VILLAGE OF WESLEY CHAPEL
JOINT PLANNING BOARD/COUNCIL MEETING MINUTES
September 8, 2014, 7:30 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: Chairman Stephen Keeney, Members John Bowen, Alternates David Boyce, Sandy Ells and John Souza (sitting as regular members).

Absent: Vice Chairman Chuck Adams, Members Jeff Davis, John Grexa

Village Council Present: Mayor Brad Horvath, Mayor Pro Tem Como, Council Members Jeannine Kenary, Becky Plyler and Elaine Rosoff

Village Staff present: Cheryl Bennett, Village Clerk; Bill Duston, Planning/Zoning Administrator

Others Present: Carol Mullis, Julie Brown, Butch Plyler

1. Public Comment – none

2. Additions, Deletions and Approval of Agenda
John Bowen motioned to approve the agenda. David Boyce seconded the motion.
The motion passed unanimously.

3. REVIEW OF FUTURE LAND USE PLAN WITH VILLAGE COUNCIL
Bill Duston presented the zoning map which shows current uses and is looked at to see what owners can do with their property; the land use plan and map show what is envisioned for the town in the future, it is a living, breathing document. The Planning Board in 2012 reviewed the land use plan text and map, and came up with proposed new text and a map.
Mr. Duston prepared a summary of the most important changes; most were already reviewed, so he went to the three changes in the addendum.
The first change is that Siler Church on the new map was shown as "Low Density Residential" and is now shown as "Office Institutional". The next changes are the Glen at Wesley Oaks subdivision and Berkshire subdivision were both formerly called "Low Density Residential", and are now called "Medium Density Residential".
Mr. Duston said Planning Board made their recommendations in April 2013, so now it is in Council's hands. Mayor Horvath said we want to get to a public information meeting (PIM) and meet landowners to address their concerns before we get to a Public Hearing. Council Member Rosoff said at the PIM we need a third map with the situation now showing existing uses, i.e. we have a park. Bill Duston said if Council wants the park shown separately on the map, we can do that. Council Member Rosoff said the idea of

goal and policies should be more clearly stated; what is the Planning Board vision. Bill Duston said that can be done, that is a substantive change and Planning Board would have to clear that. Council Member Kenary asked if we are sharing ideas for Planning Board to take back and consider; Chairman Keeney agreed with that. Council Member Kenary said the park is still identified as low density residential; maybe it should be labeled green for park as would the property adjacent to Town Hall.
Council Member Kenary said this shows all our land will be built out; the Carolina Thread Trail is not identified here. Bill Duston said we have a Carolina Thread Trail map, it is in the updated text, and it would help when meeting with developers to have it on the map so it doesn't get neglected. Council Member Kenary wanted language regarding incentivizing open space, maybe dashed green lines for a conservation type area. Council Member Plyler said this is other people's land, not our land. Mayor Horvath said remember the difference between zoning and the land use map; it was actually part of the Downtown's Committee's document to lay out areas for a different treatment, however it didn't change the zoning. Mayor Horvath asked if we don't have ordinances in place to support a land use can we still specify them, Bill Duston replied yes. We don't have many incentives. Weddington has conservation subdivisions, they give smaller lot sizes. Trails are a little different, for example Candella paid a fee for recreation, if the trail is shown on the Land Use Plan map, you can request land for a trail instead of the fee. Planning Board member Sandra Ells said an R-40 conservation subdivision could be an option, and state it in the goals. Bill Duston noted in Weddington they first show how you would develop a piece of land under R-40 and the number of lots, then you can still get the same number of lots, but they can be smaller (less infrastructure), and the town specifies what land they want to save. Mayor Horvath noted you first need to state it in the text, second have ordinances to support it, and third know where you want to do this. Council Member Kenary added you could specify a general area, in which to have conservation subdivisions. Bill Duston noted he wrote the text in Weddington, it was a divisive issue, they approved it, and it is what most developments are doing there. Council Member Rosoff said the public will want to know in a more general way what we envision. Bill Duston noted if you approve the Land Use Plan with the word incentives in it, then task me to come up with them. Chair Keeney said this all revolves around tools like conditional zoning, and conservation subdivisions; Candella approached us with a conservation subdivision but the idea was nixed because we didn't have the tool to approach us with. Council Member Plyler asked if all churches are going to be O-I; if you do one, do all. Bill Duston said the United Methodist Church was low density residential, it is proposed as O-I; ditto with Siler Church; but there are other churches such as Arborbrook, Union UMC, etc. Chairman Keeney said this was not a unanimous recommendation; two major voices are not here. It was as much an impetus from the Zoning Administrator as from the members. Council Member Plyler asked about the change at the southeast corner of New Town Road and Waxhaw-Indian Trail Road; Bill Duston said this is just a nomenclature change. The note on Mr. Espinosa's property is because it was re-zoned on the zoning map, but not updated on the Land Use Plan map. Mayor Horvath noted we also have the 2.5 acres north of 201 Central, which relates to Council Member Rosoff's comments regarding a current uses map.
Mayor Pro Tem Como asked if all the area in yellow is developed, is there enough commercial space to support it. Chairman Keeney said no, there is not. Council Member Rosoff said we did have a master plan and it started with a center commercial area, and

goes out from there which makes sense. Chairman Keeney said maybe it makes sense to adopt it. Council Member Plyler said she wanted to state, her own land is involved. Attorney Sistrunk said we are not voting on this. Council Member Plyler said the two corners near McDonalds is family land, her nine acres adjoins McDonalds and goes to Antioch Church Road, and the rest is county land behind them; she thought this land makes sense for commercial. Bill Duston said this relates to the map change #2 where he originally drew the area as an arc, and the proposed map takes out the arc and commercial is specific to lot lines. The old map shows proposed uses for ETJ land, and the new map only shows land in the town. Mayor Horvath said for practical purposes they went by property lines for clarity. Mr. Duston said another major change is the corner of Potter Road and Hwy. 84, the three corners had an arc of O-I, and the new map shows them as low density residential. Council Member Plyler asked why. Chairman Keeney said he couldn't accurately represent this; but he thinks it is the general attitude toward low density in Wesley Chapel, conversely it was a justification for changing Siler Church, it probably would not be residential in the future. That could be applied to school sites in the future. Council Member Plyler said she couldn't understand why there would be houses at the intersection of Potter and Hwy. 84. Sandra Ells said O-I at every intersection on Hwy. 84 would really change the town. Chairman Keeney said you would have commercial butt up to residential, you need a softer way to adjoin; and to integrate small businesses with the local community. Council Member Kenary said at Potter it was originally bought by a developer to be residential; who then went belly up. Bill Duston said the zoning map is still and always was R-40. Mayor Horvath said 12 years ago there was discussion on which corner should be the center of Wesley Chapel; that area was designated O-I since it wasn't as clear. Now we have developed a lot more and have a population over 8,000. Bill Duston said Goal 2, Policy 1 states the Village's commercial, governmental, and institutional hub at the intersection of NC 84 and Waxhaw-Indian Trail Road should be supported and encouraged to finish build-out. Council Member Plyler said they don't have much invested in the land there and we can't make them build out. Mayor Pro Tem Como said if we develop, we need more commercial, and we should think about where. Bill Duston said the arcs have decreased, so it decreases potential commercial. Mayor Pro Tem Como said with all these new houses shouldn't we add more commercial. Sandra Ells said if we develop commercially, it will change the flavor of the town. Council Member Kenary disagreed with the Mayor Pro Tem; there are factors we do not control, i.e. roads; she moved away from a strip mall/subdivision area that was considered poor planning; in her opinion condensed commercial is better planning, and we don't need commercial on every corner; and noted she can't leave her subdivision because traffic is backed up due to the commercial. Mayor Pro Tem Como said the subdivisions still put more traffic on the road; there is only one choice for groceries and for gas. Mayor Horvath noted when land is zoned R-40 we can't tell them they can't build houses; it is a use by right. Chairman Keeney said this is why conditional zoning is so important. Mayor Horvath added it gives us a lot more say. Chairman Keeney added there is also form based codes, which says let us say what we want it to look like.

Attorney Sistrunk left at this point.

Council Member Kenary brought up RUC; Bill Duston noted two subdivisions are recommended for medium density, none of them are one acre lots, if you want to do expansions to a house, it will be a problem. They were developed under Union County regulations, such as Silver Creek and several others; we honor the plat they were built

under, other subdivisions should be zoned RUC on the zoning and Land Use Plan maps. John Bowen, Planning Board member, asked Mayor Pro Tem Como where he would propose a secondary commercial area; he replied expand what we have, or close to it. John Bowen asked how would a land owner take that. Mayor Horvath said the zoning wouldn't change, just the future land use plan map; then they could ask for a re-zoning. He thought commercial is worth more than six times residential land. Chairman Keeney said look at Stallings; a whole residential area is now commercial and for a good reason; he said he would like Planning Board to re-visit this, and in the long term we should encourage rather than react. Council Member Rosoff said she would like to hear from landowners and how they would like to use their land. Chairman Keeney said there is much in the recommended Land Use Plan changes that he can't justify and he would like the Planning Board to re-visit it. Mayor Pro Tem Como said don't concentrate on a spot on the map, look at the whole pot; Council Member Kenary asked not to have pocket areas all over either. Chairman Keeney said conceptually Council should give us direction. Mayor Pro Tem Como said Planning Board are the experts. Mayor Horvath said with Bill Duston's expertise Planning Board can approach it differently. Council Member Kenary said the Subdivision Ordinance was discussed; there are problem areas and it needs to be re-done. Mayor Horvath noted this is where the ordinance prioritization list comes into play. Bill Duston said Planning Board asked him to make a summary of subdivision modifications and it became apparent that the tree ordinance and several other areas need to be addressed. Council Member Plyler asked if we can change heritage trees to healthy heritage trees. Mayor Horvath asked that conceptual ideas be sent to him to send on to Bill Duston and Planning Board.

4. REVIEW OF SENIOR HOUSING WITH VILLAGE COUNCIL

Bill Duston reported he, Council Member Plyler and Sandra Ells from Planning Board met with the Stallings planner and looked at two senior housing developments. One was very nice, attractive and cohesive, the other had houses close together, streets narrow and there was no connectivity to the park. The definition of senior housing per HUD was reviewed, either occupied solely by persons who are 62 or older, or houses with at least one person who is 55 or older in at least 80 percent of the occupied units and adheres to a policy that demonstrates intent to house persons who are 55 or older. The consensus was to leave to developers which option to choose, as in Stallings. Mr. Duston discussed types of housing; the proposed standards are detached independent units; attached independent units; assisted living facilities; and nursing homes (only if the development contains an assisted living facility). In the Land Use Plan continuing care facilities would be in the O-I district; other senior housing would be in R-40 and RA-40. They suggested it be allowed only through conditional zoning. Minimum required acreage is 10 acres for detached and attached independent units; and 25 acres if an assisted living facility is present. Minimum lot size for detached independent units is 8,000 square feet. Mr. Duston added in Cornelius lots are 5,000 to 6,000 square feet; the suggested minimum is 8,000 square feet and four per acre. Sandra Ells added 5,000 square feet looked too small aesthetically. With assisted living you have a lot of parking. Sandra Ells and Council Member Plyler said with assisted living, you need a nursing home too, so spouses wouldn't be separated, so that is why 25 acres is needed. John Bowen asked if nursing homes are regulated by the state- a certificate of need is required. Sandra Ells noted if you have assisted living, you need a nursing home in case you get hurt. Council Member Kenary brought up next gen homes; an example is Lennar in Lawson, where

there is within the home a separate apartment. Bill Duston said that would be okay as long as it's deemed a single family home, he will check with Waxhaw. Council Member Plyler said there are already homes where seniors live in the basement.
Bill Duston asked if these guidelines make a good starting point. Mayor Horvath asked if there was anything in there that would be a problem.
Council Member Rosoff asked what if Aston wanted to put in senior housing townhomes on the land here; Mr. Duston said they would have to come back or get it re-zoned. Mr. Duston noted they are proposing senior housing be in the R-40 and RA-40, not necessarily next to downtown, it allows a larger geographical area and would be allowed through conditional zoning. Council Member Kenary said she would like to see the two definitions separated out, for example S-1 for ages 62+ and S-2 for age 55 and over.
As far as the timing, senior housing will come to Planning Board in October.

5. OTHER BUSINESS – none

6. ADJOURNMENT

John Bowen motioned to adjourn the Planning Board meeting; David Boyce seconded the motion.

The motion passed unanimously.

Respectfully submitted,

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Cheryl Bennett, Village Clerk

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Stephen Keeney, Chairman