

VILLAGE OF WESLEY CHAPEL  
PLANNING BOARD MEETING MINUTES  
WESLEY CHAPEL TOWN HALL  
6490 Weddington Road, Wesley Chapel, NC 28104  
May 29, 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, David Boyce, Michael Kenary, Alternates Ty Jaiyeoba and Deb Bledsoe sitting as regular members

**Planning Board Member Absent:** Chuck Adams and Sandra Ells, and Alternate 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 the invocation was given.

2. Public Comment - none

3. Additions, Deletions and Approval of Agenda

David Boyce motioned to adopt the agenda, Deb Bledsoe seconded the motion.

The motion passed unanimously.

4. Approval of Minutes

Deb Bledsoe motioned to approve the April 23, 2018 minutes, Ty Jaiyeoba seconded the motion.

The motion passed unanimously.

5. Council Member in Attendance – Presentation, Discussion

Mayor Horvath discussed with Planning Board his desire to keep Wesley Chapel the good place it is, he tries to listen to all sides, and thanked the Board for their service. He strives to learn from the past, but likes to move forward. He had a recent discussion with DOT regarding all the roundabouts and continues to talk frequently with Bryan at Aston Properties. The Mayor sees the biggest challenge as managing growth. He has also seen improvements with Planning Board and communications; they are doing what they should do, and the more input we get the better. Conservation subdivisions were discussed, he thinks it is a good tool, while keeping density neutral. He prefers lots no smaller than 20,000 or 25,000 square feet. The Mayor noted we don't need to be everything to everybody, the decision was made years ago that the area near town hall is the commercial center. Union County needs more business, but not necessarily retail. Members of the Board thanked the Mayor for his service to the Village.

6. New Business

- Subdivision Ordinance/Prevent Clear Cutting (Staff) – NCGS 160A-458.5
- Subdivision Ordinance /Excluding streams from determination of “parcel” for purposes of calculating density (yield # of lots) – Section 402.5
- Subdivision Ordinance/Retention of Existing Vegetation – Planning Board Member Research
- Text Amendment/Signs (Zoning Article 8) – Continue Discussion
- Land Use Plan Amendment Process – Continue Discussion; linking Land Use Plan and Zoning
- Planning Board Rules and Procedures – Discussion

Planner Gauss provided the NC Statute that authorizes municipalities to regulate certain activity associated with development, whereby a city can deny a building permit or refuse to approve a site or subdivision plan for up to three or five years if a timber harvest on the site removes all or substantially all trees protected under local regulations. He posed a question to the attorney regarding applicability, but did not have a definite answer. The Stallings ordinance has a section on tree cutting provisions. Currently we have no tree restrictions on commercial development. He will wait to hear from the attorney, decide what to include from Stallings, and then prepare text.

Section 402.5 excludes certain areas when computing lot size, but does not specifically address streams. Our engineer sent an email regarding definitions of streams and required buffers. The Planner will prepare a text amendment to exclude streams.

Deb Bledsoe and Sandy Ells looked at tree ordinances for several neighboring towns, some are very thorough with entire chapters devoted to tree save. Marvin has specific penalties, requires plantings in a specific time frame, and holds back C.O. until the violation is taken care of. Indian Trail is not as specific, they address destruction of trees larger than twelve inches in diameter. Planner Gauss read from the Stallings ordinance, they mirror NCGS language and have a tree disturbance permit. Right now our ordinance is only triggered for subdivision development. Deb Bledsoe has contacted a developer, urban forester, and Wil Ortiz for input. Ms. Bledsoe was thanked, and will bring an update next month.

Tim Gauss noted is he not clear on how to apply the Supreme Court ruling to our sign ordinance, he needs to get input from the attorney, and values any input from Planning Board members.

The last Land Use Plan (LUP) amendment process was based on precedent. Tim Gauss compared aspects of that process with the process to amend the Zoning map and text, which is prescribed in State statues. Planning Board was in favor of a waiting time between a denial, and a similar request for change. Also they prefer the Planning Board has an opportunity to consider the request after the community meeting which provides substantial input, and a two step process for amending the zoning ordinance and the LUP. The LUP should be addressed first, then zoning. Chair Souza asked if the developer can just ask for a zoning change, why would they ask for a LUP change. Tim Gauss explained the change in State law has increased linkage to the

Land Use Plan and the resulting statements of reasonableness and consistency. With conditional zoning, you have much more flexibility, and if circumstances change, they have to come back for a new conditional zoning request. A general zoning change allows any use allowed in the district. It was agreed to have a provision to prevent requests coming back after denial, and to have provisions to prohibit discussion of specific land uses if the request does not entail a specific site plan with specific land uses requested. Possibly a threshold to waive some of the notices could be used. Community meetings for zoning map changes were liked, but what if the change is to a use it has always been. Another issue is that renters may not be aware of the proposed change, however signs are put on site. Planner Gauss will write an outline of a process for next month.

Rules of Procedure were discussed. Council recently updated theirs, and are interested in any proposed changes suggested to Planning Board's Rules. The rule on attendance uses the term "may" instead of "shall" which gives some leeway. The lead time for Planning Board packets is thirteen days; council shortened their time frame, so it is not an issue for Planning Board. Members can bring any proposed changes next month.

#### 7. Other Business

- Planning staff report, including May 14 Village Council meeting (Conservation Subdivision text amendment (new material presented to Village Council – attached); public hearing on text amendments regarding berms, administrative subdivisions

Tim Gauss had prepared rough sketches of parcels under by-right as well as conservation subdivision rules, and displayed them to the Board. Various constraints such as tree canopy, floodplain, and buffers were discussed. A question was posed as to whether you can be flexible with the view shed on a lesser road. Council approved the text amendments at their May 14<sup>th</sup> meeting.

#### 8. Adjourn

Deb Bledsoe motioned to adjourn, David Boyce seconded the motion.  
The motion passed unanimously.

The meeting ended at approximately 9:45 pm.

Respectfully submitted,

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Cheryl Bennett, Clerk

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Chairman John Souza