

VILLAGE OF WESLEY CHAPEL
PLANNING BOARD MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
May 20, 2019 – 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, Sandra Ells, Michael Kenary, and David Boyce, Alternates Deb Bledsoe and Vince Gahren

Planning Board Members Absent: Alternate Ty Jaiyeoba

Others Present: Clerk Cheryl Bennett; Planning/Zoning Administrator Robyn Byers, Ph.D.

1. Pledge, Invocation, and Determination of Quorum

Chair Souza led the Pledge of Allegiance, and Chuck Adams gave the invocation. A quorum was present.

2. Public Comments

Jan Smith thanked Planning Board for their work and while she regretted council didn't appear to value it, she encouraged Planning Board to continue.

3. Additions, Deletions and Approval of Agenda

David Boyce motioned to adopt the agenda, and Michael Kenary seconded the motion. The motion passed unanimously.

4. Approval of Minutes from the April 22, 2019 regular meeting

Chuck Adams motioned to approve the April 22, 2019 minutes, David Boyce seconded the motion.

The motion passed unanimously.

5. Council Member in

Mayor Horvath noted both the planner and Planning Board voted against the re-zoning, and he was the tie breaker vote in favor of it. He commented he had been leaning in both directions. He was not in favor of commercial, but the Land Use Plan calls for some Office-Institutional (O-I) on all three corners. He felt the Land Use Plan (LUP) encourages buildout here at the shopping center, and he had met with Aston three times and encouraged them, so felt he had done that. He said he met with the planner twice, and was very sensitive to the elementary school. He said he did what he felt was right, due to what the LUP says. There is an arc for O-I, not specific parcel lines, and he recalled someone saying we will let the market determine it.

Planning Board Chair John Souza asked the Mayor why the three who voted against the Planning Board recommendation did not communicate with Planning Board, even with the Advance held just shortly before the decision. Mayor Horvath said he hadn't made up his mind, and will try to come to more meetings. Chair Souza noted when someone votes against their recommendation and never communicates with them, he did not know how to move forward. Mayor Horvath noted in retrospect, he could have delayed the decision, and will communicate moving forward. Sandy Ells asked if the Mayor had a good picture of what the concerns are, one is temporal, doing the re-zoning too soon. Mayor Horvath noted concerns include the gas lines, the range of possible uses, traffic, and water runoff. Will there be a precedence on the other two corners, to some extent yes, although there is a different lot set up on the other corners, and you don't have to approve the whole area. David Boyce noted the arc is nowhere near 13.5 acres. Mayor Horvath said the arc doesn't show a parcel. David Boyce asked the Planner if she had talked to other council members, she said she spoke to Council Members Como and Fuller, and reached out to the others; Mayor Pro Tem Kaperonis had come into town hall the morning of the meeting. Deb Bledsoe asked how we can be proactive with the developer and get him to work with us, possibly the Mayor could reach out to him, and Mayor Horvath agreed to do so. Planner Robyn Byers noted moving forward she would receive a site plan in her office, she will do what she can as well as there will be reviews by the engineer and NC DOT. Chuck Adams commented that the most important thing is the people spoke, and were not in favor of this. Mayor Horvath said he respectfully disagreed, the people at the meeting were against it. Chair Souza noted it is our duty to communicate with Council and their duty to communicate with Planning Board if they see a discrepancy. Planner Byers said the arc is a bit of a fuzzy border, but she didn't agree that 1.75 acres is 13.5 acres; she had suggested making the petition for a smaller area. Michael Kenary agreed the arc was a much smaller area. Chair Souza asked again how we move forward. Mayor Horvath noted they should go back to the Land Use Plan and go through the public hearing process again. Chair Souza recalled working with the planner in 2015/16 on the Land Use Plan, and small arcs had been made, and the suggestion was for conditional zoning to be used. Chair Souza noted the Mayor Pro Tem said he doesn't hear from the community, but doesn't he recognize that Planning Board are part of the community. Aston's development was discussed, the Mayor said he still hopes to visit them with the Planner. They have vested rights, which means that they have a number of years to finish the development under the rules in effect when it was originally approved. Chair Souza asked if they can bring to Council the request that only conditional uses be approved in O-I. The Mayor agreed. Chair Souza asked how the Mayor envisions the 13.5 acres; he replied medical offices and other offices with low traffic; the applicant mentioned a day care center which would ramp up peak hour traffic. Chuck Adams asked if we can control where the exit is; NCDOT decides, but we can request an additional turn lane. The Planner noted there are DOT rules on distance from intersections etc. With conditional zoning, you can make conditions that stay with the site even if it is sold. If the other property owners do not sell their land to the applicant, they could ask to re-zone it back. Deb Bledsoe asked how the communication will work in the future. The Mayor said he would come to Planning Board. Chair Souza suggested they could hold a special meeting. Vince Gahren noted we have reached out to Council for a long time, and they don't attend Planning Board, it is not communication, but a disregard. It erodes the public trust when they go 180 degrees from the Planning Board recommendation. A citizen, Frank Capella, said disregard is a nice word, you have two Council members who don't care what you say. That corner needs stringent control, and sets a precedence. We should show deference to the school;

the intersection is a disaster and this will make it ten times worse. When people see the development going up, then they will be really angry. Chair Souza added we knew we had two Council members who might vote yes, and were really counting on the Mayor's vote against. The Planner noted we are trying to move to having non-residential zoning changes be conditional, but it will have to be put into place. The Mayor noted a couple of meetings ago Council agreed to going to conditional zoning. It was confirmed a vote could be done at a special meeting if an item is on the agenda.

6. New Business

a. Table of Uses Review – Residential

Planner Byers noted some things in the Table don't make sense, and some uses are not there at all. Case law drives uses more than enabling legislation. She suggested starting with a review of residential zoning uses. The State has upheld that jurisdictions find a use in the table that would be similar to the proposed use instead of disallowing all uses not stated. She will add language that would create an objective process for determining the most similar use. We need to add a column for RUC – Residential Union County zoning to the Table. She asked the Board to review the descriptions of the residential districts, and the Table, and bring up uses you would like to see changed, added, or deleted. We could use NAICS codes, they are industry standard codes. The R-20 district is a placeholder for when the land was built under R-20 in the County. The difference between "R" and "RA" was discussed, R-40 might be a sub-division, and RA-40 might not. We do not have any RA-20 properties, so might not need an RA-20 district. The Chair and the Planner discussed an option for larger lots to allow agricultural uses that don't fit in a subdivision; please think about options. Planner Byers noted she has had questions on in-law quarters, and asked the Board's opinion. It was noted we already allow temporary family caretaker dwellings. The concern is a multi-generational home later is sold, and then rented out as an apartment. Planning Board Chair Souza noted if a large property wants to have a use allowed in R-80, they might not want to de-value it by re-zoning from R-40 to R-80. If someone rents out a room and it creates a problem and complaint, it will be investigated. Sandy Ells, Vince Gahren, Deb Bledsoe and John Souza were in favor of in-law suites.

Chair Souza motioned to excuse David Boyce at this point; Sandy Ells seconded the motion, and it passed unanimously. David Boyce left the meeting.

A manufactured home park is not allowed in the Village. Chair Souza noted a fish hatchery or greenhouse is allowed in R-80 or R-60, but not if you have twenty acres in R-40. It would be easy to re-zone, but he was concerned it would decrease value. Michael Kenary brought up the difference between commercial and hobby uses. The planner will research the possibility of doing an inventory of available lots, such as 2-5 acres, 5-10 acres, etc.

b. Land Use Plan Update - Discussion

Planner Byers noted the Land Use Plan is a core section of a Comprehensive Plan. The Land Use Plan determines goals, objectives, and includes a future land use map that highlights what those goals look like in terms of land usage over the next ten – twenty years. A Comprehensive Plan takes that and includes broader goals that do not solely focus on land use, including sections

on demographics and trends, economic development, transportation, environmental resources, park and recreation facilities, etc. Planning Board preferred to invite members of committees, etc. to attend their meeting and provide input, instead of creating a sub-committee. The planner will bring more detail to the next meeting. The Board had a consensus that when the Land Use Plan is updated they do not want to have O-I at the elementary school.

7. Old Business

a. Tree Ordinance Updates

Planner Byers will have a meeting with the urban forester and Deb Bledsoe tomorrow, the tree ordinance is the priority for the next month.

8. Other Business

Planner Byers reported she will be sending some information out to Council about statements of consistency and reasonableness; both need to be detailed statements. The Board concurred they would like to require a Traffic Impact Analysis on all non-residential development. Going forward, when a sketch plan comes to staff, it will be reviewed to ascertain it meets our criteria, even though it doesn't come to Planning Board, it still goes through review.

Chuck Adams asked that there be a traffic island on Highway 84 so people can't turn left into the future development. With a traffic circle, they can right turn to enter in, and right turn to exit.

9. Adjourn

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

The motion passed unanimously.

The meeting ended at approximately 8:40 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Chairman John Souza