

VILLAGE OF WESLEY CHAPEL
PLANNING BOARD MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
April 23, 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, DGJJKavid Boyce, Sandra Ells, Michael Kenary, Alternate Deb Bledsoe

Planning Board Member Absent: Chuck Adams, Alternates Ty Jaiyeoba and Vincent Gahren

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

1. Pledge and Invocation

Chair John Souza led the Pledge of Allegiance and David Boyce gave the invocation.

2. Public Comment - none

3. Additions, Deletions and Approval of Agenda

“Discussion with the Council Member in Attendance” was moved up in the agenda. David Boyce motioned to adopt the amended agenda, Sandra Ells seconded the motion.

The motion passed unanimously.

4. Approval of Minutes

Michael Kenary motioned to approve the March 26, 2018 minutes, Deb Bledsoe seconded the motion.

The motion passed unanimously.

5. New Business

- Subdivision Ordinance/Retention of Existing Vegetation – Discussion with William Smith, Union County Urban Forester
- Council Member in Attendance – Presentation, Discussion
- Text Amendment/Signs (Zoning Article 8) Discussion
- Land Use Plan Amendment Process – Discussion

William Smith, Urban Forester, was introduced. Planner Tim Gauss reviewed sections of our subdivision ordinance on tree protection, including required tree surveys, the percentage of trees to be retained, and heritage tree provisions, including mitigation standards. Issues are a balance between tree canopy and heritage trees, whether it is too restrictive, two definitions of heritage trees, removal of heritage trees by modifications and whether there is more value on evergreens vs deciduous trees.

Bill Smith noted the goal is to identify what you want in the ordinance, and then make sure it meets those needs. He noted trends toward smaller lots, more houses and less green space. He felt our ordinance is good, but may need some tweaking. He oversees the County ordinance, and eight town ordinances. He addressed the discrepancy in heritage tree sizes, the specific set is defined as more than 15 inches diameter at breast height, and the protections section is more than twenty inches diameter at breast height for outside the priority areas. With paving and soil compaction, the twelve foot tree protection area is not large enough, it could be a sixty foot dripline for a red oak.

Regarding replacement and mitigation, we require four inch diameter trees, but if it is a small maturing tree like a red bud, you won't find one at four inches. If you put in larger trees you have to take better care of them, smaller trees are way more successful. The seven gallon tree is most successful, and will surpass the size of one planted at fifteen gallons in five to six years.

Mr. Smith noted we retain trees based on the existing canopy, but what if you have an empty field, Marvin and Waxhaw require planting a certain number of trees. Another issue is when you have to mitigate a lot of trees but run out of space. He said Marvin has a fee that you can use for mitigation. He noted in a conservation area, something will grow back if there is an empty space. He noted conserving in common open space is very hard to police.

Regarding other towns, Marvin is the most stringent and building out very fast. The County is most lax. We are somewhere in the middle. The challenge is to maintain what you put on paper, so keep it simple.

Clear cutting and then developing was discussed, an ordinance can address the issue. The Right to Practice Forestry Act says with a valid forest management plan you can grow trees, clear cut, and manage it. Nothing prohibits clearing for a farm. Without a plan you can withhold development for three years, most towns want tax revenue and won't stop development so he hadn't seen it enforced. Stallings and Matthews have the tightest rules pertaining to the Right to Forestry Act.

Mr. Smith was thanked for his input, and he left.

Deb Bledsoe passed out a copy of NC GS 160A-458.5 and said she would like to see an ordinance amendment to address clear cutting, noting that it will take quite a while to update the whole tree ordinance, and this could be done quicker. Ms. Bledsoe said she had spoken to Mr. Smith about it and he thought it was a good idea. Chair Souza noted clear cutting did go to Council and was turned down, but we do have a new council. It was noted old maps show all of Wesley Chapel was heavily treed. Other tree issues to keep in mind include champion trees, specimen trees, documenting the benefits of trees besides aesthetics, conservation easements, and not spelling out clearing limits. David Boyce agreed with Deb on the clear cutting ordinance need, noting we have heard land owners say they can just clear cut before they develop.

Deb Bledsoe motioned that we add this addendum to the Subdivision and Zoning Ordinances. Michael Kenary seconded the motion. Tim Gauss suggested staff input on re-wording. The second was rescinded, and Deb Bledsoe amended her motion to use NCGS 160A-458.5(c) and

write it so it could go into our ordinance. Michael Kenary seconded the amended motion. The amendment will go to staff and the attorney, and to Planning Board next month. Terms such as “timber harvest” will be defined. Chair Souza was against the amendment, and felt it would not stop anything. David Boyce noted this is very specific, we could write it in now, and it could be written in to the later work the sub-committee does. Sandy Ells agreed it was good to get the information, review it and then send it back to the sub-committee.

The motion passed 4-1 with Souza voting nay.

Council Member Amanda Fuller was present, she thanked Planning Board for their encouragement and support. The letter from Planning Board was forwarded to the new council; she noted in response they made changes to their Rules of Procedure and she encouraged Planning Board to review their Rules. She was appreciative of Planning Board’s hard work. Current big issues include conservation subdivisions, the Advance highlighted creating our own identity, and why are we doing so many exceptions, we should stick to our rules. The Communication Committee will be important. Chair Souza commented on communication with Council, noting their unanimous recommendation against a development was almost a tie at Council. From now on Planning Board will use a form to improve communication, and asked for any other ideas to improve communications. Ms. Fuller noted that is why she is now on Council, she felt Council was not listening to citizens in the past. Chair Souza inquired if there was anything she would like them to work on, Ms. Fuller said she thought they had a full plate, but they might take a section of the ordinance at a time and review it. Michael Kenary asked about a non-hawking ordinance; she replied there is a new council and you can bring things back. Chair Souza asked how the road widening will affect Wesley Chapel; we will be cost sharing the sidewalks, and the shopping center CUP’s will control any re-building of monument signs. Ms. Fuller was thanked for attending.

Planner Gauss noted we need to amend the signs ordinance to be compliant with the Supreme Court decision requiring content neutrality to not restrict freedom of speech when one entity is treated different from another. He reviewed the ordinance, added a lot of questions in red, and sent it to the attorney, and is waiting for his feedback.

The Land Use Plan Amendment Process is not in writing, and Planner Gauss asked if we want it in the ordinances, do we want it to mirror the zoning change process. He compared the two processes. There is no community meeting in the zoning change process and if an amendment is denied the applicant must wait one year before re-applying. The Land Use Plan amendment process is longer, Planning Board does not have the opportunity to consider the request after the community meeting, and there is no “post-decision” limitation. Traditionally, specific land uses are not discussed when a general re-zoning is submitted. Various issues to consider were discussed, such as if a single process is a better approach, whether it is fair to all parties, can the process be too long, do we need to prevent requests coming back after denial, limit discussion of specific land uses if the request does not entail a specific site plan, should a formal public hearing with formal notice be required, and should community meetings be required for zoning map changes. Comments included if you make it too difficult to make a Land Use Plan amendment developers may go straight to zoning amendment, and not holding to a 60 day rules if more time is needed to get all the facts. There is a tradeoff in slowing things down to have

public dialogue, and not dragging it out. Do we want to lock the zoning and Land Use Plan amendment process together?

Chair Souza motioned to excuse David Boyce who had to leave early from the meeting, Deb Bledsoe seconded the motion.

The motion passed unanimously.

6. Other Business

- Follow up from March Planning Board meeting PB Decision Form, Tree save Ordinance Subcommittee
- Planning staff report, including April March 9 Village Council meeting (Conservation Subdivision text amendment; calls for public hearing on text amendments regarding berms, administrative subdivisions; release of \$25,000 bond for Candella sidewalks)

The Planning Board decision form will be used for future decisions sent to Council.

The Tree Ordinance Sub-committee was discussed. There are difficulties meeting open meeting rules for a formal committee. Deb Bledsoe and Sandy Ells volunteered to work on the tree ordinance and will bring back information.

The planning staff report noted council asked for rough sketches of parcels under by-right as well as conservation subdivision rules. One point of disagreement was lot sizes. Public hearings have been sent for the berm and administrative subdivision text amendments, and Council released the Candella bond.

Next month Planning Board will look at Rules of Procedure and the tree save ordinance. Tim Gauss noted he was asked by Council to look at excluding streams from lot computation.

7. Adjourn

Michael Kenary motioned to adjourn, Deb Bledsoe seconded the motion.

The motion passed unanimously.

The meeting ended at approximately 9:32 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Chairman John Souza