

**VILLAGE OF WESLEY CHAPEL
PLANNING BOARD MEETING MINUTES
March 23, 2015, 7:00 PM**

MINUTES

The Planning Board of the Village of Wesley Chapel, North Carolina, met at Town Hall, 6490 Weddington Road, Wesley Chapel, NC 28104.

Present: Chairman Stephen Keeney, Vice Chairman Chuck Adams, Members Jeff Davis, and John Bowen, Alternates David Boyce, Sandra Ells (arrived late) and John Souza (sitting as regular member)

Absent: Member John Grexa

Village Staff present: Cheryl Bennett, Village Clerk; Bill Duston, Planning/Zoning Administrator

Others Present: Mayor Brad Horvath, Council Member Rosoff, Mayor Pro Tem Como, Carol Mullis, Francisco Espinosa, Robert Moore, Keith Cooper, Rich Heareth from Epcoc

1. Pledge and Invocation

Chairman Keeney led the pledge of allegiance, and gave the invocation.

2. Public Comment

Francisco Espinosa said he was concerned about the potential sign location for his new business, and will appreciate resolution of this matter.

3. Additions, Deletions and Approval of Agenda

John Bowen motioned to approve the agenda, Jeff Davis seconded the motion.

The motion passed unanimously.

4. Approval of Minutes

John Bowen motioned to approve the February 23, 2014 minutes; Jeff Davis seconded the motion.

The motion passed unanimously.

5. Public Information Meeting, Siler Presbyterian Church

Council members left the room. Bill Duston reported a minor change was made to the CUP, for a net addition of 13 parking spaces and an additional 530 square feet for bathrooms. Architect Robert Moore stated they are renovating the house on Waxhaw-Indian Trail Road to office space, and adding the parking spaces. No new curb cuts are needed. Staff recommended approval.

Vice Chair Chuck Adams motioned to recommend approval of the CUP. John Bowen seconded the motion.

The motion passed unanimously.

6. Brookmeade Subdivision, Final Plat

Keith Cooper was present for Brookmeade, which contains 66 lots and is just south of New Town Elementary School. Several modifications were granted by Council previously. The roads will be publicly dedicated. The bond amount is 150% of the estimated cost of improvements. Bill Duston noted the plat complies with the ordinances, and staff recommendation is to approve subject to council's approval of the bond instrument and payment of the fee-in-lieu.

John Bowen motioned to approve the final plat of Brookmeade. Jeff Davis seconded the motion.

The motion passed 4-1, with Adams voting nay.

7. Sign Setbacks (continued)

Bill Duston noted signs cannot be in the front yard or in future or existing right-of-way. This text was previously reviewed; one sentence was added in bold type – that signs can be no closer than 45 feet from the road centerline. If the transportation plan shows a road is proposed to be widened, we use the proposed right-of-way. Major and minor thoroughfares are on the plan, but local roads are not.

John Bowen motioned to accept the bold type and the proposed statement of consistency. He amended the motion to include the entire proposed text and the statement of consistency; hereby incorporated by reference and made a part of these minutes. Jeff Davis seconded the motion.

The motion passed 4-1, with Adams voting nay.

Add the following text as Section 8.7 (A) (1) (g):

(NOTE: Text that is bold, underlined and italicized represents a change requested by the Planning Board at their January 2015 meeting).

Free-standing signs shall be located at least ten (10) feet from the edge of any adjacent property line or existing or future street right-of-way and at least fifty (50) feet from another free-standing sign located on a separate piece of property. ***In no instance shall a free-standing sign be located less than forty-five (45) feet from the road centerline.*** Free-standing signs shall also be located outside of any required sight triangle.

STATEMENT OF CONSISTENCY

The Village's Land Use Plan calls for ground-mounted signs for non-residential uses. There is no mention, however, as to where they should be located. The proposed text changes are therefore neither consistent nor inconsistent with the Land Use Plan.

8. Senior Housing Text (continued)

Mayor Horvath left the room because a quorum of council was present; he thanked those who met with Bill Duston last week. A meeting had been held with Steve Keeney and Chuck Adams from Planning Board, Mike Como and Elaine Rosoff from Council, and Bill Duston to come up with proposed standards. Mayor Pro Tem Mike Como spoke: whether you agree with senior housing or not, we need to move forward with this; we had heated discussion on many of the issue details, such as setbacks.

Bill Duston summarized the proposed text changes.

The definition did not change: the HUD definition is used, which allows for (1) developments occupied solely by persons who are 65+ in age or (2) developments with at least one person in each dwelling unit who are 55+ in 80% of the units. Such development shall be marketed to house persons who are 55+ in age.

Proposed standards were changed to allow it in all residential zoning districts, except RUC; RUC is lots that were previously developed and annexed in. The attendees said RUC was discussed, and will be added.

Senior housing will be subject to a CUP or through conditional zoning. The minimum lot area is 15 acres.

Proposed density is three units per acre for detached single-family units, and four dwelling units per acre for pinwheel homes.

Setbacks are: single family homes – front 35 feet; side 15 feet and rear 40 feet; and for pinwheel homes a minimum 40 foot separation between any two buildings containing residential units, and a 40 foot rear yard setback. There is a 40 foot screened buffer along all side and rear property lines of the senior housing development, so in theory the house could go up to the buffer line. Setbacks are between houses, but may be on common area.

Garages – each dwelling unit shall be provided with a garage wide enough to simultaneously accommodate two automobiles; Chuck Adams noted we discussed garages as being 25 feet deep and noted people use the garage for storage, and noted a Suburban can be 19 feet long; he wanted to ensure that all citizens can use their garage. Mike Como said while we can dictate a two car garage, he didn't think we can dictate the size of the garage. Elaine Rosoff said with the original setbacks there would be no room for the house; they can take it away from the house if the person wants more garage. Chuck Adams said he is 100% in favor of senior housing but citizens may be coming from a larger home and may not be able to divest everything. Sandy Ells asked if builders can have an option for a longer garage. Chuck Adams noted the builder chooses the cheaper route. Mike Como stated if you have a lot that is 80 feet wide and 200 feet long, by the time you have a 40 foot rear setback, the 35 foot front setback and the 15 foot side setbacks, the footprint for the house is getting smaller and the garage has to be incorporated in. Rich Hearth from Epcon Homes said their standard garage is 22 wide by 24 feet deep; and fits 2.5 cars to allow for storage. Steve Keeney said he didn't want to put numbers on builders; and asked if he would be willing to give up setbacks for a larger garage. Mike Como noted a widow might only have one car. Elaine Rosoff thought a two car garage as a minimum was acceptable. Chuck Adams preferred pinwheel homes only. Elaine Rosoff said she has lived in pinwheel homes and patio homes, and preferred the patio homes. Sandy Ells asked about duplexes; Bill Duston said we took out townhomes, assisted living and nursing homes. He replied we would have to change the definition of pinwheel to allow two dwelling units. Rich Hearth stated the units Planning Board viewed were 1,500 square feet to 3,000 square feet and the garages were 22 x 24.

Discussion was held on two story versus one story homes; requiring just one bedroom downstairs, and whether the upstairs would be used for visiting family. Elaine Rosoff preferred a second story and felt a lot of seniors felt the second floor is safer. Bill Duston said Epcon gave us three different site plans, one was just under 3 units per acre density. Parking – visitor parking at the rate of one space per three dwelling units.

Exterior Building materials were proposed as brick, stone, stucco, Hardieplank or similar materials. David Boyce noted Hardieplank is a brand name, it should be changed to fiber cement siding. Bowen asked why vinyl was excluded. Mike Como said it was based on a maintenance point. Mr. Hearth said they hadn't used vinyl for siding.

Clubhouse – Mr. Hearth said they need 60 dwelling units to warrant a clubhouse. That is how the 15 acres was computed, since 15 acres x 4 = 60 units. Mr. Duston said they saw the clubhouse serve as the central spot for residents. Chuck Adams preferred an activity director. John Bowen noted single family units would only have 15 x 3 units, so should we require more acreage for single family; he also noted there is a new rule requiring sprinkler systems for more than three attached units. Mr. Hearth suggested maybe there should be a clubhouse required when there is 60 units.

Streets – Mr. Duston noted our private street standards exceed DOT standards; if a gated community, the streets would have to be private; the initial text precluded that.

Sidewalks – required on both sides of all streets within the development, and along the exterior of the development if it abuts a major or minor thoroughfare or collector road. Chuck Adams asked if we would create a separate district for senior housing, and is B1, B2 and OI not included. Mr. Duston said nothing precludes us from having that in those districts; if a church or school is OI, they would have to be re-zoned to residential; we only have one spot that is O-I, do we want to include O-I. Mr. Hearth said in most places we fall under a conditional zoning code, if we wanted to build in a business or industrial district, we would first ask for re-zoning.

Bill Duston noted senior housing text is neither consistent nor inconsistent with the Land Use Plan because the Plan doesn't address senior housing.

Chuck Adams noted considerable thought needs to go into this, it needs to be as right as it can be. He thought the single family looks very crowded, and he preferred the pinwheel which is a bigger structure but looks less congested. Mike Como stated we can set a minimum standard, but the maximum is what the market will bear. Mr. Hearth said the Epcon homes start with a single story, two bedrooms down, and you can add a bonus room upstairs, it allows buyer to age in place longer, they can put a bathroom and kitchen upstairs, and if someone needs assisted care you can have an apartment upstairs, or use it for college kids. Steve Keeney said the additional space was all within the roofline, so they don't change drastically from one story to 1.5 story. Mr. Hearth said the Courtyards at Weddington has more density at 4 units per acre, and has narrower streets, and no clubhouse.

Chuck Adams corrected his comments on the sheet that summarized Planning Board member comments on senior housing, he did prefer pinwheel homes, and felt a part time or full time activity administrator is needed, and the driveways should be more than 35 feet in length, and there should not be free-standing homes.

Steve Keeney suggested moving this forward to Council. Chuck Adams asked to postpone the vote to the next meeting, and talk to people on what they think, and what they want in senior housing. John Bowen felt he had already done this. Bill Duston noted we visited three communities, and Mr. Hearth accompanied us to two; we went to a model house and clubhouse, we did not go in a pinwheel.

Mike Como asked Mr. Hearth on feedback residents give. Mr. Hearth replied they review the amenities every six months, originally they had an outside marketing firm, and designed the first three plans, some tweaks were made to length and width of the home; in regards to driveways, and side setbacks, the larger the footprint the HOA maintains, the higher the dues. Mike Como said we computed 25 feet in the front for the cars, 5

feet for sidewalks, and 5 feet to the road, Mr. Heareth said if there is no sidewalk they have a minimum 25 foot driveway to the back of the curb; so the 35 feet was okay. Steve Keeney noted we have proposed text changes, and it is time to move these to council. Bill Duston said the two changes he heard tonight was to allow it also in RUC and to change Hardieplank to fiber cement siding.

John Bowen asked who administers the 80% being age 55+ rule; Bill Duston said they must report sales to HUD. HUD does not report back to the town. Bill Duston said if word was a lot of young people were there, he would touch base with Rich Heareth. John Bowen asked what if people re-sold their units to younger people, would the town need to monitor that. We can include a condition for an annual report of the age make-up to the town. Mike Como said he didn't think we wanted to take on that responsibility. Elaine Rosoff said what happens if a 70 year old man is married to a younger wife with two young children, and dies. John Bowen requested we add 2.5 cars garage as a minimum standard. Bill Duston noted at 6.10.11 (B) it should read "maximum" not "minimum" density.

John Bowen motioned to recommend accepting the proposed text with the changes as discussed; replace Hardieplank with fiber cement siding, allow it in all zoning districts, and require a garage large enough for 2.5 automobiles, with the statement of consistency that it is neither consistent nor inconsistent with the Land Use Plan because the plan doesn't address senior housing. John Souza seconded the motion. Chuck Adams stated he was 100% in favor of senior housing, but will vote no because it should be only single story homes and only pinwheels, not single family homes.

The vote was 4-1, with Adams voting nay for the reasons given.

9. Land Use Plan (LUP)

Bill Duston noted the Planning Board Chair had asked for the LUP to go back to them, and asked what they wanted to do going forward. If you want to accommodate senior housing, you can add a simple statement in policy one regarding 40,000 square foot lots with the exception of senior housing. John Bowen commented we don't want a hodgepodge of residential and commercial, and cited an example in Stallings of a commercial business next to a residence where lights shown in the houses. He suggested considering changing land next to existing commercial. Bill Duston noted the LUP serves as a guide, but if someone wants to apply for re-zoning, he will take the application. The plan is not static, what you recommend today can change in the future. If land were de-annexed, the County would notify us of any zoning changes, and we can send any suggestions but they don't have to listen to us. John Bowen noted the four corners at Potter and Hwy. 84 have a traffic problem, if there were any new development would we recommend more entrances and exits, Bill Duston said you can attach fair and reasonable conditions. John Bowen asked if we commercialize the 4 corners in the Land Use Plan, does the county have to take our recommendations. Discussion was held on why it was changed on the LUP from O-I to R-40; Chair Keeney said the planner encouraged us to change it to R-40. John Bowen said we were told it would have been a Publix, but that went down the road. Bill Duston said the current LUP shows the 4 corners as blue, it was proposed to change it to remove the three blue corners. With the original LUP they put in arcs to show indications of O-I. John Bowen said as a citizen we make more from commercial and we make minimal tax revenue from R-40 homes, so if we make more opportunity for commercial, it might incentivize the commercial here to complete. Bill Duston noted Office-Institutional is not commercial, it would still be a

hurdle to put a Publix there. Sandy Ells noted you also have to think what flows with a school, wouldn't it be optimal to surround it with residential? John Bowen said he sees schools in Charlotte with business and commercial around it, if you don't create competition for the shopping center here, he won't ever finish it. Sandy Ells suggested we need to see the numbers; what do we need the money for, and how much will it bring in. Chuck Adams said from McDonalds down to the church on the north side of Highway would make sense for commercial. Bill Duston suggested a meeting with two Planning Board members to come up with changes that make sense. Mayor Horvath noted when we interviewed for a Zoning Administrator, they said usually you engage the landowners early on; also it is better to have something to present to start with; we will have public meetings and invite landowners to them. Chuck Adams and John Bowen volunteered to meet with Bill Duston to come up with suggested changes, and were appointed by Chairman Keeney.

10. Conservation Zoning

Chuck Adams motioned to table this item due to the late hour. John Bowen seconded the motion. Mayor Horvath said we were asked to consider senior housing and conservation subdivisions for the de-annexers. About two years ago, Steve Keeney, Bill Duston, David Boyce and Sandy Ells met with Weddington, so this is not unfamiliar to us. We have Weddington and Marvin text. Bill Duston will summarize the criteria. Mayor Horvath is keeping the legislators up to date and will probably ask for enough time to do conservation subdivisions properly.

The motion passed unanimously.

11. Other Business

None.

12. Adjourn

Chuck Adams motioned to adjourn, John Bowen seconded the motion.

The motion passed unanimously.

The meeting adjourned at 9:08 pm.

Respectfully submitted,

Cheryl Bennett, Village Clerk

Stephen Keeney, Chairman