

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL UNITED METHODIST CHURCH
120 Potter Road, Wesley Chapel, NC 28110
February 19, 2013 – 7:00 P. M.

The Village Council of Wesley Chapel, North Carolina, met in the Fellowship Hall of Wesley Chapel United Methodist Church at 120 Potter Road South, Wesley Chapel, North Carolina.

Present: Mayor Horvath, Mayor Pro Tem Ormiston, Council Members Brotton, Plyler and Rosoff

Others Present:

Clerk/Finance Officer Cheryl Bennett; Planning/Zoning Admin. Joshua Langen

Citizens Present: Carol Mullis, Caroline Walker, Butch Plyler

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

1. PLEDGE OF ALLEGIANCE / INVOCATION

Mayor Horvath led the Pledge of Allegiance and Mayor Pro Tem Ormiston gave the invocation.

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

Council Member Brotton made a motion to approve the agenda; Mayor Pro Tem Ormiston seconded the motion.

The motion passed unanimously.

3. PUBLIC HEARING ON TEXT AMENDMENTS TO ZONING ORDINANCE

ARTICLE 2 DEFINITIONS, ARTICLE 4.9.1 AND ARTICLE 5 (SECTIONS 5.1, 5.2, 5.3, AND 5.4)

Mayor Horvath opened the public hearing. There being no comments, he closed the public hearing.

4. PRESENTATION BY CAROLINE WALKER ON A PROPOSED NEW LOCAL CHARTER SCHOOL

Caroline Walker described the charter school application for Ballancrest, proposed to open in fall of 2014. Initially it would be K-5th grade with 306 children; and would expand a grade a year to K-12 and 1075 students. The curriculum would be STEM based, and focus on gifted students. Organic and fresh food would be served; the campus would be eco-friendly, green, and energy efficient. They are looking at land and a building in the Waxhaw area.

5. CONSIDER APPROVAL OF RESOLUTION 2013-01 NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION REQUEST FOR ADDITION TO STATE MAINTAINED SECONDARY ROAD SYSTEM (TWELVE OAKS ROADS)

Zoning Administrator Langen reported the subdivision is almost built out. The County holds the road bonds; the roads are in good shape and DOT will inspect them. Council Member Plyler

2013.02.19 minutes

motioned to approve Resolution 2013-01 (incorporated herein); Mayor Pro Tem Ormiston seconded the motion.

The motion passed unanimously.

**NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION REQUEST FOR
ADDITION TO STATE MAINTAINED SECONDARY ROAD SYSTEM**

Village of Wesley Chapel, North Carolina

R-2013-01

North Carolina
County of Union

Road Description: Request for SR-2 Resolution for Twelve Oaks Drive, Tara Plantation Blvd., Rhett Court and Butler Court in the Twelve Oaks Subdivision in Wesley Chapel.

WHEREAS, the attached petition has been filed with the Village Council of the Village of Wesley Chapel, Union County, requesting that the above described roads, the location of which has been indicated in red on the attached map, be added to the Secondary Road System; and,

WHEREAS, the Village of Wesley Chapel is of the opinion that the above described roads should be added to the Secondary Road System, if the roads meet minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of road to the system.

NOW, THEREFORE, be it resolved be the Village of Wesley Chapel of the County of Union that the Division of Highways is hereby requested to review the above-described roads, and to take over the roads for maintenance if it meets established standards and criteria.

Adopted this 19th day of February, 2013.

Brad S. Horvath, Mayor

Attest:

Cheryl Bennett, Village Clerk

Mayor Pro Tem Ormiston asked Langen if he has an inventory of roads not yet turned over to DOT; Langen does not. Mayor Horvath said he has a meeting with DOT next Monday, he will ask them for that.

6. CONSIDER APPROVAL OF ORDINANCE 2013-01 TO ADOPT ZONING ORDINANCE TEXT AMENDMENTS TO ARTICLE 2, ARTICLE 4 (SECTION 4.9), ARTICLE 5 (SECTIONS 5.1, 5.2, 5.3 AND 5.4)

Zoning Administrator Langen reported there were inconsistencies between the Subdivision and Zoning Ordinance regarding what is the front and sides of corner lots. This amendment gives owner a choice. This amendment also deals with how to define setbacks; those platted with NC DOT maintained right-of-way will keep buildings out of the way of future road widenings. He explained with a corner lot you can designate two front and two side yards, or a front, rear and two side yards. The property owner can either get a survey or Langen can write a letter stating what the yards are. He noted you can't have a rear yard touching a front yard. Langen explained that formerly detached garages had to follow the setbacks of the house, but he didn't know why it should be treated separately than a shed, so that was changed in Section 4.9. In Article 5, the requirement that side yards shall be increased by twenty feet on street side of all corner lots was changed in several places. Mayor Horvath noted Planning Board spent a lot of time on this. Planning Board felt it would be acceptable to put a letter in the file designating the front yard preference on a corner lot instead of requiring a survey or putting setbacks on the plat survey. Mayor Pro Tem Ormiston asked if we have a database; Langen said he has a spreadsheet of zoning permits, for corner lots, he could look through the spreadsheet.

Mayor Pro Tem Ormiston made a motion to approve Ordinance 2013-01, incorporated herein. Council Member Rosoff seconded the motion.

The motion passed unanimously.

VILLAGE OF WESLEY CHAPEL ORDINANCE 2013-01
TO ADOPT ZONING ORDINANCE TEXT AMENDMENTS TO
ARTICLE 2, ARTICLE 4 (SECTION 4.9) AND ARTICLE 5 (SECTIONS 5.1,
5.2, 5.3 & 5.4)

THAT WHEREAS the Village of Wesley Chapel would like to preserve a satisfactory environment through the regulation of setbacks and permitting of accessory use buildings, and

WHEREAS the following text amendments address setbacks and permitting of accessory use buildings;

WHEREAS the following text amendments are found to be compatible with the 2003 Village of Wesley Chapel Land Use Plan;

ARTICLE 2

DEFINITIONS

Corner Lot.

A lot located at the intersection of two platted public or private streets and/or platted private drives acting as access to multiple lots. A lot abutting a curved street or street(s) shall be considered a corner lot if the intersection or curve interior angle is less than one hundred thirty-five (135) degrees. Lots divided by platted public or private streets, and/or platted private drives, shall have all lot setback and yard restrictions, excluding zoning use, applied to each individual plot of land as divided.

Setback.

A distance measured inward from a property line which shall remain unoccupied and unobstructed upward except as may be permitted elsewhere in this Ordinance. Setbacks shall be measured from edge of pavement of a NCDOT maintained street, NCDOT maintained right-of-way, NCDOT proposed right-of-way or platted right-of-way, whichever is farthest from the centerline of a public or platted private street. Setbacks along unplatted private roads and drives shall be measured from property lines. Setback distances shall be established in Article 5 or from recorded final subdivision plats with deed-restricted setbacks, whichever is lesser.

a) Setback, Front

That portion of the front yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

b) Setback, Rear

That portion of the rear yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

c) Setback, Side

That portion of the side yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted in this Ordinance.

d) Setback, Sign

The shortest horizontal distance from ~~the property line or right-of-way to the nearest point (leading edge) of the sign or its supporting member~~ whichever is to the nearest to the property line, edge of pavement of a NCDOT maintained street, NCDOT maintained right-of-way, NCDOT proposed right-of-way or platted right-of-way, whichever is

farthest from the centerline of a public or private platted street. Setbacks along unplatted private roads and drives shall be measured from property lines.

Yard, Front.

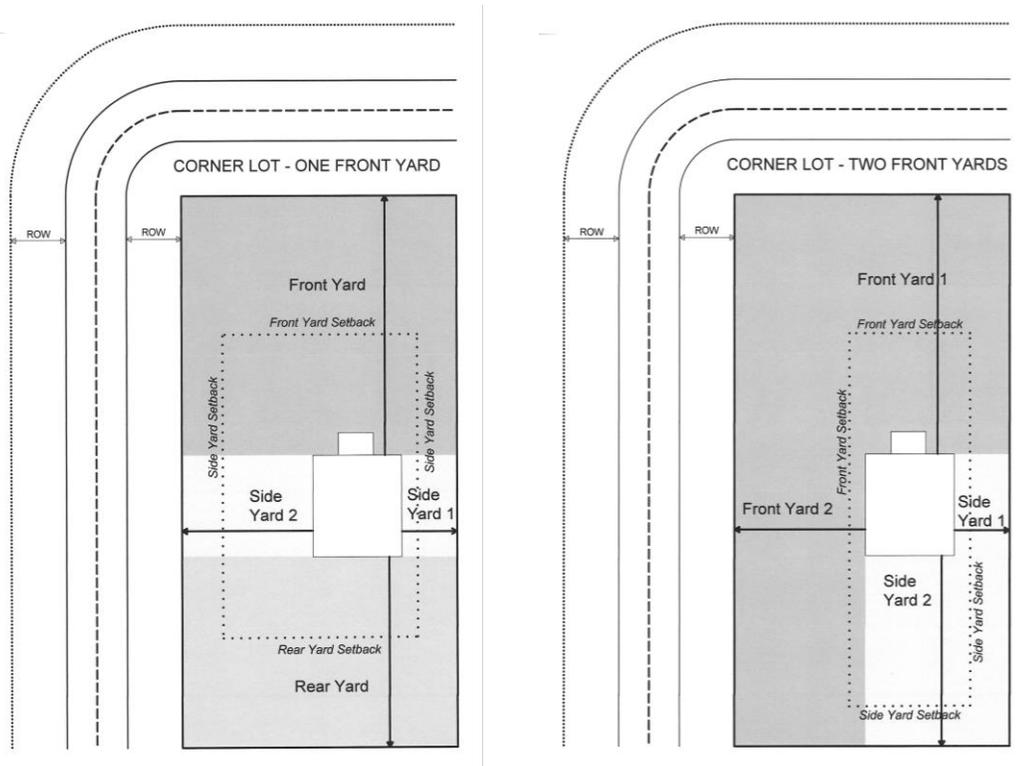
~~An~~ The area measured between from the edge of the public street right-of-way front property line and to the front façade(s) of a the principal building, projected to the side lot lines. On corner lots, the front yard shall be determined-measured perpendicular from the street lot line having the shortest linear footage. If both street lot lines have equal linear footage, by the property owner and shall be surveyed and recorded at the property owner's expense. On corner lots, the property owner shall also have the option to designate two front yards, which shall be surveyed at the property owner's expense. Should the property owner choose not, or be unable, to designate and survey front yard preference, the front yard shall be designated by the Zoning Administrator in response to any Zoning Permit application, although shall not be surveyed or recorded. shall determine the location of the front yard where no principal structure is located. If a principal structure is located on such a lot, the front yard shall be based on the architectural orientation of the house.

Yard, Rear.

The area measured from the rear property line, to the rear facade of the principal building, projected to the side lot lines. On corner lots where the property owner has designated two (2) front yards, only side yards shall be designated adjacent to the front yards. Rear yards shall not be designated adjacent to any front yard(s). A yard extending the full width of the lot on which a principal building is located and situated between the rear lot line parallel thereto and passing through the point of the principal building nearest the rear lot line. Where a rear yard abuts a public or private street, the rear yard shall be measured from the recorded rear lot line, which, in some cases, may coincide with the centerline of the street. If a rear yard abuts a buffer area along a major or minor thoroughfare as required by Section 405.4 of the Subdivision Ordinance, the rear lot line shall be considered to be the nearest edge of the buffer area. (Amended 01.10.05)

Yard, Side.

The area measured from the side property line, to the side facade of the principal building, projected to the rear and front yard lines, or projected from front yard line to other side lot line, in the case of corner lots designated to have two (2) front yards. A space extending from the front yard to the rear yard between the principal building and the side lot line as measured perpendicular from the side lot line to the closest point of the principal building. If a side yard abuts a buffer area along a major or minor thoroughfare as required by Section 405.4 of the Subdivision Ordinance, the side lot line shall be considered to be the nearest edge of the buffer area.



ARTICLE 4

GENERAL PROVISIONS

Section 4.9 Accessory Uses and Structures

Minor uses or structures which are necessary to the operation or enjoyment of a permitted principal use, and are appropriate, incidental and subordinate to any such uses, shall be permitted in all districts with certain exceptions as described herein as an accessory use, subject to the following:

- 4.9.1 Accessory uses or structures, well houses, garages and swimming pools shall be located no closer than fifteen (15) feet to any side or rear lot line. Well houses shall be allowed in any yard and shall not be subject to setback requirements. Detached garages may be located in any ~~non-required~~ side or rear yard, and must comply with all setback requirements of principal structures for that zoning district. (Revised 09.09.02) —

ARTICLE 5

ZONING DISTRICT REGULATIONS

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Section 5.1 R-80 Single-Family District

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5.1.3 Yard Regulations

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- d. **Minimum Side Yard Setback** ~~—(Side yards shall be increased by twenty feet on street side of all corner lots).~~
(Revised 03.12.01)

- 1. Single-family dwellings and modular homes - 25 feet (if a buffer is provided at the side of the lot pursuant to Section 405.4 of the Subdivision Ordinance, the side yard setback shall be measured from the nearest edge of the buffer area).

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- e. **Minimum Rear Yard Setback**
(Revised 03.12.01)

- 1. Single-family dwellings and modular homes - 60 feet. (If a buffer is provided at the rear of the lot pursuant to Section 405.4 of the Subdivision Ordinance, the rear yard setback shall be measured from the nearest edge of the buffer area).

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Section 5.2 R-60, Single-Family District

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5.2.3 Yard Regulations

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- d. **Minimum Side Yard Setback** ~~—(Side yards shall be increased by twenty (20) feet on street side of all corner lots).~~
(Revised 03.12.01)

- 1. Single-family dwellings and modular homes - 25 feet. (If a buffer is provided at the side of the lot pursuant to Section 405.4 of the

Subdivision Ordinance, the side yard setback shall be measured from the nearest edge of the buffer area).

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e. Minimum Rear Yard Setback
(Revised 03.12.01)

1. Single-family dwellings and modular homes - 60 feet. (If a buffer is provided at the rear of the lot pursuant to Section 405.4 of the Subdivision Ordinance, the rear yard setback shall be measured from the nearest edge of the buffer area).

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Section 5.3 R-40, RA-40 Single-Family Districts

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5.3.3 Yard Regulations

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d. Minimum Side Yard Setback (~~side yards shall be increased by 10 feet on street side of all corner lots~~)

1. Single-family dwellings, modular and manufactured homes in the RA-40 Zoning District - 15 feet. (If a buffer is provided at the side of the lot pursuant to Section 405.4 of the Subdivision Ordinance, the side yard setback shall be measured to the nearest edge of the buffer area).

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e. Minimum Rear Yard Setback
(Revised 03.12.01)

1. Single-family dwellings, modular and manufactured homes in the RA-40 Zoning District - 40 feet. (If a buffer is provided at the rear of the lot pursuant to Section 405.4 of the Subdivision Ordinance the rear yard setback shall be measured from the nearest edge of the buffer area).

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Section 5.4 R-20, RA-20 Single-Family Districts

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5.4.3 Yard Regulations

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d. Minimum Side Yard Setback (~~side yards shall be increased by 10 feet on street side of all corner lots~~)

(Revised 03.12.01)

- 1. Single-family dwellings and modular homes - 15 feet. (If a buffer is provided at the side of the lot pursuant to Section 405.4 of the Subdivision Ordinance, the side yard setback shall be measured to the nearest edge of the buffer area).

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e. Minimum Rear Yard Setback

(Revised 03.12.01)

- 1. Single-family dwellings and modular homes - ~~40~~ 30 feet. (If a buffer is provided at the rear of the lot pursuant to Section 405.4 of the Subdivision Ordinance the rear yard setback shall be measured from the nearest edge of the buffer area).

NOW, THEREFORE, BE IT RESOLVED that the Village of Wesley Chapel Council hereby adopts the above listed Zoning Ordinance text amendments.

Adopted this 19th day of February, 2013.

Attest:

Cheryl Bennett, Clerk

Mayor Brad Horvath

(Langen left the meeting at this point.)

- 7. TOWN HALL BUILDING COMMITTEE UPDATE
 - a. Committee concerns / recommendations
 - b. Project updates

Council Member Brotton reported that we chose the stone (which is 24 inches long), white brick for the arches, and colored mortar (“Frosty”). The contractor thinks the savings of the brick and the extra cost of the colored mortar will wash out. The Committee recommended the use of “Mortar Net” to prevent mortar from blocking the weep holes; it is one inch thick, fourteen

inches tall and costs \$792. Council Member Brotton motioned to move \$800 from the Capital Projects Fund, Town Hall Furnishings line item to the Town Hall Construction Contract line item for the Mortar Net. Mayor Pro Tem Ormiston seconded the motion.

The motion passed unanimously.

Council Member Brotton noted another item was brought up – a trap primer which costs about \$350, but the construction team said there is an after construction product that can be used instead at a cost of only \$50. A copy of the breakout of all the items in the construction contract was handed out. Butch Plyler, Vice Chair of the Committee brought in a sample of the bricks and stone for Council to see.

8. DISCUSS POTENTIAL FUNDING RESOURCES OR REALLOCATION TO COMPLETE DOGWOOD PARK

Council Member Brotton said we need to get creative to complete the park in the way citizens want. We have Friends of Parks and appreciate that. He stressed the need to keep an open mind to make it work. Mayor Horvath agreed, we will do both projects; in both cases the bids came in above expert estimates, and value engineering was done while maintaining the finished project.

9. PARKS AND REC COMMITTEE UPDATE

Mayor Pro Tem Ormiston and Parks and Rec Chair John Lepke had a long call with Gary Wirth and Carr Mumford. They discussed what we can change at length; things like the tennis court fence will be removed by volunteers. For the path to the church we have a volunteer with a heavy machinery company. Other projects are being done by Girl Scouts and Boy Scouts. A quote from Gary Wirth to re-do the construction documents and re-bid it came in at \$8,250 plus \$550 in reimbursables. A letter was drafted to Vonda Martin at PARTF describing our efforts. Mayor Pro Tem Ormiston made a motion to increase the amount to pay Wirth for re-bidding by \$2,800 to a total of \$8,800. Council Member Rosoff seconded the motion.

Re-bidding will cause re-working of 25% to 35% of the documents. Administrator Bennett asked if we would need a CUP amendment; if we take out the multi-purpose field do we also lose the unpaved parking and would a new stormwater review be needed. Mayor Pro Tem Ormiston said we should be okay on the stormwater review.

The motion passed unanimously.

Mayor Pro Tem Ormiston motioned to move \$2,800 from the Capital Projects Fund- Dogwood Park contingency line item to the Park Design/Construction Mgt. line item. Council Member Brotton seconded the motion.

The motion passed unanimously.

10. UPDATE ON PLANNING FOR 2013 VILLAGE ADVANCE

Mayor Horvath reported the Advance starts with a dinner Friday night March 15, 2013 at 6:30 pm, and continues on Saturday, March 16, 2013 at 9 am here at the church. We have graphics of the town hall and park to display. The town will provide sticky notes and pens for citizen ideas.

11. PLANNING BOARD UPDATES

a. Appointment of Chairman

Mayor Horvath reported Stephen Keeney agreed to be Chair through the end of his term in June. Council Member Plyler made a motion to appoint Stephen Keeney as Planning Board Chairman; Council Member Brotton seconded the motion.

The motion passed unanimously.

- b. Discussion of ordinance prioritization submission form template to serve as back-up to items on the list

Mayor Horvath drafted a template form. Anyone can submit a request for an ordinance amendment, the form would be submitted to Joshua Langen, and he would send a copy of the request to Council when he receives it.

12. COUNCIL COMMENTS

Mayor Pro Tem Ormiston reported the Youth Council Committee is looking at doing a Litter Sweep in April, and a teen night at Chick Fil A. Council Member Plyler reported at the Centralina Council of Governments' meeting that they emphasized concerns that funds might be cut and might hurt senior services and housing. Mayor Horvath noted there is a MUMPO meeting tomorrow night and they are re-doing their charter due to the expanded area. Council Member Brotton announced he will attend MUMPO ethics training on March 8, 2013 in charlotte.

13. ADJOURNMENT

Mayor Pro Tem Ormiston made a motion to adjourn; Council Member Brotton seconded the motion.

The motion passed unanimously.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath