

**VILLAGE OF WESLEY CHAPEL
PLANNING BOARD MEETING MINUTES
November 25, 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, Vice Chair Chuck Adams, Members Bill Bennett, Jeff Davis, John Grexa; Alternates David Boyce, John Bowen, Sandra Ells

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

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

1. Pledge and Invocation

Chair Keeney led the pledge and Vice Chair Chuck Adams gave the invocation.

2. Public Comments - none

3. Additions, Deletions and Approval of Agenda

Vice Chair Chuck made a motion to adopt the agenda, Jeff Davis seconded the motion.

The motion passed unanimously.

4. Approval of Minutes

Chuck Adams made a motion to approve the October 28, 2013 minutes. John Grexa seconded the motion.

The motion passed unanimously.

John Grexa provided his work email address as sometimes he has had email problems.

5. Oath of Office for Alternate Member Sandra Ells

Clerk Cheryl Bennett administered the oath of office for new alternate member Sandra Ells.

6. Conservation Subdivisions

Bill Duston reported on the visit to Weddington that he, Stephen Keeney, David Boyce and Sandra Ells made last week. Since they have a conditional zoning process and a lot of work is required up front, with no guaranty that it will be approved, some subdivisions are going the conventional route. While their conservation subdivisions allow an 80 foot lot width, they still require 30 feet between houses, although you can be as close as five feet from the lot line. Weddington requires view shed buffers, not just berms. The town tells developers what they want preserved, and the tradeoff is smaller lot sizes. They allow 12000 square feet lots. Mr. Duston noted we do not have to go by Weddington's rules, this is just an example; they had a lot of citizen input as well as from developers.

David Boyce asked the difference between conditional zoning and conditional uses. Mr. Duston said conditional uses have a quasi-judicial process, with findings of fact that must be proved. Stephen Keeney said there are several public information meetings in Weddington, and neighbors are notified. Bill Bennett asked if questions and concerns get passed on to Planning Board. Mr. Duston said in Matthews it does not, it is just between the applicant and neighbors, he thought it is useful for staff to be present to answer questions on the code and make sure salient points get in the minutes.

Mr. Duston explained the space between houses, if one house is five feet from the line, the next one has to be 25 feet from the line; staff has to carefully keep records.

Stephen Keeney noted a lot of work was done on Article 4 for fee in lieu; Mr. Duston said if there are less than 70 lots, we don't take land, and instead the Village takes cash. Weddington has no mandated fee with conservation subdivisions. Sandra Ells said she could see concerns where they had small 12,000 square foot lots, she liked the concept of preserving land and it seemed more spacious if you go to maybe half acre lots. Mr. Duston said Weddington used conditional zoning, not conditional uses; the difference is at Council level, with a CUP you can't talk to the applicant before the meeting. With conditional uses it is less formal. The public information meetings are held twice, one in the field, and you can require notifying neighbors within a certain radius, even one quarter mile. Weddington's planner said the average size house is 2000 to 4000 square feet and the price point \$450,000 to \$550,000, not substantially less than conventional subdivisions. Chuck Adams said then smaller lots don't make the housing more affordable. Mr. Duston said the number of houses is the same as if it were in a conventional subdivision. Mr. Duston will get Weddington's ordinance language for the January meeting at Mr. Keeney's request. Chairman Keeney also asked for a synopsis of conditional zoning.

Mr. Duston said Weddington's language was originally written as a CUP, but they changed it, and felt conditional zoning is more inclusive. Mayor Horvath noted at a CUP you can only speak with factual information, not opinions.

7. Senior Housing

Bill Duston had a handout of the federal definition of senior housing; housing occupied solely by persons who are 62 or older, or houses at least one person who is 55 or older in at least 80% of the occupied units. Huntersville has in their code that 80% must be age 55 plus. He pointed out the federal definition allows you to discriminate on the basis of age. Mr. Duston went to Bailey Glen in Cornelius; they have deed restrictions that 100% have to be age 55 plus, and no one under age 21. Another handout showed their site plan; lots are from .14 acre (6000 square feet) up to .25 acre (12,000 square feet). Lot width is 40 to 60 feet, and they also have 96 condos. You do not maintain your lawn, but do maintain the roof and all within the house. Another handout showed prices and sizes, 1,273 to 2,808 square feet and \$229,900 to \$349,900. Mr. Duston said they have a clubhouse; you are buying a lifestyle. No meals are provided, and it is for active adults. Other places have all the steps up to a nursing home. John Bowen noted 11,000 people a day are retiring. John Grexa asked how they could mandate 100%; Mr. Duston said it is their private covenants that say that. Stephen Keeney asked if we can get more restrictive, Mr. Duston will get a legal opinion on that.

11.25.2013 Planning Board minutes,

Mayor Horvath asked if they would identify a district, or put it in the Table of Uses. Bill Duston said you could go either way. Bill Bennett said he had worked in this industry; we can't police or dictate deed restrictions. Bill Duston said from a marketing standpoint, they might want to require all be adults. Council Member Plyler suggested checking with Stallings because a senior project is going up there now.

8. Planning Board Meeting Schedule for December 2013

Bill Duston said the normal meeting date would be December 23, 2013 but he would not be available that night; there are two items for the agenda, a church CUP and a subdivision. Council meets December 9 and 17, so we might want to meet before then. Discussion was held on a meeting date. John Grexa felt we had rushed on something before, and we have a schedule to follow. Mr. Grexa motioned there be no December meeting and to consider the items at the January 27, 2014 meeting. The motion died for lack of a second.

Bill Bennett made a motion that the meeting be held December 11, 2013. Jeff Davis seconded the motion. The motion and second then were rescinded.

Bill Bennett made a motion that the 2013 schedule of Planning Board meetings be changed to hold the December meeting on December 11, 2013 due to extenuating circumstances and resume the regular schedule in January. Jeff Davis seconded the motion.

The motion passed 4-1 with Grexa voting nay because we are meeting to approve a CUP and subdivision making it a special meeting, and changing it for a special purpose. The clerk said since the meeting schedule was changed, it would not be considered a special meeting.

9. Other Business

Mayor Horvath reported the Espinosa rezoning public hearing is on December 17 since the December 9 meeting is the organizational meeting. The ribbon cutting for town hall is scheduled for January 11. He reported you may have seen an article about NC DOT saying towns have to take over subdivision roads going forward; we are looking at alternatives. Brian Matthews is coming to our December 17 meeting to share his experience. Maintenance will kick in down the road, but road inspections will be the first issue. For Powell Bill funds for street maintenance, you need to provide two services, such as police and street maintenance, but you need a five cent tax rate.

10. Adjournment

Bill Bennett made a motion to adjourn the meeting; Jeff Davis seconded the motion.

The motion was approved unanimously.

The meeting adjourned at approximately 9:00 pm.

Respectfully submitted

Cheryl Bennett, Village Clerk

Chair Stephen Keeney