

VILLAGE OF WESLEY CHAPEL  
PLANNING BOARD MEETING MINUTES  
WESLEY CHAPEL TOWN HALL  
6490 Weddington Road, Wesley Chapel, NC 28104  
February 26, 2018 – 7:00 PM

The Planning Board of Wesley Chapel, North Carolina met in the Town Hall at 6490 Weddington Road, Wesley Chapel in North Carolina.

**Planning Board Members Present:** Chair John Souza, Chuck Adams, David Boyce, Sandra Ells, Michael Kenary, Alternates Deb Bledsoe, and Vincent Gahren

**Planning Board Member Absent:** Alternate Ty Jaiyeoba

**Others Present:** Clerk Cheryl Bennett; Planning/Zoning Administrator Tim Gauss

1. Pledge and Invocation

Chair John Souza led the Pledge of Allegiance and the invocation was given.

2. Public Comment

Lori Bailey appreciated being able to see the Planning Board meeting packet on-line, that the Board is being pro-active on the Rules of Procedure and looking to make things better such as with the lighting plan, adding that there is nothing wrong with taking the time to make sure things are right.

Sherry Killion applauded Planning Board for the timely agenda and the packet being on the website. She encouraged the Board to stay true to the R-40 Land Use Plan with future requests, noting we cannot be all things to all people. She noted several sites near but outside the town limits where development signs have gone up.

3. Additions, Deletions and Approval of Agenda

Michael Kenary motioned to adopt the agenda, David Boyce seconded the motion.

The motion passed unanimously.

4. Approval of Minutes

David Boyce motioned to approve the January 22, 2018 minutes with one change on page 4 that “most people *that have spoken during public sessions* have been opposed.” Sandy Ells seconded the motion.

The motion passed unanimously.

5. Text Amendment – Berms and Buffer Yard Requirements

Zoning Administrator Tim Gauss noted this change affects both the Subdivision and Zoning ordinances. The buffer is based on size of the parcel, with a maximum of fifty feet for a ten acre

or larger site; a wall allows a 20% reduction, so it makes sense to allow a reduction for a berm. A technical problem is that the maximum slope is 4-1 and the berm is required to be a minimum six feet in height. The berm height would have to decrease to five feet to fit it in a forty foot width. Also presumably there would be plantings on a berm. Chair Souza questioned how the height of the berm is measured; Tim Gauss noted it would be rare to have land go down in elevation from the road. You cannot combine a berm and a wall to get a double reduction in buffer width. The advantages of buffers include savings to developers, noise control and keeping cars on the road. David Boyce reported on his research on other towns' buffers.

David Boyce motioned to approve the text amendment to the Zoning and Subdivision ordinances as presented (incorporated herein), with the Statement of Consistency that the proposed text amendment is consistent with the Future Land Use Plan as it helps preserve the Village's rural character, and the Statement of Reasonableness that the proposed text amendment is reasonable since it takes into consideration that berms provide similar visual screening as a fence or wall and therefore should be treated similarly with regard to buffers. Michael Kenary seconded the motion.

The motion passed unanimously.

#### **ZONING ORDINANCE**

1. **Section 4.2 Screening and Landscaping** is amended by revising subsection 3. to read as follows:

3. The width of the buffer may be reduced by twenty percent (20%) ~~if a wall or fence is provided that meets the following standards~~ **with construction of either of the following:**

(a) ~~Any~~ **A** fence or wall shall be constructed in a durable fashion ~~of using~~ brick, stone, or other masonry materials, or any combination thereof as may be approved by the Zoning Administrator. No more than twenty-five (25%) of the fence surface shall be left open and the finished side of the fence shall face the abutting property. **Walls and fences shall be a minimum six (6) feet in height.**

(b) ~~Walls and fences shall be a minimum height of six (6) feet.~~ **A berm in compliance with Section 4.2.7.**

1. **Section 4.2 Screening and Landscaping** is amended by revising subsection 7. to read as follows:

Berms may be used as screening provided such berms are at least ~~six (6)~~ **five (5)** feet in height with a maximum slope of 4:1 as measured from the exterior property line.

(a) Berms shall be stabilized to prevent erosion and landscaped; ~~and~~

(b) If a berm is constructed, shrubs are required but the number may be reduced by twenty-five percent (25%). However, constructing a berm does not modify the number of trees required; ~~and~~

(c) If a berm is used as a screen for an Essential Services, Class II use, the backside of the berm can be up to a 2:1 slope.

**SUBDIVISION ORDINANCE**

1. **Section 405.4 Buffering Along Thoroughfares** is amended by revising subsection 5. to read as follows:

5. The width of the buffer may be reduced by twenty percent (20%) ~~if a wall or fence is provided that meets the following standards~~ **with construction of either of the following:**

- (a) ~~Any~~ **A** fence or wall shall be constructed in a durable fashion ~~of~~ **using** brick, stone, or other masonry materials, or any combination thereof as may be approved by the Subdivision Administrator. No more than twenty-five (25%) of the fence surface shall be left open and the finished side of the fence shall face the abutting property. **Walls and fences shall be a minimum six (6) feet in height.**
- (b) ~~Walls and fences shall be a minimum height of six (6) feet.~~ **A berm in compliance with Section 405.4.9.**

2. **Section 405.4 Buffering Along Thoroughfares** is amended by revising subsection 9. to read as follows:

Berms may be used as screening provided such berms are at least ~~six (6)~~ **five (5)** feet in height with a maximum slope of 4:1 as measured from the exterior property line.

- (a) Berms shall be stabilized to prevent erosion and landscaped; and
- (b) If a berm is constructed, shrubs are required but the number may be reduced by twenty-five percent (25%). However, constructing a berm does not modify the number of trees required.

6. Other Business

- Follow up from January meeting – report on street lighting; RUC documentation; Planning Board Rules of Procedures (staff comments); revised Calendar for Submittals
- Planning staff report, including February 12 Village council meeting (Downtown Wesley Chapel LLC, conservation subdivision, bond reduction for Courtyards Phase 1 (\$2.4M to \$306K))

Mr. Gauss noted there are four different places in the ordinances where street lighting is addressed, Sections 405.8.a.6, 410.2 and 407 in the Subdivision Ordinance, and Section 4.10 in the Zoning Ordinance. Section 405.8.a.6 deals with spacing requirements. The Candella site plan doesn't meet our spacing requirements, and what is on the ground is the same as on the site plan, with one exception where the light on Alden Way is on the opposite side of the street. Courtyards' lighting plan is generally compliant, but there are five locations which have approximately 300 foot intervals. Tim Gauss also drove through and looked at lighting in Meadowmere where lights are at 300 foot intervals, and Brookmeade where the first two lights are about 300 feet apart, and the other lights are much farther apart. His impression was that the lights provided a limited amount of "safety" lighting for driving or for pedestrian safety and gave an impression that the area was quiet but populated, and may be in keeping with the intent of the ordinance to minimize "excessive lighting" and spill. Staff will ensure that future plats meet the ordinance lighting requirements, and conduct periodic field inspections during construction to make sure lighting and other requirements are installed per the plans. Chair Souza was frustrated that we have heard that plans meet our ordinance but the lighting plan apparently did not, and

noted the Board needs to pay closer attention to the plats. It was noted that Planning Board needs to take the time to do thorough reviews of plans. Michael Kenary noted that over time trees grow in the subdivisions; to keep things safe we need lights and it is important to keep the spacing. Deb Bledsoe noted lights in Price Mill are about two hundred feet apart, and any further would be rather dark. Vince Gahren noted only in gated communities did he see gaps and lights further apart, but the gates do help with safety. Chair Souza suggested the lighting information be reported to Council and possibly notify the HOA's that they don't meet our lighting requirements; we will also check with the attorney.

Mr. Gauss provided RUC history and documentation, which will be shared with Council.

Village Council is proposing reducing the number of days prior to Council meetings that materials must be submitted to them, primarily to allow items heard by Planning Board one month to be formally considered by Council the following month. In reviewing the Rules of Procedure Tim Gauss suggested that Rule 5 might have a process added for a member to explain or defend absences prior to a Board vote. Also the material on voting and conflict of interest might be reorganized and address when a conflict arises after the fact. The last paragraph allows members to hear comments prior to a case, and a distinction might be drawn between quasi-judicial and legislative decisions. With quasi-judicial proceedings, council acts as a judge, but it doesn't work the same for Planning Board although they can give advice on the decision. Rule 7 addresses how an item gets on the agenda, and it might be helpful to have a procedure. He also suggested going from hard copies to digital delivery of agenda materials, and a form that summarizes Planning Board discussion and votes on items going to Council similar to what was used in the past where Board members jointly summarize the recommendations and reasons for their vote. We will provide a copy of the old form to the Board. The Board would also like to receive that type of information from Council, it can be discussed at the Advance.

February 12, 2018 Council meeting decisions were reported. Conservation zoning is on the March Council agenda; if it is sent back to Planning Board the Chair will suggest a joint meeting with Council.

The Planner reported land between Quintessa and Candella will be cleared, it is a requirement of the tax deferment program to keep their tax status. Two site plans were submitted for amenities in Courtyards and Quintessa; they do not currently go to Planning Board. Tim Gauss had conversation with two realtors who felt that our rules make it hard to sell the land, due to large lots and tree canopy provisions.

## 7. Adjourn

Chuck Adams motioned to adjourn, Michael Kenary seconded the motion.

The motion passed unanimously.

The meeting ended at approximately 8:40 pm.

2018.02.26 PB meeting minutes

Respectfully submitted,

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Cheryl Bennett, Clerk

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Chairman John Souza