

**VILLAGE OF WESLEY CHAPEL
PLANNING BOARD MEETING MINUTES
March 24, 2014, 7:00 PM**

MINUTES

The Planning Board of the Village of Wesley Chapel, North Carolina, met at Town Hall, 6490 Weddington Road, Wesley Chapel, NC 28104.

Present: Chairman Stephen Keeney; Vice Chairman Chuck Adams; Members Bill Bennett, Jeff Davis, John Grexa; Alternates John Bowen, David Boyce and Sandy Ells

Village Staff present: Cheryl Bennett, Village Clerk; Bill Duston, Planning/Zoning Administrator

Others Present: Mayor Brad Horvath, Carol Mullis, Jon & Julie Horne, Doug Horne, Van Southard, and John Brunner from Shea Homes

1. Pledge and Invocation

The meeting was called to order; a quorum was present. Stephen Keeney led the pledge of allegiance and Chuck Adams gave the invocation.

2. Public Comments

Carol Mullis asked members and staff to use the microphones, she was glad the Rules of Procedure item was on the agenda and thought the Planning Board alternates should participate in the discussion as well.

Van Southard brought a one page proposal for a 106 acre, age targeted single family project, in the \$300,000+ price range, with lots 65 x 125 feet. Lots are one fifth acre, and gross density 3 units per acre. He noted it wouldn't impact schools, and asked for any input. Planning Board Chair Keeney noted we are not capable of considering this yet.

3. Additions, Deletions and Approval of Agenda

Bill Bennett motioned to approve the agenda. Jeff Davis seconded the motion.

The motion passed unanimously.

4. Approval of Minutes

John Grexa noted by allowing light duty roads at the last meeting, we have impacted future homeowners. Chuck Adams agreed it was a mistake to allow the roads with a 6 inch base. Bill Duston reported Council approved the subdivision with all modifications requested. Chair Keeney noted Chuck Adams voted against approving the road modification (David Boyce also voted against it), and Mark Sergent, their engineer, testified there would be an amortized cost in HOA fees per dwelling of between \$200 and \$300 per year to maintain the roads. Keeney added our engineer said it was a sufficient approach to building the road.

Bill Bennett motioned to approve the February 24, 2014 minutes. Jeff Davis seconded the motion.

The motion passed unanimously.

5. Changes to Agricultural Uses Definition

The staff report on agricultural uses was displayed on the electronic monitors. Chuck Adams asked if he could scroll up and down; you cannot. He requested to receive hard copies of all back-up. Bill Duston reported Planning Board recommended “Agricultural uses shall be permitted on any lot in which such use is allowed that is three (3) acres or greater in area”, and deleted the phrase “grown or raised on the premises”. Council remanded this change to Planning Board, concern was having animals, and the zoning districts having the use, particularly in RA-20; however we do not have any properties zoned RA-20. He requested written comments from Council. He provided email responses from the Mayor and Council Member Plyler. The Mayor concurred with the Planning Board changes, Council Member Plyler said she agrees leaving out the phrase “grown or raised on the premises”. Council authorized Mr. Duston not to enforce the “grown or raised on premises”. Bill Duston noted he does not enforce subdivision covenants; only what is in our ordinances. One of his suggestions was to have an agricultural building if produce was not grown on premises, since that is part of the agricultural uses definition. In the temporary uses definition you can have the use for 45 days, but something that goes beyond the temporary use might require a building. Mr. Duston reviewed the performance criteria – that structures housing poultry or livestock and waste removed from any structure shall be located no closer than 150 feet from any property line, except that structures housing horses shall be located no closer than 60 feet from any property line. Horses are allowed at a maximum density of one horse per 40,000 square feet of pasture area, excluding the minimum lot size for the house. He noted Christmas trees are a temporary use, so you can still sell trees not grown on site. Planning Board recommended fee schedule changes of no temporary use permits or privilege licenses for sales of Christmas trees, and recommended zoning ordinance changes that agricultural uses are on a minimum of three acres, and deleting the requirement that the products be grown or raised on the premises. Mayor Horvath said Council concern was that agricultural uses included livestock, and second, that agricultural uses and temporary uses are not in sync. Mr. Duston noted Christmas trees are brought in from somewhere else, and is a temporary use. Farming is a full time use, done year round. When the code was first adopted, we wanted to be farmer friendly and therefore no minimum lot size was stipulated. The one limitation was that produce had to be grown or raised on the premises. Chuck Adams said the profit margin for growing it yourself is probably higher, and did not think there should be any difference in whether you grew the produce or bought it elsewhere. Chair Keeney felt the intent was to create a variety of produce at the stands. Mr. Duston also noted he spoke to two other Council members, and one said it is okay as it is now, and one had concerns regarding the acreage limit – allowing livestock on relatively small lots. Sandra Ells asked if agricultural uses applies to just the principal use, and not to personal use; this is correct. John Grexa motioned to recommend keeping the 3 acres and strike the “grown or raised on premises”. Bill Bennett seconded the motion. Chuck Adams wanted a motion that says send it back to Council as we originally sent it to them; they are not listening to us. John Grexa rescinded his motion; Bill Bennett rescinded his second.

John Grexa motioned to send the agricultural uses definition to Council as originally submitted by Planning Board. Chuck Adams seconded the motion. Chair Keeney thanked Mayor Horvath and Council Member Plyler for their input and said he wished Council Member Kenary had. Bill Bennett said he took exception to Council Member

Plyler's comment insinuating that staff was out to get someone, adding the ordinances were written by those who started the town and they could have changed them at any time. Mr. Duston noted he did have a discussion with Council Member Kenary and also with Council Member Rosoff and did get their input verbally.

The motion passed unanimously.

6. Review of Final Plat of the McKinley Forest Subdivision

Mr. Duston said this is a 33 lot subdivision, preliminary plat was approved last May. Our ordinance allows final plat approval with a bond for 150% of the estimated cost of the infrastructure. He got a request today to lower the bond estimate, which our engineer has to approve. The original bond was \$432,782. Mr. Brenner said they want to reduce the bond for what is in the ground; there are stormwater improvements and rough grade for roads. The bond is for two years. They would have to renew it if not completed then. Mr. Duston said he would put a tickler for six months before the two years are up. He noted the roads are privately maintained and dedicated to the public. Council approved for USI to do the road inspections. John Brenner noted the roads are being built to state standards; NC DOT will observe the proof roll, even though they won't take over maintenance of the roads. He said the roads are eight inch stone base plus two 1.25 inch and 1.25 inch lifts. Bill Duston noted if you recommend approval it should be contingent on his review of the lighting plan and that our engineer approve the bond reduction of about \$80,000; to his knowledge all the other aspects meet code. John Brenner said he hopes to pave by the end of May. Jeff Davis asked if they build the roads in May and then build the houses, the roads may get torn up. Mr. Brenner noted the final coat is done after home construction. Bill Duston said he talked to our engineer, and they have the schedule, also they have a road maintenance bond of 15% for one year after acceptance. John Grexa motioned to accept the final plat of McKinley Forest subdivision with the final approval of the lighting plan and approval of the bond amount by our engineer. Chuck Adams seconded the motion.

The motion passed unanimously.

7. Review of the Planning Board's Rules of Procedure

Bill Duston noted we are going digital, and this was sent out. Chuck Adams said he did not receive it. Mr. Duston noted the meeting location needs to be changed which Cheryl Bennett pointed out today, as it currently shows the church is the location of the meetings. The other change addresses the situation when a regular member arrives late and an alternate member is seated. Chuck Adams said we are just seeing this now and we should receive this information 13 days before the meeting. Mr. Duston said he respected that, and it cannot be voted on tonight anyway; he asked Planning Board to send any concerns to him. The rules say it must be presented at a meeting before it is voted on. Bill Duston asked Planning Board to share any thoughts with him on this before the next meeting. Chuck Adams said the Rules of Procedures in his book was dated 2.22.2010. Bill Duston said he did not have that copy in his computer. Bill Duston explained that what he was proposing was if a member is late and an alternate sits for that case or item, just like when you are recused for a case, then when the next case comes up the member would vote on it. You can't sit if you haven't heard everything on the case. Chuck Adams did not agree with that, and said it disrupts the meeting. Chuck Adams motioned to table this item. Jeff Davis seconded the motion.

The motion passed unanimously.

8. Other Business

Chuck Adams said if he hadn't stopped in the town hall today he wouldn't have the email from Frayda; Cheryl Bennett said she had emailed it to everyone. Chuck Adams suggested printing everything out and then the members can come to the town hall and pick up the information. Bill Duston said we were going digital tonight, i.e. putting things on the screen. Chuck Adams said he did not like that because he cannot scroll or move the items on the screen. Carol Mullis liked being able to see the items on the screen. Planning Board consensus was to receive things in hard copy 13 days before the meeting, and still show the items on the screen. John Grexa said he can't always pick up the information and would like to see the maps up on the screen.

John Grexa asked what happened to the future land use map we did. Mayor Horvath said they went into discussion on the age restricted housing, so he waited since it had the potential to change again. John Grexa said waiting a year is unacceptable.

Chair Steve Keeney asked for an update on Candella. Mayor Horvath said Council approved the four subdivision modifications Planning Board approved; and also the road width since they felt the slope curb added the twenty six feet; and the cul-de-sac width since the fire chief said the auto cad showed the fire trucks can turn around; also we didn't find any other town with a 120 foot diameter cul-de-sac, so it seemed reasonable to approve it. Mayor Horvath said he presented Chuck's argument at the meeting. Chuck Adams said Planning Board did not see the AutoCAD nor the drawing. John Grexa said the former fire chief recommended the 120 feet. Chuck Adams said we need a standard for roads and to hold to it.

Chair Keeney said we go through a lot of work on our recommendations and then they get ignored and undermines the confidence in us. We have been challenged to do statements of consistency and prefer hard copy comments. Mayor Horvath said he will take the comments back to Council.

Bill Duston said every month he reports to Council and includes Planning Board's major comments; do you also want comments from Council to complete the circle. Chairman Keeney replied yes. Bill Duston noted the second Council meeting is after the Planning Board packets have been sent out, so he would report verbally and limit it to facts.

Mayor Horvath noted the Advance is April 25 and 26. Bill Duston reported we met with the facilitators today, and he will send Planning Board members an email tonight asking for their top concerns for the Saturday session, in 20 words or less; they are due next Monday.

9. Adjournment

Chuck Adams made a motion to adjourn; Jeff Davis seconded the motion.

The motion passed unanimously.

The meeting adjourned at approximately 8:42 pm.

Respectfully submitted,

Cheryl Bennett, Village Clerk

Stephen Keeney, Chairman