

**VILLAGE OF WESLEY CHAPEL  
PLANNING BOARD MEETING MINUTES  
August 24, 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:** Chair John Grexa, Members Chuck Adams (left early), Sandra Ells and John Souza

**Absent:** Member David Boyce

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

**Others Present:** Mayor Brad Horvath, Council Member Becky Plyler, Mayor Pro Tem Mike Como, Carol Mullis, Jerry Fulmer, Nancy Edwards, Shirley Davis Walser, Wes Smith and Rich Heareth from Epcon Communities, Rebecca McManus, Chauncey Bowers, R. Vasser

1. Pledge and Invocation

The pledge of allegiance and invocation were said.

2. Public Comment

Nancy Edwards, a realtor, spoke in favor of conservation zoning and asked that unbuildable acres be consideration for a few more allowable lots.

3. Additions, Deletions and Approval of Agenda

Chuck Adams motioned to delay the item for training to a special meeting. Sandy Ells seconded the motion.

The motion passed unanimously.

Chuck Adams motioned to approve the amended agenda. John Souza seconded the motion.

The motion passed unanimously.

4. Approval of Minutes

Sandy Ells motioned to approve the July 27, 2015 minutes; Chuck Adams seconded the motion.

The motion passed unanimously.

5. Hand Out Plaques to Former Planning Board Members

Mayor Brad Horvath presented a plaque to John Bowen, and thanked him for his service. He also congratulated John Grexa who is the new Chair of Planning Board.

6. Election of Planning Board Vice-Chairman

Chuck Adams nominated John Souza to be vice chair. Sandy Ells seconded the motion.

The motion passed unanimously.

The three Council members left the room.

7. Amendment to Conditional Use Permit, Aston Properties

Bill Duston explained the process and reviewed his staff report. Aston Properties submitted an amendment to their Conditional Use Permit to allow the use of a 6,258 square foot auto repair shop, with seven service bays. The rear façade of the building will be closest to and parallel with NC 84. Front, side and rear setbacks were configured using this concept. The existing curb cut on NC 84 will be used, and it will be internally accessed from the shopping center. A sidewalk along NC 84 is proposed to be placed along the entire length of the lot. The site lies on undeveloped land between Hickory Tavern and the Town Hall. The site is zoned B-2. The plans meet parking, lighting, and screening requirements. Signage will meet Village regulations. Storm water was reviewed by our engineer, and they meet our requirements.

Karen Partee represented Aston Properties. An automotive repair shop was not part of the original CUP. She explained that the shopping center is broken into parcels A-F. For parcel E they are allowed to have three buildings and up to 38,000 square feet. The original CUP had allowed uses in the Zoning Ordinance when approved in 2003. The Table of Uses was adopted in 2005. This use is acceptable in B-1 and B-2. The auto service bays would open to the interior of the property. She showed proposed elevations. Ms. Partee noted there is no auto repair shop in a 7 mile radius. This would allow you to drop your car off and go shopping or to lunch. The proposed tenant would do everything but transmissions.

Chuck Adams asked how we could connect the town hall driveway to the shopping center. Chairman Grexa pointed out he had seen other shopping centers started after theirs already completed, even with the slowdowns in 2008. Ms. Partee said they need junior anchors, but can't get them to come look at the site; the site is marketed regularly. She noted the storm pond will move and eventually be underground in the back corner. John Souza suggested the sidewalk could also be finished. Bill Duston noted ownership can change, they may do inspections today, but not tomorrow.

A citizen from Blackstone expressed concerns regarding traffic and accessibility to Hwy. 84. Bill Duston noted this is zoned for a shopping center, and any uses over 10,000 square feet and certain uses by nature require a CUP. Chuck Adams noted you get more traffic from a Chick-Fil-A. There will be no additional curb cut on Hwy. 84. Conditions were discussed; Mr. Duston said finishing the road and sidewalk is not unreasonable. Ms. Partee felt the town is overreaching to require the CUP, but Mr. Duston and the attorney felt they have the wherewithal to do that. She asked about tweaking the site plan, such as having six bays instead of seven. She noted she has a signed lease with Goodyear for seven bays, but if no zoning approval is obtained by the date of termination rights, they could leave. She added that she had been dealing with staff and the village attorney for some time. Mr. Duston noted you can approve up to seven bays, and tweak it a little bit because the code says the Zoning Administrator can make minor changes. The first discussion was in December or January; from 2003 to 2015 changes were made to the Code, and we went to the attorney to see if a CUP amendment was needed. The

first rendition of the site did not meet our code, but this rendition does. Planning Board has until the next regular meeting for Aston to come back to us regarding conditions. A citizen asked if we can propose a condition to complete the shopping center. Ms. Partee said we cannot commit to construct buildings without tenants. John Souza noted we want to see this built out; you haven't been here in seven years, and we welcome you to bring your leasing agent.

Bill Duston said you can delay the decision to the next meeting or make a recommendation subject to conditions. Tweaking the plan cannot include rotating the building or having ten service bays.

John Souza motioned to approve the CUP with the fair and reasonable condition of sidewalks and connecting to the shared driveway. Sandy Ells seconded the motion.

The motion passed 3-1 with Grexa voting no; stating something is seriously wrong when it takes eleven years and the shopping center is still not built out, and I don't think this is what is needed to build it out.

Sandy Ells motioned to excuse Chuck Adams who needed to leave at this point. John Souza seconded the motion.

The motion passed unanimously.

A short break was held. Chuck Adams left the meeting.

#### 8. Proposed Text Changes – Senior Housing

Bill Duston reported that Epcon Communities proposed these text changes. The code specifies you have 30 days from tonight to make a recommendation on the proposal. The latest version of the changes arrived at 4 pm today, with tweaks to changes previously set forth. Each change stands on its own merit, you can approve some, or all, or none. These changes would not just apply to Epcon, we have had a number of queries on senior housing and it would apply to everyone.

Proposed amendment #1 would reduce the front yard setback from 35 feet to 15 feet, and require the driveway have a minimum length of 25 feet. All setbacks are from right of way. Staff recommended approval, noting the driveway is long enough to comfortably accommodate nearly all vehicles. Each dwelling unit would have space for two vehicles in the garage, and one in the driveway. Staff felt this is in keeping with what is found in other senior communities.

Proposed amendments 2 and 3 reduce the side yard setbacks to a total of 12 feet on the side for single-family and duplex homes, and 25 feet apart on the side for pinwheel homes. Current setbacks are 30 feet apart (15 feet on each lot) for single family and duplex houses, and 40 feet between pinwheel homes. Chair Grexa asked if one house catches fire what happens to the next one; John Souza replied it would probably catch fire. Staff recommended approval for single family and duplex houses noting this is concurrent with what is being built elsewhere, and felt is visually appealing. Staff recommended keeping the 40 foot side yard setback between pinwheel buildings.

Proposed amendments 4 and 5 reduce the required rear yard setback from 40 feet to five feet for single family and duplex units, and a ten foot building separation for

condominium units. Staff agreed if the rear yard of a unit abuts the interior rear yard of another unit. If the rear yard of the unit abuts the front of the development and the development were on a major or minor thoroughfare, our code requires a buffer. Without a fence or wall that buffer would be 50 feet wide. Thus the effective setback would be a minimum of 55 feet, so staff did not object to this. If the rear yard abuts the side or rear of the development, any rear yard would be in addition to the required side and rear yard screen, which currently stands at 40 feet, so staff did not object to this change.

Proposed amendment 6 asked that density be allowed to be computed on the entire gross acreage of the tract. Our current senior housing regulations do not allow floodplains/floodways, lake/pond, or wetland areas to be counted in density calculations, which is in keeping with the Village's Subdivision Ordinance regulations in computing minimum lot sizes. Staff recommends keeping the current text to be consistent with the current philosophy on land development in the Village and does not support the Epcon amendment.

Proposed amendment 7 requests that the buffer around the entire perimeter of the development be reduced to thirty feet with twenty feet being undisturbed; current text requires a minimum of forty foot landscaped buffer on the side and rear yards of the development, in addition the Subdivision Ordinance requires a landscaped buffer along major or minor thoroughfare roads when the rear yards of lots within a subdivision abut such roads. For developments 15 acres in are, that required buffer is fifty feet. Staff does not support the amendment with respect to front setback; given that senior housing developments are likely to be denser than a conventional subdivision, staff feels that this requirement should remain in place. Staff also does not support the reduction in buffer in the side and rear yards. A forty foot buffer was put into the Ordinance as that is the required rear yard setback in R-40, and serves as a good benchmark.

Proposed amendment 8 asks to reduce the dedicated off-street parking space from one parking space per three units, to one per six units. In theory, all of these spaces could be located at a clubhouse. Staff recommends a compromise of one space per four units.

Proposed amendment 9 asked to change the requirement for a clubhouse in all senior housing developments, to only those developments with more than 45 units. Staff disagreed with this change. Epcon subsequently withdrew this request.

Proposed amendment 10 asks to reduce the requirement that accessory structures be located not closer than 15 feet from any side or rear lot line to five feet. Staff recommended, given that it is recommended that the side yard be reduced to 12 feet, that the setback for accessory structures be reduced to six feet in the side yard, and five feet in the rear yard.

Souza asked if any neighboring towns include floodplain in density; Mr. Duston said some do and others exclude it like us. Current text allow three units single family senior housing per acre, duplexes at 3.5 units per acre, and pinwheel homes at 4 per acre. Rich Hearath from Epcon stated we are proposing what we at Epcon have done and it worked successfully. Wes Smith, Epcon's engineer, said the current rules yield 1.5 units per acre. The front yard setback includes the building protruding more than the garage.

At Epcon, the rear edge of the buildings always line up. This creates a diversified front. Souza noted being closer to the street will yield more street noise, and less privacy. Wes Smith said these communities like the more pedestrian friendly feel. Front yards are completely maintained by the HOA.

Regarding side yards, each home has a side courtyard, and each home has one blank (no windows) side. Originally they had six feet between homes, but buyers preferred ten feet and the courtyard gets wider. If less than five feet, you are required to have fire rated walls; that is not required here, and no sprinklers. You are looking at six hundred square feet of maintained area. Private courtyard maintenance is not included in the HOA dues, it is privately maintained.

Rear yards and screening – Wes Smith continued that the rear yard is a passive area, the only thing would be the HVAC unit. Residents are not back there, the rear wall has no windows. They are proposing a thirty foot buffer except 40-50 feet at thoroughfares; if houses are back to back there would be twenty feet between them. If the HVAC is attached to the house, you would measure ten feet from the HVAC to the next HVAC, and be five feet to the house. Windows are only on the courtyard and front side of the homes. Epcon proposed a 30 foot perimeter buffer and there would be ten feet off that to the back of the building. Wes Smith expressed concern with a site that has ten acres of floodplain that is undevelopable, and said why would you be punished for it. Sandy Ells pointed out the flood land is not buildable. Bill Duston said the tree ordinance is still in place, and the tree save area counts for density. Souza noted changing this text would increase the maximum number of homes for the whole village. Discussion was held on why you can't fit three homes per acre; Wes said he did a study on fifty acres and came up with 1.5 homes per acre. Wes Smith discussed off street parking; he said residents produce an average of 1.6 cars per home, and with two cars in the driveway and two in the garage, they only felt they need one space per six units. Bill Duston noted the driveway could taper so it might only accommodate one car. John Souza noted one community they visited had no additional off-street parking. Wes Smith said accessory structures goes along with setback requests, the only access would be a detached HVAC unit. John Souza asked how the clubhouse will be treated; Bill Duston said we don't have anything yet. The pool or clubhouse should be more than six feet off someone's lot.

John Souza noted these are major text amendments, and should we wait to have the full Planning Board to vote. They decided to vote on the proposed amendments.

Sandy Ells motioned to amend (Section 6.10.11-C) the front yard setback for senior housing from thirty-five feet to twenty feet for fee simple and condo single family homes, and to require twenty-five feet setbacks on the driveway. John Souza seconded the motion.

The motion passed unanimously.

Sandy Ells motioned to change (Section 6.10.11 –D) the fifteen foot side setback to seven and a half feet (7.5) for senior housing single family housing fee simple, and fifteen feet for condos, or fifteen feet if the unit is an end unit. John Souza seconded the motion.

The motion passed 2-1 with Grexa voting no.

Sandy Ells motioned to change (Section 6.10.11-E) the rear yard setback for senior housing from forty feet to fifteen feet for fee simple and thirty feet for condo, from house veneer to house veneer and exclude the HVAC units. John Souza seconded the motion.

The motion passed unanimously.

John Souza motioned to keep our current text on maximum density. Sandy Ells seconded the motion.

The motion passed unanimously.

John Souza motioned to change our perimeter screening for senior housing to thirty feet. Sandy Ells seconded the motion.

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

Sandy Ells motioned to change the senior housing off-street parking requirement to one space per six dwellings. John Souza seconded the motion.

The motion passed 2-1 with Grexa voting nay, adding that the garages will be crowded and not accommodate two cars.

John Souza motioned to leave the requirements for senior housing accessory structures as they are currently. Sandy Ells seconded the motion.

The motion passed unanimously.

Sandy Ells motioned that the proposed changes are not consistent with our current land use Plan since it does not accommodate senior housing. John Souza seconded the motion.

The motion passed unanimously.

John Souza stated we are interested in cooperating with developers, and asked with these standards could the developer share how close we are to the maximum densities. He also noted you can move HVAC units to the side, by not including them we prevented that from happening.

#### 9. Other Business

Mayor Horvath asked Planning Board to add conservation zoning to the special meeting for training.

Chairman John Grexa said he would call for a special meeting here on Tuesday September 8, 2015 at 7 pm unless other members cannot attend, the agenda being conservation zoning and training.

#### 10. Adjourn

Sandy Ells motioned to adjourn, John Souza seconded the motion.

The motion passed unanimously.

The meeting adjourned at 11:06 pm.

Respectfully submitted,

---

Cheryl Bennett, Village Clerk

---

Chairman