

**VILLAGE OF WESLEY CHAPEL, NC
PLANNING BOARD MEETING MINUTES
October 24, 2016, 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 Souza, Michael Kenary (arrived late) and Sandra Ells; Alternates Deb Bledsoe and Amanda Fuller (both sitting as regular members), and Vince Gahren

Absent: Chuck Adams, Vice Chair David Boyce

Village Staff present: Cheryl Bennett, Village Clerk; Bill Duston, Planning/Zoning Administrator, Bonnie Fisher, Village Consulting Engineer

1. Pledge and Invocation

The Pledge of Allegiance and invocation were said.

2. Public Comments – none.

3. Additions, Deletions and Approval of Agenda

Amanda Fuller motioned to approve the agenda; Deb Bledsoe seconded the motion.

The motion passed unanimously.

4. Approval of Minutes

Deb Bledsoe motioned to approve the minutes of the August 22, 2016 meeting. Sandi Ells seconded the motion.

The motion passed unanimously.

5. Review Proposed Changes to the Village's Stormwater Text

Ms. Fisher's letter of June 2, 2016 put forth some recommendations to the text.

At an August meeting attended by our engineer, Bill Duston, Vince Gahren, and Amanda Fuller the text was revised and presented tonight. Final changes (additions shown in bold) include:

1. Adding to Section 14.5 that the **Village adopts and incorporates herein the provisions contained in the Charlotte-Mecklenburg Stormwater Design Manual, as amended, with the following exceptions.**
2. Adding **Deviations may be necessary to accommodate soil types found in the County and the Town. Soil classifications which shall be obtained from the "Soil Survey of Union County, North Carolina" a USDA Natural Resources Conservation Service publication.**
3. Adding **rainfall data for the calculations shall be the most current available and obtained from the National Oceanic and Atmospheric Precipitation Frequency Data Server website.**

4. Adding **when discrepancies are found between the Stormwater Manual and the Village of Wesley Chapel zoning or subdivision regulations, the stricter regulation shall apply.**
5. **The Town Engineer, on a case-by-case basis, may consider minor deviations from the Stormwater Manual.** This item was discussed, Ms. Fisher said she has used it once or twice in the past. While the Committee recommended deleting this, with the term “minor”, the Board was comfortable with this.
6. Adding a **threshold of 2,500 square feet of impervious area added by nonresidential development and all major residential subdivisions.** Formerly any impervious area was subject to the rules, so this lessens the burden on small development sites with negligible stormwater runoff. Originally the engineer recommended using 10,000 square feet, but the committee recommended 2,500 based on recent problems and an application for an outdoor classroom; other communities have various thresholds. Another example was the cell tower. Single family residential is exempted from this.
7. **Stormwater volume control shall be provided for the 1-year, 24 hour storm. Runoff volume drawdown time shall be a minimum of 24 hours, but not more than 120 hours.** Currently the stormwater management facilities shall not be located within 10 feet of any property lines, as measured from the top or toe of slope of the pond embankment. An addition is to require that **pipe, riprap apron, or any other features associated with the stormwater management facility outlet shall not be located within 20 feet of any property lines, inclusive of any required buffers.** Pipe discharge is dissipated by rip rap, and level spreaders. Section 14.4 recommends downstream connections wherever practicable. The Village engineer determines the practicality.
8. **A deletion** is to take out “Design of facilities shall be consistent with the Village of Wesley Chapel Stormwater Manual except as stated herein”
9. Adding **Section 14.7.7 Prior to placing the stormwater management facilities in service, the Village of Wesley Chapel may, at its discretion, require the submittal of a maintenance security in order to insure that the stormwater management facilities are maintained by the developer or owner as required by the approved stormwater management plan, the operation and maintenance agreement between the Village and the developer or owner and this ordinance. The amount of the maintenance security shall be in the amount of 1/3 of the total costs of construction of the SMFs, as shown by a construction cost estimate provided by Developer’s engineer and approved by the Village Engineer. The security shall contain forfeiture provisions for failure to perform the principal’s maintenance obligations.** A draft of a revised maintenance agreement was included. This idea of a forever bond started with Indian Trail language, our village attorney provided some language, and the engineer reviewed it. This would initially be in the developer’s name, and the attorney will be asked if it would transfer to the HOA and what would happen if the bond is cashed to do repairs, then what happens. Finance Officer Bennett asked if you should consider an inflation factor through a CPI adjustment every 5 or 10 years. Bill Duston noted with the zoning ordinance, violators can be subject to civil penalties, or even a misdemeanor. In a recession, developers can go bankrupt. With annual inspections, they must fix the facilities each year, and then there is no undue cost to the HOA or builder. Mr. Duston will get language from

the attorney regarding replenishment if the bond gets used for repairs, and will send this on to Council. Vince Gahren noted things will only get more expensive, so if replenished it should be at the new cost to construct. Since we pay our engineers fees, a sentence will be added to pass the fees on to the developers or HOA. All bonds get paid at final plat approval, so that will be added to the language.

Deb Bledsoe motioned to recommend approval of the changes, with the statement of consistency that the Land Use Plan does not address stormwater issues, thus the proposed text change is neither consistent nor inconsistent with the Land Use Plan, and the statement of reasonableness that the proposed text changes are deemed reasonable as they provide greater protection to the Village and its residents than current regulations. Sandi Ells seconded the motion.

The motion passed unanimously.

Bonnie Fisher was thanked for her help with this.

6. Possible Zoning Ordinance Text Changes for the Planning Board to Consider:

A. Square footage threshold for a conditional use permit for uses in the B-1, B-2, and O-I Zoning Districts

Bill Duston noted there is conflicting text in the ordinance between 2,000 square feet in Section 3.1.2, and 10,000 square feet in the preamble to the Table of Uses. Amanda Fuller motioned to stay consistent with 2,000 square feet; Deb Bledsoe seconded the motion. The second was rescinded, and the motion amended to include the statement of consistency that the Land Use Plan does not address this, thus the proposed text change is neither consistent nor inconsistent with the Land Use Plan. Michael Kenary seconded the motion.

The motion passed unanimously.

B. Definition of “Restaurant”

Bill Duston reported the definition comes from the general statutes where if you sell alcohol, you must have 36 seats. At least one of our restaurants does not have 36 seats. Amanda Fuller motioned to remove the requirement that a restaurant have seating for at least 36 people with the statement of consistency that the Land Use Plan does not address this, thus the proposed text change is neither consistent nor inconsistent with the Land Use Plan and the statement of reasonableness that the proposed changes are deemed reasonable as they provide greater protection to the Village and its residents than current regulations. Michael Kenary seconded the motion.

The motion passed unanimously.

C. Construction Announcement Signs

Bill Duston noted there is inconsistent text at the definition of “construction announcement signs” and Section 8.5(C). Amanda Fuller motioned to eliminate from Section 8.5(C) “Announcement signs shall not be used to advertise real estate or subdivisions.” with the statement of consistency that the Land Use Plan does not address this, thus the proposed text change is neither consistent nor inconsistent with the Land Use Plan and the statement of reasonableness that the proposed changes are deemed reasonable as they provide greater protection to the Village and its residents than current regulations. Sandi Ells seconded the motion.

The motion passed unanimously.

7. Other Business

Bill Duston noted there were three dumpsters at the Shops at Wesley Chapel, for a for-profit business donations. We don't have a provision in our code for them. With the shopping center he can say it is not on the CUP's. Other towns have differing regulations, Matthews allows them for charitable purposes, and one town allows them as an accessory structure in the side or rear yards, one does not allow them and considers them as storage. If a church had one, you could consider it an accessory structure. Deb Bledsoe and Sandi Ells noted this is re-purposing items and liked that idea. Council tasked Planning Board to come up with some language. There were varying opinions from the Board members and they decided to think about it and consider it next month. Bill Duston noted a court ruling that unless you specifically ban a use, you must find the closest use and allow it.

8. Adjourn

Amanda Fuller motioned to adjourn, Sandi Ells seconded the motion.

The motion passed unanimously.

The meeting adjourned at 9:43 pm.

Respectfully submitted,

Cheryl Bennett, Village Clerk

Chairman John Souza