

**VILLAGE OF WESLEY CHAPEL
PLANNING BOARD SPECIAL MEETING MINUTES
February 22, 2016, 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, David Boyce, and John Souza; Michael Kenary (alternate sitting as regular member), and Alternate Vincent Gahren

Absent: Sandra Ells

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

Others Present Who Signed In: Carol Mullis, Frances Davis, Charlton Plyler, Sandy Fenn, Dennis Moser, Patrick Quinn, Peni & Steve Plucker, Alex Cardarelli, Kenny Matthews, John Ross, Tim & Karen Poore, Mildred Gwinn, Cheri Wickham, Shirley Davis Walser, Becky & Butch Plyler, Amanda Fuller, Joe Poats, Norm Hampto, Frank Howey, Julie Brown, Ken Davidson, Deb Bledsoe

1. Pledge and Invocation

The pledge of allegiance and invocation were said.

2. Public Comments

Frances Davis, former principal at Wesley Chapel Elementary School spoke on planning responsibly for new growth, and spoke in favor of senior housing here and at the Ridge development.

Charlton Plyler, a lifelong resident, said things have changed, and people don't want estate sized lots, and was in favor of senior living here.

Shirley Davis Walser spoke in favor of senior housing and conservation zoning.

Deb Bledsoe asked the Board to deny the re-zoning request and maintain one home per acre zoning on which the Village was founded, citing concerns of an increase in traffic, asking if a traffic study had been done, how will we limit who lives in this community and should it impact the schools, and the developer request to cut down some large trees. She noted it took seven minutes tonight to be able to turn left coming out of Price Mill due to traffic.

3. Additions, Deletions and Approval of Agenda

Chuck Adams motioned to move "Final Plat Approval, Trinity Acres Subdivision" up to item 6B; David Boyce seconded the motion.

The motion passed unanimously.

Chuck Adams motioned to move "Amending the Future Land Use Plan Text" to item 13B. David Boyce seconded the motion.

The motion passed unanimously.

Chuck Adams motioned to approve the amended agenda; David Boyce seconded the motion.

The motion passed unanimously.

4. Approval of Minutes

David Boyce motioned to approve the minutes of October 26, 2015. Chuck Adams seconded the motion.

The motion passed unanimously.

5. Adopt 2016 Planning Board Meeting Schedule

This item was tabled until later in the meeting

6. Amending the Future Land Use Plan Map

Bill Duston displayed the Future Land Use Plan map, the lot in question is two acres catty-corner to a one acre parcel zoned B-2. The owner Mr. Eddie Horne asked if we could change the Future Land Use Plan to commercial. One of the corners is zoned RA-40, two are zoned R-40, and the one acre zoned B-2 is part of an approximately 20 acre parcel that was zoned B-2 in the County when annexed in. Low intensity vs high intensity uses were discussed. If he came in for re-zoning it would help because the statement of consistency would show it is on the Future Land Use Plan as commercial. If re-zoning with conditional zoning he would have to state the use, with traditional zoning he could do any use in the zoning district.

Chuck Adams motioned to recommend changing the Future Land Use Plan to show it as B-1, and any re-zoning must be by conditional zoning. John Souza seconded the motion.

The motion passed 3-2, with Grexa and Boyce voting nay.

6B. Final Plat Approval, Trinity Acres Subdivision

Bill Duston reported Mr. Poats wanted to split an 18.91 acre plat zoned R-40 into two lots; normally this would have been done administratively but there was a subdivision of land within the past three years of property adjacent to this tract, so it is classified as a "minor subdivision". Staff recommended approval.

Chuck Adams motioned to approve the final plat approval for the minor subdivision on lot 06102004B. David Boyce seconded the motion.

The motion passed unanimously.

7. Conditional Zoning Request CZ15-01

Zoning Administrator Bill Duston noted this is the first conditional zoning request. The request is to re-zone lot 06024013B, a 24 acre tract of land on NC 84 to put in a 72 lot single family senior housing development.

Village senior housing regulations allow three (3.0) units / acre for detached single-family dwellings, require a fifty (50) foot perimeter screen in the front that can be reduced to forty (40) feet if a wall or fence is provided, and thirty (30) feet in the rear and side. The front setback is twenty (20) feet with a driveway length of twenty-five (25) feet, side setback of seven and a half (7.5) feet except fifteen (15) feet for end/corner units, and rear setback of ten (10) feet. Garages must be wide enough to simultaneously accommodate two (2) vehicles. A clubhouse for use by residents is required.

The tract is approximately 2,000 feet west of the Potter Road/NC 84 intersection and adjoins residential lots in Price Mill to the east, and Price Mill common open space to the

south. A large undeveloped tract is directly west. Normally a fifty (50) foot buffer would be required along NC 84 since rear yards of lots within the development abut NC 84, but the developer is proposing to have a fence or wall meeting Village design standards to reduce the buffer to forty (40) feet.

Union County Public Works provided a letter showing they have capacity for public water and sewer. There is an existing sewer easement immediately east of the tract within Price Mill which the developer can connect to, which would cause removal of trees from both privately owned lots and some common open space within Price Mill. Two storm water detention ponds are proposed, one in the southeast and one in the northwest corner of the development; storm water plans have been reviewed by the Village's engineer and a letter of approval included.

Due to the relative low amount of traffic anticipated to be generated by the development, a Traffic Impact Analysis (TIA) was not required by NC DOT or the Village's Zoning Ordinance. NC DOT has required that a left-hand turn lane from NC 84 be provided into the development. The Village's consulting transportation engineer has reviewed the site plan and feels that the improvements required by NC DOT are sufficient. All streets within the development are proposed to be built to NC DOT standards with sidewalk and planting strip on both sides of all streets. Raised crosswalks are provided as traffic-calming devices. A sidewalk would also be constructed along and parallel to NC 84 within the boundaries of the tract.

Two cluster mailboxes, each containing two parking spaces (with parallel parking) are proposed.

Per the results of a tree survey conducted by the developer, approximately 5.42 acres of the 22 acre site is wooded (the total area of the tract is 24.0 acres, but 1.73 acres lies within road rights-of-way, therefore making the net area of the site 22.3 acres). Based on the existing tree coverage area, 24% tree coverage, the Village's subdivision regulations require that 48% of the tree canopy be retained. This means a mandated tree save area of 2.6 acres; according to the site plan, a total of 2.84 acres of tree save area is being provided. The tree save area proposed is located along the southern and eastern perimeters of the tract, largely within the mandated thirty (30) foot side and rear buffers. The large majority of this area lies within commonly owned areas. A small amount of the tree save area is proposed to be located in the rear yards of individually-owned lots (five lots). If approved, plats for those five lots would show said tree save area and those property owners would be prevented from taking trees in their respective tree save areas. The Village's Subdivision Ordinance does not allow for the removal of any trees having a diameter of twenty (20) inches or greater (heritage trees) without specific Village Council approval. According to the tree survey, there are seventeen (17) trees having a diameter of twenty (20) inches or more. Of this eight are proposed to remain, and nine are proposed to be removed (three are in proposed street rights-of-way, one is on a proposed lot, and five are in proposed storm water improvement areas). The Village Council would have to issue a modification to allow for the removal of the nine heritage trees. The Subdivision Ordinance does provide for mitigation of heritage trees that are proposed for removal, if the standards were fully met, trees with an aggregate caliber of 624 inches in four-inch trees would be planted on-site; when the staff report was written the developer had proposed to add an aggregate of 406 inches of trees; tonight according to the applicant they proposed to mitigate in full with 642.5 inches of 2.5 inch trees.

Two community meetings were held on January 5 and January 19, 2016; approximately 30 people attended the first, and a lesser number attended the second. Minutes of the meetings and written comments submitted were available. The large majority of attendees appeared to be against the rezoning. Issues cited mainly dealt with density, traffic and storm water runoff. Many felt the current R-40 zoning was adequate and did not want denser development at this site, many complained that NC 84 is already heavily congested and the increased traffic from the senior housing development would only exacerbate matters, a number felt a TIA should be conducted. Many felt there would be increased storm water runoff onto Price Mill properties (especially from the storm water pond located in the southeast portion of the tract), that the pond in such close proximity to Price Mill was a safety concern. Some attendees felt this location was not a good one for senior housing with a much better location being nearer the shopping centers at the corner of Waxhaw-Indian Trail Road and NC 84. Visibility of motorists existing the development on to NC 84 was a concern.

Staff also received a number of emails from residents and these were provided to Planning Board.

As a result of input received at the January 5, 21016 meeting, the developer amended the site plan and added the following three conditions:

1. Extending the sidewalk along NC 84 east to the Price Mill Subdivision (this would necessitate an easement being acquired by the developer from the owner of the property that lies between the tract and Price Mill).
2. Providing a connection to the Price Mill HOA trail - a small portion of said trail actually lies on the tract proposed for rezoning and this connection would be made on this property, this would only be done with Price Mill HOA approval.
3. Providing a second point of ingress/egress into the development from a street stub-out to the undeveloped tract that lies to the immediate west of the site.

Mr. Duston noted he got many comments at the meeting and emails as late as today which he sent to Planning Board. Staff recommendation included comments on the significant public opposition to this rezoning largely based on storm water and traffic concerns. Staff felt tree remediation standards should be met as there is additional room on-site to plant trees, and felt the trail connection between the developments is not practical. Mr. Duston noted with conditional zoning Planning Board has 62 days to make a recommendation, if more information is needed, they can request it or if they want to think on it. They can approve or deny as is, or put conditions on.

The Future Land Use Plan has verbiage that allows lots less than 40,000 square feet for senior housing; there was talk of specific areas around the commercial hub, but that was not included. The Future Land Use Plan map does not give guidance on which parcels are more or less suitable for senior housing; we only require tracts fifteen acres or larger in any zoning district.

John Ross and Pat Quinn from Eagle Engineering; Steve Blakely and Laura Reed from Kimley-Horn and Dennis Moser, property owner were present. Mr. Ross gave an overview of the site plan, including the sight distance on Hwy. 84, tree save area, storm water, connectivity, and sidewalks to Price Mill. They modified the cul-de-sac for future connectivity, the discharge point will be contained on site to the creek. A handout on trees was distributed, and he reviewed the tree save areas required and the tree mitigation of three to one; they are proposing a total of 642.5 aggregate inches of mitigation. Laura Reed spoke of industry standards which project 42 am and 35 pm peak hour trips, which

is below the NC DOT requirement for a TIA of 3,000, and the Wesley Chapel ordinance of 50 peak hour trips. They use ITE (Institute of Traffic Engineers) Standards from a 2012 study.

John Ross discussed an alternate sewer easement instead of using the sewer easement in the back yards of Price Mill they could use Price Mill HOA property. He said the sight distance meets DOT requirements of ten times the speed limit or four-hundred-fifty (450) feet; they have five-hundred-forty feet (540). The left turn stack lane for incoming cards accommodates 4-5 cars. The amenities includes the clubhouse and lawn activities and sidewalks.

Michael Kenary suggested a double lane going out so a resident turning left would not back up traffic turning right. Chuck Adams concurred noting the Price Mill resident who noted it took a long time to turn left out of the subdivision.

Bill Duston reviewed the federal requirements for senior housing, - 80% of the units owned by one person age 55 plus and actively marketed to seniors or everyone must be age 62 plus. This development is proposed to be 80% age 55 plus; Mr. Moser said he would consider requiring everyone to be age 62 plus. He said he would develop this land whether single family or senior housing, the older people leave later in the day and return earlier, they have money to spend, and he felt it would not impact schools, help our tax base and meet the needs of seniors.

Chairman Grexa asked about the downstream effects; Pat Quinn said the storm water pond releases less than the pre-development rate for a twenty five year event and can hold a one hundred year event although there may be an increased discharge rate. Mr. Moser said he is willing to clean out the creek which may help. John Ross noted the site is not in a FEMA flood zone. Bill Duston noted streams do count toward area for density. John Ross noted they will dedicate to DOT the fifty feet of right-of-way. The developer said the price point is \$350,000 to \$500,000. The road is twenty-six feet back of curb to back of curb.

Chuck Adams noted we have had problems where homeowners have been negatively impacted by storm water; we need to look at our ordinance. Highway 84 is highly traveled, and he would like an impact study. The left turn lane is one hundred feet, but what if you have more than five cars, maybe you need one hundred fifty feet. Dennis Moser said NC DOT will not look at a traffic study. Price Mill residents confirmed there are problems when trying to leave and turn onto Hwy. 84 in the morning. Bill Duston confirmed there are standards for the light poles. There will be lighting of the wall and sidewalk entrance and pedestrian lighting. Bill Duston confirmed there will be fee-in-lieu. The traffic was discussed; Mr. Moser said he was willing to have the entrance be thirty-two feet wide to accommodate a left turning land exiting the subdivision. David Boyce said he didn't trust traffic numbers based on a single source published in 2012. Chuck Adams asked how long it would take to look at the storm water ordinance. Bill Duston agreed it is a concern; he will talk to the Mayor and engineer this week.

Chairman John Grexa noted the overwhelming majority is against this; last year he asked Council to do a survey, and they dragged their feet; we need to do a survey to see if the people want this.

Dennis Moser said the connection to the Price Mill trail will be removed. John Ross noted either sewer connection will work; Dennis Moser noted he has the right to run that sewer connection. A citizen who backs up to the creek noted there are a lot of mosquitoes, and asked they look at the storm water. There are also issues in Price Mill with the storm water. Chuck Adams noted traffic seems to be a concern; we have an

issue with storm water, and we have 62 days. Mr. Moser urged the Board to approve the development tonight and said he would go with whatever you come up with on storm water afterwards. Bill Duston noted legislation was passed that if someone submits an application and the rules change, they have a choice of going with the old or new rules. Chuck Adams noted we have an obligation before we approve this to find out what the storm water problem is. Michael Kenary said he met our storm water and NC DOT rules, and they are willing to improve the roadway width at the exit. The tree save area will be deed restricted. A citizen spoke regarding safety; she would not want seniors having to pull out onto Hwy. 84 here, for traffic safety this is not the right area for a senior development; a twenty one home development here would be preferred. Bill Duston noted we would have to get NC DOT approval for a wider road width. Chuck Adams again suggested postponing this to the next meeting and looking at storm water. A citizen spoke that Wesley Chapel was formed on one home per acre concept, and that needs to be addressed. Another citizen stated you are making a huge precedent, one acre lots or three per acre; make your decision on what Wesley Chapel residents want; don't cloud the issue with traffic or flood. Chair Grexa agreed a survey needs to be done to poll citizens. Michael Kenary said senior housing is on the books. Chuck Adams noted this is a big decision, and we have 62 days to decide. John Souza said it would be great to have a survey, but this application meets the requirement, the issues would still be the same with 21 homes.

John Souza motioned to approve the re-zoning request CZ15-01 as is, with the contingency to widen the exit to the maximum width DOT would approve. David Boyce seconded the motion.

The motion passed 3-2, with John Grexa and Chuck Adams voting nay.

Chairman Grexa apologized to the residents of Price Mill and stated we were bullied to accept things by people, this hurts Wesley Chapel as a Village, and is a mistake for Wesley Chapel, to Council - we need to do a survey going forward because judging from the emails the people do not want this.

John Souza motioned to approve the Statement of Consistency: "The Land Use Plan does contemplate senior housing in the Village by stating that lots sizes of less than 40,000 square feet are allowed in senior housing developments. The proposed development has lots of less than 40,000 square feet and has a density of less than the maximum of 3.0 units/acre. The development is therefore consistent with that portion of the Plan. The LUP does not give any guidance as to where in the Village senior housing should be located." David Boyce seconded the motion.

The motion failed, with two yeas (Boyce and Souza), and three nays (Adams, Grexa, and Kenary).

John Souza motioned to approve the Statement of Consistency: "The Land Use Plan does contemplate senior housing in the Village by stating that lots sizes of less than 40,000 square feet are allowed in senior housing developments. The proposed development has lots of less than 40,000 square feet and has a density of less than the maximum of 3.0 units/acre. The LUP does not give significant guidance as to where in the Village senior housing should be located so it is neither consistent nor inconsistent with the Future Land Use Plan." David Boyce seconded the motion.

The motion passed 3-2 with Adams and Grexa voting nay.

Michael Kenary commented the plan of the community is good but we need to locate them better. Bill Duston noted we can amend the Land Use Plan.

8. Adopt 2016 Planning Board Meeting Schedule

Chuck Adams motioned to adopt the 2016 Planning Board meeting Schedule, and take off the December 26, 2016 meeting. David Boyce seconded the motion.

The motion passed 4-1 with Grexa voting nay.

Schedule of Planning Board Meetings 2016
(Meetings are on 4th Monday, 7 pm unless it is a holiday)

February 22
March 28
April 25
May 23
June 27
July 25
August 22
September 26
October 24
November 28
No December meeting

9. Proposed Text Change – Temporary Family Health Care Structures (Continued from the October 2015 Planning Board meeting)
Item was not addressed.

10. Proposed Text Change – Protest Petitions
Item was not addressed.

11. Proposed Text Change – Subdivision Bonds
Item was not addressed.

12. Proposed Text Change – Conservation Zoning (Continued from the October 2015 Planning Board Meeting)
Item was not addressed.

13. B. Amending the Future Land Use Plan Text
Item was not addressed.

14. Discussion on changing Planning Board meeting day and time
Item was not addressed.

15. Other Business

Chair Grexa stated he was resigning – for nine years on Planning Board he tried to consider all the citizenry and felt the town was bullied last year and tonight was a travesty to Price Mill and all the citizens.

16. Adjourn

The meeting was adjourned.

The meeting adjourned at 10:15 pm.

Respectfully submitted,

Cheryl Bennett, Village Clerk

Chairman