

**VILLAGE OF WESLEY CHAPEL
PLANNING BOARD MEETING MINUTES
August 25, 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 John Bowen, Jeff Davis, Alternates David Boyce and Sandy Ells (sitting as regular member).

Absent: Member John Grexa

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

Others Present: Mayor Brad Horvath, Carol Mullis, Mark Sergent, Rob Reddick, Jim & Laurie Perkins

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 Comment – none

3. Additions, Deletions and Approval of Agenda

John Bowen motioned to approve the agenda. Sandy Ells seconded the motion.

The motion passed unanimously.

4. Approval of July 28, 2014 Minutes

Sandy Ells motioned to approve the July 28, 2014 minutes; John Bowen seconded the motion.

The motion passed unanimously.

5. Perkins Rezoning RZ-14-1

Bill Duston reported this is a request to re-zone 9.5 acres, the last parcel on Goldmine Road which is zoned R-20 to R-40. It is on the Land Use Plan as medium density, as it was in the county. It is not connected to the subdivision. The Union County Operations Center is to the east. John Bowen asked about the driveway/road; Mr. Perkins said it is just a driveway and stops at the house. He wanted to re-zone it for small agricultural uses. Chairman Keeney said the Village prefers lower density, and the proposed statement of consistency is accurate. John Bowen motioned to recommend approval of the zoning change from R-20 to R-40 with the proposed statement of consistency: “Even though the future land use plan map shows the area to be developed for “medium-density residential development”, the Village’s overall desire is to develop in a low-density manner. The tract in question is not part of or accessible from the Goldmine Acres

subdivision. Given that, and its location adjacent to a Union County public works operations center, the re-zoning is consistent with the overall plan of development for the Village.” Chuck Adams seconded the motion.

The motion passed unanimously.

6. Candella Subdivision, Final Plat

Bill Duston reported this is a request for final plat approval for 21 of the 64 lots in the subdivision. Village Council approved five modifications on this subdivision. All approval letters have been received. Vice Chair Adams asked why only 21 lots are being asked for final approval. Mark Sergent from Meritage Homes said so they can start building, it is a return on investment thing. Bill Duston noted this is the first subdivision with roads publicly dedicated and privately maintained; the village engineer will inspect the construction. Chair Keeney asked about the fifty feet shown on Crowley Way; the actual street width is 24 feet, with two feet of curb and gutter. The rest of the lots will be up for final approval in 3-4 months. The rest of the roads cannot be changed to be DOT maintained roads and the applicant said they have no intention to change them. Sandy Ells asked about a line on the map; Bill Duston said the line furthest in the lot is the tree save area, then wetlands and floodplain. The tree save areas will be on the final plat and when the applicant comes in for zoning permits. Rob Reddick said the line is the hundred year flood line; you can fill up to that line. The line from flood line to finished grade is ten to fifteen high. Sandra Ells made a motion to recommend approval of the final plat for the 21 lots and send them to Council. John Bowen seconded the motion.

The motion passed unanimously.

7. Subdivision Ordinance Text Amendments (Continued)

Bill Duston reviewed the amendments. Article 1 and 2 are mostly nomenclature changes. Article 3, on page 3-7 requires the plat to be recorded within 90 days of approval; so before a zoning permit is issued, the plat must be recorded. On page 3-12 there is a Certificate of NCDOT approval for public roads, and a separate one for private roads. US Infrastructure will inspect the private roads, and their fees will be charged back to the developer. Page 3-22 has language for a certificate on privately maintained roads accessing a NCDOT maintained road; this language came from John Underwood at NC DOT. Only NC DOT approves driveway permits.

On page 4-10 utility easements are addressed; since we have tree save areas, the language was changed to “where deemed necessary” so we don’t have to keep doing modifications. Section 405.1 now differentiates between public and private roads. At Section 405.6 and .7 the 26 foot road width is struck, as well as the cul-de-sac radius of 60 feet. John Bowen asked about the shelf life of a preliminary plat; Mr. Duston will look into that. Bill Duston said the language did not take away the right to modify the road rules. Mayor Horvath recalled at the Advance we talked about limiting modifications to roads. Mr. Duston will make a schedule of the modifications on the last five subdivisions for the next meeting. Section 405.8(a) (3) is changed to require five foot sidewalks; we now have four feet and that is not an ADA violation because you can pass at driveways, but five feet is the standard. Section 405.8(a) (9) and (10) changes language on deceleration lanes, access distances and offsets; DOT wants the flexibility to decide on a road by road basis. Vice Chair Adams did not think we should do this saying sometimes DOT recommendations don’t make sense. Mr. Duston will run it by DOT and then bring it back to Planning Board. Chair Keeney noted the turn lane at New Town Elementary is

miniscule and there is room for more length. Section 408.2 is changed because the ordinance calls for an appraised basis (which is illegal); the statute says you must use the tax value. Mr. Duston checked with the attorney and School of Government on this. Section 410 adds language for private roads in non-gated subdivisions; previously Mr. Duston had language for other sub-base requirements, but at the last Planning Board meeting, it was removed. A typo at Section 409 will be fixed. John Bowen asked who deems where the utility easement is necessary; Union County Public Works does. This item will be reviewed again next month.

8. Conditional Zoning Text (Continued)

Bill Duston reviewed conditional zoning as opposed to our current conditional use permits. Conditional zoning is not quasi-judicial, you can speak to anyone, and there is a public information meeting (PIM) where neighbors are invited. If a condition is imposed, it will be put on the plat. Vice Chair Adams said you may have an advocate to get a lot of people to request a condition, but it may not be reasonable. Bill Duston noted while you cannot have a Planning Board quorum attend the PIM, if a couple of members are there it can aid in the staff report. Some communities appoint who will go to the PIM's. The big difference is conditional zoning is legislative, not quasi-judicial, and there are PIM's. Vice Chair Adams asked about Section 3.5A; Bill Duston said they will be numbered, for example CD-B-1-1, or CD-B2-1, the conditions run with the land forever and will be recorded at Register of Deeds for title searches.

Chair Keeney asked if there was any downside to conditional zoning; Mr. Duston said it requires more recordkeeping, the map needs to be crystal clear, and it is recorded. He added it typically would not be used for a change from R-40 to R-20, but prime candidates are other small commercial parcels. Vice Chair Adams noted under conditional zoning not as much detail is required for some items, an example is the conceptual pictures we saw from the shopping center, we approve the conceptual not the detail that goes to the Zoning Administrator. Mr. Duston said he would ask the Planning Board what about the plan do you like, and add those as conditions, i.e. all brick, two stories, etc. Chuck Adams said we have seen things slip through the cracks because of lack of attention to detail, and this gives more chance of that. Mr. Duston said you could copy and paste the requirements for CUP's here. Discussion was held on Pinetops and how they showed house plans and made Planning Board think that was what we were getting. If conditional zoning was approved, you would still see the plat, but for non-residential it probably wouldn't come back to Planning Board. Conditions stay with the land, a new owner can only do what was approved. Five Stones Church was approved as a CUP, but since it is zoned residential, they could still build houses there. Vice Chair Adams asked what is the compelling reason to do conditional zoning. Bill Duston replied you get neighbors' input, and there is less chance of flubbing the quasi-judicial process; conflict of interest standards run a higher risk of litigation. Bill Duston will do a chart of what you have to bring to the table under CUP's and under conditional zoning. Members were polled on their thoughts. Jeff Davis would like to see what is being proposed. John Bowen liked it to be specific and then it goes to council the same, and once approved it can't change. Sandy Ells liked conditional zoning, and asked if we can add another layer of approval. Bill Duston said with subdivisions you will see the plat, but for others you are seeing what you approved. Chapter 12 text calls for a building permit within two years, or you may begin a revocation process.

Vice Chair Adams motioned for Bill Duston to bring back specifics on differences

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between CUPs and conditional zoning. John Bowen seconded the motion.
The motion passed unanimously.

9. Other Business

Bill Duston reported he, Becky Plyler from Council and Sandra Ells put their ideas on senior housing together and went to see two developments. A joint Council/Planning Board meeting will be held on September 8, 2014 at 7:30 pm to review this and recommended Land Use Plan changes. Chairman Keeney called for a special Planning Board meeting joint with Council at 7:30 pm on September 8, 2014.

10. Adjournment

John Bowen made a motion to adjourn; Sandra Ells seconded the motion.
The motion passed unanimously.
The meeting adjourned at approximately 9:18 pm.

Respectfully submitted,

Cheryl Bennett, Village Clerk

Stephen Keeney, Chairman