

**VILLAGE OF WESLEY CHAPEL
PLANNING BOARD MEETING MINUTES
June 1, 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 John Grexa and John Bowen

Absent: Members Jeff Davis, 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, Natalie Brides, Kameelah Blackwell, Francisco Espinosa, Kevin E. Herring PE, Carol Mullis, Gregory Roberts, Rich Heareth

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

John Grexa motioned to approve the April 27, 2015 minutes; John Bowen seconded the motion.

The motion passed unanimously.

5. Public Information Meeting and Possible Recommendation: Nena's Market Council members left the room. Bill Duston reported this is a CUP for a convenience store. Adjacent property owners were notified. Chair Keeney stated Council Member Kenary had a concern regarding the topography dropping off behind the building where the parking is located and from a security standpoint may be a safety concern. Francisco Espinosa presented a 3-D model of the site and store. A 4.5 foot aluminum fence as required by insurance is by the retaining wall; most of the parking is in the back because the parking in front would have to be screened from the street per Mr. Duston. There is one handicapped spot and four regular parking spots on the left side. Samples of the brick, the monument sign (which will be ten feet behind the proposed right-of-way) and canopy color were shown. The accessory building will store landscaping equipment, equipment to repair the lighting, etc. and be made of brick. Mr. Duston explained the code says front yard parking must be screened, since the site doesn't lend itself to

screening, the parking is in the back; also the accessory structure, which can only be half the size of the main building, must be used as accessory to the use, not as another business. Hours of operation will be 6 am to 10 pm Monday – Saturday, and 7 am to 8 pm on Sunday in deference to the Church. The Church was notified, but the pastor was out of town. The driveway to the back is twenty-four feet wide. People can park in front, but there are no painted markings there. Lighting will diminish by 25% during non-business hours per the Code. The left turn lane is required by DOT. Mr. Duston added the applicant did a Traffic Impact Analysis, it was reviewed by our engineer and DOT. Mr. Espinosa stated there are two tanks, one 20,000 gallons for regular gas, and one 15,000 gallons, 7,000 gallons diesel, and 8,000 gallons high-test. DOT required the median in front of the property, and there is a right hand turn lane. Waxhaw-Indian Trail Road has an ultimate build-out of 100 feet.

The elevation change was discussed; engineer Kevin Herring said the site drops off significantly, and there was a wall in place which was taken down. If the store is in a hole, people won't go there, so they kept it higher. A lot of fill is needed to elevate the back, so it was left lower. There is nothing to indicate to a customer to go to the back of the property to park. The pumps provide twelve parking spaces. Mr. Espinosa said they will have three security cameras in front, two in back, and six inside the store.

Mr. Duston asked that the hours of operation, uses of accessory building, and accessory building materials be noted on the site plan. Adjoining property owners were notified, only one call was received. The first plan showed parking in front, but it is not screened, so it was moved to the back. Approval letters were received from the engineer and DOT. Everything has been measured inward from the future right-of-way. If the road gets widened, DOT will reconstruct everything.

Vice Chair Chuck Adams motioned to recommend Council approve the plans, and send it to Council. The motion was rescinded. Vice Chair Chuck Adams motioned to recommend approval of the plans, and send to Council with the hours, that the sample bricks be used on the building and accessory building, and the other two bricks be used for the trim. John Bowen seconded the motion.

The motion passed unanimously.

John Grexa added that Council approved the re-zoning in opposition to what Planning Board recommended to them.

Council members returned to the room.

6. Conservation Zoning

Bill Duston reported on the Saturday field trip to four conservation subdivisions. Sandy Ells was not present tonight, but Bill handed out her comments as well as a handout from Marvin. The general feeling was to prefer the Marvin model. In Weddington you can't put in more houses than you could in a conventional subdivision, but lots can go down to 12,000 square feet; 50% of the land must be in conservation; there is always 30 feet between buildings, but it can be down to five feet from a lot line. The houses seemed too tight for the lots. In Marvin, 15% of the tract has to be common open space, it can all be in the view shed buffer up front. The lots can be 30,000 square feet, but 30% of the lots can be down to 25,000 square feet. In Marvin the rear yard setback is 75 feet if it didn't abut common open space, and is normally 50 feet. If the lot is not 25,000 square feet, it has to abut common open space at least 70 feet wide. John Grexa didn't see what

was to be gained by the smaller lots, and noted Sandy had asked if there is a way to link lot size and house size for proportionality. Bill Duston stated that there is a formula in Marvin, on 50 acres you can get 37 houses, whereas in Weddington you have to do a yield plan, where you compute how many houses you could get with a regular site plan, and that is the limit. Vice Chair Chuck Adams preferred the yield plan. Chair Keeney said Conservation Zoning is an effort to preserve existing land for those people that also don't live there but drive by and have history with that property that has now been built out; it is an effort to condense structures and alleviate the actual development of the total piece of property. John Grexa commented we should have the developer show how many houses he could build at R-40 and at what cost, and how many and at what cost they could do with Conservation Zoning. Vice Chair Adams said one of the things we liked was the hundred foot buffer next to the road. John Grexa commented that we haven't done a survey yet, so how do we know residents want this. John Grexa and Chuck Adams agreed they didn't feel like they saw a lot of conservation area. John Grexa replied it may be behind the houses, but you don't see it in the development. John Bowen noted our ordinance requires sidewalks on both sides of the street, the houses they saw were big and expensive on tiny lots. The smaller lots in Weddington were not preferred by Adams and Bowen. While there was a tree line in the other towns, if the available land here is mostly meadows, that would have to be created. Bill Duston noted what is important to Weddington is what types of land they preserve. Marvin has standard side and front yard setbacks. Chuck Adams noted the citizens have said 8 times they want 40,000 square foot lots, so to think about 12,500 feet is ridiculous. Mr. Duston noted our tree save ordinance requires us to save trees based on what you start with, it doesn't mandate putting in trees. Chair Keeney said in Weddington half the tract has to be dedicated land, so he didn't understand why you would say there is no difference between the 50% dedication of land and R-40. Chuck Adams said we drove all the roads and did not see a lot of green land. Chair Keeney used Candella as an example, saying they wanted to do what was essentially a conservation subdivision which was more attractive than the R-40 that is built out to the perimeter. John Grexa stated he asked Candella why they built like that, and won't the erosion affect the houses, and felt they created some of their own problems. Vice Chair Chuck Adams said, to speak to Mike Como's point, at the public hearing 16 people spoke, and 14 preferred R-40, and until it is built out and we see what it is like, we won't know. Chair Keeney said he ventured that people say they like R-40 because we don't trust you with anything else; that is what we know and are comfortable with. Chuck Adams disagreed.

John Grexa suggested developers should work with the lay of land as was done in Silver Creek; Chair Keeney said we are making inroads with conditional zoning, and looking at conservations subdivisions, and engaging development, rather than strictly regulating it. The board preferred bigger lots. Chair Keeney suggested using wetlands as conservation land; Vice Chair Adams said we don't want to include it in the calculations of how many houses. Bill Duston said right now if you use the yield plan, you can't include the wetlands, Keeney noted in Marvin you can include it in the calculations. John Grexa gave an example of Potters Trace where there is wetlands across the street, and houses are on top of each other, and DOT roads. Marvin's roads were wider, but built before DOT changed the rules.

Board consensus was against 12,500 square foot lots.

Chuck Adams agreed it was worth continuing on with this. Chair Keeney asked Grexa if he would consider a 15,000 square foot lot with a tradeoff of not building on 50% of the

land: Grexa disagreed, he felt we should start at a 33,000 square foot lot. John Bowen asked if you would limit the size of a home built on a 15,000 square foot lot. Chair Keeney said he wanted to preserve the open land as best we can, and the 40,000 square foot lot doesn't do that. John Grexa said the conservation subdivisions we saw did not do that either. Mayor Horvath asked they keep in mind Senator Tucker's request to give people who want to sell their land more options. John Grexa stated we are pursuing this for the wrong reasons, not for the people of Wesley Chapel, but for people who want to leave.

Mayor Horvath stated we are trying to Wesley Chapel-ize it, but we can't say no, if we do we will have people leaving when they want to, and it is not the way to build community. It involves 16% of the land in Wesley Chapel. John Grexa stated Council will do what they want; he went out with an open mind, and didn't see what we want. Mayor Pro Tem Como said we did not rush through senior housing, we looked at it in depth, and made sure everybody had a voice. John Grexa noted it was turned down at Planning Board and brought back. Mayor Pro Tem Como said he lives on a half-acre lot in Silver Creek; if most of the land in Wesley Chapel for sale is fields, you have to look at what you want to conserve. Chair Keeney asked what the downside of clustering is; John Grexa stated a lack of privacy to everyone in the neighborhood. Vice Chair Adams suggested room for compromise, perhaps 25,000 to 30,000 square feet, and maybe look at yield. Bill Duston will put together some suggestions for the next meeting. John Bowen suggested the maximum number of lots per a yield plan, 30% of the lots down to 25,000 square feet, and the rest a minimum of 30,000 square feet. John Grexa suggested 30% down to 33,000 square feet.

Rich Hearth, from Epcon Properties, stated, relating to senior housing, looking at the required setbacks, do you know what size lot you would need. Mr. Duston stated we weren't looking at lot size, density was paramount, not lot size. Rich Hearth said with our product, we are looking at 12,000 square foot lots and can't get close to the three lots / acre density. In Marvin Epcon does 6,000 square feet lots with a density of 2.89 units per acre because there is more greenspace.

Mayor Pro Tem Como commented you should include wetlands because that is what you want to preserve. John Grexa that is in addition to what you want to preserve. Mayor Pro Tem Como added that what you see from the road is part of what you want to preserve, if you go in a subdivision you may find some smaller lots in the back. Vice Chair Adams stated that is why berms work.

7. Land Use Plan

Bill Duston reviewed the six proposed changes.

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.

Chair Keeney asked if we can delay the senior housing cap; Mr. Duston replied yes. John Grexa inquired about change #4. Chuck Adams, John Bowen and Bill Duston had met, and these changes came out of that meeting. John Bowen said it was a common sense approach. Grexa asked about the other side of the road. Chuck Adams said the south side has a lake and two homes; he thought at some time all the way down to the church and to Lester Davis Road at some time will become commercial, so what is the benefit to wait. John Grexa commented that the shopping center has not been built out, so why would we give people the idea they can build more, when they can't finish what they have. Chuck Adams said Aston doesn't build out because they don't want to. John Bowen commented that on the south side of the road if a landowner wanted to re-zone, they would bring it to us; on the other side of the road since there was a small area that abutted McDonalds, we thought we would give that to the Wesley Chapel boundary line. Chuck Adams agreed. Mayor Pro Tem Como stated it was also done along property lines instead of the arc. Bill Duston added that the property line near 201 Central did not exist when the 2013 changes were done.

John Grexa asked why change 2 was proposed. Chair Keeney said we discussed this and voted it back. John Grexa said this is a proposal by two board members and we never voted on it. Chair Keeney said if you go back to the last two meeting minutes and you can see it was discussed. John Grexa said we had changed it because at that time it was the only corner that should be O-I because at some time the use of the building might change.

Change 3 is just to correct a semantics mistake.

Change 4 – John Grexa asked if the plan is to make all of 84 commercial? Chuck Adams said he thought eventually both sides of the street will be commercial down to the park.

Change 5 is for the parcel that the Village owns behind 201 Central.

Vice Chair Chuck Adams motioned to move this along to Council with the five points, and not including the cap on senior housing now, but there will be a cap in the future. John Bowen seconded the motion.

The motion passed 4-1, with Grexa voting nay saying he opposed it because we spent a year and a half on it, and they never approved what we sent in 2013.

8. Text Change: Duplexes in Senior Housing Communities

Mayor Horvath reported Council approved senior housing with two changes: a minimum two car garage instead of 2.5 car garage, and added references to the minimum lot size requirements from the subdivision ordinance.

Bill Duston said there was discussion on duplexes for senior housing at the Council meeting, so he put together some text. He came up with 3.5 units density. Someone suggested that garages be the common walls but this is not in the text. Chuck Adams said we spent a lot of time on this, why are we now adding duplexes; he was not in favor. Bill

Duston stated Council Member Plyler brought it up, from some comments Epcon had sent. John Bowen said if we mathematically constrained developers, we should address it. Bill Duston stated Marvin says if you have 50 acres you get 37 homes, but we take out flood lands, lakes and ponds that will be excluded from your acreage calculation. Also Marvin lets you start with a blank piece of paper, and lets you go below standards with Conditional zoning, which we can't do, so we are more restrictive.

Mayor Horvath stated the reason Becky brought up duplexes is she talked to some banks and they said money is tighter for lending to developers, and with a pinwheel they need four units but a duplex only requires two buyers.

Vice Chair Chuck Adams moved that we deny the request for duplexes in senior housing. John Grexa seconded the motion.

The motion passed 3-1, with John Bowen voting nay.

9. Text Change: Temporary Uses

Bill Duston noted the code limits temporary uses to three per year, and not within 45 days of each other use; this was written before the park was there. Also he issued a farm stand permit, and it makes no sense for the 45 day hiatus. He proposed exempting government and non-profit uses and allowing 90 days for the sale of agricultural products on lots of three or more acres, because it could be problematic in a subdivision. Discussion on whether a permit was needed at all, if sales should be unrestricted of backyard produce, the rural flair, and why we would exempt governments and non-profits. Another point was the corners at 84 and Potter where there were tree sales on one side, other seasonal sales such as Halloween, and it could set a precedent of becoming commercial. Mayor Pro Tem Como pointed out if you sell, or let others sell items in your yard all year long it turns a residential property into commercial.

Mr. Duston will bring back more options.

10. Text Change: Congregate Mailboxes

This item was tabled.

11. Apply Zoning to Recently Annexed Lot

Bill Duston noted the annexed .35 acre lot needs to be zoned within 60 days of the annexation. He recommended it be zoned RUC because the other lots in the subdivision are RUC. John Grexa motioned that lot 06009079 be zoned RUC and shown on the LUP as low density residential, and referenced the statement of consistency "The proposed text changes are consistent with the Village's Land Use Plan. Most of the Village is classified as "low-density residential" on the Future Land Use Plan Map and this designation "aims to maintain the low-density, rural atmosphere of the Village, which is characterized by single-family residential and agricultural uses". Those portions of the Winding Creek Subdivision that are already within the Village are designated on the Future Land Use Map as being "low-density residential". Thus, the proposed change would be in conformity with the Land Use Plan." John Bowen seconded the motion.

The motion passed 3-1 with Adams voting nay.

12. Village Survey

Chair Keeney asked members to choose three questions to submit as soon as possible. Vice Chair Chuck Adams requested it be sent out to every citizen, not one per household; he felt the latter does not give a complete view of what the citizens think; we should

invest the funds to do it right. Mayor Horvath noted we are looking for an external group to conduct the survey for objectivity.

13. Update on Senior Housing
Review the minutes of the field trip for any changes.

14. Other Business - none

15. Adjourn
Chuck Adams motioned to adjourn, John Bowen seconded the motion.
The motion passed unanimously.

The meeting adjourned at 9:25 pm.

Respectfully submitted,

Cheryl Bennett, Village Clerk

Stephen Keeney, Chairman