-in area at a rate of at least one (1) for every one hundred fifty (150) linear feet. The size of each sign must be a minimum of two (2) feet by two (2) feet and shall contain the following language: "TREE PROTECTION ZONE: KEEP OUT."

d. When Required

The tree protection fencing shall be clearly shown on the Site Plan or Preliminary and Final Plat for Subdivision. No construction, grading, equipment or material storage, or any other activity shall be allowed within the fenced area. Fencing shall be maintained until after the final site inspection.



(iii) Encroachments into Critical Root Zones

Encroachments within the critical root zones of trees protected in accordance with this subsection shall occur only when no other alternative exists. If such an encroachment is anticipated, the following preventive measures shall be employed:

a. Clearing Activities

The removal of trees adjacent to tree save areas can cause inadvertent damage to the protected trees. Prior to clearing activities, trenches located along the limits of land disturbance with a minimum width of one-and-one-half (1½) inches, and a minimum depth sufficient to cut rather than tear tree roots, shall be installed.

b. Soil Compaction

Where compaction might occur due to traffic or materials through the Tree

Protection Zone or other protection areas associated with Heritage Trees, or retained existing vegetation, the area must first be mulched with a minimum four (4) inch layer of wood chips. Equipment or materials storage shall not be allowed within a Tree Protection Zone.

c. Chemical Contamination

Trees located within a Tree Protection Zone shall be protected from chemical contamination from liquids or other materials, including but not limited to paint, chemical solvents, gasoline, oil, diesel fuel, hydraulic fluid, concrete spoils, or rinse water from vehicle cleaning, including rinsing of concrete truck tanks and chutes.

8. Minimum Yard Standards

Grexa brought some suggestions on this subject; that it apply to occupied and unoccupied businesses and dwellings; that trash and rubbish be defined and we determine where it can be and how it should be screened. He also thought lawn length and yard should be defined, and edging, maintaining plantings and structures be required. Keeney felt that would be requiring HOA standards for individuals who chose not to live in HOA developments and infringes on the freedoms of private property ownership; it would lead to finding violations on every street. Langen said he didn't want to monitor structures or planting beds; he noted now we have complaints and very vague standards. Ray Davis said HOA's have their own controls, and individuals should be left out of it. Shirley Wilson said she lives in a neighborhood but they don't have a bonafide HOA; she would like to see some minor restrictions. There are some problems with junk cars, half done exterior remodeling and dumpsters left in yards. Mayor Horvath was asked his opinion;

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he said the town mandated HOA's for some subdivisions, which means they have their own standards. Maybe we could make a list of problem examples without leading to an enforcement nightmare. Bush asked Langen for a list of complaints received. Langen said he logs it as a formal complaint if it is something we can enforce; he doesn't have a list of complaints on items not in the ordinance. Carol Mullis said an example is on Underwood Road where the owner had to build a fence because his property faced Quintessa. Sandi Bush asked Langen to come back with a list of issues in the last couple of years and also of what properties would be grandfathered in.

Stephen Keeney asked what if an owner with a code violation complaint brings a list of other properties that are worse; he was concerned for property rights. Langen noted the more you regulate, the more you open up to legal challenges. He noted code enforcement is complaint driven.

Wilson made a motion to ask Joshua Langen to bring a list of things he has had complaints on and move forward on this. The motion died for lack of a second. We will find out if Council wants Planning Board to work on this area.

9. Traffic Management

Langen brought Appendix C of the Local Area Regional Transportation Plan document which contains possible ordinance language. He was not sure what the other communities had done with it. It includes definitions of public and private roads and thoroughfares, and right-of-way dedication provisions. Another element is transportation impact analysis which is commonly done, and required for CUP's.

Incorporation/reference of street cross-sections in the ordinance is recommended; Langen will get a digital copy to Planning Board members. Access management, driveway spacing and non-residential development connectivity is the sixth item. Langen noted thoroughfares were determined during the course of the study by staff, experts and input from the public and traffic counts. Discussion of what right of way exists on the roads was held, and whether it is thirty feet from the center, or ditch to ditch. Langen will work to write something on this.

10. Other Business

Grexa said cars are pulling out of McDonalds and making U-turns on Highway 84, creating traffic hazards. He was advised to let the Sheriff know. Mayor Horvath said the long term plan is to have a left turn and light at Lindenwood.

Mayor Horvath said Council called for a Public Hearing on some items forwarded from Planning Board; one item was building height which was originally approved by Planning Board and later rescinded. Planning Board's concern was that it not apply to individual homeowners, and just apply to non-residential.

11. Topics to Discuss at Next Meeting

Topics include traffic study topics and article 2 definitions.

12. Adjournment

Wilson made a motion to adjourn the meeting; Ray Davis seconded the motion.

The motion was approved unanimously.

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The meeting adjourned.

Respectfully submitted

Cheryl Bennett, Village Clerk

Chairman Chuck Adams