

VILLAGE OF WESLEY CHAPEL
COUNCIL MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
October 12, 2015 – 7:00 PM

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

Present: Mayor Horvath, Mayor Pro Tem Como, Council Members Kenary, Plyler and Rosoff

Others Present:

Clerk/Finance Officer Cheryl Bennett; Planning/Zoning Administrator Bill Duston, Attorney George Sistrunk

Citizens Present: Carol Mullis, Sandy Fenn, Tommy Ferguson, Jerry Fulmer, Shirley Davis Walser, Marnie Holland, Jeffrey Pike, Amy & Ernie Collie, Kathy Heintel, Dr. David Kapfhammer, John Cuomo, David and Sandra Grimm, Tim McCulla, Howard Brotton, Rebecca McManus, Rich Heareth and Wes Smith from Epcon Communities, Deb Boland, Mary LaBarre

Meeting was called to order at 7:00 PM and a quorum was present.

1. PLEDGE OF ALLEGIANCE AND INVOCATION *Time Stamp :00*

Mayor Horvath led the Pledge of Allegiance and Council Member Plyler gave the invocation.

2. PUBLIC COMMENTS *Time Stamp 1:45*

Frank Capella spoke of traffic safety concerns at the New Town Road and Billy Howey Road intersection. He felt four way stop signs were not enough, and would prefer a full service light.

In response, Mayor Horvath read Resolution 2015-06 requesting improvements to the New Town Road / Billy Howey Road Intersection. Mayor Pro Tem Como motioned to approve Resolution 2015-06; Council Member Rosoff seconded the motion.

The motion passed unanimously.



**VILLAGE OF WESLEY CHAPEL RESOLUTION 2015-06
REQUESTING IMPROVEMENTS TO THE NEW TOWN ROAD / BILLY HOWEY
ROAD INTERSECTION**

WHEREAS, the Village Council members of Wesley Chapel are concerned for the safety, health and welfare of the citizens of the Village of Wesley Chapel, as well as for those who visit our Village; and

WHEREAS, the intersection of Billy Howey Road and New Town Road is primarily within the jurisdiction of the Village of Wesley Chapel with three of the four corners in the Village and the fourth in un-incorporated Union County, and

WHEREAS, there are curves in New Town Road both to the east and west which provide a limited sight distance to cars crossing New Town Road on Billy Howey Road, and

WHEREAS, there have been numerous serious accidents at the intersection, and

WHEREAS, many residents have petitioned the North Carolina Department of Transportation to make appropriate improvements to that intersection, and

WHEREAS, the North Carolina Department of Transportation is responsible for the maintenance of both roads, and

WHEREAS, there are several new housing subdivisions being built south of New Town Road which have led to a significant increase in traffic, and

WHEREAS, it is the duty of elected officials to work with the North Carolina Department of Transportation to ensure the residents of the Village may safely commute to whatever destination they are headed,

NOW THEREFORE BE IT RESOLVED, that the Council for the Village of Wesley Chapel respectfully requests that the North Carolina Department of Transportation make additional improvements to the intersection of New Town Road and Billy Howey Road in whatever manner is appropriate to ensure that all automobile travelers are able to go through that intersection in a safe and responsible manner.

Attest:

Mayor Brad S. Horvath

Clerk Cheryl Bennett

Tim McCulla, who lives in Blackstone, spoke of concerns on the speed limit on Highway 84, noting it is difficult to enter the road during rush hours. He would like to see the speed limit lowered to 35 mph in the Village.

3. **ADDITIONS, DELETIONS AND ADOPTION OF AGENDA** *Time Stamp 15:29*
Items added to the consent agenda were approval of the Botanica Lights contract, approval of the Lindenwood Town Hall rental fee waiver, and approve the Halloween Safety Sheet for the website, and move Youth Council to consent agenda to appoint 3 members and accept one resignation; items removed from the consent agenda to a separate item was the planning/zoning/code enforcement staff report; removed from the agenda were Review of the Non-solicitation Ordinance and Sponsorship Policy (they will be added to the November agenda).

Mayor Pro Tem Como motioned to adopt the amended agenda. Council Member Kenary seconded the motion.

The motion passed unanimously.

4. **PUBLIC HEARING ON AMENDMENT TO ASTON PROPERTIES CONDITIONAL USE PERMIT** *Time Stamp 20:30*

Mayor Horvath swore in Bill Duston, Karen Partee, Tim McCulla, Matt Morrow and Shirley Davis Walser. Bill Duston reported this public hearing is to amend the CUP for a portion of the

Village Commons Shopping Center. Planning Board recommended approval with two conditions, that the road extend to the Town Hall driveway, and the sidewalks extend down to our driveway, back into the property, and along the internal road to the auto repair shop. Karen Partee from Aston Properties did a presentation showing the technical data sheet and development standards sheet which are two binding documents on their development. They are requesting an auto repair store on parcel E. They are allowed three buildings up to 38,000 square feet. Auto repair is allowed in B-2, but was not in their original list of uses. All bays face the interior of the project. They prepared elevation drawings of the brick and detail work. She showed a map of the four closest auto repair locations, Black's and Hess in Monroe, Hook in Waxhaw, and Firestone in Charlotte, the closest being 7.3 miles away. She showed a plan of how they would provide the required 31 parking spaces. Ms. Partee addressed the Findings of Fact stating the use is an approved use under the B-2 zoning classification, is a low traffic generator, is typically found in retail shopping environments, will be operated in a safe manner using best practices; meets all required conditions and specifications; will be part of an existing shopping center and is an allowed use within a shopping center; the architecture will be in harmony with the existing development; the use is ideally located in the main commercial development and is a use not available anywhere else in Wesley Chapel; has available utility services; and traffic was anticipated with the development of the shopping center and in accordance with the approved traffic study. The use will only utilize existing curb cuts. She stated there will be no noxious odors or sounds.

Council Member Rosoff asked about carbon dioxide and chemicals. Karen Partee provided an affidavit from an environmental engineer. Bill Duston noted the affidavit is hearsay and cannot be used for making decisions. Attorney Sistrunk noted it is up to Council to decide what weight to give it.

Council Member Kenary noted Hickory Tavern has outdoor seating right next door, and would this be detrimental to them. Mayor Pro Tem Como asked if there will be tow trucks and wrecked cars; Ms. Partee said no, this won't be a body shop.

Mayor Horvath swore in George Dewey and Lauren Hanson from Aston Properties. They were asked if the location could be moved; Ms. Hanson said they made an effort to keep it close to Highway 84, and there is a natural progression of stores down from CVS; she thought Hickory Tavern would like the synergy, and it would provide them additional evening parking.

Tim McCulla who lives in Blackstone spoke in opposition to the auto repair shop; his concerns included traffic and noise, and noted access in and out of the shopping center is difficult. Currently he puts up with the Hickory Tavern noise, football games on TV and loud conversations; and said the noise from 8-10 pneumatic air guns could start at 7 am; he asked Council to deny the application.

Matt Morrow from Blackstone spoke in opposition to the use. He stated an auto repair shop can't be turned into a different business like others can if it should close. He added auto repair shops are inherently noisy and mechanics are recommended to wear earplugs; he noted the bays are open to our backyards.

Shirley Davis Walser spoke in favor of the auto repair shop noting it produces less traffic than Chick Fil-A; and felt there was not that much noise; and added it will bring jobs and tax base and a closer place to get tires.

Karen Partee responded she went to a Firestone auto repair shop in Matthews and measured the noise on her cellphone, seventy feet from the service bay side of the building the average decibels was 75 and the peak 79; from the neighborhood side of the building the average decibels was 43 and the peak 50. She added she went to one in Ballantyne with 14 bays two hundred feet from residences, and a resident she asked said there was not a noise problem. She noted it is a retail use and in keeping with the conceptual plan, and there are various access points on Highway 84. She cited the convenience of auto inspections. The Institute of Traffic Engineers show 3.11 cars per hour per 1,000 square feet, so it would produce 19.3 trips per peak hour. Council Member Kenary asked about the building orientation; Ms. Partee said it was to keep the noise away from Lindenwood.

Bill Duston reported Council's options are to approve, deny, add fair and reasonable conditions and give Aston a chance to agree to them. If approved, the use runs with the property regardless of the owner.

5. PUBLIC HEARING ON EPCON'S REQUEST FOR AMENDMENTS TO SENIOR HOUSING ORDINANCE TEXT *Time Stamp 1:18:20*

Bill Duston noted there are six separate changes requested, it is not all or nothing. Wes Smith from Epcon stated from a study on a parcel they can currently get 1.5 units per acre. The living style for senior residents is different, he said, with no lawn or outside maintenance. Building separation is currently thirty feet, and they requested 12 feet. He noted Epcon has a side courtyard which is the area the residents take care of. Currently the required rear yard setback is 40 feet; the attached HVAC is part of the building, they are requesting a thirty feet exterior buffer, and five feet to the HVAC and five feet for the HVAC. They requested only one parking space per six units based on their experience. There is a two car garage and typically two spaces in the driveway. On average, senior living has 1.4 cars and 1.6 people. Based on aesthetics they don't want more parking. Their last request is maximum density, with no wetlands you could have 150 units, but with the 1.5 acres wetlands you can only do 145 units. He agreed there should not be wetlands or a lake on a lot, but he stated he could fill in a wetland to get the additional area but he did not want to fill it in because it is a natural feature.

Tommy Ferguson a property owner on Cuthbertson Road said the restrictions hurt small landowners and result in them seeking de-annexation to maximize their value. Most of the de-annexation land is adjacent to areas with less than R-40 lots, and most of Council and Planning Board live on less than one acre. He asked why senior living could not be on smaller parcels of at least ten acres.

Shirley Davis Walser said her family had land here for 76 years, senior living is well needed in the Village, and think about what is best for all. The land is a 401K and senior living won't overpopulate schools.

Marnie Holland from Champion Forest was concerned about density, traffic and impact on schools; she asked how many acres and houses, and what would the density be now. When the Downtown Committee discussed options no one wanted higher density; she was concerned regarding the forty foot buffer being reduced to thirty feet. She noted with the park we worked to ensure a buffer to non-residents and hoped the same consideration would be given to

Champion Forest. She noted the current rules exclude wetlands, and had concerns on what this would do to density. She noted a senior living complex is going into Indian Trail, and the density is less there. The covenants of the development will determine who lives there, will they be over age 55, and asked if kids can live there and impact schools.

David Grimm from Champion Forest said they looked long and hard for their home in Champion Forest; this company should abide by the rules; they want to cram in more homes for more money, and it will decrease our home values. Where Lawson impinges on Champion Forest, the houses are harder to sell.

Deb Boland from Champion Forest said this would be right behind her; Lawson cut down all the trees and impacted them so the water flows into Champion Forest; they had to revise the covenants to allow higher fences; she has seen traffic increase and more accidents. She was against the proposed changes.

Wes Smith from Epcon stated these amendment requests are not specific to a certain property; there would be community meetings when they bring a specific proposal.

Bill Duston said the developer could do a CUP or apply for conditional zoning. Either way can have conditions and public meetings. There are differences in how far we advertise. Our definitions of senior housing come straight from HUD – age 62 plus or 80% of the units have someone age 55 plus. Someone has to report to HUD the age make-up.

Council Member Kenary said the ages applies for purchasers, but no one says children cannot live there. Bill Duston reported there may be private covenants; we do not get involved with them. Council Member Kenary asked Mr. Grimm his age – sixty-six; he said 1.4 cars per home is nonsense, they have 2-3 and ten grandkids, and he would not live 12 feet from his neighbor.

6. PUBLIC HEARING ON ORDINANCE AMENDMENTS TO ADD CONSERVATION ZONING *Time Stamp 1:56:10*

Bill Duston reported Planning Board looked at several developments in Marvin and Weddington, and the regulations are a mixture of them. The yield plan is the same as a conventional subdivision, but you get potential reduction of lot sizes if they adjoin conservation land. Fifteen acres seemed like a reasonable minimum size. Fifteen per cent of the land must be preserved. Planning Board changed the minimum lot width to stay at 120 feet, so a lot 120 feet by 350 feet would be a 30,000 square foot lot. Stormwater ponds are not allowed as conservation land. Development would be subject to a CUP or conditional zoning.

Shirley Davis Walser clarified it is density neutral, and asked we consider a slight increase for wetlands.

Council Member Kenary asked why 15 acres was used as a minimum; Bill Duston said it was the same as senior living, and seemed a reasonable number.

7. CONSIDER APPROVAL OF CONSENT AGENDA: *Time Stamp 2:08:45*
A. APPROVE MINUTES FOR SEPTEMBER 14, 2015

- B. APPROVE FINANCE STAFF REPORT AND BUDGET TRANSFERS MADE
- C. APPROVE PROCLAMATION FOR DOMESTIC VIOLENCE AWARENESS MONTH
- D. APPROVE WAIVER OF TOWN HALL RENTAL FEE FOR CHARTER SCHOOL MEETING HELD OCTOBER 4, 2015
- E. APPROVE PROCLAMATION FOR BREAST CANCER AWARENESS MONTH
- F. YOUTH COUNCIL APPOINTMENTS OF JOSHUA KOLUBINSKJI, JUSTIN MELHORN, AND ALEX LUBINECKY, AND RESIGNATION OF ZACK MAHER
- G. APPROVE WAIVER OF TOWN HALL RENTAL FEE FOR LINDENWOOD HOA MEETING
- H. APPROVE SECOND YEAR OF BOTANICA LIGHTS CONTRACT
- I. APPROVE HALLOWEEN SAFETY SHEET FOR WEBSITE

Council Member Kenary motioned to approve the consent agenda items. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

The financial reports and budget transfers made during September are hereby incorporated by reference and made a part of these minutes.

September transfers made by the Finance Officer are as follows: none.

September 30, 2015 Balance Sheet

ASSETS

Checking/Savings	
Fifth Third Bank checking	226,522.18
Fifth Third Maxsaver	305,741.16
BB&T Money Market	506,951.15
Cash Change Fund	50.00
Total Checking/Savings	1,039,264.49
Accounts Receivable	
Misc. Fees Receivable	1,389.45
Total Accounts Receivable	1,389.45
Other Current Assets	
Property Tax Rec.	1,613.00
Allow. for Doubtful Accounts	-887.00
Sales Taxes to be Received	4,648.19
Total Sales Taxes to be Received	4,648.19
Fixed Assets	
Land	813,423.00
Dogwood Park	
Dogwood Park Improvements	720,946.00
Dogwood Park fountain	12,960.00
Dogwood Park Water Improvement	8,440.00
Dogwood Park Gate	7,076.00
Dogwood Park Shipping Container	3,200.00
Dogwood Park Sign	1,783.00
Total Dogwood Park	754,405.00

Town Hall	1,361,869.00
Furniture & Equipment	37,682.00
Town Hall Driveway	37,337.00
Accumulated Deprec.	<u>-175,932.98</u>
Total Fixed Assets	<u>2,828,783.02</u>
TOTAL ASSETS	<u><u>3,874,811.15</u></u>
LIABILITIES & FUND BALANCE	
Liabilities	
Due to Union County Schools	41.29
Escrow from Developers	196,090.00
Payroll Liabilities	2,781.56
Deferred Revenue	<u>726.20</u>
Total Other Current Liabilities	<u>199,639.05</u>
Total Liabilities	199,639.05
Fund Balance	
Fund Bal. inv. in Fixed Assets	2,828,783.02
Fund Bal. non-spendable	196,090.00
FB Restrict for P&R fee in lieu	99,227.78
Fund Bal. Res for Amph. Cover	3,664.00
Fund Bal. Committed for CIP	46,162.11
Fund Bal assigned TH land	25,000.00
Fund Bal. Assigned for Com. Cen	87,196.00
Fund Bal Assign future park imp	3,550.00
Fund Balance Assigned for NNO	313.40
Fund Balance	491,345.19
Excess of Rev. over Exp.	<u>-106,159.40</u>
Total Fund Balance	<u>3,675,172.10</u>
TOTAL LIABILITIES & FUND BALANCE	<u><u>3,874,811.15</u></u>

September 2015 Budget Report

	<u>Sep 15</u>	<u>Jul - Sep 15</u>	<u>Budget</u>	<u>% of Budget</u>
General Fund				
Income				
Appropriated Fund Balance	0.00	0.00	5,900.00	0%
Property Tax Income				
Current Year Property Tax	3,641.85	4,251.15	136,168.00	3%
Utility Ad Valorem	0.00	0.00	1,887.00	0%
Vehicle Registration	1,297.25	2,466.88	11,560.00	21%
Delinquent Property Tax	44.75	406.02	800.00	51%
Prior Year Motor Vehicle Tax	0.00	5.06	0.00	100%
Interest/Ad Fee on Taxes	<u>11.73</u>	<u>129.42</u>	<u>300.00</u>	<u>43%</u>
Total Property Tax Income	<u>4,995.58</u>	<u>7,258.53</u>	<u>150,715.00</u>	<u>5%</u>

Fees and Licenses				
Privilege Licenses	0.00	150.00	285.00	53%
Cable Franchise (from Time Warn	0.00	0.00	15,200.00	0%
Zoning Permit	750.00	3,625.00	10,000.00	36%
Engineering Fees Reimbursement	2,922.30	7,669.55	22,000.00	35%
Annexation Exp Reimbursed	0.00	0.00	100.00	0%
Misc. Fees	3,468.75	3,471.75	300.00	1157%
Winter Walk 5K fees	0.00	0.00	500.00	0%
National Night Out	0.00	0.00	0.00	0%
Total Fees and Licenses	7,141.05	14,916.30	48,385.00	31%
Interest Earned	55.61	124.62	400.00	31%
Revenue Sharing				
Sales & Use Taxes	483.92	483.92	44,000.00	1%
Telecommunications Tax	-11.17	-11.17	10,200.00	0%
Video Programming(State Cable)	897.78	897.78	92,000.00	1%
Franchise Tax (Electric Power)	1,831.32	1,831.32	180,000.00	1%
Excise Tax (Piped Natural Gas)	4,266.47	4,266.47	13,000.00	33%
Alcoholic Beverage Tax	0.00	0.00	35,000.00	0%
Total Revenue Sharing	7,468.32	7,468.32	374,200.00	2%
Total Income	19,660.56	29,767.77	579,600.00	5%
Expense				
Total Town Hall Operating Expense	2,265.46	5,772.39	27,025.00	21%
Total Operating Expenditures	1,781.48	25,821.77	92,470.53	28%
Total Planning & Zoning	7,948.73	13,084.88	78,953.00	17%
Total Gen. Govt. Salaries	11,092.37	25,391.07	116,725.00	22%
Total Professional Fees	1,293.20	2,747.30	54,000.00	5%
Total Capital Outlay	0.00	498.61	15,000.00	3%
Total Public Services / Safety	20,588.00	41,684.23	83,892.00	50%
Parks & Recreation				
Total Parks & Recreation Personal Services	0.00	0.00	1,200.00	0%
Total Parks & Rec Supplies & Material	1,195.98	2,914.89	12,398.00	24%
Total Parks & Recreation Services P&R Capital Outlay	5,019.02	9,362.27	45,360.00	21%
Total P&R Capital Outlay	4,379.76	5,474.76	52,576.47	10%
Total Parks & Recreation	10,594.76	17,751.92	111,534.47	16%
Total Expense	55,564.00	132,752.17	579,600.00	23%
Net General Fund	-35,903.44	-102,984.40	0.00	100%
Capital Projects Fund				
CIP Income				
Appropriated for Town Hall	0.00	1,393,362.89	1,442,700.00	97%

Total Transfer from General Fund	<u>0.00</u>	<u>1,393,362.89</u>	<u>1,442,700.00</u>	<u>97%</u>
Total Other Income	0.00	1,393,362.89	1,442,700.00	97%
CIP Expense				
Capital Projects				
Town Hall Capital Outlay				
TH Construction Contract	0.00	1,235,560.67	1,256,981.00	98%
TH Architect/Engineer	0.00	104,328.87	108,168.00	96%
TH In House Engineering	0.00	1,200.00	1,200.00	100%
TH Testing/Permit Fees	0.00	12,894.66	14,900.00	87%
TH Telecom Sys/AV/Computers	0.00	179.90	252.00	71%
TH Insurance	0.00	1,374.00	1,374.00	100%
TH Legal Fees	0.00	5,140.00	5,100.00	101%
TH Furnishings/Seasonal Dec.	0.00	28,575.14	28,945.00	99%
TH Irrigation	3,175.00	3,601.00	22,000.00	16%
TH Miscellaneous	<u>0.00</u>	<u>3,683.65</u>	<u>3,780.00</u>	<u>97%</u>
Total Town Hall Capital Outlay	<u>3,175.00</u>	<u>1,396,537.89</u>	<u>1,442,700.00</u>	<u>97%</u>
Total Capital Projects	<u>3,175.00</u>	<u>1,396,537.89</u>	<u>1,442,700.00</u>	<u>97%</u>
Net Capital Projects Fund	<u>-3,175.00</u>	<u>-3,175.00</u>	<u>0.00</u>	<u>100%</u>
Net Excess of Revenue over Exp.	<u>-39,078.44</u>	<u>-106,159.40</u>	<u>0.00</u>	<u>100%</u>

Village of Wesley Chapel, North Carolina
 Proclamation for Domestic Violence Awareness Month



Whereas, domestic violence affects all Union County residents, and far too many people suffer abuse at the hands of a spouse, partner, parent, child, or sibling; these victims can be of any age, race, religion, or economic status and the resulting damage is inflicted not only on the victims, but their children, families, and communities; and

Whereas, domestic violence includes not only physical but also mental abuse, emotional abuse, financial abuse, sexual abuse, and isolation; and

Whereas, domestic violence is widespread, including one in three Americans who have witnessed an incident of domestic violence with an annual cost to US

companies of \$3.5 billion in lost work time, increased health care costs, higher turnover, and lower productivity; and

Whereas, according to the North Carolina Coalition Against Domestic Violence, there have been 766 women, men, and children murdered as a result of domestic violence since January 1, 2002 in North Carolina; and

Whereas, according to the North Carolina Council for Women, domestic violence programs across the state responded to over 95,000 crisis calls and provided services to over 61,000 victims last year; and

Whereas, the key to prevention is education, community awareness, having zero tolerance for domestic violence, and requiring accountability by the abuser; and

Whereas, Union County recognizes the importance of having collaborations by multiple partners to promote social norms, policies and laws that support gender equity and foster intimate partnerships based on mutual respect, equality, and trust; and

Now, Therefore, be it resolved that I, Brad S. Horvath, Mayor of the Village of Wesley Chapel, do hereby proclaim October 2015 as Domestic Violence Awareness Month in Wesley Chapel, and urge all citizens to support this observance. I further urge our citizens to increase their awareness and education of this destructive force which deeply affects a large number of families in our State each year and to become part of the efforts to stop violence in families.

Mayor Brad Horvath

Date

Village of Wesley Chapel, NC

Proclamation for Breast Cancer Awareness Month



WHEREAS, A woman is diagnosed with breast cancer every two minutes, making this disease the most frequently diagnosed cancer among women in the U.S., other than skin cancers; and

WHEREAS, During 2015 approximately 7,580 new cases of invasive breast cancer will be diagnosed and more than 1,300 women will succumb to the disease in North Carolina; and

WHEREAS, The more than three million breast cancer survivors living in the U.S. today are a testament to the importance of promoting awareness about breast cancer, providing information, funding research, and offering treatment; and

WHEREAS, the efforts of numerous organizations have made a major contribution to spreading breast cancer awareness to both women and men through outreach, education, and screening and treatment programs, and have empowered people with the message of early detection; and

WHEREAS, October is designated as National Breast Cancer Awareness Month and the pink ribbon is the internationally recognized symbol of breast cancer awareness;

NOW, THEREFORE I, Brad Horvath by virtue of the authority vested in me as Mayor of the Village of Wesley Chapel in North Carolina, do hereby proclaim October to be

BREAST CANCER AWARENESS MONTH

in Wesley Chapel and urge all citizens to wear pink ribbons in recognition of breast cancer awareness and in honor of those who have lost their lives to breast cancer and those who are now bravely fighting the battle.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Village of Wesley Chapel to be affixed this 12th day of October of the year of our Lord two thousand fifteen.

Signed _____ SEAL Attest _____
Mayor Brad Horvath

7J. Planning/Zoning/Code Enforcement Staff Report *Time Stamp 2:09:24*

Bill Duston reviewed changes from the state legislature that will require ordinance text changes including deleting design standards for one and two family homes, limits to 125% of the for performance bonds, temporary family health care structures, sign rules must be content neutral, and the need for a tutoring/learning center in our Table of Uses.

A short break was held.

8. DISCUSSION AND POSSIBLE DECISION ON AMENDMENT TO ASTON

PROPERTIES CUP *Time Stamp 2:16:05*

Findings of Fact were reviewed.

6.4.1 Findings to be Made by Village Council (Revised 09.22.09)

The Village Council shall issue a CUP only after having conclusively confirmed each of the following findings:

- a) The use will not materially endanger the public health, safety or welfare if located where proposed and developed according to the submitted plan and not create dangerous traffic conflict points, noxious odors/sounds/glare, or environmental hazards.

Council Member Plyler motioned to approve this finding based on the use will generate a small amount of traffic as compared with the Village Commons Shopping Center as a whole; NCDOT had previously reviewed traffic to be generated by the shopping center and required roadway improvements along NC 84 to accommodate the traffic. The closest residential neighborhood to the site is the Lindenwood Subdivision which lies directly across NC 84. Given that the rear of the building will face NC 84 and that the rear will not have vehicular ingress/egress, noise concerns should be minimized. Mayor Pro Tem Como seconded the motion.

The motion passed 3-1 with Rosoff voting nay.

- b) The use meets all required conditions and specifications.

Council Member Plyler motioned to approve this finding based on the use meets or exceeds all specifications of the Zoning Ordinance. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

- c) The Use will not substantially injure the value of adjoining or abutting property and will not hinder future development potential of adjacent properties by the introduction of incongruous land use or incompatible development scale/intensity.

Council Member Plyler motioned to approve this finding because Karen Partee presented facts and did a decibels recording and there is open land between them and here, and the area will be built out. Mayor Pro Tem Como seconded the motion.

The motion passed 3-1 with Kenary voting nay.

- d) The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located, will not disrupt the integrity of existing land use districts, and will be in general conformity with this Ordinance and the Village of Wesley Chapel Land Development Plan.

Council Member Plyler motioned to approve this finding based on the property is zoned B-2 by the Village and is depicted on the Village's Future Land Use Plan for "high intensity commercial development". Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

- e) Availability of services including water, wastewater treatment, gas, stormwater as required by project.

Council Member Plyler motioned to approve this finding based on the tract is served by water and sewer from Union County Public Works. Mayor Pro Tem Como seconded the motion. Council Member Kenary stated we did not discuss stormwater.

The motion passed unanimously.

- f) Access to public streets and the adequacy of those streets to carry anticipated traffic; and on-site circulation for both pedestrian and on-site and off-site vehicular traffic circulation patterns.

Council Member Plyler motioned to approve this finding based on although traffic volumes will increase on NC 84 as a result of the auto repair shop, they will be minimal in numbers and impact on traffic flow. The recommendation to provide a sidewalk and road loop between the Village Commons Shopping Center and the site will greatly improve pedestrian and auto circulation between the two uses. Mayor Pro Tem Como seconded the motion. Karen Partee from Aston Properties agreed to the condition of a sidewalk and road loop. She stated DOT will warrant the traffic light at the exit across from Lindenwood when the shopping center is fully built out. Aston's road improvements are complete. She would have to look at the traffic study to see who does the traffic light. The second was withdrawn.

The motion was restated. Council Member Plyler motioned to approve this finding based on although traffic volumes will increase on NC 84 as a result of the auto repair shop, they will be minimal in numbers and impact on traffic flow. Aston has agreed to provide a sidewalk and road loop between the Village Commons Shopping Center and the site will greatly improve pedestrian and auto circulation between the two uses. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

- g) Adequate safety and emergency services (police, fire and EMS).

Council Member Plyler motioned to approve this finding based on safety and emergency services will not be affected by this use. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

- h) Additional review criteria, as stated in the Ordinance, shall also be considered and addressed where required.

6.10.3 Relationship to and impacts upon adjoining properties and the adequacy of proposed measures to minimize any adverse impacts.

Council Member Plyler motioned to approve this based on the recommendation to provide a sidewalk and road loop between the Village Commons Shopping Center and the site will greatly improve pedestrian and auto circulation between the two uses. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

Mayor Pro Tem Como commented regardless of what is built, it will increase traffic, and we heard complaints regarding noise from the Hickory Tavern.

Council Member Plyler motioned to recommend approval of this amendment to the original CUP 2003-02 and to include the condition of the sidewalk down and around the access road that will be continued to the current town hall driveway. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

9. DISCUSSION AND POSSIBLE DECISION ON ORDINANCE AMENDMENTS PROPOSED BY EPCON REGARDING SENIOR HOUSING *Time Stamp 2:42:50*

Bill Duston noted these changes would apply to senior housing anywhere in Wesley Chapel, and a specific application would involve public neighborhood meetings.

Amendment one is to reduce the front yard setback, currently it is thirty-five (35) feet; Planning Board recommended twenty (20) feet and twenty-five (25) feet to the face of the garage; Epcon asked for fifteen (15) feet. Mayor Pro Tem Como motioned to approve a text change to section 6.10.11 (c) to reduce the front yard setback to twenty (20) feet, and twenty-five (25) feet to the face of the garage, citing the Statement of Consistency: The Village's adopted Future Land Use Plan does not address senior housing. Therefore, the proposed changes are neither consistent nor inconsistent with the Future Land Use Plan; and the Statement of Reasonableness: The proposed changes are deemed reasonable as they allow for greater flexibility for the development of senior housing developments in the Village, yet provide safeguards to ensure that such developments do not have negative effects on adjoining and nearby properties. Council Member Plyler seconded the motion.

The motion passed 3-1, with Kenary voting nay.

Amendment two is to reduce the side yard setback; currently it is fifteen (15) feet for single family and duplex dwellings; Planning Board recommended seven and one-half (7.5) feet for fee simple and fifteen (15) feet for end units, and fifteen (15) feet between condos; Epcon requested six (6) feet side yard setbacks for a total of twelve (12) feet between single family and duplex homes. Bill Duston noted he assumed the Polo Club which is just over the line in Mecklenburg County was senior living; but it is not a HUD community, although it is heavily marketed to seniors and the median age is 67. Mayor Pro Tem Como motioned to approve a text change to section 6.10.11(d) to change the side yard setbacks to Planning Board's recommendation of seven and one-half (7.5) feet for fee simple and fifteen (15) feet for end units, and fifteen (15) feet between condos; citing the Statement of Consistency: The Village's adopted Future Land Use Plan does not address senior housing. Therefore, the proposed changes are neither consistent nor inconsistent with the Future Land Use Plan; and the Statement of Reasonableness: The proposed changes are deemed reasonable as they allow for greater flexibility for the development of senior housing developments in the Village, yet provide safeguards to ensure that such developments do not have negative effects on adjoining and nearby properties. Council Member Rosoff seconded the motion. Mayor Pro Tem Como asked if there is a fire marshal recommendation on building materials; Rich Heareth from Epcon said only if there is less than ten feet between units.

The motion passed 3-1, with Kenary voting nay.

Amendment three is to reduce the required rear yard setbacks for senior housing; currently the required setback is forty (40) feet; Planning Board recommended fifteen (15) feet for fee simple, and HVAC equipment attached to the dwelling unit shall not be considered when computing the rear lot lines; and for lots in condominium ownership the rear lot lines shall not be closer than thirty (30) feet apart, again not considering the HVAC equipment attached to the building; Epcon requested the rear yard setback be reduced to five (5) feet, and a ten (10) foot separation for buildings in condominium ownership. Mayor Pro Tem Como motioned to accept Epcon's proposal for rear yards in interior lots so that there is ten feet between units from one HVAC to the other unit's HVAC, or require twenty feet between buildings, excluding the HVAC's; citing the Statement of Consistency: The Village's adopted Future Land Use Plan does not address senior housing. Therefore, the proposed changes are neither consistent nor inconsistent with the Future Land Use Plan; and the Statement of Reasonableness: The proposed changes are deemed reasonable as they allow for greater flexibility for the development of senior housing

developments in the Village, yet provide safeguards to ensure that such developments do not have negative effects on adjoining and nearby properties. Council Member Rosoff seconded the motion.

The motion passed 3-1, with Kenary voting nay.

Council decided to first address amendment five before looking at the rear yard setbacks for lots where the rear yard is adjoining the exterior of the development.

Amendment five regards screening; the current text requires a minimum forty foot landscaped buffer on the side and rear yards of the development; in addition the Village's subdivision regulations require a landscaped buffer along major or minor thoroughfare roads when the rear yards of lots within a subdivision abut such roads; for developments fifteen acres in area, that required buffer is fifty (50) feet. Planning Board recommended approval of the amendment offered by Epcon; Epcon requested the forty (40) foot screened buffer, be reduced to thirty (30) feet. Mayor Pro Tem Como stated a thirty foot screened buffer plus a ten foot back yard setback will equal forty feet and be consistent with R-40 rear yards. Bill Duston stated we don't require a screen or buffer between adjacent R-40 subdivisions; accessory structures in R-40 can be fifteen feet from the rear lot line.

Mayor Pro Tem Como motioned to go with Planning Board's recommendation of a thirty foot screened exterior buffer, citing the Statement of Consistency: The Village's adopted Future Land Use Plan does not address senior housing. Therefore, the proposed changes are neither consistent nor inconsistent with the Future Land Use Plan; and the Statement of Reasonableness: The proposed changes are deemed reasonable as they allow for greater flexibility for the development of senior housing developments in the Village, yet provide safeguards to ensure that such developments do not have negative effects on adjoining and nearby properties. Council Member Plyler seconded the motion.

The motion passed 3-1, with Kenary voting nay.

Council returned to the subject of rear yard setbacks for lots where the rear yard is adjoining the exterior of the development. Mayor Pro Tem Como motioned that the rear yard setback for lots at the exterior rear and side yards of the development be a ten foot setback from the principal structure to the thirty foot screened buffer, not considering the HVAC unit, citing the Statement of Consistency: The Village's adopted Future Land Use Plan does not address senior housing. Therefore, the proposed changes are neither consistent nor inconsistent with the Future Land Use Plan; and the Statement of Reasonableness: The proposed changes are deemed reasonable as they allow for greater flexibility for the development of senior housing developments in the Village, yet provide safeguards to ensure that such developments do not have negative effects on adjoining and nearby properties. Council Member Plyler seconded the motion.

The motion passed unanimously.

The fourth amendment regards maximum density; Epcon wanted to waive the standard that density cannot be calculated on floodplains/floodways/ lake/ponds, or wetland areas. Council Member Plyler stated this was changed December 8, 2014 due to Candella; Bill Duston said prior to then we excluded floodplains, but in December we did add ponds, lakes, and wetlands do not count toward computing minimum lot sizes. Mayor Pro Tem Como commented the issue is consistency; we want to be consistent when a developer comes to see the Planner for regular or

senior housing. Mayor Horvath noted you can't build on floodways at all; we amended this to make it simpler. Mayor Pro Tem Como motioned that we keep our current text to be consistent with the current philosophy on land development and not support the Epcon amendment; citing the Statement of Consistency that to change it would not be consistent with how we calculate densities in other zoning districts, and the Statement of Reasonableness that we need to be consistent. Council Member Rosoff seconded the motion. Mayor Horvath agreed we need to be consistent; he did some research and stated he had seen some bad examples; where does it stop; what if a lot of the land in a parcel is wetlands. Council Member Plyler noted Indian Trail and Stallings require less than we do.

The motion passed 3-1, with Plyler voting nay.

Amendment six was for required off-street parking; current standards are one space per three units; Planning Board voted to recommend approval of the amendment offered by Epcon that requires one space per six units. Mayor Pro Tem Como motioned to accept Planning Board's recommendation of one space per six dwelling units; citing the Statement of Consistency: The Village's adopted Future Land Use Plan does not address senior housing. Therefore, the proposed changes are neither consistent nor inconsistent with the Future Land Use Plan; and the Statement of Reasonableness: The proposed changes are deemed reasonable as they allow for greater flexibility for the development of senior housing developments in the Village, yet provide safeguards to ensure that such developments do not have negative effects on adjoining and nearby properties. Council Member Plyler seconded the motion.

Council Member Kenary felt it was unreasonable, and that the approach was that no one will come visit. It was noted we require a driveway wide enough to accommodate two cars and a two car garage.

The motion passed 3-1 with Kenary voting nay.

10. DISCUSSION AND POSSIBLE DECISION ON ORDINANCE AMENDMENTS FOR CONSERVATION SUBDIVISIONS *Time Stamp 3:59:58*

Bill Duston noted this would be an option; it is only for fifteen acres or larger, It is not a use by right, it would be a CUP or through conditional zoning. Council Member Kenary questioned why we require a minimum of fifteen acres. Council consensus was to have no minimum acreage threshold. Mayor Horvath will contact Planning Board for their input on that potential change. Mayor Horvath closed the two previous public hearings. Council Member Kenary motioned to continue the conservation zoning public hearing to November 9th, 2015 at 7 pm here at town hall. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

11. UPDATE OF FUTURE LAND USE PLAN *Time Stamp 4:13:52*

Bill Duston reported the two open houses were held last month and comments received. It was brought to staff's attention that:

1. The property at the corner of Will Plyler Road and Waxhaw Indian Trail Road was shown on the current Future Land Use Plan (FLUP) as "existing commercial" but is currently zoned O-I and is shown on the proposed FLUP as "light industrial".
2. The lot containing Southern Whimsy and the lot on Potter Road south of New Town Road are shown on the current FLUP as "existing commercial", and is currently zoned B-1 and will be changed to "low intensity commercial".

3. The lot at the SE corner of New Town and Waxhaw-Indian Trail Roads is shown on the current FLUP as “existing commercial” and is zoned B-2. It was shown on the proposed FLUP as Low-Intensity Commercial (B-1). To be consistent with current zoning, that lot should be depicted on the proposed FLUP as High Intensity Commercial (B-2).

Discussion was held on the next step and who shall be notified.

Mayor Pro Tem Como motioned to hold a public hearing on the Future Land Use Plan on November 9, 2015 at 7 pm here at town hall, notify affected and adjoining properties, and place an ad in the newspaper. Council Member Kenary seconded the motion.

The motion passed unanimously.

12. PARKS AND REC ITEMS *Time Stamp 4:23:31*
 - A. RFP ON STUMP REMOVAL AT THE PARK
 - B. RFP FOR BAND SHELL AT DOGWOOD PARK
 - C. RFP FOR TREES AND BUSHES

Mayor Pro Tem Como reported architect Troy Luttmann is coming to the next Parks and Rec meeting for the band shell.

The RFP for trees and bushes is not yet final.

The RFP for the stump removal was provided. Administrator Bennett stated she felt we should be including an engineer for this to insure the dam is not compromised. It was not clear who had contacted our engineer who had provided some reference material. Mayor Pro Tem Como said when the dam was inspected they said the tree had to be cut down, and was removed, but the stump needs to be removed, it is on the far side of the dam, about a foot high, and eighteen inches wide. Consensus was to wait for our engineer to approve the RFP.

13. PROPOSED LAND PURCHASE OFFER *Time Stamp 4:31:24*

Mayor Horvath stated we need to determine the schedule of next steps. Council Member Plyler motioned that we do not accept the offer for our 2 acre parcel. The reasons were based on the price and that we want to keep the land for the future. Council Member Kenary seconded the motion. Mayor Horvath stated he made it clear the land should be valued as commercial; the offer received was \$60,000.

14. SURVEY UPDATE *Time Stamp 4:33:04*

Council Member Plyler stated we paid Leverage Resources \$1,250 upfront, and was concerned that Council never saw the contract and did not agree to that. Mayor Horvath stated Council did approve the proposal. Council Member Kenary stated we did not agree with any terms when we agreed to move forward. The contract was reviewed by the attorney. Council Member Plyler added we didn't agree to a marketing campaign, signs, etc. Council Member Kenary asked if the contract said we were going to do all this additional work. The issue was discussed at length, including whether to do an on-line or mailed out survey. The questions were given to Mike Giaimo; he restructured them to eliminate duplicates, and revised questions that pushed a specific response. The questions were given back to the committees and Mike Giaimo requested to meet with the committees. He is meeting with Safety Committee this week, and Planning Board on the 26th. Council Member Plyler noted all but two Safety Committee questions were deleted. Council Member Kenary said she did not recall Council leaving it up to Mr. Giaimo to

eliminate questions or compile it as he thought. Council Member Rosoff said he was hired because he is an expert, and now you are asking for him to come back and justify it to you. Mayor Pro Tem Como said it is just a rough draft, ask him and tell him what you want changed. Council Member Kenary said Mike Giaimo indicated the Youth Committee had some biased questions, she asked him to identify them, and give her his recommendation of how that question would be written unbiased. What she received from him was an identifier of the type of question written, and at the end, a recommendation to delete it. She did not get an answer to the question asked. It was agreed this was a valid concern. Administrator Bennett noted PARTF wanted us to include duplicate questions to confirm answers, and she asked Mr. Giaimo why he changed the proposed questions after we cleared them with PARTF; he said it was just his perspective; he didn't say it was to make them unbiased.

15. PLANTING OF REPLACEMENT NORWAY SPRUCE *Time Stamp 5:01:51*

Mayor Horvath said we don't have a definitive answer that they will replace the trees, but if they do, it would be no more than \$700 to plant replacement trees. Council Member Kenary motioned to move the amount necessary to plant the trees less than or equal to \$700 from contingency to a tree installation account. Mayor Pro Tem Como seconded the motion.

The motion passed unanimously.

16. OTHER BUSINESS *Time Stamp 5:07:39*

Council Member Kenary said the Youth Council is planning an event at the park for March 12, 2016, they met with Parks and Rec and consensus was they can work around that date; they are also considering a 5K in the fall. Mayor Pro Tem Como noted the Fall Bash is rescheduled to October 31, 2015 and a private event is being held at the park October 17, 2015.

17. COUNCIL COMMENTS *Time Stamp 5:09:43*

None.

18. ADJOURNMENT *Time Stamp 5:09:45*

Mayor Pro Tem Como motioned to adjourn; Council Member Kenary seconded the motion.

The motion passed unanimously.

The meeting ended at approximately 11:00 p.m.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Brad Horvath