

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
March 10, 2014 – 7:00 P. M.

The Village Council of Wesley Chapel, North Carolina, met in the Town Hall at 6490 Weddington Road, Wesley Chapel, North Carolina.

Present: Mayor Horvath, Mayor Pro Tem Como, Council Members Kenary, Plyler and Rosoff

Others Present:

Clerk/Finance Officer Cheryl Bennett; Planning/Zoning Admin. Bill Duston; Attorney George Sistrunk

Citizens Present: William Rodriguez, Tommy Ferguson, Van Southard, Heather Grant, Carol Mullis, Chuck Adams, Mark Sergent, Andrew Martin, Jacob Carpenter, David & Linda Mount, Doug Horne, Jon & Julie Horne, Rob Reddick, Valerie Parrella, Bill Meyer, Jason Munday, Karen Izzo, Pastor Ralph Owen

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 Council Member Plyler gave the invocation.

2. PUBLIC COMMENTS

Van Southard asked for direction on deed restricted projects for his real estate clients.

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

Item 12 – DECISION PART and Item 15 were tabled. Council Member Plyler made a motion to approve the amended agenda; Council Member Rosoff seconded the motion.

The motion passed unanimously.

4. PUBLIC HEARING ON CUP 13-1 FIVE STONE CHURCH

Since this is a quasi-judicial hearing, comments are limited to factual information. Mayor Horvath swore in the witnesses.

Carol Mullis asked there not be severe conditions regarding the road, saying the problem is drivers, not the road.

Tommy Ferguson had a letter with several points. Per ordinance section 6.4.1, the burden of proof is on the applicant; Mr. Ferguson's property doesn't perk and he needs access to sewer, it would hurt his property value if he was denied a sewer easement. He had been asking for this for a month, and said just tonight he was notified the church might offer an access. Per Sections 6.4 and 6.10.5 screening is required, and he started at Planning Board, but the applicant did not screen their parking from his property. Regarding Section 6.4.3 he said this will injure the economic value of his property and hinder future development. Also citing this section, he stated the church's intended use of the site is lower on the preference list of the Wesley Chapel Land

Use Plan with single-family residential and agricultural uses listed ahead of institutional use. Mr. Ferguson's last point was the church's child care center, i.e. mother's morning out program with 85 children per day from 9 am to noon does not include a right turn lane and traffic will back up to his property.

Chuck Adams, a resident and Planning Board member, said the church already meets at Cuthbertson Middle School so there won't be more traffic unless the church grows. Planning Board recommended policemen be there to direct traffic; on weekdays there will be less traffic than a housing development.

Bill Rodriguez, a resident, spoke on behalf of the church; they have had great growth, and are called to serve the community, giving examples of hosting a teacher's luncheon, backpack for kids, renovating homes, and a fun night in downtown Waxhaw.

Heather Grant, a Union County native and representing the church described the church's support during her life, and they impact lots of lives and serve people for the good of the community; she supported the CUP request.

Bill Duston, Planning & Zoning Administrator, noted there are separate votes on all the findings of fact, and all must be found in the affirmative. The day care is a secondary use; there are conditions in the ordinance for a day care if you wish to address them. The Planning Board meeting was well attended, and Planning Board made three recommendations – a 200 foot left turn lane be added to Cuthbertson Road; the church's engineer evaluate the need for a right-hand turn lane on Cuthbertson Road; and there be a police officer directing traffic on Cuthbertson Road while church services and Mother's Morning Out sessions are taking place. He noted you have to rely on expert advice, not anecdotal opinions; and you can call for more information.

Mr. Duston did not realize until late in the process that the code required independent review of the Traffic Impact Analysis, and he received the review today; the last paragraph of the review by Justin T. Carroll, P.E. states: "It's my professional opinion the Five Stones Church development (with the addition of proper turn lanes) will not unduly delay the operation of Cuthbertson Road along the development frontage nor the adjacent subdivision street intersections. I withhold my opinion on the intersection of Cuthbertson Road / New Town Road until further analysis has been conducted." Mr. Duston noted you can place fair and reasonable conditions, and the burden is on the applicant to prove the findings.

Co-Pastor Ralph Owen said the church's next step is to move from their transitional space. They have been a neighbor for 4.5 years, and did a demographic study showing the population has tripled in six years, and will grow 22% more. They also found a 37% higher rate of two parent families, their mission is to nurture families. There are also 1900 single parent families in the radius, they will also partner with them. They provide counseling and mentoring.

A land broker who helps churches acquire land spoke, in reply to Mr. Ferguson he said they actually spoke with Ferguson's attorney last week, and are happy to sit down with them. They don't have a full handle on their infrastructure costs yet, and don't know of a site plan for Ferguson's land, so don't know the impact. In January 2013 he was hired by Five Stone, the criteria was to serve current church families, meet the budget, and have acreage for phases I and II. It is hard to replicate a large site like this.

Mr. Cogun from Cogun Associates reported the plans reflect changes after hearing concerns at Planning Board. There is an overflow tank, more buffering to Champion Forest, and they changed the location of the driveway and buffered it. Champion Forest had site security concerns, and they added gate access between the two. They checked the traffic accident reports

and causes. The mother's morning out program is not a day care; per the legal definition of daycare.

The architect reviewed the layout, and stated it won't look different from the road than it does now; the church is tucked in back. They used the topography and are using a lot of natural materials. The lighting is downlighting, and won't overflow the property.

Andrew Matin from LS3P said DOT required 150 feet of storage in a left turn lane and the church extended that to two hundred feet. There is preliminary approval of the stormwater plan, and they did an additional analysis that was reviewed by the town's consultant. A conservative approach analysis of the New Town Road intersection included full traffic of 1200 whereas there was already a 600 seat facility being used, and it showed no significant effect on the intersection. Regarding stacking, the internal stem should provide enough that cars won't stack up on the road.

Council Member Plyer asked about a right turn lane. The applicant said left turn lanes are put in at low thresholds because often cars must come to a complete stop, but right turning vehicles frequently don't have to stop, so it is not as necessary. The church meets once per week, and Monday through Friday there is less traffic.

Mayor Pro Tem Como asked the number of parking spaces; the reply was 275 and in phase II it increases to 500 spaces.

Council Member Kenary asked how traffic will flow for the mother's morning out program; the reply was people would park and walk in; they do have a loop, and could stack sixty cars if needed.

5. PUBLIC HEARING ON TEXT AMENDMENT TO ZONING ORDINANCE FOR AGRICULTURAL USES DEFINITION

Planning & Zoning Administrator Duston said this topic came up earlier, and went to Planning Board; they recommended striking "grown or raised on the premises" in the definition of agricultural uses. Since agricultural uses are allowed as a use by right in a number of zoning districts, he suggested a minimum acreage be put in such as three acres; agricultural uses are not normally in subdivisions and may be subdivision restricted.

6. APPROVE MINUTES FOR COUNCIL MEETINGS JANUARY 21, 2014 AND FEBRUARY 10, 2014

Council Member Kenary motioned to approve the January 21, 2014 and February 10, 2014 minutes; Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

7. STAFF REPORTS

a. Review and approve February 2014 financial reports

Finance Officer Bennett reported since month end we received a check from PARTF for about \$62,000. Property tax collection is at 99%. While engineering fee reimbursement revenue is above budget, engineering expense is also running high. Council Member Rosoff motioned to approve the February financial reports; Council Member Kenary seconded the motion.

The motion passed unanimously.

Balance Sheet – February 28, 2014**ASSETS****Current Assets****Checking/Savings**

Fifth Third Bank Checking	116,188.96
Fifth Third Bank Money Market	105,589.51
BB&T Money Market	605,299.68
Cash Change Fund	<u>50.00</u>
Total Checking/Savings	827,128.15
Misc. Fees Receivable	<u>1,954.50</u>

Other Current Assets

Property Tax Rec.	2,722.00
Allow. for Doubtful Accounts	-1,067.00
Prepaid Exp.	<u>850.00</u>
Total Sales Taxes to be Received	16,711.41
Total Current Assets	848,299.06

Fixed Assets

Land	813,423.00
Dogwood Park CIP	97,610.00
Town Hall- CIP	671,617.00
TH Driveway CIP	29,563.00
Office Equipment	8,749.00
Accumulated Deprec.	<u>-7,727.98</u>
Total Fixed Assets	<u>1,613,234.02</u>

TOTAL ASSETS	<u><u>2,461,533.08</u></u>
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LIABILITIES & FUND BALANCE**Other Current Liabilities**

Due to Union County Schools	101.01
Retainage Payable - Town Hall	62,423.09
Retainage Pay. Dogwood Park	12,203.25
Escrow from Developers	45,076.00
Deferred Revenue	1,655.20
Next yr Prop Tax prepaid	<u>1,564.50</u>
Total Other Current Liabilities	123,023.05

Fund Balance

Fund Bal. inv. in Fixed Assets	1,613,234.02
Fund Balance Assigned for NNO	313.40
Fund Bal. non-spendable	45,926.00
FB restricted by State Statute	20,032.00

Fund Bal. Committed for CIP	514,682.00
Fund Balance	-215,631.00
Excess of Rev. over Exp.	<u>359,953.61</u>
Total Fund Balance	<u>2,338,510.03</u>
TOTAL LIABILITIES & FUND BALANCE	<u><u>2,461,533.08</u></u>

Budget Report February 2014

	<u>Feb 14</u>	<u>Jul '13 - Feb 14</u>	<u>Budget</u>	<u>% of Budget</u>
General Fund				
Income				
Appropriated Fund Balance	0.00	176,400.00	176,400.00	100%
Contributions Income				
Restricted	<u>0.00</u>	<u>50.00</u>	<u>500.00</u>	<u>10%</u>
Total Contributions Income	0.00	50.00	500.00	10%
Property Tax Income				
Current Year Property Tax	13,096.46	143,091.90	145,015.00	99%
Utility Ad Valorem	754.03	1,897.01	1,600.00	119%
Vehicle Registration	246.30	8,250.39	9,465.00	87%
Delinquent Property Tax	26.08	371.07	800.00	46%
Prior Year Motor Vehicle Tax	22.70	493.37	200.00	247%
Interest/Ad Fee on Taxes	<u>273.33</u>	<u>480.72</u>	<u>213.00</u>	<u>226%</u>
Total Property Tax Income	14,418.90	154,584.46	157,293.00	98%
Fees and Licenses				
Privilege Licenses	37.90	22,324.49	27,000.00	83%
Cable Franchise (from Time Warn	3,879.00	11,470.00	16,000.00	72%
Zoning Permit	9,040.00	29,820.00	7,000.00	426%
Engineering Fees Reimbursement	0.00	14,404.50	5,000.00	288%
Newsletter/Deputy Sponsor	0.00	0.00	0.00	0%
Annexation Exp Reimbursed	0.00	0.00	200.00	0%
Misc. Fees	1.00	1,464.34	200.00	732%
National Night Out	0.00	73.00	100.00	73%
Fall Festival	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0%</u>
Total Fees and Licenses	12,957.90	79,556.33	55,500.00	143%
Interest Earned	63.92	1,133.73	1,500.00	76%
Revenue Sharing				
Sales & Use Taxes	3,484.76	17,220.37	37,000.00	47%
Telecommunications Tax	0.00	2,614.00	10,500.00	25%

Video Programming(State Cable)	0.00	22,836.74	91,000.00	25%
Franchise Tax (Electric Power)	0.00	59,350.00	171,000.00	35%
Excise Tax (Piped Natural Gas)	0.00	2,494.00	16,000.00	16%
Alcoholic Beverage Tax	0.00	0.00	33,000.00	0%
Total Revenue Sharing	3,484.76	104,515.11	358,500.00	29%
Total Revenues	30,925.48	516,239.63	749,693.00	69%
Expense				
Transfer to CIP	0.00	0.00	0.00	0%
Operating Expenditures				
Total Operating Expenditures	2,702.74	49,704.69	99,119.00	50%
Total Gen. Govt. Salaries	5,989.14	64,897.08	132,208.00	49%
Total Planning & Zoning	4,798.24	42,836.72	79,468.00	54%
Total Professional Fees	2,907.50	31,965.50	40,900.00	78%
Capital Outlay	0.00	0.00	50,000.00	0%
Total Public Services / Safety	0.00	60,045.73	81,496.00	74%
Parks & Recreation				
Total Parks & Recreation Personal Ser	0.00	0.00	4,472.00	0%
Total Parks & Rec Supplies & Material	40.24	123.11	5,840.00	2%
Total Parks & Recreation Services	12.10	1,293.51	18,610.00	7%
Total P&R Capital Outlay	0.00	233,451.08	237,580.00	98%
Total Parks & Recreation	52.34	234,867.70	266,502.00	88%
Total Expense	16,449.96	484,317.42	749,693.00	65%
Net General Fund	14,475.52	31,922.21	0.00	100%
Capital Projects Fund				
CIP Income				
PARTF Grant	0.00	387,975.74	500,000.00	78%
Adopt A Trail Grant	0.00	5,000.00	5,000.00	100%
Water Based Resource Grant-Park	0.00	100,000.00	100,000.00	100%
Transfer from General Fund				
Appropriated for Dogwood Park	0.00	1,206,800.00	1,206,800.00	100%
Appropriated for Town Hall	0.00	1,442,700.00	1,442,700.00	100%
Total Transfer from General Fund	0.00	2,649,500.00	2,649,500.00	100%
Total CIP Income	0.00	3,142,475.74	3,254,500.00	97%
CIP Expense				
Capital Projects				
Dogwood Park Capital Outlay				
Land Acquisition	0.00	673,271.00	673,271.00	100%
House	0.00	411,419.00	411,419.00	100%

Preliminary Planning	0.00	15,526.67	15,527.00	100%
Design/Constr Mgt,etc.	1,103.55	71,394.77	77,850.00	92%
Site preparation	21,441.63	198,566.82	238,500.00	83%
Grassing	0.00	0.00	51,100.00	0%
Parking lot & drive	0.00	0.00	106,800.00	0%
Boardwalk	0.00	0.00	36,953.00	0%
Accessible routes	0.00	0.00	20,600.00	0%
Paved Walking Trail	0.00	0.00	56,900.00	0%
Unpaved trail	0.00	9,888.04	9,888.00	100%
Amphitheater/Stage/Outdoor Clas	9,990.00	42,490.00	76,100.00	56%
Contingency	0.00	0.00	15,209.00	0%
Testing Fees	2,959.40	5,886.90	12,000.00	49%
Legal Fees - DP	237.50	3,640.00	3,596.00	101%
Utilities	0.00	4,380.00	4,380.00	100%
Fishing Pier	0.00	0.00	0.00	0%
Multipurpose Field	0.00	0.00	0.00	0%
Rest room renovation	0.00	0.00	0.00	0%
Site Furnishings-gate,signs,etc	0.00	277.77	278.00	100%
Other Expense	0.00	1,428.24	1,429.00	100%
Total Dogwood Park Capital Outlay	35,732.08	1,438,169.21	1,811,800.00	79%
Town Hall Capital Outlay				
TH Construction Contract	68,128.79	1,224,238.82	1,251,621.00	98%
TH Architect/Engineer	0.00	104,328.87	108,168.00	96%
TH In House Engineering	0.00	1,200.00	1,200.00	100%
TH Testing/Permit Fees	0.00	12,894.66	15,000.00	86%
TH Telecom Sys/AV/Computers	0.00	0.00	23,012.00	0%
TH Insurance	0.00	1,374.00	1,374.00	100%
TH Legal Fees	87.50	4,842.50	5,000.00	97%
TH Furnishings/Seasonal Dec.	747.47	23,872.21	28,945.00	82%
TH Miscellaneous	0.00	3,524.07	8,380.00	42%
Total Town Hall Capital Outlay	68,963.76	1,376,275.13	1,442,700.00	95%
Total Capital Projects	104,695.84	2,814,444.34	3,254,500.00	86%
Total CIP Expense	104,695.84	2,814,444.34	3,254,500.00	86%
Net CIP	-104,695.84	328,031.40	0.00	100%
Net Excess of Rev. over Exp.	-90,220.32	359,953.61	0.00	100%

b. Update on monthly planning and zoning report

Bill Duston reported a permit was approved for an automotive repair shop at Will Plyler and Waxhaw Indian Trail Road. Planning Board recommended taking compact parking spaces out of the code. Illegally posted signs are being pulled monthly; Durban Group wants to approve the

temporary signs at their shopping center. A flooding complaint near McKinley Forest was resolved today. If a subdivision was approved by the county, they said when we annex it we inherit the problems, however we don't have a stormwater program. Our engineer is reviewing stormwater ponds this week and Mr. Duston will report to Council next month.

c. Review monthly zoning complaints/violations report – no new complaints

A problem on Cottonwood Circle was reviewed by John Ganus, and he doesn't have much ordinance language to use in the situation. Mr. Duston asked if we want to add any nuisance ordinance language. Mayor Horvath said to bring some ordinance examples to us. Planning Board did review this area once.

d. Request by Francisco Espinosa regarding conditional zoning

Mr. Duston noted Mr. Espinosa's property was re-zoned to B-2, and a conditional zoning district would require him to have less costs upfront. Mr. Espinosa asked we consider conditional zoning as a tool. He has a dream of building a convenience store on the site and he was told it would cost more than \$40,000 to put a site plan together to meet the town's requirements and he would have no assurance it would be approved. More information was needed on conditional zoning, so Mr. Duston will make a summary of the differences between current and conditional zoning for Council's next meeting.

8. DISCUSSION AND POSSIBLE DECISION ON CUP 13-1 FIVE STONE CHURCH

Mayor Horvath noted any discussions outside the council meeting on this need to be disclosed. Attorney Sistrunk said the important part is if Council can make a decision based on the meeting tonight. Council Member Kenary said a conversation occurred at the grocery store and it has no bearing on her decision tonight. Mayor Pro Tem Como said someone wanted to discuss it with him and he said he couldn't; Council Member Plyler and Mayor Horvath had similar experiences.

Council Member Plyler asked how many members they have; Pastor Owens said they represent 3,000 people, the majority is in zip code 28173; they have between 500 and 600 at each of the two services. Mayor Pro Tem Como asked about the sewer station; Pastor Owen said the connection is to Champion Forest and they approved a sewer easement. Mayor Horvath asked about the amphitheater in phase II; Pastor Owen said it is more of an outdoor classroom that seats 20; it is not for amplified music. Council Member Rosoff asked Mr. Ferguson for more information; he said he can't develop without sewer; the County view on sewer access is no property can block another property. He asked the Church for access at two public meetings. He has a certified soil analysis study which was submitted to the County. He was notified at 5 pm today of the discussion, and his property is ten acres with a house, but he does not live there. Attorney Sistrunk noted a lot of what Mr. Ferguson is stating is hearsay, so you have to give it the appropriate weight. Mr. Ferguson said he owned the property since 1986; he had a vision of building a large home, but due to traffic his dream was shattered. He has a well and septic for one house. The burden of proof for Article 6.4.3 is on the applicant. The Church representative stated that the problem was his the day he bought it; they said Ferguson's broker said he had it on the market for three years with no offers; this is transferring the burden to Five Stone Church. Council Member Kenary asked if there was an existing sewer easement; the Church representative said no. Mr. Duston said the applicant has a letter from Union County Public Works, they might need to supersize the sewer to allow for future development, and the church

would be reimbursed at that time. Pastor Owens said discussion is going on with public works; there is a significant difference in cost to do that.

Council Member Plyler asked about traffic; Mr. Ferguson said he left the area due to traffic, and can't sell due to sewer. Council Member Kenary asked the hours of the moms' morning out program; it is 9 am to 1 pm. The program will serve 65 children ages birth to age 5, and include 20 staff members. The applicant noted staff will arrive at different times than the children. The church is amenable to police directing traffic at Sunday services. Council Member Rosoff noted with phase II, the Mom's morning out program may increase. Mayor Pro Tem Como asked if this CUP is for phase II also; Mr. Duston said the church said it would be a deal breaker if they can't do phase II. The church representative said the state's definition for daycare is more than four hours.

Findings of Fact were addressed.

6.4.1 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.

Council Member Kenary said this is met since they already meet nearby, and the only increase in traffic is in Phase II and mostly during off peak times. Council approved this finding unanimously.

- b) The use meets all required conditions and specifications.

Council unanimously approved this finding.

- 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.

Council approved this 3-1 with Mayor Pro Tem Como voting nay.

- 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.

The applicant offset zigzagged the sewer line easement so there is not a clear line of sight. Screening was discussed. Mr. Ferguson said he spoke at Planning Board, no one told him of any additional screening. The Church said the area is already heavily treed and if the other land is developed they will also have fifty feet of screening. Mr. Duston said it depends on what the land is used for; with a major subdivision you would have fifty feet along Cuthbertson Road, but if it was just another house you would not. Mayor Horvath said the side next to Champion

Forest has additional screening. The Church said Champion Forest cleared almost to the property line so that is why they put more there.
This finding was approved unanimously.

- e) Availability of services including water, wastewater treatment, gas, stormwater as required by project.

A lift station will be on the church property and a connection to Champion Forest via easement.
This finding was approved unanimously.

- 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.

A two hundred foot left turn lane and an officer being present on Sundays is required. The Church said DOT required the road improvements at Phase II, but they are willing to do them at Phase I. This finding was approved unanimously.

- g) Adequate safety and emergency services (police, fire and EMS).

This finding was approved unanimously.

- h) Additional review criteria, as stated in the Ordinance, shall also be considered and addressed where required.

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.

This was approved unanimously.

- 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.

This was approved unanimously.

Council Member Plyler motioned to approve the CUP with the conditions that there be an officer present on Sundays, there be a two hundred foot left turn lane, and the Mom's Morning Out program be a maximum of twenty teachers and 65 children (greater numbers requires an amendment to the CUP). Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

A brief recess was held. Attorney Sistrunk left at this point.
The public hearing was closed.

9. DISCUSSION AND POSSIBLE DECISION ON TEXT AMENDMENT TO ZONING ORDINANCE FOR AGRICULTURAL USES DEFINITION

Council Member Plyler said she would like to see the text amendment require two or more acres. Mayor Pro Tem Como noted there is a spectrum from a lemonade stand to selling items from an

outside source. Council Member Kenary said she was not in favor; this includes beef cattle, sheep, etc., and on two acres that is ridiculous. Mayor Horvath noted section 4.9.7 regulates the housing of poultry or livestock. Council Member Plyler noted we were just discussing agricultural products, not animals; she also noted it is time sensitive for people starting gardens. Mr. Duston noted the definition was broad at the onset of the Village because these uses were predominant then. Council Member Kenary motioned to not accept this ordinance amendment as proposed in the interim. Mayor Pro Tem Como seconded the motion.

The motion passed 3-1 with Council Member Plyler voting nay.

Council Member Kenary motioned that this ordinance change go back to Planning Board for them to review the entire item with input from the council members being sent to the planner by March 17, 2014 at noon. Council Member Rosoff seconded the motion.

Council Member Plyler had concerns that Planning Board might not get it done; Mr. Duston noted there is not a lot on their agenda, and the recommendation will be back for the April Council meeting. Council Member Rosoff noted in going from an agricultural to residential area we may have to change categories.

The motion passed unanimously.

Mayor Pro Tem Como motioned to suspend enforcement of this ordinance section until we get it revised. Council Member Rosoff seconded the motion.

The motion passed unanimously.

10. CONSIDER PRELIMINARY PLAT APPROVAL AND SUBDIVISION
MODIFICATIONS FOR CANDELLA (FORMERLY KNOWN AS PINETOPS)
SUBDIVISION

Mr. Duston reported Planning Board recommended approval of Candella. There are seven modifications requested, (one came up at the Planning Board meeting that would also require a modification). Rob Reddick, representing the applicant, reported this is a by right plan on 90 acres. Mr. Duston's staff report listed the modifications and planning board's recommendations (they recommended approval of all except the ones reducing the road width and reducing the cul-de-sac radius.) The site plan pages C38 and C39 show what trees they are requesting permission to remove. Mr. Duston handed out comments from our engineer and a letter from DOT. A Traffic Impact Analysis was done by Randy Kemp and reviewed by our engineer.

Mr. Reddick addressed the modification requests. He said they have not changed the lot sizes due to the width of the road paving. He noted more impervious road surface creates more stormwater impact. These roads will be public roads, privately maintained; also since they want the rural feel, there is less pavement. Utility easements will be put in where they need to go, not at the rear and side of all lots. They do not have water and sewer in the required buffer, but do have a stormwater pipe, and did not want to increase the buffer width there because of the required sight line at the entrance. Reducing the road width and cul-de-sac radius allows for less pavement to maintain and less stormwater; also using a roll curb will allow it to be used as part of the travel lane, up to three to four feet width. The Village engineer recommended Road A (collector road) stay at 26 feet wide. A diagram was provided to show a 45 foot truck (the fire department said their longest trucks are 44 feet) could navigate the cul-de-sac. Council Member Kenary asked if a fire truck can go down the road when cars are parked on both sides. The reply was a fire truck is 100 inches wide, or 8 feet, and if a car is 7 feet wide, there is enough room. There is also a lot of room in driveways for cars.

The item that came up in Planning Board is a one way cul-de-sac with plantings in the center. Mr. Reddick said this is where the power lines are, so it is a signature feature. There is a spot where you can U-turn before going into the cul-de-sac. Mark Sargent, representing the applicant, said a fire truck can navigate this, even with a car parked. Mr. Duston said the fire chief didn't have an objection to the cul-de-sac being 80 feet but the issue of a one way street had not come up yet.

A letter from Summit engineers noted the soils encountered are typically "poor" for pavement support, and reviewed the structural numbers for the main entrance road and the other roads. The main road will be kept at 8 inches ABC stone, 2 inches intermediate course asphalt, and one inch of surface course asphalt. The other roads will just have 6 inches ABC stone, 2 inches intermediate course asphalt, and one inch of surface course asphalt. Mr. Sargent said they will have an engineer on site when they do the roads, and he noted the standards are specific for this site.

Per our ordinance, since there is less than 19% tree cover, they must preserve 54% of the existing trees, and they are keeping 81%. On page C39 they worked the grades to preserve some groups of existing trees. The trees to be removed are in building pads, right of way or stormwater areas. Council Member Kenary asked about page C4 showing a lot of driveways being directly across from each other. Mr. Reddick said driveways are typically put on the high side of the lot, they try not to have a house look directly at a driveway, and prefer to have people see the house before the garage. Mr. Sargent noted this is a rendering, and they will be shifted from where they are shown.

Votes were held on the subdivision modifications.

1. Reduction of the cul-de-sac radius from 120' to 80'. Mayor Pro Tem Como motioned to not approve this, based on the recommendation of Planning Board. The motion did not receive a second, and died. Council Member Rosoff motioned to allow the modification for a radius of 80',
 - a) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land, and
 - b) That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner, and
 - c) That the circumstances giving rise to the need for the modification are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this Ordinance, and
 - d) That the granting of the modification will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which said property is situated, and
 - e) That the modification will not vary the provisions of the Village of Wesley Chapel Zoning Ordinance applicable to the property;

because of the landscape of the property, they meet one house per acre, and will not injure anyone or other property, and it is peculiar to the parcel and based on our engineer's letter. Council Member Kenary seconded the motion.

The motion passed unanimously.

2. Reduction in road width from 26' to 24'

Council Member Rosoff motioned to accept the 24 foot road width which is larger than the DOT minimum, and

- a) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land, and
- b) That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner, and
- c) That the circumstances giving rise to the need for the modification are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this Ordinance, and
- d) That the granting of the modification will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which said property is situated, and
- e) That the modification will not vary the provisions of the Village of Wesley Chapel Zoning Ordinance applicable to the property;

and the DOT and engineer's letter cites her opinion. Council Member Plyler seconded the motion. Council Member Kenary amended the motion to keep Road A at 26 feet wide. Council Member Rosoff accepted the amendment; and Council Member Plyler approved the amendment for her second.

The motion passed unanimously.

3. Allowing the utility easements not be put at the side and rear of all lots

Council Member Kenary motioned to approved this modification noting it would require an easement where none was needed and

- a) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land, and
- b) That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner, and
- c) That the circumstances giving rise to the need for the modification are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this Ordinance, and
- d) That the granting of the modification will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which said property is situated, and
- e) That the modification will not vary the provisions of the Village of Wesley Chapel Zoning Ordinance applicable to the property.

Council Member Plyler seconded the motion.

The motion passed unanimously.

4. Amend the road and paving requirements of the Subdivision Ordinance

Council Member Kenary motioned to approve this modification (with road A meeting the standard, and the remaining roads having a 6-2-1 inch pavement section) and

- a) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the

- reasonable use of his land, and
- b) That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner, and
 - c) That the circumstances giving rise to the need for the modification are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this Ordinance, and
 - d) That the granting of the modification will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which said property is situated, and
 - e) That the modification will not vary the provisions of the Village of Wesley Chapel Zoning Ordinance applicable to the property;

noting the letter from Summit shows the construction is better than the required structural number. Council Member Rosoff seconded the motion.

The motion passed unanimously.

5. Allowing for the removal of 14 trees that are 20"+ DBH (diameter at breast height). Council Member Plyler motioned to approve this modification because the applicant is keeping 81% of the trees and exceeding the requirements of the ordinance and these trees are in a building pad or right of way or stormwater area, and

- a) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land, and
- b) That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner, and
- c) That the circumstances giving rise to the need for the modification are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this Ordinance, and
- d) That the granting of the modification will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which said property is situated, and
- e) That the modification will not vary the provisions of the Village of Wesley Chapel Zoning Ordinance applicable to the property.

Council Member Kenary seconded the motion.

The motion passed unanimously.

6. Waive the requirement that if a utility right-of-way is located within the required buffer, the buffer width must be extended to accommodate it, within a portion of the required buffer along Potter Road.

Council Member Kenary motioned to approve this modification noting you don't want a buffer in the sight line. Council Member Rosoff seconded the motion.

The motion passed unanimously.

7. To allow the cul-de-sac at the end of Road F to accommodate one-way traffic with a paving width of 19.5 feet.

2014.03.10 minutes

We do not have standards for a one way road. Council Member Kenary motioned to approve this modification for this one way road since it equates to a 38 foot two way road, and allows fire trucks, etc. to navigate it. Council Member Rosoff seconded the motion.

The motion passed unanimously.

Council Member Kenary motioned to approve the preliminary plat of Candella. Council Member Rosoff seconded the motion. Mr. Duston noted all required approval letters will be received before the plat is signed.

The motion passed unanimously.

Consensus was to table Items 13 and 14.

11. VILLAGE ADVANCE – DATES/LOCATION/FACILITATOR

Mayor Horvath reported the Advance will be April 25 – dinner from 6:30 to 9 pm, and starting at 10 am on April 26.

12. ~~DISCUSSION AND POSSIBLE DECISION~~ IDENTIFYING WHO WILL CONDUCT ROAD INSPECTIONS FOR NEW SUBDIVISIONS

Our potential choices are USI, Eagle Engineering, the county, N-Focus or DOT. A comparative table will be compiled.

13. PARKS AND REC COMMITTEE UPDATE

- a. Update on park construction
- b. Update on Union county Parks Meeting
- c. Other Parks and Rec matters, as necessary

14. TOWN HALL UPDATE ON PUNCH LIST ITEMS

15. SAFETY COMMITTEE UPDATE – TABLED

16. RECAP OF BOARD OF EDUCATION DECISION ON MARCH 4, 2014

Mayor Horvath reported the Board of Education went with re-districting with the exceptions of 4th, 7th and high schoolers staying in their present school until they graduate if they sign up and provide their own transportation.

17. OTHER BUSINESS

Council Member Plyler motioned to make Butch Plyler the project manager for the town hall for the one year warranty period and be given a key to the building and anything pertaining to warranty issues will go directly to the Mayor. Council Member Rosoff seconded the motion. Mayor Pro Tem Como said Butch can do his work when the building is open. Council Member Kenary said she spoke with David Glass, and once we are in the warranty period, things like nail pops or cracks in the wall will be handled at the end of the warranty period. There is a lengthy list of items she discussed with the architect, and except for items like the air conditioning breaking, the contractor will not come in for little items. Also there was some discussion as to when the warranty period begins, per Morlando we are in warranty, and per the architect it hasn't started yet. Council Member Plyler disagreed that they would wait until the end to do warranty items. Mayor Pro Tem Como said the contract says they will address warranty items at the end

of the year. Council Member Kenary asked why there was a push for a key. Mayor Horvath said Butch spent dozens of hours here and he knows who to talk to and what to do. Mayor Pro Tem Como said he can do that Monday through Thursday, from 9 am to 5 pm. Council Member Kenary said this is a safety issue. Mayor Pro Tem Como said there are not contractors or inspectors to meet here at 7 am. Council Member Rosoff agreed with the Mayor that there is a certain amount of carryover. Council Member Kenary said there are significant items that did not make the punch list which she discussed with the architect such as the drainage and sinking transformer, which Butch was here on site-to monitor during construction. Council Member Plyler said she did not believe they won't come out during the warranty period. Butch Plyler would call David Glass and report to the Mayor.

Council Member Kenary amended the motion that the communication be to the whole council as opposed to just the Mayor. Mayor Pro Tem Como pointed out Butch is not an employee of the town. Council Member Plyler approved the amendment. Council Member Rosoff seconded the amendment.

The motion passed 3-1 with Mayor Pro Tem Como voting nay.

Administrator Bennett asked what key should be given to Butch Plyler; Mayor Horvath said the same keys he has, the ones to all offices and doors.

18. COUNCIL COMMENTS

Mayor Horvath said there is a CRTPO meeting on March 17. Mayor Pro Tem Como noted there is the Elected Officials Reception at the Union County Chamber of Commerce on Thursday.

19. ADJOURNMENT

Council Member Rosoff made a motion to adjourn; Council Member Kenary seconded the motion.

The motion passed unanimously.

The meeting ended at approximately 12:35 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath