

11.24.08 Planning Board minutes
approved 01.26.09

VILLAGE OF WESLEY CHAPEL
PLANNING BOARD MEETING MINUTES
November 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, Stephen Keeney; Alternates - Sandi Bush (sat as regular member), Shirley Wilson (arrived late at 7:10 pm)

Absent: Jimmy Allison, Alternate - Bill Fairman

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

Citizens: Carol Mullis

The meeting was called to order at 7:05 pm; a quorum was present.

1. Pledge and Invocation

Grexu led the pledge of allegiance, and Adams did the invocation.

2. Additions, Deletions and Approval of Agenda

Adams made a motion to approve the agenda; Davis seconded the motion.

The motion passed unanimously.

3. Approval of Minutes

Adams made a motion to approve the October 27, 2008 minutes. Keeney seconded the motion.

The motion passed unanimously.

4. Review of proposed Zoning Amendment to add Planning Board Rules of Procedure

Langen prepared a text amendment to move the Planning Board Rules of Procedure to Section 15 of the Zoning Ordinance. The only changes are to remove references to ETJ members, and to add at the end:

Section 15.2 Staff

The Zoning Administrator shall serve as staff to the Planning Board and shall provide technical assistance to the Planning Board as requested.

Section 15.3 Amendments to Zoning Text and Map

Amendments to the Zoning Text and Maps shall follow the procedures listed in Article 12 of this Zoning Ordinance.

11.24.08 Planning Board minutes
approved 01.26.09

Section 15.4 Conditional Uses

Application and ruling process for a Conditional Use permits shall follow the procedures listed in Article 6 of this Zoning Ordinance.

Adams noted that Section 15.1.2 regarding electing officers; the only officer elected is a vice chairman, so this should be changed.

In Section 15.1.4 there is reference to appointing committees. (Shirley Wilson arrived at this time.) Adams inquired if this would be a committee just from Planning Board members, or if the Planning Board Chairman could appoint citizens to a committee; he asked Langen to investigate.

Adams asked if we keep a volume of minutes as required by Section 15.1.5; Bennett replied yes we do.

Grexa asked regarding Section 15.1.6 regarding the number of absences from meetings; it was confirmed that upon two consecutive absences the Chairman may notify the member in writing.

Adams brought up Section 15.1.7, which calls for 48 hour notice of meetings; however the agenda and all necessary back-up is required to be sent to the members two weeks before the meeting, so this will be changed. Since Section 12.1.4 requires 15 days notice, a change will be written to this text amendment to require info to be sent to the members 15 days before the meeting.

Discussion was held of special meetings, and that three members may meet in a social occasion, but can not meet to discuss town business, as that would constitute a meeting. Langen will look at the wording of the paragraph right before Section 15.1.7, regarding members not permitted to listen to comments regarding a pending case, but shall refrain from responding with opinions or views.

Adams commented on Section 15.1.8(b), that we should add that discussion will be allowed before a vote is taken. After discussion by the board, it was agreed to add this.

It was noted that a failure to vote is counted as a yea vote, as in Section 15.1.8(e). A vote can only be counted as an abstention if the board votes to excuse the member from voting. Bennett noted that the minutes are the board's minutes, and a member may vote to approve the minutes even if they were not at the meeting in question; this often happens when new members come on the board. Keeney felt that the minutes should be transcribed; Bennett noted that the minutes are really only to record the actions taken, and members are free to request changes to the minutes.

Discussion was held on Section 15.1.8(g), whether there must be a motion to discuss an item of business not on the agenda; the agenda may be amended, or the item brought up under new business or other business, or left to the Chairman's discretion. It was decided to leave this Section as is.

Adams made a motion to table this item and revisit it after Langen comes back with the requested changes. Bush seconded the motion.

The motion passed unanimously.

5. Other Business

Langen noted the Board had asked for copies of the residential stormwater language, it is subject to change pending the Underwood Road problem. John Underwood from DOT

11.24.08 Planning Board minutes
approved 01.26.09

was to send someone out to investigate the situation. Bennett asked even if this situation is resolved positively, wouldn't we want to have language for other future situations. Langen said we want language for a subdivision, but this subdivision has final plat, and the only stipulation is at this point is if you put a house on a lot you must follow stormwater conditions such as. Adams reported his neighbor has a situation where the water ends up going to a neighbor's lot; he thought it should go to the road. Adams noted a 1,000 square foot roof with a one inch rain generates 600 gallons of water. He thought downspouts should be required to take the water to the road. Keeney said he didn't think stormwater drains were considering the roof surfaces on a subdivision's quantity. Langen said stormwater calculations take into account absorption into the yard. Langen commented there are layers of protection: 1. flood ordinance where the runoff can be no greater than the pre-development rate of runoff; we have always had this for commercial, and it goes back to two weak paragraphs for residential where it says it shall not substantially damage properties downstream. 2. The second level would be to say houses need to drain in a certain manner into a subdivision that was designed to drain in a certain manner. Langen said overall in looking at other towns' ordinances, there is not a lot of language out there. Grexa requested we get the language from Langen; members will read it and consider it next month.

Keeney asked about the application from the Indian Trail Church of God; Langen said he hadn't heard further from the applicant.

Grexia asked about the hot dog/pizza business on Hwy. 84. Langen said he issued a violation, the owner filed an appeal. The action is stayed pending the hearing. There were reports of two imminent car wrecks; Langen will go out and watch one evening, and may ask him to shut down if there is a perilous situation. If his appeal is denied, the owner may come to the Planning Board for a text amendment. He doesn't have a zoning permit for his sign, or a privilege license.

Carl Mullis asked for an update on the flood ordinance; Bennett noted she had heard that there had been some local suspensions from the National Flood Insurance Program, she inquired and found out we had been suspended, and no notice had been given. There were a couple of items they wanted changed, for example specifying all the map numbers. We have been working with the engineer and Milton Carpenter at the state level to get the changes; if we have the changes by December 1 we can call for a public hearing. Bob Durrin at FEMA in Atlanta said there were no current flood policies in Wesley Chapel. It was discussed whether the changes should come to Planning Board and if they would be available in time for the December meeting. It was noted that the changes have to be approved anyway, but the Planning Board could look at the changes and say they don't necessarily agree with them, but they must approve them for the citizen's benefit. Adams made a motion to leave other business. Davis seconded the motion.

The motion passed unanimously.

6. Topics to Discuss at Next Meeting

Adams said he would like the board to consider changing the wording of Section 411.2 (a) and (b) relating to HOA; his concern is HOA's being able to foreclose. He would like the whole issue of HOA's on the January meeting agenda.

The December meeting will hinge on the floodwater ordinance changes.

11.24.08 Planning Board minutes
approved 01.26.09

Bush made a motion that there be no December meeting unless we need to meet for the flood ordinance changes. Davis seconded the motion.

The motion passed unanimously.

7. Adjournment

Adams made a motion to adjourn the meeting; Bush seconded the motion.

The motion was approved unanimously.

The meeting was adjourned at 8:58 pm.

Respectfully submitted

Cheryl Bennett, Village Clerk

Chairman John Grexa