

**VILLAGE OF WESLEY CHAPEL
PLANNING BOARD MEETING MINUTES
April 27, 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, John Grexa and John Bowen, Alternates David Boyce, Sandra Ells and John Souza

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

Others Present: Mayor Brad Horvath, Mayor Pro Tem Como, Carol Mullis, Sandy Fenn, Michael Berkowitz, Peter Clement, Monang Shah

1. Pledge and Invocation

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

2. Public Comment - none

3. Additions, Deletions and Approval of Agenda

Chuck Adams motioned to approve the agenda, John Bowen seconded the motion. The motion passed unanimously.

4. Approval of Minutes

Chuck Adams motioned to approve the March 23, 2014 minutes with adding David Boyce as attending the meeting in Item 10; John Bowen seconded the motion. The motion passed unanimously, with John Grexa abstaining.

5. Public Information Meeting, Branch Towers, LLC

Council members left the room. Bill Duston reported this is a proposal to erect a 180 foot telecommunications tower off Jim Parker Road. The nearest subdivision is Cedar Hill with one dwelling 399 feet from the proposed site. Two other subdivisions are 1,800 feet away from the tower, one is 2,200 feet away, and one is 3,000 feet from the tower. The proposal is for a gray steel structure. It is not a stealth structure; there is some wording that the code prefers a stealth structure. The site lies in the airport overlay district. Mr. Duston met with the airport manager; a letter from the FAA is required and received; it states the tower would not interfere with safety and operations at the nearby airport. Permissible height for telecommunication towers in Wesley Chapel is a maximum height of 199 feet. An example of a stealth tower is the one near Hwy. 485 which looks like a tree. The applicant represented by Karen Kemerait stated that tower is 199 feet; this one is 184 feet. She added for co-location the existing Duke towers are not high enough and

this tower can accommodate three additional telecom providers. No additional storm water improvements are needed per our engineer. The tower will generate two to four vehicular trips per month. Access will be from Birmingham Lane which is a gravel road. Mr. Duston said he posted the property and notice of the Public Information Meeting was sent to properties within 500 feet, and he received one call. There will not be a beacon since the applicant said towers less than 199 feet don't require one per the FAA. Ms. Kemerait provided maps of coverage before; using a 100 foot Duke Transmission tower still leaves some gaps, and meets 35% of the coverage objectives. Since it is cheaper to use an existing tower they looked there first, there is a Verizon tower a half mile away, but if a new tower is too close to an existing tower it can cause interference and not solve the gaps. A T-Mobile engineer present stated it is like a radio station, with each on their own frequency. A map showed the proposed tower would fill in the gaps in coverage and meet 90% of the coverage objectives. Branch Communications will lease space to T-Mobile, until approved they have a lease option. A question was asked if it would produce revenue to the town; we would not get additional revenue from the tower. Mr. Birmingham will still have use of the rest of his land. Ms. Kemerait stated the site is 18.1 acres and they will exceed setback requirements. Photo simulations of the tower and the Duke tower were submitted. They are not within falling distance of each other. An opaque wood 8 foot fence will be around the base and equipment; if the fence rots, it must be maintained and fixed.

A stealth tower is designed to look like a pine tree. Section 13.2.1 of our ordinance mentions a monopole, and Section 13.2.3 encourages a stealth tower; however the applicant felt it is less obtrusive and better concealed as a monopole. A monopine is better if it is in the center of a group of trees, but this is in a pasture. A Branch Communications representative said there is generally a five year lease with five five-year options. If the lease ends, they will remove it and if the Village wants, they can include a lease removal bond. They are actively marketing it to other cell companies. The tower is usually 30 inches diameter at the base, and tapered going up. There are no guide wires. Ms. Kemerait said each carrier will have a small equipment case at the base. The tower takes 30 to 45 days to erect. Karen Kemerait stated they will landscape around the fence per the ordinance, and replant if plants die. Michael Berkowitz, a NC certified real estate appraiser did a report showing it won't adversely affect surrounding properties. Vice Chair Chuck Adams preferred a pole over a stealth, and preferred the least visible color. Ms. Kemerait thought the gray is the least obtrusive. Planning Board alternate John Souza stated he lives across the street, and he had no issue with it.

John Bowen motioned to recommend Council approve the CUP, and add a removal bond if it is inactive for 180 days, and the fence be of treated lumber. Vice Chair Chuck Adams seconded the motion.

The motion passed unanimously.

6. Wesley Manor, Final Plat

The preliminary plat of the 5 lot subdivision was approved by Council in July 2014 with four modifications granted. Bill Duston noted the subdivider has presented a bond for the infrastructure in the amount of 1.5 times the cost, with a lifespan of two years plus a road maintenance bond. Streets will be built to NCDOT standards, and they will be served by Union County water and sewer. 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 accept the final plat of Wesley Manor and move it to Council. Vice Chair Chuck Adams seconded the motion.

The motion passed unanimously.

7. Conservation Zoning

Bill Duston had provided text from Marvin and Weddington, and a chart to summarize the differences. Conservation subdivisions (CS) are allowed only in the R-CD Residential Conservation District in Weddington, on lots that are 6+ acres. In Marvin they are allowed in the R district on lots larger than 10 acres. In Weddington they are density neutral, but in Marvin they can go below the standards to .74 units per acre. The types of conservation land are set out and prioritized in Weddington; Marvin states which types of lands, but doesn't prioritize. Weddington retains 50% of the land as conservation area; Marvin requires 15%. Minimum lot size goes down to 12,000 square feet in Weddington, Marvin allows 30,000 square feet except that up to 30% of the lots can be no less than 25,000 square feet. Each delineated what structures are allowed in conservation lands, such as trails. Weddington requires a 100 foot deep viewshed buffer, which does not count as part of the conservation land; Marvin requires between 85 and 285 feet of viewshed buffer, in no case can the buffer be more than 30% of the tract. The conservation land is protected through a maintenance plan approved by the town in Weddington, and through a conservation easement which to be held by as public conservation agency, a private conservation organization, or in the absence, by a homeowners' association in Marvin. Fee in lieu cannot offset the conservation land in Weddington, but can in Marvin provided that at least 15% of the tract is retained as conservation land. Bill Duston suggested a field trip and will send out potential dates for Saturdays in May at noon. Chair Keeney will call for a special meeting.

8. Land Use Plan

Mr. Duston had met with Chuck Adams and John Bowen and provided a summary of the proposed six changes to the Land Use Plan.

1. Map: Land use designation on lot 06042002 on Waxhaw-Indian Trail Road changed from Low-Density Residential to High-Intensity Commercial because the property was re-zoned by the Village to B-2.
2. Map: Restore Office-Institutional designation to the NW, NE and SE corners of Potter Road and NC 84; Office-Institutional is already in place at the SW corner.
3. Map: delete the descriptive term "B-1" from the "High Intensity Commercial" designation shown on the Future Land Use Plan; B-1 is already accommodated on the "Low Intensity Commercial" designation on the Future Land Use Map.
4. Map: Change the classifications of lots 06072006A and 06072006 (on the north side of NC 84) from Low-Density Residential to High Intensity Commercial; it is adjacent to an existing shopping center.
5. Map: Change the classification of lot 06045009E (immediately north of Shops of Wesley Chapel Shopping Center) from Low-Density Residential to Office-Institutional. The property is owned by the Village.
6. Text: Allow for senior housing in Wesley Chapel but place a cap on the total number of senior housing units permitted in the Village; ensure that ingress/egress/turning lanes are adequately addressed in any future senior housing community; to maintain a balance of housing types in the Village.

Change 1: John Grexa commented that Council made that change, Planning Board didn't; do we have to change it.

Change 2: John Grexa questioned this change. Vice Chair Adams commented the corners were originally Office-Institutional, and he thought they are better off as O-I than residential with all the traffic. John Bowen said this is on the existing Land Use Plan and where he saw the future of Wesley Chapel growing for business opportunities. John Grexa commented we can't develop what we have as commercial now; we spent a lot of time on this before. John Bowen added developers come to Mr. Duston to see where there are opportunities on the Land Use Plan. The proposed 2013 changes left only one corner as Office-Institutional. John Grexa questioned why the proposals in 2013 were never approved. Vice Chair Adams noted this will all be up to Council. John Grexa noted Council keeps bringing things back to get what they want, and somebody misses a meeting, and then they get what they want. Chair Keeney said he listened to the tape and looked at the minutes and his notes, and our Zoning Administrator at the time thought it was important to change the three corners. John Grexa disagreed and said it was his idea, he did not remember the planner advocating it. Chair Keeney thought there was specific political intention from the administration that did not want the three corners O-I. Grexa recalled it completely different.

Change 4: Chair Keeney noted this is the land next to McDonalds. John Grexa said he knew exactly what was going on. John Bowen said he resented the thought that this was politically motivated. John Grexa said there is a house there now so why can't we put other houses there. Sandy Ells commented it is very busy there. John Grexa replied some people don't mind that. Chair Keeney said in Stallings down on Potter Road the houses are turning to commercial; the area will eventually change to commercial, whether in our lifetimes or not, and thought it made sense. John Grexa suggested we wait.

Vice Chair Chuck Adams suggested we table this to the next meeting to give all Planning Board members and alternates a chance to really look at it. He thought we should cap the number of senior housing units, and hoped Council will bring in experts and not just builders because they have a personal agenda, and that Bill Duston would recommend that. Vice Chair Adams motioned to table this on the Land Use Plan and senior housing caps until the next meeting so we can have a chance to individually review it and come up with some personal opinions on what we ought to do. Bill Duston noted there is no onus to make any changes, or there may be additional changes you want to make. Jeff Davis seconded the motion.

The motion passed 3-2, with Bowen and Grexa voting nay. Grexa stated we sent recommendations to Council in 2013, why did they not approve it; did they want those areas changed, is that why it came back? Bowen stated we were asked a month ago to review it, we did, and he thought we should vote on it, yes or no.

Carol Mullis commended Planning Board's decisions, and asked they consider two other parcels to be zoned commercial.

Bill Duston noted the 1.5 acre at New Town Road and Waxhaw-Indian Trail Road was an old country store, and brought in as B-1 from the County, and there is an adjacent 19 acre tract zoned R-40. John Bowen said all landowners should be willing to come and request re-zoning, this is the Land Use Plan and not the zoning map, and it is a vision, not for us to make a declaration. Vice Chair Adams said the Hillbilly land is up for sale, and commented it was a travesty that the sub-station was not allowed, and did not allow the Hillbilly store either. John Grexa questioned how we can make a decision on the four

corners at Potter Road, but can't make a decision to make the four corners at Waxhaw and New Town Road all the same. Chair Keeney said from a DOT standpoint they are incredibly different. John Bowen said there is no reason not to, and asked if we should go back and look at it as a visionary. The official Land Use Plan Map is the original, adopted one.

9. Set Meeting Date for May 2015 Planning Board Meeting

May 25th is Memorial Day. Vice Chair Chuck Adams motioned to amend the regular meeting schedule to hold the meeting on June 1, 2015. John Bowen seconded the motion.

The motion passed unanimously.

10. Other Business

Chair Steve Keeney noted Council is putting together a survey of the residents, please send your questions to Cheryl Bennett this week.

11. Adjourn

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

The motion passed unanimously.

The meeting adjourned at 9:02 pm.

Respectfully submitted,

Cheryl Bennett, Village Clerk

Stephen Keeney, Chairman