

**VILLAGE OF WESLEY CHAPEL  
PLANNING BOARD MEETING MINUTES  
November 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 Jeff Davis, John Grexa (arrived late) and John Bowen, Alternates David Boyce and John Souza

Absent: Alternate Sandy Ells

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

**Others Present:** Mayor Brad Horvath, Carol Mullis, Dick Hagemeyer and Wes Hinson for Wesley Pond, Rebecca McManus, Butch Plyler, Jim Roese, Jim R----(illegible)

1. Pledge and Invocation

Chairman Keeney led the pledge of allegiance, and gave the invocation.

2. Public Comment - none

3. Additions, Deletions and Approval of Agenda

Vice Chair Chuck Adams motioned to approve the agenda; Jeff Davis seconded the motion.

The motion passed unanimously.

4. Approval of Minutes

John Bowen motioned to approve the October 27, 2014 minutes. Vice Chair Chuck Adams seconded the motion.

The motion passed unanimously.

John Grexa arrived at this point.

Vice Chair Chuck Adams recommended receiving a CD of each meeting so each member gets the full flavor of the meeting; Chair Keeney agreed. Vice Chair Chuck Adams motioned to request each member of Planning Board receive a CD of each meeting in their packet and the clerk investigate software so the recordings could be listened to in the car. Clerk Bennett noted we cannot use the recording as the official minutes of the meeting. Mayor Horvath said we can investigate the cost of software. John Bowen seconded the motion.

The motion passed unanimously.

John Bowen motioned to approve the September 22, 2014 minutes; Jeff Davis seconded the motion.

The motion passed unanimously.

5. Wesley Pond Subdivision, Final Plat

Bill Duston reported Village Council approved the preliminary plat in Fall 2013 with a number of modifications. Our engineer has inspected the private drive and stormwater improvements and has issued a letter of approval as has Union County Public Works. The infrastructure is in. The engineer gave earlier approval and due to the hiatus, gave an update letter on the pond. The HOA will be responsible for the pond. John Bowen motioned to approve the final plat of Wesley Pond subdivision. Jeff Davis seconded the motion.

The vote was 4 yay (Keeney, Grexa, Bowen and Davis) – 1 (Adams).

Vice Chair Adams stated the way the property is laid out only helps the developer, it doesn't make any sense, and is very convoluted. John Grexa said since it was originally approved, he thought we had to approve it and he wanted to change his vote. John Grexa motioned to revoke the approval of the subdivision. Chuck Adams seconded the motion.

The motion passed 4-1, with Keeney voting nay.

Bowen motioned to approve the plat as is. Jeff Davis seconded the motion.

The motion passed 3-2, with Keeney, Davis and Bowen voting yay, and Adams and Grexa voting nay.

6. Senior Housing Text (continued)

Bill Duston reported he made proposed text revisions on parking, driveways and exterior building materials. He had a conversation with Mr. Fankhauser from Epcon Homes who gave input on the text after the agendas went out. The driveways would hold two vehicles, and one parking space per two dwelling units is required off street. He used City of Belmont (in Gaston county) text on required exterior building materials. Pinwheel housing is included in the text. John Grexa said he had a problem with someone from an outside company being involved in the discussion.

Vice Chair Chuck Adams suggested Planning Board needs to look at several senior housing communities and see what makes sense, for example he did not think one parking space per two dwelling units is enough and people use their garage as storage, not for a vehicle. Bill Duston said the intention is two spaces in the driveway plus one space per every two units. Vice Chair Chuck Adams did not think that adequate; in John Grexa's subdivision parking is not adequate; John Grexa agreed. John Bowen noted these are minimum standards. Bill Duston will send out potential dates for a January Saturday meeting to view senior housing.

7. Nuisance Ordinances

Bill Duston reported John Ganus who does our code enforcement work made a presentation to Council on nuisance ordinances. Council requested some input from Planning Board. John Grexa did not think we needed to pursue the Minimum Housing Standards and Abandoned, Junked and Nuisance Vehicles ordinances because Planning Board reviewed it before and felt it was not needed; Chairman Keeney felt it was covered by HOA's, and if not in an HOA you are in the country, and Planning Board felt it was off limits. This would cover the first three ordinances. John Grexa said he was

originally for some standards, but the consensus was that it is not needed. Chair Keeney said you could possibly make a case for a Non-Residential Buildings and Structures ordinance, but added the ordinance criteria such as tourism, and other economic development opportunities doesn't apply here. Chuck Adams asked about the last line on the Abandoned, Junked and Nuisance Vehicles ordinance, "the comfort, happiness and emotional stability of the area residents". Chair Keeney asked what the general penalty would be to remove a vehicle; Bill Duston said \$50 per day; this is just a tool to get the attention of the homeowner. Vice Chair Chuck Adams said it's my car, my property, and I am not in an HOA. Mayor Horvath noted not every neighborhood has a HOA; this came up as a result of 3 or 4 complaints we have had, and John Ganus said we need an ordinance in order to address these problems; for instance we had someone operating a car repair business from a residence with no HOA. Chairman Keeney said it is the premise that establishing criteria to inflict punishment to change behavior to a standard we have arbitrarily chosen is presumptuous. First we think we have the right to affect someone else's property and way of life, and second, that we should depend on government to enforce that chosen standard is a downward spiral, and as a township we should stay away from it, and it goes back to the origins of Wesley Chapel when there was more farms than parking lots. Mayor Horvath noted these are not all new people, and did not like generalizing labels, but understood the statements. Chuck Adams noted when we had ETJ meetings, he spoke that we should communicate with our neighbors instead of legislating things. John Grexa inquired about the nuisance complaints; Bill Duston said one was chickens, others are junk complaints, a shade tree mechanic, which then morphed to across the street, junk in the front yard, a garage too close to the lot line, we hear mostly about junk. We never got loud noise or grass complaints. We do have a 600 square foot rule for junk. Typically agriculture is exempted. Stallings had an old gas station that was deteriorating and they used the code to address it; we do not have any buildings that are an eyesore. Chuck Adams recommended we do not do any ordinances. Bowen and Keeney agreed. Planning Board did spend a lot of time on abandoned vehicles and minimum housing standards. John Bowen motioned that we have reviewed these ordinances by past Planning Boards, and they did not show merit, and the current Planning Board does not think they show merit. Vice Chair Adams seconded the motion.

The motion passed 4-1, with Grexa voting nay.

Grexia noted we went into depth on vehicles. Mayor Horvath said there is text in the zoning ordinance, but John Ganus is saying they are not enforceable as currently written, and asked if Planning Board wants Ganus to look at the text and see if it could be more enforceable. Grexa noted the text was more on if the vehicles are in the side or back, they are okay. Vice Chair Adams asked what if the property owner doesn't have the funds to fix the violation; and noted at his church they help people to fix problems. An example of a bashed in house on Potter was given; and Chuck Adams noted in Meyers Park, Charlotte condemned a house and hauled it off; do we want to do that? Mayor Horvath said the other side is if someone gets hurt, and who gets sued; look at both sides. Bill Duston will report to Council that the collective sentiment is that things haven't changed and the ordinances are not needed.

#### 8. Sign Location

Bill Duston reported the code does not allow signs in the front yard; however the shopping center and other places have signs in the front yard. He reviewed four local

towns' text and came up with recommended text, which calls for the signs to be 10 feet from the edge of any adjacent property line or street right-of-way, outside the future road right-of-way, and out of the required sight triangle. Grexa asked what signs were being referred to. Bill Duston said not sandwich signs; there is the Town Hall sign in the setback, and a bank sign next to the sidewalk. The code was changed last year; it is not to say that the signs were built in violation of the code. These are permanent, commercial signs. Bill Duston was looking at Mr. Espinosa's site plan, and code says a convenience store can't have a sign fifty feet from the road. Chuck Adams asked how many more things Mr. Espinosa wanted to bring to Planning Board; bring them all at one time. Mr. Espinosa said he did not request anything else. John Grexa and Vice Chair Chuck Adams noted we spent months on the sign ordinance. Chair Keeney added that not all we discussed got into the ordinance. Bill Duston will send pictures of signs with the description of how far back they are. John Grexa motioned that we keep the sign ordinance as is. Chuck Adams said he didn't disagree, but wanted to understand why it came to us. Mr. Espinosa said he has talked to a lot of people and they say why can't you have a sign in the front yard; he can move ahead without a sign. Bill Duston said he initiated this; typically signs are allowed in setbacks, so he put text together to bring to Planning Board. The prohibition is in the setback definition, not in the sign regulations. Chair Keeney asked when the setback definition changed; Mr. Duston replied February 19, 2013. Chuck Adams asked why we would want a sign in the setback. Bill Duston said for safety, i.e. if you are looking for a Holiday Inn sign that is small and far back from the road at 1 am. Subdivision signs couldn't go in the setback either, but most of them are. John Grexa noted they were put in before the ordinance changed. Bill Duston said you could make the change for only commercial property. Bill Duston will send examples and note what the setback is and where the sign is. The motion died for lack of a second.

#### 9. Other Business

Vice Chair Chuck Adams motioned to amend the meeting schedule to delete the December 14, 2014 meeting, and adopt the 2015 meeting schedule to continue to meet on the fourth Monday of the month. John Bowen seconded the motion.

The motion passed unanimously, with John Grexa abstaining.

Chair Keeney can call for a special meeting for the field trip with at least 48 hours' notice.

#### 10. Adjourn

John Bowen motioned to adjourn the Planning Board meeting; Jeff Davis seconded the motion.

The motion passed unanimously.

The meeting adjourned at 8:31 pm.

Respectfully submitted,

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Cheryl Bennett, Village Clerk

