

**VILLAGE OF WESLEY CHAPEL
PLANNING BOARD MEETING MINUTES
January 28, 2013, 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, Jeff Davis, Alternates Bill Bennett and Jim Mullis (sitting as regular members)

Absent: Chair Sandi Bush, Member John Grexa

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

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

1. Pledge and Invocation

Vice Chair Keeney led the pledge and Chuck Adams gave the invocation.

2. Public Comments - none

3. Additions, Deletions and Approval of Agenda

Chuck Adams made a motion to adopt the agenda with the addition of Perry Zoning violation and Question on Zoning Ordinance Changes; Jeff Davis seconded the motion.

The motion passed unanimously.

4. Swear in New Member

Clerk Cheryl Bennett administered the oath of office to Jim Mullis.

5. Approval of Minutes

Chuck Adams made a motion to approve the December 17, 2012 minutes; Jeff Davis seconded the motion.

The motion passed unanimously.

5A. 108 Lester Davis Rd. Zoning Violation Extension Request

Zoning Administrator Joshua Langen reported this is an R-40 property that has two off-premise subdivision signs; he had not realized it was in Wesley Chapel. He sent a letter and one sign was taken down. The homeowner called and they have a 12 month contract on the other sign running through October; they would have to pay back the rental on a pro-rated basis. The owner did not know the sign was illegal. Chuck Adams asked if it could be grandfathered in. Langen said no, because it was never legal to begin with. Keeney asked the value of the contract; Langen said \$1500. Chuck Adams made a motion to given an extension on the violation until the end of the contract; Jim Mullis seconded the motion.

The motion passed unanimously.

Carol Mullis noted Council did recommend the extension. Langen added that Council made it clear he should check for other illegal signs; it is his responsibility to pick up illegal signs.

6A. Question on Zoning Ordinance Changes

Bill Bennett asked about the changes to the ordinances, and why we are re-writing them. Mayor Horvath said we sometimes come up against a situation that the ordinance doesn't cover; also the ordinances were written 12 years ago. Bill Bennett said he would like to see on the front end the background on what the ordinance says and why we are changing them. Mayor Horvath noted when the ordinances were written a lot was copied from other towns, as we developed into a town, in many cases the Planning Board has simplified the rules, also there was some conflicting information in the ordinances. Council also talked about a cover page with information, to supplement the ordinance prioritization list. Bill Bennett made a motion that future changes have that history attached to them and a reason for why they are being evaluated. Jim Mullis seconded the motion. Jim Mullis noted he was part of the group writing the ordinances; they met two nights a week here, and went through them with a fine tooth comb. He gave some examples of details in the ordinance, and how they were decided.

The motion passed unanimously.

6. Article 4 – Subdivision – Section 408 Fees-in-Lieu

Joshua Langen reported that this section was contradictory on whether the land was for the subdivision or land to be given to the village; also the decision to take land or money was Council's but for minor subdivisions, they never go to Council.

Langen said his intent was to give flexibility to the developer, referring to his changes to Section 408.1 (c). They can make the lots bigger or buffer a stream without requiring an HOA and it doesn't require the town to take land. He tried to incorporate ideas from the discussion regarding Potters Trace. Langen said it gives preference to buffering public roads, if not present, then additional lot area or protecting an environmentally sensitive area can be proposed. Vice Chair Keeney questioned the 1/35th of an acre, he said it was arbitrary, and doesn't do what they think it will. Jim Mullis said the number came from Stallings' ordinance. Langen said it probably came from other towns too, and would stand up in court. Chuck Adams asked if he knew that or was assuming that. Langen said assuming, but he did do a summary of what other towns are requiring, and three towns do the 1/35th of an acre. Vice Chair Keeney asked why we wouldn't include wetlands, lakes, etc.; Langen said because you can't build on that land anyway. Vice Chair Keeney said the way to do this is through zoning, such as R-100. Langen replied most of the town is zoned R-40. Keeney said this doesn't do a good job of it; the problem is developing but giving room to spread out. One approach might be to buffer development so you can't see it when you drive by, and give Council the option to request land. Jim Mullis said at the Brooks, someone put a fence on the berm, and it fell to the HOA because it was against their rules, otherwise items come to Council. Fee-in-lieu was discussed next. If the developer doesn't want to deal with the land, they can pay a fee. Adams asked why Planning Board would review it if Council can ignore their recommendation and make their own decision. Keeney felt this sets us up for a

lawsuit that the Village can refuse payment, and it is arbitrary. Adams said he didn't want taxes to increase for parks, and prefer builders pay the fee instead. Bill Bennett agreed, he just didn't want smaller lots. Langen said R-40 lots are required per the zoning; intent language could be added to Section 408.1(b). Langen said there are two types of buffers; formal mandated with a number of shrubs, and then this buffer to buffer the road. Keeney asked if we could just require buffers on all roads. Chuck Adams said we don't need to buffer all roads. Langen said this would take away the power to get the fee. Jim Mullis said the federal government may supersede us on wetlands. Jim Mullis noted this was originally created to accumulate funds to build a park. Chuck Adams asked Langen to re-word it a little; by consensus there was agreement

7. Wesley Chapel Land Use Plan

Langen struck low impact on page 1 and shopping center on page 2. He brought information on form based codes, and noted this is an art, not a science. Keeney asked who would decide what our form based code would look like; Langen said he would write it, but Planning Board would direct it. He noted there is a lot of details, and gets real tricky real fast. Generally it is more urban in character. Keeney said it would have some impact on re-dos of our major shopping centers. Langen said there probably wouldn't be a lot of re-design work. Langen said he thought Grexa felt there would be re-zonings on Hwy. 84, and it might be better to have form based codes. Jim Mullis said Hwy. 84 will be a major road, and noted people in the corridor of the bypass were never told they were in the corridor. With JDH, wider roads were requested, they went to the transportation board and came up with what it would take to four lane the road; we need to do that for Highway 84. Langen said Item 7 regarding form based codes doesn't obligate us, it is just an idea. Members were polled. Chuck Adams made a motion to send this up as is; Bill Bennett seconded the motion.

The motion passed unanimously.

8. Flood Damage Prevention Ordinance

Langen said he consulted our engineer, and got wording for revisions on page 17. Lots created after 2000 cannot build in the flood plain, but we have one lot created earlier where they want to build; the county does not allow it. They started construction but have not completed it. You cannot put dirt in the flood way. Langen will check with the engineer and bring this back next month.

9. Other Business

Mayor Horvath gave updates on Parks and Rec; bids came in 66% over estimates; they are going through the value engineering process, however there is not a lot we can change. Chuck Adams said he understood the amphitheater could be deleted. Mayor Horvath said one of the four amenities can go. Adams said you would get better attendance at the town hall land, with the shopping center there is lots of parking. Mayor Horvath said Parks and Rec hasn't met; also we have to consider Blackstone. Mayor Horvath reported he was elected the Vice Chair at the last MUMPO meeting.

10. Topics to Discuss at Next Meeting

01.28.2013 Planning Board minutes

Topics include Article 4 and the Land Use map. Langen is scheduling a COG training session for about an hour at the next meeting.

10. Adjournment

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

The motion was approved unanimously.

The meeting adjourned.

Respectfully submitted

Cheryl Bennett, Village Clerk

Vice Chair Keeney