

VILLAGE OF WESLEY CHAPEL  
SPECIAL COUNCIL MEETING MINUTES  
WESLEY CHAPEL TOWN HALL  
6490 Weddington Road, Wesley Chapel, NC 28104  
April 27, 2016 – 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 Kapfhammer, Mayor Pro Tem Kenary, Council Members Como, Kaperonis and Rodriguez

**Others Present:**

Clerk/Finance Officer Cheryl Bennett; Planning/Zoning Administrator Bill Duston

**Citizens Who Signed In:** Carol Mullis, John Tracy, Frances Davis, Deb Bledsoe, Amanda Fuller, William Dunster, Bob Bledsoe, Leslie Harty, Sean Maher, Chuck Rohland, Pam King, Rebecca McManus, Becky Plyler, Sandra & David Grimm, Sheryl Malica, Clay Barnes, Bill Love, Hack Tisun, G. Broome, Cathi Higgins, Natalie Williams, Sharon Knight, Mark Fisher, Dr. Miatudila

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

1. PLEDGE OF ALLEGIANCE AND INVOCATION *Time Stamp 0:00*

The meeting was called to order and a quorum was present. The Mayor led the Pledge of Allegiance and Council Member Rodriguez gave the invocation.

2. PUBLIC HEARING ON CONDITIONAL RE-ZONING REQUEST CZ15-01 – LIQUID MANAGEMENT FOR THE RIDGE AT WESLEY CHAPEL *Time Stamp 1:00*

Mayor Kapfhammer reviewed the procedural rules for the public hearing. Planning Board gave a 3-2 positive recommendation on the conditional re-zoning request. The Council vote on the application will not be made tonight.

Planning and Zoning Administrator Bill Duston reported a conditional zoning can be approved, denied, or approved with fair and reasonable conditions that are mutually agreeable with the applicant and not less restrictive than the zoning ordinance. With the subdivision ordinance, council can approve a modification, the applicant has the burden to prove each finding. Each

modification stands on its own two feet. Once the public hearing is closed, there are no further public comments.

John Ross, engineer for the applicant, introduced the other engineers they brought tonight, the applicant and a Parker Poe representative. The request is to re-zone the parcel for an age restricted senior community. In the process the applicant has done a boundary and typographic survey, a tree survey to identify sizes and species, conceptual site plans, preliminary design of storm water management facilities, traffic assessments, water and sewer sketch plans, received comments from the community meetings and planning board. Modifications have been made along the way. Mr. Ross gave an overview of the 24 acre site, the stream discharges to the south, and there is a ridge down the center of the tract. The land is not in a floodplain; FEMA has not studied this site. An aerial view showed the wooded line on the edges. The site plan from March showed 72 senior homes, a clubhouse, and outdoor amenity area. There are two water quality features, as the site drains to the northeast and southwest. The only required road improvement was a left turn lane-in with one hundred feet of stacking. Site modifications offered were a sidewalk that will continue to Price Mill to the east, turning the cul de sac into a connecting road to undeveloped property to the west for future connectivity, more detailed plans were requested for the southeast pond and the discharge point was directly to the stream, a trail in Price Mill on HOA property infringed on this parcel, so they offered to connect to it, but that was withdrawn. Another requirement was to provide a 2.6 acre tree save area; 2.84 acres was provided. Mr. Ross noted they are proposing to remove 9 of 17 heritage trees, and they are meeting the mitigation in full with four inch trees. Due to concerns expressed, a dedicated right and left turn out lanes were added. Water exists along highway 84, sanitary sewer exists at a manhole in the Price Mill subdivision, and there are sewer easements in Price Mill. The easement is there, but sewer does not exist in the easements. Clearing trees in the easements will affect the back yards of the houses with the easements; a better solution would be to work with the Price Mill HOA to avoid the backyard easements and work with the HOA. Public works is in agreement that that will work.

Mr. Ross continued, the sight distance required on Highway 84 is ten times the speed limit, so 450 feet is required, and they presented more than 550 feet. Laura Reed, the applicant's traffic engineer, reported on the traffic assessment, based on the ITE trip generation handbook, 9<sup>th</sup> edition. She stated 72 senior housing units should yield 353 daily trips, 42 in peak am, and 35 in the peak pm. That is below the Village peak threshold for a Traffic Impact Analysis of 50 peak hour trips. The largest movement is in the am turning out of the development, with 12 turning left and 15 turning right or one vehicle every four minutes or one movement in general every two minutes. Traffic on Highway 84 was 14,000 vehicles per day in 2012, so they are adding 3% to the peak am and 2.5% to the peak pm.

Mr. Ross noted the ordinance allows reducing the front buffer to forty feet if they provide a wall, and they intend to do that. He showed representative pictures of the quality of houses, they would be 2,000 to 3,000 square feet, and priced from the mid \$300,000's, to \$500,000. The ordinance required clubhouse is not designed yet, but will be of quality materials. This will be for active seniors, with an active open yard area, a clubhouse, and sidewalks. Deed restrictions are per HUD standards, with 80% of the homes will be age restricted. The market shows the average age is 67.

The preliminary storm water review satisfied the Village engineer, full grading or detailed designs have not yet been done. It will control the peak runoff from the one, two, ten, and twenty five year 24-hour storm. The peak runoff from the twenty five year 24 hour storm must be detained and released at the pre-development rate, and pass the fifty year and hundred year storm in that same facility and maintain a half foot of freeboard. He stated they greatly exceed the requirements.

Following the March 14, 2016 meeting they made four changes: added a right turn lane into the project on Highway 84, reduced from 72 to 60 lots (across the frontage), eliminated the connectivity to the west, and moved the southeast pond discharge point up the hill and to the west.

Regarding the 45/55 split of traffic leaving the property, it was determined by looking at the traffic counts entering the highway closest to the east and the west, and averaged.

Mr. Ross noted the modification request is to remove some of the heritage trees, there are five findings of fact, and he offered responses to the findings of fact as follows. For a. -the provisions of the ordinance dictate that a senior housing project shall include a clubhouse facility. In order to create a viable community that can support a clubhouse amenity, the density of the project must be maximized and the full extent of the site boundary utilized. Nine of the existing seventeen heritage trees are located within development areas including proposed street rights of way, proposed water quality facilities located at low points on the site, and proposed lot development areas. For b. - the property rights of the petitioner will be compromised in that the proposed age restriction community cannot be constructed in a viable manner if the modification is not granted. For c. - the location of heritage trees within the proposed development limits are peculiar and specific to the subject parcel. For d. – the public health, safety and welfare are in no way compromised by granting the requested modification. Removal of the trees will not create any environmental or safety hazard, will not create any obstructions to travel or traffic, will not increase any siltation or sedimentation in any neighboring streams or bodies of water, will not impair any view shed, and will not cause or worsen any noise conditions for any adjoining properties. For e. – the zoning ordinances applicable to the subject parcel will not vary. The property will be developed in accordance with all the conditions of the R-40CZ zoning site plan approved by the Village Council.

Public comments were received.

1. John Tracey spoke that there is no guarantee the residents will be seniors, and how will it meet the needs of citizens; the sidewalk to Price Mill is a sidewalk to nowhere, with the topography they couldn't build a sidewalk to the shopping centers. He checked on services, the only mobility service is for people already on social services. Another need is access to medical care, and there is only one doctor; I drive all over Union and Mecklenburg county for doctors, you need senior centers, transportation, mental health services, and asked where the town stood on providing any of those. There is a Council on Aging in Monroe, and a senior center in Monroe for their residents only, and asked if the town had prepared for providing any senior services.

2. Frances Davis spoke about her passion for education and senior citizen housing, she was principal of Wesley Chapel Elementary many years, and spoke of the potential of seniors to be volunteers with the kids. She noted you have a responsibility to seniors.

3. Deb Bledsoe spoke regarding the Fair Housing Act, she read the 10 page document three times, and the criteria is 80% be one person age 55 plus; how will age verification of residents be done, there are no specific regulations and a lot is left to local government. There are no requirements for an HOA. This could just turn into high density housing, is this coming from developers or Senator Tucker, there are nearly 1,000 new senior homes in the county, and 325 proposed for Wesley Chapel. She noted residents want to be hear shopping, restaurants, doctors, etc. and was disturbed at wiping out our forests, and heritage trees, and noted the benefits of trees. She was proud of the strict rules we have on trees, and asked we not approve high density subdivisions and protect the trees.

4. Amanda Fuller spoke in opposition to high density housing, and was not opposed to senior housing. She noted the Village was founded on one acre housing, and previous councils have fought de-annexation and lawsuits to keep it this way. The ordinance allows three senior housing homes per acre, and many residents feel this is too dense for the town. She asked the elected leaders to stay firm to the founding principles of Wesley Chapel and say no to this conditional re-zoning. Residents have voiced concerns on the calculations of usable space, right of way and common space like roads was not subtracted to come up with the usable acreage. With conditional re-zoning Council can ask for fair and reasonable conditions, and it would be fair and reasonable to ask developers to subtract right of way and common areas like roads and clubhouse from the usable land calculation, and would be more consistent with the subdivision ordinance. It would leave about 14 usable acres for a density of 42 homes, which is slightly less than two homes per acre. She expressed concern about HUD requirements and enforcement, 20% can be of any age, and there has been no response on keeping this a senior housing subdivision. We have been told it is deed restrictions, but who will be responsible for reporting back to HUD; if the subdivision reverts to 79% seniors, it can revert to regular housing. We need to do more research on this. How can we protect the seniors who buy these homes? This land is not the right location for high density housing, it will not benefit seniors or regular adults, please vote no, and Moser can still build a by-right development and make a substantial profit.

5. Bill Dunster spoke that he was not opposed to responsible growth or senior living in the right place, his concern is seniors will have to drive several miles to go to a drugstore or a doctor's office or grocery store. Price Mill doesn't mind houses beside us, what we don't want is 60 houses beside us, he suggested two houses per acre. There is a senior community near the Siskey Y, with stores, doctors and banks in walking distance. This property is not the right location; this vote will set a precedence for other builders looking at our community and the landowners wanting to de-annex or sell. When the property was purchased they knew it was R-40. The developers see this as a business deal, they will build the highest density neighborhood they can, and move on leaving us with congestion, infrastructure issues. This is our community and where we live. He asked Council to protect our village and vote against this, or offer fair and reasonable conditions with nor more than two homes per acre.

6. Bob Bledsoe spoke of traffic concerns citing statistics from NC DOT of traffic volume on NC 84, and also cited statistics from the National Association of Home Builders that estimate the average value of senior homes at \$260,000. He questioned what these homes don't have buyers, and noted there should be lower density in senior neighborhoods.

7. Leslie Harty spoke as a senior citizen noting she moved from high density Long Island to Charlotte, and moved to Wesley Chapel wanting a larger yard, and loved the one acre zoning. She spoke of traffic concerns at the roundabout and Potter and Potter, and questioned how senior would afford homes of \$300 to \$500 thousand, and asked if this is good for Moser or for Wesley Chapel, it is good for Moser.

8. Chuck Rohland spoke that he has a one acre home, but at age 75 is looking for less outside maintenance, and noted at Bonds Grove Church road the senior subdivision has only five lots left, six subdivisions in Wesley Chapel are half acre zoned, and senior housing doesn't affect schools or the roads in the early am or late pm, and was in favor.

9. Pam King spoke of the special meeting called for April 28, 2016 to take recommendations of Planning Board to delete senior housing from the ordinances, and said she would eventually want to look for senior housing in Wesley Chapel, a half-acre is a lot to take care of, and felt people are willing to pay \$300 to \$500 thousand.

10. Becky Plyler spoke that she didn't think people knew what they were signing when they signed the petition, this is not assisted living, and questioned the two new members on Planning Board and read from one's application, she also noted three members on Council are from one subdivision, and three on Planning Board from one subdivision.

11. Cheryl Molea was concerned that only 80% of the residents have to be seniors, and why a senior would want to clean a 2,000 square foot home, her subdivision equates to one acre per home, and felt if we allow this there will be more in the future.

12. Clay Barnes spoke that he was insulted to hear the comment that he would not read a petition he signed. He read the petition against this re-zoning aloud, and noted this petition is about density, not senior housing. The petitions cited concerns on traffic, overcrowded schools noting aged 55 may still have children, storm water and flooding concerns, setting a precedent for conditional re-zoning for high density housing, and citing the current zoning is appropriate for R-40 homes, and asked the petition be denied until further research and planning is done to determine appropriate density. There are 484 signatures and 11 pages of comments on the petition against this, and it will be emailed to the Mayor and Council.

13. Bill Love spoke that he moved here to get away from traffic and hubbub, and Wesley Chapel had a village feel. He is not against senior housing, the traffic patterns have gotten horrible, you have to leave at 5:30 am to get to Charlotte, no traffic improvements have been put in since 2004, and this will add 300 cars and untold trips per day. The drainage situation will render the Price Mill path unusable, and he is tired of the deannexation threats.

14. Cathi Higgins spoke that she served on the Indian Trail Planning Board six years, she echoes other concerns, and noted what is happening here affects her who lives in Indian Trail, and affects everyone in Union County.

15. Natalie Williams spoke of the nightmare traffic; in trying to exit onto Hwy. 84 she was hit by a neighbor ahead of her who tried to back up, she asked council to experience trying to get onto 84, and wouldn't want her mother or a senior put in that position.

16. Sharon Knight spoke that she would like to see the traffic fixed and noted the problems by the school, age 55 plus will have a different schedule, change is inevitable, she did research on what retirement communities can do for the area, and they can be civic participants, volunteer, bring financial stability and revenue to the community.

17. Mark Fisher spoke that living here since 2004 he has seen the Village grow, traffic is a main concern, it is dangerous to pull in and out for adults, and for teens and seniors as well, the traffic backs up beyond the proposed subdivision. The traffic calculations are from 2010, and way out of whack; with redistricting traffic patterns changed. The developer only showed senior housing trip numbers, he should show 20% single family numbers and 80% senior housing numbers. The high density is his main problem.

18. Alain Miatudila spoke, he is a UNC Charlotte professor. The Wesley Chapel Elementary School drainage changed and affected his yard, half of his yard is affected, and the water goes to his neighbor. He requested Eagle Engineering provide the grading plan as he is an engineer himself, and went back and forth with Mr. Quinn. Moving the spillway he did not see any guarantee. Any overflow will cause the same problem he has with his neighbors. Without a grading plan he is against the request, most of the drainage is going to the eastern pond which is a problem. He provided emails of his correspondence with Eagle Engineering.

Council Member Mike Como asked who will monitor that resident are age 55 and over; Dennis Moser replied it will be deed restricted.

19. Jason Garner asked about the lot sizes and setbacks, and commented the lot sizes bother me, it is really stacked in, and does not look right for this community. He asked about standards and Planner Duston replied the applicants showed renderings of homes, and that is part and parcel of this application. Mr. Garner said he didn't care about the senior stuff, but the problem is how the homes are stacked on top of each other and the lot size.

20. Diana Bowler commented she sent Council a letter on this high density project, her problem was when you put a house of 2,900 square feet on a .19 acre lot, the only way is to go up and seniors want a one story home. Looking at the map, exiting from the subdivision people will want to go left to Target and the grocery store, we need to re-direct the turn lane in front of the subdivision. Third, drainage backing up to Price Mill is asking for a problem, Wesley Woods had a flood last year, and you will go to the same scenario, already there is a flood zone in Price Mill and this will make it worse.

2016.04.27 minutes

Mayor Kapfhammer thanked everyone for coming out and making comments, and closed the public hearing.

3. ADJOURNMENT *Time Stamp 1:51:44*

Council Member Rodriguez motioned to adjourn; Mayor Pro Tem Kenary seconded the motion.  
The motion passed unanimously.

The meeting ended at approximately 8:55 p.m.

Respectfully submitted,

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Cheryl Bennett, Clerk

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Mayor Dr. David Kapfhammer