

**VILLAGE OF WESLEY CHAPEL
PLANNING BOARD MEETING MINUTES
July 22, 2013, 7:00 PM**

The Planning Board of the Village of Wesley Chapel, North Carolina, met in the Fellowship Hall of the Wesley Chapel United Methodist Church at 120 Potter Road South, Wesley Chapel, North Carolina.

Present: Chair Stephen Keeney, Jeff Davis, John Grexa; Alternate John Bowen (seated as regular member)

Absent: Members Chuck Adams and Bill Bennett, Alternate David Boyce

Others Present: Clerk Cheryl Bennett, Planning/Zoning Administrator Joshua Langen, Mayor Brad Horvath, Council Member Becky Plyler, Carol Mullis, Robert Henderson, Vickie Oldham, Van Southard (Moser Group), Matt Kearns, Robert Reddick, Jim Gamble (McAdams Co.), Michael Shea (Shea Homes), Claudia Prado, Drew Rouzer (Meritage Homes)

The meeting was called to order at 7:00 pm; a quorum was present.

1. Pledge and Invocation

Chair Keeney led the pledge and gave the invocation.

2. Public Comments

Carol Mullis commented on the heritage tree section of the ordinance, Planning Board recommended it be scratched but Council voted to retain it, will it be on the next agenda and how will the change of staff affect applicants. Mayor Horvath said this is now the first item on the ordinance prioritization list; Council did understand the request but wanted to keep it on the books and address it through subdivision modification requests – they have granted two requests. He noted this is Joshua Langen’s last meeting, and Council will discuss an interim planning group, we are getting proposals.

3. Additions, Deletions and Approval of Agenda

Mayor Horvath asked to add Item 5A. “Discussion of Chairperson”. John Grexa made a motion to adopt the agenda with this change; Jeff Davis seconded the motion.

The motion passed unanimously.

4. Approval of Minutes

Chairman Keeney said Council Member Plyler had not heard about discussion on valid complaints, and that can be found in the May 24, 2012 minutes; he did not know if it had been forwarded on to Council. Chairman Keeney asked for a change to the minutes on page 35 to show that “healthy trees need at least a dripline separation”. John Bowen made a motion to approve the June 24, 2013 minutes with this change. Jeff Davis seconded the motion.

The motion passed with 2 yeas, and Grexa abstaining which is a yes vote.

John Grexa said he had some thoughts on changes to the minutes, but did not write them down. If any changes are brought next month, the minutes can always be corrected.

- 5. A. Discussion of Chair
- 5. B. Election of Vice Chair

John Bowen motioned to elect Chuck Adams as vice chair; John Grexa seconded the motion.

The motion passed unanimously.

Mayor Horvath noted Stephen Keeney agreed to stay as Chair unless anyone else was interested. Consensus was they would like Keeney to remain as Chair.

6. Rezoning RZ 13-2

Drew Rouzer from Meritage Homes presented pictures to show the quality and size of their homes, from 2900 to 5200 square feet. He said there is water and sewer on the parcel, and they are asking to be re-zoned from R-40 to R-20. He said with R-20 the lots can be 100 feet wide and the houses are 60 feet wide. The sketch plan he presented with R20 shows 66 homes, and they do not have to cross the creek. The R-40 by right plan does cross the creek and shows homes in the upper left of the sketch. The R-20 plan shows buffers of 100 feet and 150 feet. John Bowen asked them if they could sell off the space to the left; they said possibly. The sketch plan for R-20 showed pocket parks; they are the centers of the cul-de-sacs and are not as big as a lot. The application is for 125 of the 175 acres they own. The surrounding zoning is R-40. John Bowen noted the objective is to stay R-40 as much as possible. Chair Keeney noted this would be a major re-zoning but does some things for the town such as buffering, and the plan shows one access/egress. Stormwater maintenance will be the responsibility of the HOA.

Langen entered his staff recommendation memo into the record, as follows.

The proposed zoning amendment application, RZ_13_2, is a proposal to rezone approximately 125 acres from R40 to R20 for parcel 06042012A at the intersection of Potter Rd. and Beulah Church Rd. The Village of Wesley Chapel Land Use Plan proposes Low Density Residential for this area and R20 can be considered medium density as this is the highest density zoning allowable in Wesley Chapel. However, due to severe site constraints, including electrical easements, topography and floodplains, the number of lots able to be developed with an R20 zoning would be very similar to the number of lots able to be developed with an R40 zoning, using the minimum lot size. The difference would be insignificant, less than 10%, in terms of lots as well as environmental and traffic impact. Therefore, the rezoning is considered to be compatible with the Wesley Chapel Land Use Plan.

Allowing a minimum lot size of 20,000 would allow the applicant more flexibility in developing the property without allowing a significantly greater number lots. This increased flexibility would allow the applicant to avoid any potential wetlands, topographic issues, and other environmentally sensitive areas and would allow for a similar lot yield as R40 without crossing utility easements or ravines. Impacts on neighboring properties would likely decrease as the areas bordering Beulah Church and along the Southern property line would be less likely to be developed. The rezoning would not likely be considered as precedent-setting as the site is constrained to a lot yield very similar to R40 and there are no adjacent properties suitable for combination.

Therefore, staff recommends APPROVAL of the rezoning request.

John Grexa asked if they kept the same area (not crossing the creek), how many lots would fit; in other words how many R-40 lots would fit on the R-20 plan, and the answer was about 48. Mr. Rouzer said from a marketing standpoint, the R-20 homes are easier to sell. John Bowen asked if they are marketing to families; Rouzer said a typical family today has two kids; the houses will be side load garages with 2 or 3 bays. The width of the cul-de-sac around the pocket park is about 130 feet. The side lot setbacks are required at 15 feet, the road width required is 26 feet. Mayor Horvath noted our required cul-de-sac width is 120 foot, but with the pocket parks it is not really a cul-de-sac anymore. The average lot size is 29,000 square feet; the smallest is 22,000 and the largest 45,000 square feet.

John Bowen asked if this would be a precedence to go from R-40 to R-20. Chair Keeney said yes, but pointed to the extensive work Planning Board did on reserved areas and moving from the inside of the development to the outside, connectivity, buffering, and the flow of pedestrian traffic; we have also bantered about the idea of higher density in other areas of the Village. John Grexa said with the Land Use Map we decided to stick with R-40, and we need to stick with R-40; they may lose a couple of houses but the price point with acre lots may make up for it. Mr. Rouzer said he did not think it was a precedent due to the site constraints. Mr. Grexa said if he owned property he would wait and come in for re-zoning before selling; they can get 66 homes on the site, by right. Discussion was held on the layouts of the plans under the two options. Sidewalks will be put in as required and there is availability of water and sewer per Mr. Rouzer. Joshua Langen then paraphrased his recommendation approving the re-zoning. He did not think it would set a precedent due to the site constraints.

John Bowen said they have a dollar commitment so they won't put in insignificant homes and this maintains township values. John Bowen motioned for Planning Board to recommend approving the re-zoning request from R-40 to R-20. Chairman Keeney said we have tried to keep the perspective of avoiding invasive government regulation and there was a great job of compromise and taking a different approach, encouraging development, and it suggests to Council that there are other ways to consider lifestyle in Wesley Chapel other than severe ordinance regulation of R-40 and building right to the road. Jeff Davis seconded the motion.

The motion passed 2-1 with John Grexa voting nay.

Mr. Grexa stated this is zoned R-40 and it is a precedent; if we wanted to go R-20, the Planning Board could have done this with the map, we are changing something to fit someone's needs again. This is to make more money; people want R-40 and a rural aspect.

Cheryl Bennett noted ordinance section 12.1.5 requires Planning Board to make a written recommendation to Village Council; Joshua Langen said he will do a written recommendation if Planning Board asks him to.

John Grexa added while Planning Board was reviewing the Land Use Map, he now understands why there was a push to allow R-20 in certain areas. Carol Mullis said she agreed with Chair Keeney, and it was time for a change in this town. John Grexa said we are at R-40; in 8 years we have not re-zoned from R-40 to R-20, they can still get the 66 houses on the lot with R-40. He noted they brought nice pretty maps with R-20 and ugly maps showing R-40, it is a sales ploy.

7. Preliminary Plat – McKinley Forest (Shea Homes)

Michael Shea of Shea Homes introduced his engineer and the land owner and her attorney. The property is adjacent to Hollister which Shea Homes owns. It is 37 acres with 32 one acre lots. He noted they came in for a subdivision modification and are also proposing some vegetation in the cul-de-sacs as well, he noted NC DOT has rules on what you can plant there for the line of sight, so he won't call them pocket parks. They will likely be flowers and maintained by the HOA. They did extensive work on the site plan to preserve as many trees as possible. Page 3 is the heritage tree survey, with extensive tree save down to the tree lines. All lots are 120 feet wide at the setbacks. The cul-de-sac width is 120 feet. The existing pond is for erosion control. There are no wetlands on the site. The plan is to tweak the site so the existing pond takes all the water. The engineer noted the pond will not be moved but will be re-graded for volume. Page 5.1 shows the trees that will be preserved. There is an extensive tree canopy. There is a 150 foot Duke Power right-of-way at the bottom of the plan, so they will save as many trees as possible to shelter the homes from that. Mr. Shea said they will build all-brick homes, as in Blackstone, they have built 400 homes in Union County, and their buyers like one acre lots, the houses will be about half a million dollars. Lots 21 and 22 have a farm pond dam, the HOA will be responsible for the dam; it will be certified. Chair Keeney noted the property line goes down to the Gwinn property. Joshua Langen went through the application and noted the applicant met their half of the checklist. Regarding letters, NC DENR has to determine what standards that will apply as far as quality, and our engineer will look at the quantity of water. Langen said he doesn't think the configuration will change. Mr. Shea said the road is a ridge road so the water runs off to Twelve Mile Creek. He said if you put the water by pipe it goes faster, there will be less turbidity this way and more sedimentation removal. The three hundred foot deep lots will slow the water down. The engineer noted there is a structure in the pond that will release less water than does currently. Langen said he got the DOT encroachment and driveway permits today; we will need a DENR letter. Union County Public Works sent a letter saying capacity is there, Mr. Shea said the existing sewer is in Hollister, and they will push it there. Langen said they will use cut off acorn style street lights. Langen said the fee in lieu came out between \$30,000 and \$40,000. They have not done a monument sign design yet.

John Bowen made a motion to recommend approval of the preliminary plat with the conditions of still needing: a. letter of approval from DENR, b. letter of approval from DOT, c. hydrology letter of approval from US Army Corps of Engineers, d. letter of approval from Environmental Health, e. lighting plan, f. monument sign design, and g. our engineer's approval.

John Grexa seconded the motion.

The motion passed 3-0.

8. Article 4 – Subdivision – Fees-in-lieu

The changes to this section were reviewed. John Bowen asked if the preliminary plat gives vested rights. On page 4-5, the amount of payment was reviewed. Langen said each step must be followed. He said the appraised value should be done before preliminary plat. John Grexa asked if the value of the property included the house; it

does not. Langen said they have the choice of using appraised value or assessed value. He thought the assessed value comes out accurately. John Bowen asked if they give us land, don't we have to pay to maintain it. Langen said we re-wrote this to make it clear that this land will not be dedicated to the town. John Grexa said if they don't have an HOA the land will be part of the lot; Langen said they will use easements to do that. John Bowen asked if this will apply to the preliminary plat; Langen said if the preliminary plat is approved it gives them vested rights, but they can still take advantage of new changes to their advantage. The re-zoning recommendation was discussed; Chair Keeney asked if Council can require Meritage Homes stick with the plan proposed. Langen said you would have to ask the attorney. He said in Georgia you can do that, but he didn't think you can adopt zoning with conditions in N.C. Chair Keeney said, if council takes the recommendation to allow R-20, they can go ahead and develop to the borders and do more lots. Chair Keeney asked if we can't do conditions. Langen said you can do that in the CUP process. Mayor Horvath said with R-20, by right, they can do half acre lots. It was clarified that Planning Board was approving zoning, not a layout. Administrator Bennett pointed out that they can do two houses per acre if the zoning is allowed. Langen said they don't want to build bridges, he did not know if they would try to go under the power lines. Chair Keeney said we need to talk to the attorney then. Chair Keeney said they were asking to re-zone based on their proposal, Langen said no, you could throw out their drawing, but the property is unique, so he felt they would get a better result not a lesser result. Langen noted Planning Board will see the preliminary plat. John Bowen made a motion to recommend the Section 405 & 408 amendments to Council. Jeff Davis seconded the motion.

The motion passed unanimously.

9. Other Business

Mayor Horvath said the tree save ordinance was added to the ordinance priority list as the top priority. Road maintenance bonds and construction requirements are number two due to more subdivisions coming in.

Some discussion was held on heritage trees. One item was whether heritage referred to the size of the tree, or some significance it had. We need to define the term. Chair Keeney said heritage trees come on old property, and has value if it is near the road, not if it is set back far from the road. John Bowen suggested making this section as simple as possible. Chair Keeney asked the members to do some homework on this. Mayor Horvath said he spoke to some other local towns about their rules on heritage trees.

10. Topics to Discuss at Next Meeting

Council Member Becky Plyler said she found an article about property rights and trees in Weddington's minutes. The next Planning Board meeting is August 26.

11. Adjournment

John Bowen made a motion to adjourn the meeting; Jeff Davis seconded the motion.

The motion was approved unanimously.

The meeting adjourned at approximately 9:18 pm.

07.22.2013 Planning Board minutes,

Respectfully submitted

Cheryl Bennett, Village Clerk

Chair Stephen Keeney