

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
Sept. 22, 2009–7:00 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 Council Member Brad Horvath presiding.

Present: Mayor Clinton (arrived late), Council Members Bradford, Horvath and Pierce

Absent: Mayor Pro Tem Croffut,

Others Present:

Village Clerk/Finance Officer: Cheryl Bennett

Planning/Zoning Administrator: Joshua Langen

Concerned citizens:

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

1. PLEDGE OF ALLEGIANCE / INVOCATION

Council Member Horvath led the Pledge of Allegiance and did the invocation.

2. ADDITIONS, DELETIONS, AND / OR ADOPTION OF AGENDA

Item 5 became 5A; and Item 5B. "Appointment of Member to Safety Committee" was added. Bradford made a motion to approve the agenda with these changes; Pierce seconded the motion.

The motion passed unanimously.

3. CALL FOR PUBLIC HEARING ON LARTP SUMMARY FOR OCTOBER 12, 2009

Than Austin from the consultant group will be able to attend the public hearing. Bradford made a motion to call for a public hearing on the LARTP Summary for October 12, 2009 at 7 pm at Wesley Chapel United Methodist Church. Pierce seconded the motion.

The motion passed unanimously.

4. CONSIDER APPROVAL OF CHANGES TO ZONING ORDINANCE REGARDING CONDITIONAL USE PERMITS

Attorney Sistrunk had commented that use of "adequate public facilities" in Section 6.4.3(e) was too vague. (Mayor Clinton arrived at this time, and presided over the rest of the meeting.) The wording was changed to: "Availability of services including water, wastewater, gas, and stormwater as required by the project."

Section 6.10.3 Shopping Centers: (a) and (b) were removed from this Section, and the wording was moved to Section 6.4.3 (f): "Access to public streets and the

adequacy of those streets to carry anticipated traffic; and on-site circulation for both pedestrian and on-site and off-site vehicular traffic circulation patterns.”

Section 6.4.3(g) will read “Adequate safety and emergency services (police, fire and EMS).” Section 6.4.3(h) will be “Additional review criteria, as stated in the Ordinance, shall also be considered and addressed where required.”

Only one section remains under Section 6.10.3, it is “(a) Relationship to and impacts upon adjoining properties and the adequacy of proposed measures to minimize any adverse impacts.”

Payment of engineering fees was discussed. Langen checked with the surrounding municipalities; options include not scheduling the public hearing until they have paid their fees to date; getting money up front, or charging a flat fee, either an average or a maximum amount. Langen put in at the checklist Section 6.12 III U—an engineering deposit of \$900 for residential or commercial site plan engineering review and \$3500 for multi-parcel residential or commercial plan engineering review. Any additional fees incurred through engineering review will also be paid by applicant. A change was made at Section 6.3.1(b) to reference 6.12, not 6.13, and to change wording at 6.3.1(c) last sentence will say “shall be paid by the applicant.”

At Section 6.12, III, E. “residential” was changed to “all”. Sections T and U were added to Section 6.12, III. Section 6.12, III, FF was changed to read “submitted to the Village Zoning Administrator”.

Section 6.12, III, X, the word “written” was added to Planning Board Recommendation; and at Section 6.12, III, FF, the space for Recommendations of the Planning Board was removed.

Pierce made a motion to approve the above changes to the Zoning Ordinance for Article 6, Conditional Uses. Bradford seconded the motion.

The motion passed unanimously.

The revised Article 6 is as follows:

ARTICLE 6

CONDITIONAL USES

Section 6.1 Intent

This Ordinance provides for certain uses to be located by right in certain districts where the uses are compatible with the purpose of the district and with other uses to be located in certain districts only by complying with additional development standards to insure that same compatibility. However, certain uses which are basically in keeping with the intent and purpose of the district may have substantial impact on the surrounding area and shall only be allowed after a review of any specific proposal. In order to insure that these uses would be compatible with surrounding development and be in keeping with the purpose of the district in which they are proposed to be placed, they are not allowed to be established as a matter of right. They may be established only after review and approval of a conditional use permit as set forth in this Article 6.

Section 6.2 Conditional Uses

Certain uses listed in this Ordinance require the issuance of a Conditional Use Permit (CUP) by the Village Council prior to the issuance of a zoning permit by the Zoning Administrator. In certain cases, a change in the zoning district of the property in question will also be necessary. The following information details the procedures which shall be followed under these circumstances.

Section 6.3 Procedures

Conditional Use Permits shall be considered by the Village Council by either of the following methods:

6.3.1 No Zoning Change Required *(revised 09.22.09)*

When a Conditional Use Permit is being requested for an intended use in a zoning district for which a rezoning is not required, the following procedure shall be followed:

- a. Formal staff conference with applicant shall be held prior to submittal of the application in order to review timeline and requirements of the CUP process.
- b. A completed written application for a Conditional Use Permit shall be filed with the Zoning Administrator. The application, at a minimum, shall include all items listed in Section 6.12.
- c. All applications shall be signed by the applicant and shall be submitted with any application fee required by the Village. All reasonable expenses incurred by the Village for the processing of a CUP application, including expenses for review by the Village Engineer, shall be paid by the applicant.
- d. The Zoning Administrator shall present any properly completed application to the members of the Planning Board at least fifteen (15) days prior to their next regularly scheduled meeting. The Planning Board by majority vote may shorten or waive the time provided in this Article for receipt of a completed conditional use application.
- e. The Planning Board shall conduct a public information and comment session as part of a scheduled Planning Board meeting and due notice of such meeting shall be as prescribed in Subsections 12.1.7 (A), (B), (C), and (D) of this Ordinance.

- f. The Planning Board shall have a maximum of thirty (30) days from the date on which it was met or until its next regularly scheduled meeting, whichever is longer, to review the application and to submit its recommendation to the Village Council. If a recommendation is not made during said time period, the application shall be forwarded to the Village Council by the Zoning Administrator without a recommendation from the Planning Board.
- g. When dealing with the Conditional Use Permit process, it may be desirable to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the Zoning Administrator, the Planning Board and/or the Village Council may request additional information, as they may individually deem necessary.
- h. Once the application is forwarded to the Village Council from the Planning Board (or the Zoning Administrator as prescribed in Sub-section 6.3.1.d), the Village Council shall consider conducting a public hearing as described in Section 12.1.7 (a public hearing is required if a CUP is to be approved). In the event the Village Council deems a public hearing appropriate, due notice of such hearing shall be as prescribed in Sub-sections 12.1.7 (A), (B), (C), and (D) of this Ordinance.

6.3.2 Zoning Change Required.

- a. When a conditional use permit is being requested for a use in a zoning district for which rezoning is required, the following procedures shall be followed:
 - 1. Requirements listed in Section 6.3.1 shall be met.
 - 2. The applicant shall also complete a rezoning application which together with the conditional use permit application required by Sub-section 6.3.1. a shall be submitted at the same time to the Zoning Administrator as set forth in Section 12.1.2.
- b. Once the Conditional Use Permit application and rezoning application have been properly completed, they shall both be reviewed together by Board and the Village Council in compliance with Section 6.3.1 for conditional uses and Sections

12.1.4–12.1.10 for zoning changes. All recommendations made by the planning Board concerning any associated rezoning shall be in accordance with Article 12.

- c. The withdrawal of a Conditional Use Permit application by the applicant after it has been accepted by the Zoning Administrator shall immediately terminate review of any associated rezoning application by either the Planning Board or Village Council. Any fee paid by an applicant shall be forfeited to the Village of Wesley Chapel unless the application for a conditional use permit is withdrawn prior to submission of the application to the Planning Board.
- d. Notwithstanding said withdrawal, any expenses incurred by the Village up to the date of an application withdrawal shall be paid by the applicant, consistent with the intent of Sub-section 6.3.1.c. *(Rev. 09.22.09)*

Section 6.4 Village Council Decision *(Amended 01.05.06, Rev. 09.22.09)*

The Village Council shall review all application items in accordance with Section 6.12. If the Village Council should find, after conducting a public hearing, that the proposed Conditional Use Permit and, where requested, rezoning should be granted, the Village Council may impose such additional reasonable and appropriate special conditions upon such Conditional Use Permit, as it may deem necessary. In no instance shall any of these conditions be less restrictive than any requirements which would pertain to that particular development found in the same zoning district. Any conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development and other matters that the Village Council may find appropriate or the petitioner may propose. The conditions may include architectural review or control and sign controls. The screening provisions of this Ordinance shall be minimum screening requirements as a condition for awarding a CUP, however, the Village Council may impose additional reasonable screening requirements as a condition for awarding a CUP as the Council considers necessary to protect the health, safety and welfare in accordance with the purpose and intent of this Ordinance. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Village Council. The Village Council shall give due regard to the intent and purpose of this section of the ordinance and that the public health, safety and welfare will be secured and substantial justice done.

6.4.1 Burden of Proof

The applicant has the burden of producing competent material and substantial evidence, tending to establish the existence of the facts and conditions which the appropriate section of this Ordinance requires for the issuance of a Conditional Use Permit, and rezoning, where requested and/or applicable.

6.4.2 Voting (*Amended 1.05.06*)

When deciding Conditional Use Permits, the Village Council shall follow quasi-judicial procedures. No vote greater than a majority vote shall be required for the Council to issue such permits. For the purposes of this section, vacant positions on the Council and members who are disqualified from voting on a quasi-judicial matter shall not be considered "members of the Council" for calculation of the requisite majority.

6.4.3 Findings to be Made by Village Council (*Revised 09.22.09*)

The Village Council shall issue a CUP only after having conclusively confirmed each of the following findings:

- a) The use will not materially endanger the public health, safety or welfare if located where proposed and developed according to the submitted plan and not create dangerous traffic conflict points, noxious odors/sounds/glare, or environmental hazards.
- b) The use meets all required conditions and specifications.
- c) The Use will not substantially injure the value of adjoining or abutting property and will not hinder future development potential of adjacent properties by the introduction of incongruous land use or incompatible development scale/intensity.
- d) 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, will not disrupt the integrity of existing land use districts, and will be in general conformity with this Ordinance and the Village of Wesley Chapel Land Development Plan.
- e) Availability of services including water, wastewater treatment, gas, stormwater as required by project.

- f) Access to public streets and the adequacy of those streets to carry anticipated traffic; and on-site circulation for both pedestrian and on-site and off-site vehicular traffic circulation patterns.
- g) Adequate safety and emergency services (police, fire and EMS).
- h) Additional review criteria, as stated in the Ordinance, shall also be considered and addressed where required.

6.4.4 Appeal of Village Council Decision on CUP

Every CUP decision of the Village Council shall be subject to review by the Superior Court by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be filed with the appropriate Clerk of Superior Court within thirty (30) days after the decision of the Village Council is filed in the Office of the Village Clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Clerk at the time of the hearing of the case, whichever is later. The decision of the Village Council may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

Section 6.5 Binding Effect

Any conditional Use Permit so authorized shall be likewise binding to the property included in such permit unless subsequently changed or amended by the Village Council. A copy of the letter notifying the applicant of the Council approval of a Conditional Use Permit shall be forwarded to the Union County Register of Deeds for recordation.

However, minor changes in the detail of the approved plan which will (a) not alter the basic relationship of the proposed development to adjacent property, or (b) will not alter the uses permitted or increase the density of development, or (c) will not decrease the off-street parking ratio or (d) reduce the yards provided at the boundary of the site may be made upon submittal to and the subsequent approval of the Zoning Administrator. The Zoning Administrator shall take action on such requests within fifteen (15) days, unless additional information is requested. A written decision shall be provided to applicant, and, if positive a copy shall be forwarded to the Union County Register of Deeds. Any applicant may appeal a negative decision of the Zoning Administrator to the Board of Adjustment which shall determine if an amendment to the Conditional Use Permit is required in order to allow the proposed minor change to be made to the approved plan.

Section 6.6 Certificate of Compliance

No certificate of compliance shall be issued for any building or land use on a piece of property which has received a Conditional Use Permit unless the building or structure is

constructed, or used, or the land is developed or used in conformity with the Conditional Use Permit as approved by the Village Council. In the event that only a segment of a proposed development has been approved, the certificate of compliance shall be issued only for that portion of the development as approved.

Section 6.7 One Year Limitation

6.7.1 If a Conditional Use Permit request is denied by the Village Council, a similar application for a Conditional Use Permit for the same property or any portion thereof shall not be filed until the expiration of a twelve (12) month period from the date of most recent determination by the Village Council.

6.7.2 This waiting period shall not be applicable or otherwise be involved in the filing of a new application for rezoning of all or any part of the property previously considered by the Village Council where the new application requests rezoning to a different zoning district and/or where the application for a Conditional Use Permit is substantially different from the original application.

Section 6.8 Change in Conditional Use Permit

Any request to materially change a CUP shall be reviewed by the Planning Board as required by Section 6.3.1 or in compliance with the applicable portion of the minor change approval procedure set forth in Section 6.5. The Village Council may thereafter change or amend any previously approved Conditional Use Permit, only after having held a public hearing. Notice of public hearing shall be in accordance with the provisions of Section 12.1.7. Amendment by Village Council of a Conditional Use Permit shall be subject to the same considerations as provided for in Section 6.4.2.

Section 6.9 Implementation of Conditional Use Permit

6.9.1 Subject to Section 6.9.2 below, implementation of an activity authorized by a CUP shall begin within twelve (12) months after the date of approval, unless otherwise specified by Village Council. Failure to implement conditional use within the time period specified shall require a reapplication for the permit. Implementation at a minimum, means that the applicant has secured a building permit within one (1) year (unless a greater time period was listed as one of the conditions contained in the Village Council's approval) following the date of the approval of the conditional use permit.

6.9.2 Any Conditional Use Permit issued on or after the Effective Date of this Ordinance shall also be governed by "An Ordinance Implementing the Statutory Vested Right Provisions of G.S. 160A-385.1"

- 6.9.3** Any violation of the conditions set forth as part of the approval of a Conditional Use Permit shall be remedied and made to comply with those conditions or the property owner or designated applicant shall seek a change to the Conditional Use Permit, in accordance with Section 6.8. Should conditions not be met or a change to a Conditional Use permit not be approved, the Conditional Use Permit shall be revoked and the property owner or designated applicant will not be allowed to apply for a new or amended Conditional Use Permit for a period of one (1) year. (*Added 09.22.09*)

Section 6.10 Additional Review Criteria

The review criteria specified for each of the following conditional uses shall be addressed by the Village Council as an integral part of any applicable CUP review activity:

6.10.1 Day Care Centers and Fraternal Lodges

- a) Relationship to and impacts upon adjoining and nearby properties and the adequacy of proposed measures to minimize any adverse impacts.
- b) The existing residential character is reasonably safeguarded.
- c) That the proposed use will not create or seriously heighten the congestion on local streets and thoroughfares.

6.10.2 Country Clubs and Schools

- a) 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.
- b) That the proposed use will not create or seriously heighten the congestion on area thoroughfares.

6.10.3 Shopping Centers (*Revised 09.22.09*)

- a) Relationship to and impacts upon adjoining properties and the adequacy of proposed measures to minimize any adverse impacts.

6.10.4 Office Trailers

- a) That the proposed uses will be compatible with the general characteristic of the area with respect to the structure's location.
- b) Relationship to and impacts upon adjoining and nearby properties and the adequacy of proposed measures to minimize any adverse impacts.
- c) That the use may be allowed for a maximum period of six (6) months. Extensions of this period may be granted only after a public hearing is held in accordance with Section 12.1.
- d) No office trailer shall be used for residential purposes.

6.10.5 Golf Courses, Churches

- a) Relationships to and impacts upon adjoining and nearby properties and the adequacy of proposed measures to minimize any adverse impacts.
- b) That the proposed use will be compatible with the general characteristics of the area with respect to the location of structures and the location, design and screening of off-street parking areas.

6.10.6 Automobile Service Stations, Convenience Stores

- a) On corner properties the driveways shall be located no closer than thirty (30) feet from the point of intersection of two street property lines.
- b) Driveways shall be located no closer than thirty (30) feet from adjacent properties in residential districts or from properties used for residential or institutional purposes, and driveways shall be thirty (30) feet wide and shall be designated by curb, planted areas, and landscaping which shall not exceed two (2) feet in height.
- c) No gasoline pump and/or canopy shall be located any closer than forty (40) feet from an existing street right-of-way.
- d) Outdoor lighting shall be permitted in compliance with Section 4.10 of this Ordinance.
- e) Freestanding canopies may be placed over properly located pumps or pump island provided:
 - 1. They do not overhang the right of way of any street; and

2. They are not used as a sign structure or as the sign base.

6.10.7 Essential Services - Classes II and III

- a) Where a building or structure is involved and it is proposed to be located in a residentially zoned district, it shall be screened or buffered from adjacent residential land.
- b) All outside storage areas are fenced and screened using black vinyl chain link fencing with diagonal black slats that completely fill the voids. *(Rev. 01.14.08)*
- c) The site is of adequate size for the sewage disposal system proposed and for the proposed use.
- 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. *(Rev. 01.14.08)*
- e) Access to public streets and the adequacy of those streets to carry anticipated traffic.
- f) Adequacy of existing community facilities such as water, sewer, and police and fire services.
- g) That the proposed use will not create or seriously heighten the congestion on area thoroughfares.
- h) Parts located above the fence line will be painted with rust colored heat resistant paint and maintained adequately to sustain color. *(Added 01.14.08)*
- 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. *(Added 01.14.08)*

6.10.8 Public Parks and Recreational Facilities

- a) Relationships to and impacts upon adjoining and nearby properties and the adequacy of proposed measures to minimize any adverse impacts.
- b) That the proposed use will be compatible with the general

characteristics of the area with respect to the location of structures and the location, design and screening of off-street parking areas.

6.10.9 Wholesale Sales and Distribution Facilities

- a) Relationships to and impacts upon adjoining and nearby properties and the adequacy of proposed measures to minimize any adverse impact.
- b) That the proposed uses will be compatible with the general characteristics of the area with respect to the location of structures and the location, design and screening of off-street service, loading and parking areas.

6.10.10 Adult Use Establishments, Adult Video Stores, and Adult Lingerie Modeling Studios (Revised 12.09.02)

The purpose of this section is to provide areas in which adult entertainment or sexually oriented business may be established. Because of their very nature, these adult uses/establishments, adult video stores, and adult lingerie modeling studios, are recognized as having serious objectionable operational effects upon adjacent neighborhoods and residential or institutional uses. It has been demonstrated that the establishment of adult businesses often creates problems for law enforcement agencies, by the nature of these businesses and the difficulty often experienced in trying to determine if the operations are of a legal nature. Conditional regulation of these establishments is necessary to insure that these adverse affects will not contribute to defacto downgrading or blighting of surrounding neighborhoods and uses. It is the intent of this section to restrict the concentration of these uses and to separate these uses from residential and institutional uses or areas.

All adult uses/establishments, adult video stores, and adult lingerie modeling studios must obtain a conditional use permit and meet the following supplementary regulations. In addition, a site plan and vicinity map along with any other information as required by this Ordinance, must be submitted to the Zoning Administrator to verify compliance. Adult hotel/motels are not permitted in any zoning district.

- (1) Advertisements and Sound—no printed material, slide, video, photograph, written text, live show, or other visual presentation format shall be visible from outside the walls of any adult use/establishment, adult video store, or adult lingerie- modeling studio. Nor shall any live or recorded voices, music, or sound be heard from outside the walls of the adult/use establishment, adult video store, or adult lingerie-modeling studio.
- (2) Over concentration—no more than one (1) adult use/establishment, adult video store, or adult lingerie-modeling studio shall be located in any two

thousand (2000) foot radius. This is determined by straight line and not street distance to any portion of the adult use/establishment, adult video store, or adult lingerie modeling studio structure or parking area.

- (3) Proximity to Other Uses—no adult use/establishment, adult video store, or adult lingerie modeling studio shall be located within a one thousand (1000) foot radius of any church, synagogue, temple, or other place of worship, school, day care, public park or playground, including all parking areas and grounds, nor within a five hundred (500) foot radius of any dwelling. This is determined by straight line and not street distance to any portions of the adult use/establishment, adult video store, or adult lingerie modeling studio structure or parking area.
- (4) No adult use/establishment, adult video store, or adult lingerie-modeling studio may have sleeping quarters or private rooms.
- (5) There shall not be more than one adult use/establishment, adult video store, or adult lingerie-modeling studio on the same property or in the same building, structure, or portion thereof.
- (6) The maximum total floor area of any allowed adult use/establishment, adult video store, or adult lingerie-modeling studio shall not exceed two thousand (2000) square feet.
- (7) The hours of operation of any adult use/establishment, adult video store, or adult lingerie modeling studio shall be limited to 10:00 AM to 10:00 PM, Monday through Saturday.

Section 6.11 Conditional Use/Village of Wesley Chapel as CUP Applicant

In the event the Village of Wesley Chapel Village Council petitions for a Conditional Use Permit under this Article, then and in that event the Village Council shall have no role in determining whether or not said Conditional Use Permit should be granted, or the terms and conditions of said Conditional Use Permit.

In the event the Village of Wesley Chapel petitions for a Conditional Use Permit, it shall be required to follow all of the procedural requirements established in this Article. However, said Conditional Use Permit shall not be submitted to the Planning Board for preliminary approval as set out in Sections 6.3.1(c), (d), (e) or (f) of this Article. Instead, the petition shall be reviewed by the Village of Wesley Chapel Zoning Administrator as set out in Sections 6.3.1 (a), (b) who shall thereafter present any properly completed application to the members of the Village of Wesley Chapel Board of Adjustment, which body politic shall decide whether or not to grant said Conditional Use Permit, and if granted, shall establish the terms and conditions thereof.

In the event the Village of Wesley Chapel petitions for a Conditional Use Permit, the

Village of Wesley Chapel Board of Adjustment shall assume the role of the Village Council of the Village of Wesley Chapel as set out in Section 6.4 et. seq. and shall conduct a public hearing as set out in Section 6.4. and shall otherwise be governed by the provisions of this Article in its deliberations and decision.

Section 6.12 Conditional Use Permit Application, Schedule and Checklist *(Added 09.22.09)*

Applications shall not be considered complete until the applicable application fees are paid and the following items are included with the application;

VILLAGE OF WESLEY CHAPEL
CONDITIONAL USE PERMIT APPLICATION

Application Number: _____ Date of Application: _____

I. Applicant / Owner Information

A. Applicant's Name: _____

Address: _____

Phone: _____

B. Owner's Name: _____

Address: _____

Phone: _____

II. Property Information

A. Property Location: _____

B. Tax Parcel Number: _____

C. Deed Book _____ Page _____

D. Existing Zoning _____ Proposed Zoning _____

E. Existing Use _____ Proposed Use _____

F. Property Size _____ (Sq. Ft. / Acres)

G. Is a Rezoning Application being submitted with CUP Application? _____

III. Other Required Information (Attach the Following)

- A. Name, address, email and telephone number of the applicant and property owner, if different from the applicant, as well as tax parcel identification number and property description of the subject property.
- B. A scaled boundary survey drawn to an appropriate scale prepared by and certified to be correct by a surveyor or engineer registered with the State of North Carolina, showing the total acreage, present zoning classifications, date and north arrow.
- C. For all adjacent property owners, provide the current owners' names, addresses, and tax parcel numbers (as shown on the current year Union County Tax Records), and the uses and current zoning classifications of those properties.
- D. All existing easements, reservations, rights-of-way, required setbacks, and all yard requirements for the proposed use within the applicable zoning district.
- E. A site plan showing all existing and/or proposed buildings, storage areas, parking and access areas, proposed size, layout and setbacks of land and proposed structures, and proposed number. For all uses this shall include the approximate square footage of all structures and an outline of the area where the structures will be located. *(Rev. 09.22.09)*
- F. All proposed signage, including type and location, in compliance with Article 8.
- G. Traffic, parking and circulation plans, showing the proposed locations and arrangement of parking spaces and access points to adjacent streets, in compliance with Article 9.
- H. Preliminary landscape plan at the same scale as the site plan showing existing and proposed trees, ground cover and landscape material, proposed screening, including walls, fences, berms or planted areas as well as treatment of any existing natural features, in compliance with Sections 4.2 and 4.3. The screening provisions of Section 4.2 shall be minimum screening standards required for the issuance of a Conditional Use Permit, however, the Village Council may impose additional reasonable screening requirements as a condition for awarding a Conditional Use Permit as the Council considers necessary to protect the public health, safety and welfare in accordance with the purpose and intent of this Ordinance.
- I. Documentation shall be provided to stipulate that no quarantined vegetation or soil if any will be removed and that and all endangered species, wetlands or other environmentally sensitive features or areas are identified, protected, mitigated and addressed in correspondence with all applicable Village, County, State and Federal requirements.

Minutes 2009.09.22

Approved 11.09.09

- J. Floor plans and combined site/building elevations for the proposed development.
- K. A map at the same scale as the site plan showing the following:
 - (1) Delineation of areas within the floodplain as shown on the official flood hazard boundary maps.
 - (2) Accurate mapping of all soil classifications found on the site and general depths thereof. The applicant shall use the same classifications used by the US Department of Agriculture.
 - (3) Existing and proposed topography at five (5) feet contour intervals.
- L. Meet all applicable requirements and provisions of the Floodplain Protection Ordinance.
- M. Proposed phasing, if any, and approximate completion time of the project.
- N. Narrative addressing Findings in Section 6.4.3 as well as applicable Additional Review Criteria in Section 6.10
- O. Preliminary Stormwater Management Plan Review as required in Section 14.6.2.
- P. Lighting plan in compliance with Section 4.10 lighting regulations
- Q. Certification from owner of record that applicant has authorization to apply for zoning action.
- R. Statement regarding applicant's proprietary or contractual interest, if any, in neighboring properties.
- S. Conditional Use projects proposed for B-2 Zoning Districts shall comply with the requirements and provisions of Section 5.6.2(1).
- T. Application processing fee. Attach check, payable to the Village of Wesley Chapel in the amount of \$250.
- U. Engineering Deposit. Attach check, payable to the Village of Wesley Chapel in the amount of \$900 for residential or commercial site plan engineering review and \$3,500 for multi-parcel residential or commercial plan engineering review. Any additional fees incurred through engineering review will also be paid by applicant.

Staff Review

- V. Staff Review letter (prepared by Village of Wesley Chapel Zoning Administrator).

Planning Board

- W. Planning Board Meeting(s) / Public Comment (Copy of minutes to be provided by Village staff)
- X. Planning board written recommendation (provided by the Secretary to the Planning Board, as outlined in the Planning Board Rules of Procedure)

Village Council Setting of Public Hearing Date

- Y. Public Hearing shall be set by Village Council in accordance with Article 12
- Z. Certification form that all notices have been posted and mailed in accordance with Article 12 (provided by Village of Wesley Chapel Zoning Administrator)

Village Council – Public Hearing & Review

- AA. Village council Quasi-Judicial Public Hearing deliberation and decision on Findings, including any applicable conditions to be placed on decision, such as Stormwater and Wastewater provisions (provided by Village of Wesley Chapel Clerk)
- BB. Village Council Recommendation and Conditions Notification provided to applicant, Village Clerk and Union County Register of Deeds (provided by Village of Wesley Chapel Zoning Administrator).
- CC. Final Approved Stormwater Management Plan as required in Section 14.6.3
- DD. Final approved Landscaping Plan
- EE. Plans for providing potable water and for the treatment of wastewater and approval letter from Union County Public Works.

Zoning, Foundation and Compliance Permitting

- FF. Verification that all Conditions of Approval and all related studies and plans have been met and/or approved shall be submitted to the Village Zoning Administrator.

I, the undersigned owner or authorized representative, hereby submit this application with the attached information. The information and documents provided are complete and accurate to the best of my knowledge.

DATE

SIGNATURE OF OWNER OR AUTHORIZED
REPRESENTATIVE

(The following Information is to be Completed by the Zoning Administrator)

PUBLIC HEARING DATE: _____

Notice of Public Hearing Published on: _____

Notices to Applicant and Adjoining Property Owners Mailed On: _____
(Verification Attached)

Signs Posted On: _____

Conditional Use Permit 'Findings Of Fact' Checklist Attached: Yes _____ No _____

Action Taken By Village Council: _____

Conditions Imposed by the Village Council Upon Said Conditional Use

Notification of Action Mailed to Applicant on: _____

5A. APPOINTMENT OF MEMBERS TO ORDINANCE REVIEW
COMMITTEE

Mayor Clinton noted that Jimmy Allison had not attended the meetings and was removed from the Ordinance Review Committee; and she appointed John Grexa from the Planning Board to the Ordinance Review Committee.

5B. APPOINTMENT OF MEMBER TO SAFETY COMMITTEE

Mayor Clinton appointed Chauncey Bowers who lives in Blackstone as an alternate member on the Safety Committee.

6. PARKS AND REC REVIEW

Attorney Sistrunk drew up a potential sale agreement for the Price pond donation. Bradford explained the Addendum which is Exhibit B. The four acres adjacent to the pond may be purchased for \$35,000 per acre; as well as land across the street. Restrictions include that the park must close by 10 pm, that we will not intentionally drain the pond to less than four acres unless required to do so by law, to construct an eight foot tall see through security fence and driveway between the Park and the Seller's remaining property, the driveway will be used for limited/handicapped park access to the west side of the pond and gated access to the Keels' remaining property, if the Village violated any of the listed restrictions prior to 2059 the Village would have to buy it from the Seller's heir at fair market price, the village would have to pay any taxes required to remove the land from the Farm Deferment program, and the name of the park will be The Page Price Park.

Bradford also presented four alternatives for assistance from Centralina Council of Governments in preparing our PARTF grant application. Costs would run between \$450 and \$2,250. Discussion was held on whether one property could be used as a match for another park property; Bennett thought the grant had to be for one property site only. Bradford had potential park layouts for the public information session on September 24, 2009, and showed which parks provided which amenities.

7. DOWNTOWN COMMITTEE UPDATE

Horvath discussed the draft document the Downtown Committee has been working on; they are updating the statistics, and going through the document. They hope to present it to Council by year end.

8. DISCUSSION OF NEW ETHICS LAW AND POLICY

Pierce received feedback from Attorney Sistrunk on the draft policy. Changes made to the document include: under Policy Statement, adding ethics education for elected officials; under "Standards of Conduct", section (d) "Disclosure of confidential information", sub-section (2); to add "or non-profit" after business. On page 3 "Disclosure of Interest in Legislative Action" was changed to "Disclosure of Interest in Official Action". Under "General Disclosure Statement", (a), the date was changed to January 15th; at (a) (1), "more than five per cent" was added before "owner, officer or director"; at (a) (2), "real property located in the county owned by" was changed to "real property located in the Village or Village's area of consideration for annexation owned or leased by". In the same sentence, "option to purchase or lease" was changed to "option to purchase or option to lease". The revised policy will be reviewed by Attorney Sistrunk.

Pierce made a motion to call for a public hearing on the Ethics Policy for October 20, 2009 at 7 pm at Wesley Chapel United Methodist Church; Horvath seconded the motion.

The motion passed unanimously.

The Clerk will advertise the public hearing and send it to all committee members.

9. REVIEW DRAFT OF POLICY AND PROCEDURES FOR COMMITTEES

This item was tabled until October.

10. OTHER BUSINESS

Pierce said on November 7 there will be a team for the Cuthbertson principal's son for Cure Search at Freedom Park. Further information is at curesearch.org.

Horvath reported the Monroe bypass option D was selected; Stallings, Indian Trail and Wesley Chapel had voted against it at MUMPO.

Horvath would like to get documentation together to compose items for a capital budget.

11. COUNCIL COMMENTS

None.

12. ADJOURNMENT

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

The motion was approved unanimously.

The meeting was adjourned at 9:40 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Tracey Clinton