

**VILLAGE OF WESLEY CHAPEL
PLANNING BOARD MEETING MINUTES
April 28, 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, Members Bill Bennett, Jeff Davis, Alternates David Boyce and Sandy Ells (sitting as regular members); John Bowen

Absent: Vice Chairman Chuck Adams, John Grexa

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

Others Present: Mayor Brad Horvath, Council Member Becky Plyler, Doug Horne, Francisco Espinosa, Carol Mullis

1. Pledge and Invocation

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

2. Public Comment

Carol Mullis asked everyone to use the microphones; and offered her thoughts on when alternates should be seated and regarding the privilege license tax.

Council Member Becky Plyler questioned Bill Bennett on what he referred to on page 10 of the March minutes. He said it was in response to an email that had been sent to Planning Board. Council Member Plyler said someone had asked her and said they were afraid to talk in fear of retaliation, and requested it be put in the minutes that the clerk is Mr. Bennett's wife. Discussion was held on the lack of civility at meetings. Mr. Bennett said he will resign.

3. Additions, Deletions and Approval of Agenda

Wesley Manor Subdivision Plat was moved up before the Update on the April 10, 2014 Village Council Meeting. David Boyce motioned to approve the amended agenda. Sandra Ells seconded the motion.

The motion passed unanimously.

4. Approval of Minutes

Chair Keeney requested item 2 of the March 24, 2014 minutes be changed to read "Planning Board Chair Keeney noted we are not capable of considering this yet". David Boyce motioned to approve the amended March 24, 2014 minutes. Jeff Davis seconded the motion.

The motion passed unanimously.

5. Wesley Manor Subdivision Plat

Planning and Zoning Administrator Duston reported this is on Underwood Road next to Quintessa. Two lots are involved, one zoned RUC and one zoned R-40. At the Advance there was general consensus that going forward subdivisions need to stay at DOT standards and have no additional pavement so the roads will be DOT maintained. When this plat was submitted it was to our Code, which requires 26 foot wide roads. Four modifications are being requested: remove seven trees with twenty inch plus diameter at breast height (dbh); waive the ten foot utility easements in all side and rear yards; reduce the street width from twenty six (26) feet to twenty two (22) feet; and reduce the cul-de-sac paving radius from sixty (60) feet to thirty five (35) feet. A diagram of DOT cul-de-sacs was handed out. Mr. Duston will meet with John Underwood from DOT to review proposed changes to our ordinance so we will comply with DOT requirements. Mark Van Dine said twenty two feet is from edge to edge of pavement, it does not include curb and gutter. Since there are sidewalks and some common area, they will have an HOA. Chairman Keeney said at the Advance two other alternatives were Powell Bill funds and private road maintenance to achieve the wider street aesthetics. The fire trucks and school bus will need to do a three point turn. Mark Van Dine asked for a modification to remove seven trees; all on the entrance road or where runoff control needs to be. Bonterra Builders will reference the tree save areas on the final plat to be more visible at closing. David Boyce asked about the specific trees. Chair Keeney read the staff recommendations from the staff report, as follows.

STAFF RECOMMENDATION

Staff has no objections to Modification #1 as the heritage trees that are proposed for removal lie either within proposed building pad sites or within or in close proximity to the street right-of-way. Staff has no objection to Modification #2 as placement of these easements could result in interference with or destroying of required tree save areas. Modifications 3 and 4 have been granted by the Village Council (but not necessarily recommended for approval by the Planning Board) in similar situations in the past. The conundrum here is that if Modifications 3 and 4 are not granted, NCDOT has indicated that they will not maintain these roads. If this occurs, the roads will need to be maintained by a homeowners' association, as opposed to NCDOT and a statement will need to be placed on the plat that states that the road is to be "publicly dedicated and privately maintained". NCDOT has indicated to staff that future maintenance of low-volume subdivision streets such as the one herein proposed will be a low priority. Thus it remains unclear as to which alternative will provide for the better long-term maintenance of the road. It is the burden of the subdivider to prove to both the Planning Board the reason(s) for these modifications.

Mark Van Dine said being a five lot subdivision, they thought of the burden to homeowners should the road be privately maintained, and thought it might be better to have DOT maintenance. David Boyce agreed; he said he measured his street of five homes, and it was eighteen feet edge to edge and a sixty foot cul-de-sac diameter. There are no issues with school buses and other vehicles turning around.

Chairman Keeney said DOT doesn't want to maintain more surface area; if a development is twice as large, it will have more road surface. We need an attorney to review.

Bill Bennett motioned that we table the modifications and don't recommend to Council until we get in writing from DOT and until the ordinances get updated. He amended his

motion that we recommend approval of modifications 1 and 2, and let Council decide on modifications 3 and 4. Bill Duston said we have thirty calendar days from when it gets to you to be passed on. Bill Bennett rescinded his motion.

Bill Bennett motioned that we move this on to Council, and recommend approval of modifications 1 and 2, and let Council decide on modifications 3 and 4 (no recommendation); and get in writing that DOT will take over the roads and on items 1-6 in the staff memo, that the letters and approvals be obtained. Sandra Ells seconded the motion.

The motion passed unanimously.

6. Update on April 10, 2014 Village Council Meeting

Bill Duston reviewed Council actions: a checklist of items that would need to be changed in the ordinances to match NC DOT road construction standards will be developed. A temporary use permit for fireworks at Stonegate was approved subject to proof of insurance and that there is a qualified operator (both insurance and operator license terminate in June, and will be renewed July 1). Council approved reduction of bond at McKinley Forest subdivision, and approved final plat. Council approved eliminating the compact car parking space option, staff will find out if Aston Properties shopping center has vesting in parking spaces. Council voted to not make any changes to the definition of "agricultural uses". Mayor Horvath said Council felt if you were bringing in outside produce you were operating a business and second, that if you went to a farm stand, you would expect it to be locally grown produce. Bill Duston explained the temporary use permit covers things like tomatoes, but for an extended period of sale, it is no longer a temporary use. Chair Keeney asked about enforcement; Bill Duston said for signs he does a once a month sweep, but he doesn't actively enforce everything. Mayor Horvath said Council originally said they would not enforce this until we have a decision, which has now been made. Chair Keeney asked about a farmers market which was discussed at the Advance, and nothing would be grown on site. Bill Duston said farmers markets are a use by right in B1, B2, LI and OI.

7. Review of Planning Board's Rules of Procedure

Bill Duston reported on a change to the Rules which change the meeting site from the Church to the town hall. The second change relates to when an alternate is seated, discussion begins, and then the regular member arrives. Chair Keeney asked if it mattered if the member was present for public comments. Bill Duston said public comments are opinions, however if you come in five minutes late for a subdivision plat, you haven't heard the whole information. Mr. Duston said with our current rules, you can vote on the change the same night it is presented. David Boyce noted regular members may historically have more experience and thus more knowledge to particular cases, and he suggested leaving it up to the chair to decide if anything offered in public comments is pertinent and if the alternate member should remain seated or not for the item. Consensus was to agree to the change on rule 6 for the meeting site. David Boyce motioned that rule 7 be approved with the addition that the Chair or Acting Chair has the ultimate call to say when the alternate steps down and the regular member be seated. Bill Bennett seconded the motion. Bill Duston will send out the text.

The motion passed unanimously.

8. Conditional Zoning

Bill Duston said this was discussed at the Advance. We also have parallel conditional re-zoning, which was done for one portion of one shopping center. A summary of the differences in the details of conditional zoning at four local communities was shown. Under conditional use zoning you have to decide based on the evidence at the hearing, with conditional zoning you can talk to the applicant ahead of time and require a public informational meeting with neighbors. Only upon approval do you have to submit detailed plans. Mr. Duston felt it is a win-win for both the town and the developer. He suggested the neighborhood meeting should not be at a Planning Board meeting, but one or two members might attend, along with the Zoning Administrator. The biggest difference between other towns was who was invited to the meeting; one town sends notice up to 1300 feet away. Two of the four require it be recorded at the Register of Deeds. In Mineral Springs they allow deviations below the code for certain proscribed items. Mr. Duston said if Planning Board approves, then Council will direct him to write text. Sandra Ells motioned to continue to develop text and move forward on conditional zoning. Bill Bennett seconded the motion.

The motion passed unanimously.

9. Other Business

There was some discussion regarding the enforcement of our ordinances and the perceived impact on our residents.

10. Adjournment

Sandra Ells made a motion to adjourn; Jeff Davis seconded the motion.

The motion passed unanimously.

The meeting adjourned at approximately 8:50 pm.

Respectfully submitted,

Cheryl Bennett, Village Clerk

Stephen Keeney, Chairman