

VILLAGE OF WESLEY CHAPEL
PLANNING BOARD MEETING MINUTES
March 24, 2008, 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 Chairman John Grexa presiding.

Present: Chairman John Grexa; Members- Chuck Adams, Ray Davis, Alternates - Bill Fairman (seated as a regular member), Shirley Wilson

Absent: Member Stephen Keeney

Others Present: Justin Krieg, Planning/Zoning Administrator;
Citizen Carol Mullis, Terry Byrum, Scott Garner

1. Pledge and Invocation

Grexa led the pledge and gave the invocation

2. Additions, Deletions, and/or Adoption of Agenda

3. Approval of Minutes

Fairman made the motion to approve the February 25, 2008 minutes and Davis gave the 2nd. Motion passed unanimously.

4. Proposed Text Amendment – Wesley Chapel Fire Department

Grexa explained the amendment was to change the current height limit of 35 ft. to 45 ft. for a public safety station. Krieg explained the way the building height is measured for a pitched roof. There is a “training tower” proposed for the design and it would be exempt from the height because it is not an occupied structure. The height of the tower is about 55 ft. The proposed principle structure would be about 42.5 ft. Krieg explained where the text amendment would be placed in the Ordinance (section 4.8.3, Height Exemption). Krieg explained the reasoning for submitting the text amendment for the project before the CUP was to keep from doing a lot of design and engineering work before they even knew if the building was possible. Krieg’s only concern was how the residents of the Glen at Wesley Oaks would feel about the increased building height, but they would be given notice of the public hearing. Fairman made motion to approve the proposed text amendment. Davis seconded. The motion passed unanimously. The proposed text amendment is to add Section 4.8.3 – Public Safety Stations (police, fire, rescue) may be 45 feet in height.

5. Public Water/Sewer v. Private Well/Septic

Grexa started the discussion; he had some concerns about the Quintessa project and issues that might arise from having a subdivision on public water and sewer as well as private well and septic. Also, included in those concerns is the current state of the housing market. Grexa is concerned that the initial phase of Quintessa is not completed and they are now beginning another phase before the first is even

complete. Davis stated that he has wells and septic systems on his property and they are heavily regulated to put in place. If lots don't perk they don't perk. The Health Dept. regulates the design of the septic systems and if they are allowed in a certain area. Grexa stated his concern about having one project not completed and beginning another, Krieg noted we do not have the authority to control those types of issues; that is a risk the developer takes. The Quintessa Phase II project has capacity for the amenity center and a couple houses. Adams stated he did not have a problem with allowing people to use private well and septic. When the market turns around people are going to need to build the houses and sell the houses. Fairman noted the zoning in Wesley Chapel is primarily one dwelling per acre, so septic systems can be used if the soil allows. Grexa asked if water and sewer capacity becomes available are they required to hook up, Krieg said if they are of a specific size and distance from the lines then yes, sewer as well. Krieg explained there is no text amendment proposed, but wanted to make them aware of his interpretation. Adams thinks that we should move on, Grexa agreed and stated he thought our current language was adequate.

6. Liquor by the Drink

Krieg started to explain the latest version of Liquor by the Drink text proposals and began by reading through the proposed changes to the Table of Uses (text shown below)

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."

Add:

Nightclub – See "Lounge."

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Add:

Private Club - As outlined in N.C.G.S. 18B-1000, an establishment authorized by the ABC Board to serve up to 100% alcohol 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, Non-Profit Clubs, or Lodges.

Change:

Club or Lodge to

Non-Profit Club or Lodge – A building or site used by a non-profit or not-for-profit membership organization for recreational or social purposes. Includes Service Organization Meeting Facilities (e.g., Union Hall, Boy Scout Hut, Elks Lodge, Masonic Lodge).

Add:

Fraternal Lodges – See “Non-Profit Club or Lodge.”

Change **Country Club** To:

A land area and buildings containing recreational facilities, clubhouses and usual accessory uses, open to members and their guests which is privately operated. Uses at a country club frequently include golf courses, swimming pools (outdoors), and club-houses. Meal service may be available, but is generally limited to members and their guests. A country club may be developed as a free-standing entity or as part of a residential community or planned residential development. *Reference N.C.G.S. 18B-1000 “Residential Private Club”.*

****Note this isn’t significantly different from what we have for country clubs – it’s the wording from the G.S., but the basic requirements are the same. I’m not fussed about this that much one way or the other.***

Liquor by the Drink Ordinance Changes – Proposed Changes to Table of Uses

Change “Private Club (See Lounge)” to “Private Club”. Allow as Conditional Use in B-1, B-2, L-1.

Change “Restaurant, no Drive-in/Drive-Through, excluding Fast Food” to allow as Permitted by Right only in B-2, L-1. Allow as Conditional Use in B-1.

Change Lounge/Bar (Principal Use), allow Permitted by Right only in B-2, L-1. Allow as Conditional Use in B-1.

Add item to Table: Bar (See “Lounge”)

Add item to Table: Nightclub (See “Lounge”)

Add item to Table: Non-Profit Club – Supplemental Regulation 6.10.1, Cs in R-80, R-60, RA-40, R-40, RA-20, R-20; X in B-1, B-2, L-1, O-I.

Add item to Table: Lodge (See “Non-Profit Club”)

Change “Fraternal Lodges, includes...” to “Fraternal Lodges (See “Non-Profit Club or Lodge”)", move zoning information to “Non-Profit Club or Lodge” line.

Grexa asked about the definition of non-profit clubs, Krieg read the definition contained in the handout. Krieg also explained the difference in use when a non-profit would consistently sell alcohol they should be considered a private club and not the normal non-profit designation. If they were only to have occasional events they could be considered a non-profit and merely apply for a temporary permit from the ABC. Fairman noted this allows non-profits to not be as limited in location as private clubs, but still retain control over what they look like. Adams does not have a problem with a designation between lounge, bar, and nightclub, but he wonders if we really need to make the effort to define exactly what each use is. Krieg noted it is good to have the separate uses listed in the Table of Uses to take out as much variability as possible. Adams also asked about the Country Club definition and why it is necessary to include the state statute reference. Krieg stated the idea is to have everything in one place and lessen any confusion as to what type of permit they should apply for to the ABC. Fairman noted the only thing changing with the definition is the inclusion of the statute number. Adams said the people of the town voted to have establishments that sell alcohol and we should not stop that or control that. Adams also noted there are only 3 parcels that are zoned B-1 and it makes no sense to limit the use for only 3 parcels. Restaurants should be a use by right in B-1. It just takes too much effort to go through a rezoning approval, CUP approval, and zoning approval to get something to pass. It should not be that difficult. Grexa described the approval process and the checks an applicant must go through. Adams continued to say we are trying to legislate too many things and when it comes to a final approval it is up to the council and the process is too involved to make someone go through a rezoning and then a conditional use permit. Grexa said that everyone is entitled to their opinion and this is something they just disagreed on. Fairman made the point that anything over 2,000 SF will require a CUP no matter what, making it a moot point. Adams made a motion to adopt the proposal as written except to allow restaurants to be a use by right in the B-1, B-2, and L-1 district. Fairman made the second. The motion passed, 3-1, with Grexa voting nay.

The group also unanimously voted in favor of waiving the 15-day review period for text amendment proposals.

7. Road Intersections

Adams stated he was not prepared to speak on the topic, but would like to have it on the agenda next meeting. Krieg gave a brief description of the Local Area Regional Transportation Plan and suggested Adams be involved with the project.

8. Retirement Communities

Davis noted he spoke with a resident of the Cypress community near South Park and he would be happy to show us around if we would like. Grexa briefly discussed how there were different ways to incorporate retirement communities in the community. Krieg said the group should probably wait until the Master Plan comes out and look at their recommendations. Fairman said he would like to find a way to bring it in, but not add to congestion. Krieg also noted it is the developer who puts the age limit on the development, but the town cannot put those types of conditions on the project.

The resident survey showed some significant support of working retirement communities into the area. Davis stated the state has already identified this area as having a need for 90 beds and there are plenty more people who would need a retirement community.

9. Other Business

No other business

10. Topics to Discuss at Next Meeting

No items at this time, but Krieg would look through the Planning Priority list and see what needed discussion.

11. Adjournment

Fairman made the motion to adjourn, Davis seconded, all voted in favor.

Justin Krieg, Planning/Zoning Administrator

Chairman John Grexa