

**VILLAGE OF WESLEY CHAPEL
PLANNING BOARD MEETING MINUTES
September 28, 2015, 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: Chair John Grexa, Members David Boyce, Sandra Ells and John Souza

Absent: Chuck Adams

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

Others Present: Carol Mullis, Rebecca McManus, Mayor Pro Tem Mike Como, Mayor Horvath arrived toward the end of the meeting

1. Pledge and Invocation

The pledge of allegiance and invocation were said.

2. Public Comments – none

3. Additions, Deletions and Approval of Agenda

The item for “Proposed Text Changes – Senior Housing” had been put on in error and was deleted. A request was made to discuss the survey questions, but that was postponed since the Board did not have time to review the information in advance. David Boyce motioned to approve the agenda with these two changes; John Souza seconded the motion.

The motion passed 3-1 with Ells voting nay.

4. Approval of Minutes

John Souza motioned to approve the minutes of August 24, 2015 and September 8, 2015. Sandy Ells seconded the motion.

The motion passed unanimously (David Boyce abstained because he was not at the August 24, 2015 meeting.)

5. Proposed Text Change – Zoning Map Amendments

Zoning Administrator Bill Duston noted this topic came up at the Planning Board training. Existing text allowed anyone to apply for a change in the zoning map. He noted while anyone can apply for a change in the zoning ordinance text, Village Council “may” call for a public hearing on it, they do not have to call for the public hearing. Chair Grexa commented it should only be someone in our town that requests a text change. Proposed text allows for anyone to apply for a text change, but for only Planning Board, Council or the owner or authorized agent of the subject property to apply for a change in the Zoning Map.

David Boyce motioned to accept the changes in text to Section 12.1 and approve the statement of consistency that the Village's Land Use Plan does not specifically address the process for rezoning properties within the Village. The proposed change is therefore neither consistent nor inconsistent with the Land Use Plan.

John Souza seconded the motion.

The motion passed 3-1 with Grexa stating there is too much latitude in section (a), and it should only allow a citizen or authorized agent.

The proposed text will go to Council for final decision, and reads as follows:

Section 12.1 Amendments to Text and Map

Zoning regulations and restrictions and district boundaries may from time to time be amended, supplemented, changed, modified or repealed in the following manner:

- a. The Planning Board or the Village Council of the Village of Wesley Chapel or any person may institute an application for a change in the text of the Zoning Ordinance; ~~or a change in the zoning map.~~
- b. ***The Planning Board or the Village Council of the Village of Wesley Chapel or owner(s) of the subject property, or their authorized agent, may institute an application for a change in the Zoning Map.***

6. Overview of Upcoming Zoning Ordinance Text Amendments

Bill Duston reviewed changes in State Legislation and a Supreme Court Decision that will require changes to our ordinances. John Souza motioned that we approve staff to work on these text changes one at a time. John Grexa seconded the motion.

The motion passed unanimously.

a. Subdivision Performance and Maintenance Bonds

The Legislature capped the guarantee in relation to final plat approval to 125% of the estimated costs of making the improvements; we currently require 150%. We also need to specifically allow for letters of credit. The legislature also no longer allows maintenance guarantees for roads. We had a recent Letter of Credit from a bank that had all branches in Texas, not North Carolina, and there was a question on whether they were "a bank doing business in North Carolina" as required by Subdivision Ordinance Section 309.2(a) (2).

Sandy Ells motioned to authorize Bill Duston to create language regarding subdivision ordinance changes as related to the NC legislation and implement specific language regarding the location where banks are and what state's laws control them. John Souza seconded the motion.

The motion passed unanimously.

b. Design Criteria for Single- and Two-Family Dwellings

The NC Legislature prohibits regulation of building design elements for most single and two family dwellings. Our ordinance prohibits vinyl siding for senior housing residences so we will need to change the ordinance in relation to single family and duplex units within senior housing. It could still be required as a fair and reasonable, mutually agreeable condition. John Souza noted it is a drawback when flammable materials are used when senior housing is so close together.

Sandy Ells motioned to approve Bill Duston writing language to remove the design criteria for one and two family homes. David Boyce seconded the motion.

The motion pass unanimously.

c. Temporary Family Health Care Structures

The NC Legislature requires allowing a use by right temporary family health care structure with certain specific provisions; so we will have to allow this. Bill Duston will check to see if HOA's would have to allow it.

David Boyce motioned to approve Bill Duston writing text consistent with the NC legislation and meet accessory structure setbacks. Sandy Ells seconded the motion.

The motion passed unanimously.

d. Learning Centers

Our current zoning ordinance does not address "learning centers" where students get tutored. One facility already exists in the Village and staff has spoken with another entity that would like to set up a second learning center. We would have to add "learning center" as a use by right in B-1, B-2 and O-I districts and add a definition. Any use over 10,000 square feet requires a CUP. Our code speaks to specific uses, and says if not specifically listed, the use is disallowed. There was a recent blog post that a bigger entity like a County should include all uses, but a smaller entity can exclude a use with a good reason. We do allow home occupations, so some tutoring can occur at home.

David Boyce motioned to authorize Bill Duston to change the current text to make learning centers a right by use in B-1, B-2 and O-I and add a definition. Sandy Ells seconded the motion.

The motion passed unanimously.

e. Signage

The US Supreme Court had a recent decision that signage regulations must be "content neutral". Since we have some regulations that are based on the content of the sign, such as those for schools and churches and for residential subdivision signs, we must alter the ordinance to make it "content neutral". Mr. Duston is attending a Planning Conference in October and will get more information then; he is not yet ready to write the text.

7. Other Business

Sandy Ells mentioned the idea of limiting the percentage or number of senior housing units. Bill Duston reported he had two open houses on the future Land Use Plan changes, it is now in Council's hands. The idea was brought up before and Planning Board said they were not comfortable with that at that time. Sandy Ells asked if it should be re-visited. Mayor Horvath said it also came up at a Council meeting; because it is approved through a CUP or through a Conditional Zoning process Council has the right to say we have enough so we do have some leverage. There is also discussion going on regarding a

yield plan; Epcon thinks if you have 100 acres you can put in 300 homes, but some land is needed for infrastructure and wetlands. Epcon proposed some changes that are coming before council. He asked Bill Duston to do some research regarding other towns' overall density for senior housing.

8. Adjourn

David Boyce motioned to adjourn, Sandy Ells seconded the motion.
The motion passed unanimously.

The meeting adjourned at 8:25 pm.

Respectfully submitted,

Cheryl Bennett, Village Clerk

Chairman John Grexa