

VILLAGE OF WESLEY CHAPEL
PUBLIC HEARING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
October 3, 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.

Council Present: Mayor Kapfhammer, Mayor Pro Tem Kenary, Council Members Como, Kaperonis and Rodriguez

Others Present: Clerk Cheryl Bennett, Planning/Zoning Administrator Bill Duston

1. Pledge of Allegiance and Invocation

Mayor Kapfhammer led the Pledge of Allegiance and Council Member Rodriguez gave the invocation.

2. Public Hearing on CZ 16-01 Heritage Senior Housing Conditional Rezoning

Mayor Kapfhammer reviewed the procedural rules and opened the public hearing.

Bill Duston gave an overview; this is a conditional re-zoning request with a proposal for one hundred nineteen (119) age restricted units, there is also a separate re-zoning request in Indian Trail for the adjacent land. Planning Board recommended approval 4-1 with some requested road improvements. NCDOT had made it clear to us they don't want to maintain additional pavement; Lee Ainsworth at DOT first said he was okay with the left turn lane being one hundred twenty five (125) feet; now he has told the applicant that he would be okay with two hundred fifty (250) feet. Planning Board asked that if DOT doesn't go with their road recommendations that the application come back to them. The applicant proposed to construct the thread trail in both towns, and then we would maintain the portion in Wesley Chapel. Otherwise the estimated fee in lieu is about \$19,000 upon preliminary plat. Two modifications are requested, to remove some twenty-inch trees and a proposal based on a sample of the flood plain area, to use that in lieu of planting trees as they exceed the number of caliper inches that would have been required to remediate for the heritage tree removal. Regarding Faith Church Road, Council's comments to Indian Trail were that Section C go away subject to the east-west connector road, widening of Wesley Chapel Road and a network of roads to the south. At the connection at Wesley Chapel Road the speed limit is 45 miles per hour, so the required sight distance is 450 feet.

Brian Jenest representing the applicant presented slides. The entire site is 276 acres, of which 109 are in Wesley Chapel. Overall density is 1.79, and around it density is 2 plus. Open space is 45.6%, including 65 acres in Wesley Chapel. The entire tree save area is 99.5 acres, almost double what is required. The homes will be brick and stone, no vinyl. Amenities are in Indian Trail, including a clubhouse, pool, community gardens, etc. Images were shown of what the front entrance might look like. An ordinance comparison chart was shown, whatever is most restrictive will be adhered to through the CC&R's. After being asked by Indian Trail, they put together a by-right plan, however Bill Duston has not reviewed it to verify it is possible. It would wipe out green space, have no thread trail, yield more students, and 100 more cars.

Council posed questions to the applicant.

Mayor Pro Tem Kenary noted CCR rules are unenforceable by law enforcement, and asked if there would be private security. Mr. Jenest noted an MOU is a possibility (Mr. Duston said he had asked the attorney about it, but hadn't heard back). David Goracke, Vice President of Kolter Land Partners, added that items like the leash law, trash pick-up and golf carts would be enforced like any CCR with fines, it takes the burden off government and actually has more teeth.

Mayor Kapfhammer asked for elaboration on the areas of ingress/egress and where access to the thread trail would be for maintenance. Ingress/egress areas are Magna Lane, Downing Court (Indian Trail Planning Board proposed a cul de sac here), two to Moore Farms, and two connections to Sheridan stub roads. Thread trail access would be through an easement, the ten foot wide stub paths will be HOA maintained, but publicly accessible; an easement can be created for access. The thread trail would be in lieu of the \$19,000 fee. The Mayor asked about the traffic calming devices; Mr. Jenest explained they would be speed bumps, stop signs, etc., they will work with Indian Trail on them. Bill Duston added the thread trail would be ten feet wide, with a twenty foot easement; the thread trail folks could come out and help determine the exact path. Mayor Kapfhammer asked about building elevations. Mr. Goracke noted in the age restricted area all homes are one story or with an added walk up element, in the traditional section there will be two story homes. Entrance signs will include major monumentation at Wesley Chapel Road, and then sub signs in each of the areas.

Council Member Kaperonis asked about pricing; Mr. Goracke said the range is \$325,000 to \$425,000, with most having square footage from 2,100 to 2,300; the minimum is 1,800 square feet and the max is 3,000 square feet. The amenities area will not be open to the traditional homes.

Council Member Como asked about the mail locations and parking. Mr. Jenest said the areas for the mailboxes are in common areas with designated parking spaces. Bill Duston added Kolter reached out to the Post Office, who said it was too early to say yes to specific locations.

Mayor Pro Tem Kenary asked about the section of road in Wesley Chapel; Mr. Duston stated he received a letter from Indian Trail that they will maintain it. The project has a 10-12 phase, 4-6 year buildout. Amenities will be built in the first 18 months. The spine road to the power lines and the traditional homes will go in rather quickly. Mayor Pro Tem Kenary asked about the 80/20 age split; Mr. Goracke said there will be 80/20 maintained in the age restricted portions, within Wesley Chapel, and also within the Indian Trail age restricted portion. Bill Duston noted that he will receive an annual census each October.

Council Member Rodriguez asked if swings and playgrounds were allowed. David Goracke stated large wooden playsets would not be allowed, but a small playhouse on a back porch would be okay. All garages house two cars, and two cars can stack in each driveway. There is also parking on one side of the road. Bill Duston noted the developer hasn't offered any covenants on swing sets.

Council Member Kaperonis asked about the Indian Trail decision timeline. Brian Jenest said there is a community meeting on October 17th, and it will go to their Council on October 25th.

Mayor Kapfhammer asked about buffering to the Ramige's property. Mr. Jenest noted there are plantings at the front side and around it is a minimum thirty foot buffer. Council Member Rodriguez asked if a good faith offer had been made to purchase the Ramige's property. Travis Manning said he met with the Ramige's on July 15th, and asked their price, there was no response. Attorney Steven Starnes spoke on behalf of the Ramiges that he will get an offer amount to the developer.

Public speakers were then heard.

Kathy Miller from Brandon Oaks in Indian Trail urged Council to vote no, adding the plan shows 420 homes, with 20% of Wesley Chapel homes could be not senior aged, and the same for the Indian Trail portion, it is 40%. She added 55 years olds are out and about. She noted the Brandon Oaks speed limit is 25 mph, and it is hard to enforce, and this would add 800 more cars cutting through. She also questioned the by-right plan noting much of the land in Wesley Chapel is flood land and not buildable. Bill Duston has not received that layout and has not said it would work. She added Travis Manning said the by-right would have no thread trail nor buffers, and she questioned that. She added the age restricted homes are only ten feet apart.

Steven Starnes, attorney in Monroe, representing the Ramiges, stated his clients oppose the conditional re-zoning request and it does impact them. There was a study paid for by the developers that said there would be no impact, but the comparables they used are not comparable properties. The Ramiges have retained a firm from Charlotte for an impact study, they thought this study would be more impartial. He warned there was also a potential of a taking by the impact. He asked Council to wait on a decision; the study will take three to four weeks, and they do oppose the re-zoning.

Cathi Higgins, from Sheridan in Indian Trail spoke in opposition to the project. She noted it is not a true senior community since anyone of any age can live in any of the homes, combined with the Moores Farm project, this is 700 units. She asked it be restricted to not allow children age nineteen or younger by the CCR's, as it can impact schools. In Union County there are more than 1,200 proposed or built age restricted homes and none restrict children, and there are more than 9,000 in the Charlotte area; developers are hedging their bets. She viewed the Wesley Chapel survey on our website, and 75 per cent said the roads are dangerous; on her daily route she sees three Union County and one York County deputies; they shouldn't have to be posted to keep the roads safe.

Dick Almashy from Wesley Woods spoke regarding Wesley Chapel Road. He maintained the holly trees on the road behind his lot since 1993 and has found someone is on the hill at least once a week. They pay someone now to keep it up because it is too dangerous. So conservatively since 1993 200 people have been on the hill, one died, there is a hill down on the other side, and it is unsafe at 45 miles per hour. He said there is not 450 feet from the Wesley Woods entrance; there is too much traffic. Wesley Chapel Road has a slight turn downhill and to the right, and drivers react by jerking to the right and going up the hill. There is also traffic from three elementary schools. He opposed the re-zoning because we are already saturated; if Council does approve it, reduce the speed limit to 35 miles per hour.

2016.10.03 minutes

Dixon Yard from Wesley Woods stated he would have appreciated this information being sent to all; he agreed with the load on Wesley Chapel Road, the schools and traffic concerns, and concurred with all the other speakers.

Council Member Kaperonis noted we had a meeting with the Charlotte Regional Transportation Planning Organization last week and only had two people come; he noted we work and do what we can.

Mayor Kapfhammer left the public hearing open. Council Member Kaperonis so motioned to keep the public hearing open to October 13, 2016 at 7 pm here at town hall. Mayor Pro Tem Kenary seconded the motion.

The motion passed unanimously.

3. Adjournment

Council Member Kaperonis motioned to adjourn; Council Member Como seconded the motion.

The motion passed unanimously.

The meeting ended at approximately 8:30 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Mayor Dr. David Kapfhammer