

**VILLAGE OF WESLEY CHAPEL
PLANNING BOARD MEETING MINUTES
August 22,, 2011, 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.

Present: Vice Chair Stephen Keeney, Chuck Adams, Ray Davis; Jeff Davis and Dan DeMattos (alternates sitting as regular members)

Absent: Chair Sandi Bush John Grexa,

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

Citizens: Carol Mullis, Becky Plyler

The meeting was called to order at 7:00 pm; a quorum was present. Vice Chairman Stephen Keeney presided in the absence of the Chair.

1. Pledge and Invocation

Keeney led the pledge; Adams gave the invocation.

2. Public Comments – none

3. Additions, Deletions and Approval of Agenda

Chuck Adams made a motion to adopt the agenda; Ray Davis seconded the motion.
The motion passed unanimously.

4. Approval of Minutes

Adams made a motion to approve the minutes from July 25, 2011; Jeff Davis seconded the motion.

The motion passed unanimously.

5. Traffic Management

Langen reviewed the changes made to the proposed text amendment in Section 405.8 (a) (9). Adams asked what NC DOT's turn lane specs were; we require 180 feet if the speed is 45 mph, but the chart only requires 200 feet if the speed is 50 mph. DeMattos said we could consider using the desired deceleration lengths from DOT as our standard. The Mayor reminded the Board that this is not for a shopping center, just for a subdivision. Langen also noted this is written for highways. Adams asked how much will be the taper length, for 45 mph there will only be fifty feet of storage length. Langen noted the property owner could apply for a subdivision modification from Council. Dan DeMattos made a motion to replace "recommended" with "desirable deceleration length" in the second to last line of Section 405.8 (a) (9). He noted the main variable is the number of homes in the subdivision and how busy the road is, and felt this was not logical. Langen said the goal was a minimum standard; speed is a factor, and a large subdivision would

have to have a Traffic Impact Analysis (TIA). He said applying this standard will lead to self sufficiency in road improvements. DeMattos said he would rather see a minimum deceleration lane length, and withdrew his motion.

Vice Chair Keeney asked how many homes trigger a TIA; it is 100 homes, so maybe we should trigger this by that size. Langen said he can move this to Section 6.13.2(c) (vii) to add a deceleration lane of 180 feet. The taper length can be tied to a fraction of the deceleration lane length. It was discussed that 99 homes wouldn't trigger a TIA; Adams suggested we apply it to all major subdivisions.

Adams made a motion that all major subdivisions be required to have a minimum 180 foot deceleration lane length and for speeds of more than or equal to 45 miles per hour the taper length be no more than one third the deceleration lane length, and for speeds less than 45 miles per hour the taper length be no more than half the length of the deceleration lane. Ray Davis seconded the motion.

The motion passed 4-1, with Dan DeMattos voting nay.

Adams said he didn't think 100 homes trigger 100 trips; it would be more like two trips per house. Bennett noted a subdivision modification follows the same rules as the Board of Adjustment follows in granting a variance, they are not freely granted. Bennett also noted we need to change Section 207 of the Subdivision Ordinance to require amendments be submitted to Planning Board 13 days in advance of the meeting, in accordance with the recent change to requiring back-up to the Board be submitted 13 days in advance (formerly was 15 days in advance).

Dan DeMattos said he felt the TIA thresholds from Matthews were more logical, they require it for 50 units; he thought it made sense regarding safety and usage. He suggested we re-work it in view of safety and what the town wants to be like. Twenty five homes is a major subdivision, and the TIA is required for 100 homes/trips. Consensus was 50 homes or 100 trips should generate a TIA.

Adams made a motion to change Section 6.13.1(c) for residential use, use 50 trips, and for commercial use, use 100 trips. Jeff Davis seconded the motion.

The motion passed unanimously.

Langen struck things like "such as" and etc." in Article 6. Chuck Adams made a motion to adopt Article 6 as amended in the previous motion; Ray Davis seconded the motion.

The motion passed unanimously.

The recommended text is:

Section 6.13 Transportation Impact Analysis

6.13.1 Applicability

The development of a Transportation Impact Analysis (TIA) is required for applicable development projects in order to maintain the capacity, function, safety and level of service for the transportation systems related to those proposed developments. Vehicular, bicycle, pedestrian, mass

transit and other modes of transportation are to be considered when preparing a TIA.

- a. Transportation Impact Analysis (TIA) is required for all development or redevelopment projects requiring a Conditional Use Permit not having a residential component and anticipated to generate more than one hundred (100) AM or PM peak hour vehicular trips.
- b. Transportation Impact Analysis (TIA) is also required for all development or redevelopment projects requiring a Conditional Use Permit having a residential component and anticipated to generate more than fifty (50) AM or PM peak hour vehicular trips.
- c. Transportation Impact Analysis (TIA) is also required for all Major Subdivisions that are anticipated to generate more than fifty (50) AM or PM peak hour vehicular trips.
- d. The fifty (50) peak hour vehicular trip and one hundred (100) peak hour vehicular trip threshold shall also apply towards multi-phased development projects where each phase may not exceed the threshold, however, cumulative trips for all phases would. In this case, the TIA would be prepared for the entire project, yet provide transportation improvement requirements to be implemented in accordance with the timing of each phase.

6.13.2 Procedure

- a. The TIA shall be submitted along with applications for Preliminary Plat or Conditional Use Permit. Cost of the TIA shall be the responsibility of the applicant.
- b. The TIA shall be reviewed by the Zoning Administrator and any Transportation Engineer contracted by the Village of Wesley Chapel on an as-needed basis. The Zoning Administrator and Transportation Engineer shall review study area, trip distribution, traffic counts, approved developments in the area, pass-by and internal capture percentages and any other issues related to the TIA. The applicant shall be required to modify the TIA in response to review comments. Reimbursement of cost for any contracted Transportation Engineer shall be the responsibility of the applicant.
- c. The TIA shall, at a minimum:
 - i. Estimate the Traffic Generated

Estimate the peak hour traffic that will be generated as a result of the proposed development. Trips should be estimated for all uses located within the development using the standard Institute of Transportation Engineer's Trip Generation Manual, including pass-by trips, internal trip assumptions, and trip distribution assumptions;

ii. Evaluate Site Access

Evaluate site access, site distance, parking and internal circulation;

iii. Evaluate Existing Capacity

Evaluate the ability of the street network to support the proposed development;

iv. Identify Specific Improvements

Identify specific improvements to the street network that are necessary in order to support the traffic anticipated to be generated by the proposed development and any adjacent areas being analyzed, including intersection improvements, signalization, and turning lanes;

v. Identify Non-Automobile Modes

Identify specific improvements or facilities provided for bicyclists and pedestrians to support non-vehicular access and access to and within the proposed project, including sidewalks, street crossings, and multi-use paths; and

vi. Improvements Implementation Program

Include a program for proposed transportation improvements necessary to accommodate each phase of development and to maintain existing levels of service, safety and access. Identified transportation improvements should include a timeline, funding sources – including public and private matching funds, and responsible parties.

Article 4 was discussed next; Langen said he thought the Board just wanted the buildings out of the right of way, not out of the setbacks, which is different from what was approved in last month's minutes. DeMattos made a motion to approve Article 4.16 as presented; Ray Davis seconded the motion.

The motion passed unanimously.

The recommended text is:

Section 4.16 Applicability of Planned Right-of-Way

Whenever a Zoning Permit is issued, in accordance with Section 10.3 of the Village of Wesley Chapel Zoning Code, structures, excluding signs, lighting, monuments, statuary,

benches and other landscape and garden architecture, shall not be located inside any full/future right of way proposed/defined by an adopted Village or State Transportation plan.

Ray Davis made a motion to approve the text changes to Article 4, Section 405, with the changes to item 9. Adams seconded the motion.

The motion passed unanimously.

The recommended text is:

SECTION 405 Road Standards and Buffering Along Thoroughfares

405.7 Cul-de-sacs *(Revised 03.12.01, 01.05.06 and 05.14.07)*

Permanent dead end streets should not exceed six hundred (600) feet in length unless a modification is granted by the Village Council per Section 206. Said modification may be granted as part of the plat approval process. The length of the cul-de-sac shall be computed from the point where the center line of the dead end street intersects with the center of a through street to the center of the turnaround of the cul-de-sac. Where one cul-de-sac intersects with another cul-de-sac, the end of each cul-de-sac shall be no more than 600 feet from a through street, measured as stated above, unless a modification is granted by the Village Council. The minimum radius of cul-de-sacs shall be sixty (60) feet and a minimum diameter of one hundred twenty (120) feet as measured from the center of the turnaround.

405.8 Improvements Within the Village Limits

Approval of the final plat shall be subject to the subdivider having installed the improvements hereinafter designated or having guaranteed, to the satisfaction of the Village Council, the installation and maintenance of said improvements.

a. Street Improvements

The following requirements shall apply to all streets within the corporate Village limits of the Village of Wesley Chapel, or if annexation of the subdivision to the Village is desired or required by the subdivider.

- (1) **Grading.** All streets shall be graded to their full right-of-way width. Finished grade, cross section and profile shall be approved by the State of North Carolina DOT standards as established herein.
- (2) **Paving.** Road base and paving shall be installed in accordance with the State of North Carolina DOT standards as established herein.

- (3) **Sidewalks.** For all major subdivisions, sidewalks are required along both sides of all residential streets and along any portion of property having an entrance along a major thoroughfare, minor thoroughfare or collector street, as designated by the Village of Wesley Chapel Zoning Map or adopted Transportation Plan. Sidewalks must be four (4') feet wide with four inch depth (4") concrete with a tamped base. Sidewalks shall include a minimum of two (2) feet grass or masonry material, other than cinderblock, buffer from back of curb, buffer from edge of pavement if no curb and gutter exists or is required, to sidewalk edge. Installation and maintenance requirements set forth in Section 309.1 of this Subdivision Ordinance shall apply. *(Revised 09.09.02)*
- (4) **Curbs and Gutters.** For all major subdivisions, curbs and gutters are required along both sides of all residential streets. In all cases curb and gutter shall be constructed in accordance with D.O.T. standards. *(Revised 09.09.02)*
- (5) **Bikeways.** Bikeways are encouraged, but not required, for major subdivisions. Where proposed, the requirements of Sub-section 405.9(a) (3) shall apply.
- (6) **Street Lighting.** Decorative pedestrian street lighting is required for all major subdivisions in which public or private streets are proposed. The outdoor lighting requirements of the Zoning Ordinance shall apply. Streetlights shall be installed at the subdivider's expense along streets of new subdivisions at minimum intervals of 120 feet and maximum intervals of 200 feet distance between streetlights on alternating sides of the street. Within the specifications mentioned above, the subdivider shall use his discretion to determine the exact locations of streetlights. *(Revised 08.08.05)*
- (7) **Entrance-Way Lighting.** Subdivision entry signs, where provided, shall be illuminated and shall meet all requirements for outdoor lighting as set forth in the Zoning Ordinance.
- (8) **Multiple entrances.** Major Subdivisions are ~~encouraged, but not required to have more than one access to thoroughfares for emergency services purposes~~ required to have one (1) entrance from a public road for every one hundred and fifty (150) lots.
- (9) **Deceleration Lanes.** Major Subdivisions are required to provide a deceleration lane for each entrance located along a Major or Minor

Thoroughfare, as designated on the Village of Wesley Chapel Zoning Map or adopted Transportation Plan. Deceleration lanes shall be a minimum of 180 feet in length, including taper. For proposed subdivisions located on roads having a speed limit equal to or less than forty (40) miles per hour, Tapers are limited to a maximum length of half the distance of the deceleration lane. For proposed subdivisions located on roads having a speed limit of forty five (45) miles per hour or greater, deceleration lanes are limited to a maximum of length of one-third (1/3) the distance of the deceleration lane.

(10) Access distances and offsets. Entrances for Major Subdivisions are required to have a minimum 250 foot spacing from any access points or driveways, existing or proposed, along and on the same side of a Major Thoroughfare, Minor Thoroughfare or Collector road, as designated on the Village of Wesley Chapel Zoning Map or adopted Transportation Plan. Access points located across a Major Thoroughfare, Minor Thoroughfare or Collector road from a public street access point shall be aligned with the opposing street or have a minimum offset of ninety (90) feet.

(11) Any improvements specified by an approved Transportation Impact Analysis, as required in Section 6.13 of the Village of Wesley Chapel Zoning Code.

- b. **Natural Areas.** Developers are encouraged, but not required, to provide natural areas for the mutual enjoyment of residents and the general public as a part of any proposed major subdivision.

405.9 Street Signs

Appropriate street name signs which meet the standards of Village/County specifications shall be placed at all street intersections at the subdivider's expense.

405.10 Street Layout

- a. **Conformity to Existing Maps or Plans**

Streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, and to the proposed use of land to be served by such streets.

- b. **Continuation of Adjoining Streets**

The proposed street layout shall be coordinated with the street system of

the surrounding area. Where possible, existing principal streets shall be extended.

c. Large Tracts or Parcels

Where land is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further re-subdivision.

d. Through Traffic Discouraged on Residential Collector and Local Streets

Residential collector and local streets shall be laid out in such a way that their use by through traffic will be discouraged. Streets shall be designed or walkways offered for dedication to assure convenient access to parks, playgrounds, schools, or other places of public assembly.

e. Permits for Connection to State Roads

An approved permit is required for connection to any existing state system road. This permit is required prior to the start of construction on any street or road. The application is available at both the Charlotte and Monroe offices of the Division of Highways.

f. Reservation of Future Right-of-Way

Whenever a tract of land to be subdivided ~~includes~~ has frontage along any part of a major or minor thoroughfare ~~shown on the Union County Thoroughfare Plan, as designated by the Village of Wesley Chapel Zoning Map or adopted Transportation plan adopted by the Village of Wesley Chapel~~ and whenever such right-of-way has been further defined by an adopted Village or State Transportation Plan ~~acceptable locational procedures sufficient to identify properties to be affected~~, a right-of-way for the major or minor thoroughfare must be platted in the location and to the width specified in the plan. The subdivider is responsible for the reservation of the right-of-way. All measurements involving minimum lot standards under this Ordinance shall be made at the edge of the full/future right-of-way thus reserved.

6. Health Clubs

Langen explained he was adding a definition for Health Club since it is listed in the Table of Uses; he added criteria of being less than 20,000 square feet. Buildings more than 20,000 square feet require a CUP. The 20,000 square feet seemed too large to the Board. Adams made a motion to table this for further study; Jeff Davis seconded the motion.

The motion passed unanimously.

Langen will do further research on the size.

7. Graffiti

Langen noted there is a new format for text amendments, in the form of a resolution. In most towns the town cleans up the graffiti and liens the owner. That seemed too invasive here, so he put it in article 4. The issue came up because there were complaints about the graffiti at the old gas station. The involvement of gangs with graffiti was discussed, as well as the hardship imposed on the property owner. Chuck Adams made a motion not to recommend the graffiti text amendment; Dan DeMattos seconded the motion. DeMattos noted there was a real problem with graffiti in Los Angeles; he would rather see us help the victims to get rid of the graffiti. Langen will look at the County nuisance ordinance and what they are doing on this problem.

The motion passed unanimously.

Mayor Horvath said this topic came up from National Night Out, because some of the graffiti is gang related and when it stays there it invites them to stay.

8. A. Ordinance Prioritization Process

Mayor Horvath reported he had talked with Sandi Bush and a running list will be kept of upcoming text amendments. Council and Planning Board can put items on the list, and Sandi and the Mayor will prioritize it quarterly. A "status" column will be added. DeMattos thought it an excellent idea, and would like to see it put in the Planner's Report. Langen will keep the list and it is up to Sandi Bush and Mayor Horvath to send items to him; the list will be on the Planning Board agenda and on the Planner's Report at Council meetings.

9. B. Zoning Permits and Violations

Langen noted this came out of a review of the zoning violation process, and the attorney recommended we add this.

Dan DeMattos made a motion to approve the text amendment to Article 10.3 of the Zoning Ordinance; Jeff Davis seconded the motion.

The motion passed unanimously.

The recommended text is:

Section 10.3 Zoning Permit

It shall be unlawful to commence the excavation or filling of any lot for the construction of a building or structure, or to begin the construction of any building or structure or part thereof, or to erect or replace a sign (except as permitted in Section 8.2) or to move, alter or add to any structure, or to begin the development of land, until the Zoning Administrator has issued a Zoning Permit for such work. No zoning permit shall be issued except in conformity with the provisions of this Ordinance unless after written order from the Board of Adjustment. No zoning permit shall be issued should the applicant(s) property be associated with any outstanding zoning violations.

9. Other Business

Mayor Horvath reported the attorney made us aware of a case in Forsyth County where they decreed prayer must be non-denominational, and no reference be made to the Trinity or Jesus. DeMattos said citizens need to be open to all citizens even those who don't believe in God. Adams said prayer is up to the person offering it, whoever prays can

pray to the deity they believe in. Keeney said we have inherited a republic founded on Christian beliefs, they are under assault, and we must stand our ground. It is dangerous to all to oppress a group in an effort to placate a few. Ray Davis said he agreed with Keeney one hundred per cent.

Carol Mullis asked about the flooding on New Town Road. Mayor Horvath said the location is near the bridge on the north side; County Commissioner Kuehler asked about it and she understood nine feet of fill was brought into the floodplain. There is a house and barn. We are still pulling the flood maps at the time. The current flood map shows them out of the flood plain. Carol Mullis and Ray Davis said that side of the creek historically floods.

10. Topics to Discuss at Next Meeting

Health Clubs, and the zoning permit process for accessory structures will be discussed.

11. Adjournment

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

The motion was approved unanimously.

The meeting adjourned.

Respectfully submitted

Cheryl Bennett, Village Clerk

Chairman Sandi Bush