

VILLAGE OF WESLEY CHAPEL
JOINT SPECIAL COUNCIL AND PLANNING BOARD MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
March 23, 2016 – 7:00 PM

The Village Council of Wesley Chapel, North Carolina, and the Planning Board met in the Town Hall at 6490 Weddington Road, Wesley Chapel, North Carolina.

Council Present: Mayor Kapfhammer, Mayor Pro Tem Kenary, Council Members Como, Kaperonis and Rodriguez

Planning Board Present: Vice Chair John Souza, Chuck Adams, David Boyce, Sandy Ells, Michael Kenary, Alternates Vincent Gahren, Deb Bledsoe, and Amanda Fuller

Others Present:

Clerk/Finance Officer Cheryl Bennett; Planning/Zoning Administrator Bill Duston

Citizens Who Signed In: Carol Mullis, John Ross

Meeting was called to order at 7:00 PM and a quorum of both groups was present.

1. Pledge of Allegiance and Invocation Time *Stamp: 0:00*

The Mayor led the Pledge of Allegiance, and Council Member Rodriguez gave the invocation.

2. Council conduct discovery and due diligence of Planning Board regarding their 3-2 vote on the CZ15-01 conditional re-zoning application for the Ridge at Wesley Chapel Time *Stamp 1:30*

John Souza gave an update to Council, at the last meeting there was a lot of discussion and the vote was 3-2. Opposition was mainly traffic, stormwater runoff, density, and the ordinance itself. The nays were Chuck Adams and John Grexa. The yeas were John Souza, David Boyce and Michael Kenary. Chuck Adams stated the exit was one lane, there was no traffic impact analysis, and they had data from an organization but no traffic counts on Hwy. 84. Stormwater may meet the criteria, but we have had issues elsewhere. David Boyce stated Moser met the ordinances, he was concerned with traffic, they referenced an ITE manual, and he agreed Hwy. 84 gets busy. Vince Gahren said the data from the ITE manual was not up to date, it was dated 2012. Michael Kenary said he voted yes because it met the criteria. The text was written in response to the de-annexation threat, and wasn't thought out and goes against the key concept that the Village was founded on one home per acre. We need guidance as to where to place these communities.

Michael Kenary noted the traffic numbers are unrealistic, the residents will be active, working, have two plus cars, and entertain. Vincent Gahren noted the lane turning in is one hundred feet, and Chuck Adams noted that allows a maximum of five cars, what if you have seven, traffic will stack up. For exiting there is no lane to wait to merge; saying age 55 plus subdivisions will not contribute to traffic is ridiculous.

John Souza noted the motion included the condition of widening the exit to the maximum width, for one lane in and two lanes out. Bill Duston noted he received a DOT letter stating they can have two lanes exiting.

Council Member Kenary asked if DOT maintains road bumps, there are raised walkways and no letter of approval from DOT.

Bill Duston noted regarding the development meeting standards – removing trees over twenty inches in diameter requires Council approval, the aggregate number of inches mitigated is more than required, however the ordinance requires mitigation with four inch trees and the developer is proposing to mitigate with 2.5 inch trees.

The sight line distance was discussed, it is 450 feet in each direction. Council Member Como said they exceeded the distance by one hundred feet in each direction, the exit was based on the ridge.

Council Member Kaperonis asked how it will affect future road expansion on the house across the road. John Souza said that was asked, and the developer said they would, if needed, expand the road into their own property. Their property goes out to the middle of the road.

John Souza noted the developer is putting sidewalks to both ends of the property.

Council Member Kenary asked if the stormwater ponds can be re-located. Chuck Adams noted we should wait and re-visit the stormwater ordinance because projects have been meeting the ordinance and we still have problems. With 72 roofs and roads and driveways, the water won't sink in, it will run off. Council Member Kenary suggested putting the ponds near the open fields instead of towards neighbors' yards. There was no discussion at Planning Board on this, the engineer said it met the requirements. She noted since the land will all be re-graded, what is the driving force for placement. Council Member Como said he asked Patrick Quinn, why not build the ponds deeper and smaller, but they have to have a certain size, the pond is where it makes sense to be, and it exceeds the runoff by 10-15%.

Michael Kenary noted our text has no provision that they won't have children / school buses. Also 20% can be of any age. Council Member Como noted they are not marketed to families with children, but Chuck Adams and Sandy Ells agreed there can be kids, in one out of five homes.

Mayor Kapfhammer noted senior housing is an exception to our density standards, if it turns for some reason into a regular neighborhood, it negates the reason for creation of senior housing. Mayor Pro Tem Kenary felt there was little control over resale, the HOA is supposed to file annually but there is no control at the State level.

David Boyce asked about the second senior housing definition – that everyone be over age 62. Our ordinance allows either definition and developers can use either. Chuck Adams said he heard Bill say Moser said he could be persuaded to go with the age 62 definition.

3. Discussion with Planning Board on request to amend Future Land Use Plan for the 2.12 acre lot 06075008D

Bill Duston reviewed the location of the lot at the northwest corner of Waxhaw Indian Trail Road and New Town Road, which is diagonally across from a 1 acre lot zoned and on the Future Land Use Plan (FLUP) as business. Planning Board recommended it go to B-1 on the FLUP map and in the text any re-zoning be restricted to a conditional zoning process. The last

time we revised the FLUP we notified adjacent owners and had a Public Hearing. Bill Duston noted the FLUP text says core development is at the shopping center, and other places as designated on the map. Most of those spots were zoned commercial when they were in the County and continued commercial when annexed and are on the FLUP as commercial. Mr. Espinosa's property had been commercial use but not zoned commercial and it was changed.

The Planning Board vote was 3-2. John Souza voted yea, his reasoning was he heard last year the ratio of commercial to residential value is way off, so he thought we need more commercial to balance it. Sandy Ells asked where that comes from, we need to go back to what does the town want, many people are willing to drive an hour to work in order to have the space here; what happened to the survey to find out what people want. Council Member Kaperonis noted Waxhaw hired a recruiting firm to get more business and the problem is it is a bedroom community so they won't get big box stores, they need to be creative. Council Member Rodriguez added that we need to concentrate on the Future Land Use Plan with planned future growth. Mayor Kapfhammer added maybe the master plan is a bedroom community, there are a lot of options. Michael Kenary noted we concentrated our commercial near the grocery store; the original plan was the center was near Wesley Chapel Elementary School, but up the road is a light industrial property, it could be light commercial, such as a gas station or convenience store. Council Member Rodriguez posed the question if the area around it goes residential, what would fit in. Mayor Pro Tem Kenary asked if one parcel goes to commercial, what is the plan, do we plan for the whole strip to be commercial next to residential properties. John Souza noted the property across that is zoned B-2 is abandoned, if this property gets developed, maybe this would encourage business there; should we hold the rest of the town hostage until the shopping center is finished, perhaps something like a Southern Whimsy would fit. Council Member Kaperonis noted there may be some niche opportunities.

Bill Duston explained that the Planning Board motion was that any re-zoning of that property should be through the conditional zoning process. You can be as specific as you want to be and add fair and reasonable conditions. Council Member Kenary noted we don't have a CD-B1 zoning district, so where is the mandate. David Boyce's noted both Mr. Espinosa's property and Ms. Finn's has always been commercial, this would give the applicant an unfair advantage, The property caddy corner has been for sale for a long time, and a commercial business can open there. Council Member Bill Rodriguez agreed there are opportunities for a commercial business right now.

4. Discussion with Planning Board on stormwater ordinance and whether it needs to be re-written

Bill Duston reported he has been here three years, he gets a call every couple months. The first was in Pilgrim Forest where a stream was going through the property. There was nothing we could do. The majority of the calls he gets are for properties built under County standards and annexed in. One complaint in Lindenwood was in regards to Aston, but we had no leverage over them to do something different. There were a couple where we did approve plans, such as Brookmeade and the Wesley Chapel Elementary School, and the Volunteer Fire Department. He was told that Shannon Road has always flooded, and is following up with the fire department. The Mayor noted in three months, we have had three problems.

Chuck Adams suggested we need to review and make some ordinance changes. Council Member Como stated some things we can't change like Shannon Road and DOT; we need to

separate what we can fix from what we can't. Bill Duston spoke with our engineer who thought we had a fairly strong ordinance, she asked we send her the concerns to know what to address. Mayor Pro Tem Kenary questioned where our ordinance came from, and noted in her neighborhood it is all piped underground and they do not have detention ponds. It was agreed that Planning Board will work on this, and bring solutions to Council. Council Member Kaperonis questioned whether it was a problem from collective growth with all the communities. Mayor Kapfhammer visited the problem behind the fire department, and reported there has been a lot of impact. The Clerk noted a few years ago there was a requirement for all towns to get a stormwater program, we obtained a permit, and then a new council got an exemption from the requirements.

Bill Duston noted he sends a monthly report to council on queries he receives, he will start sending that to Planning Board also.

5. Discussion on traffic and increased density

John Souza noted are we looking at it appropriately, is our criteria correct. Bill Duston noted any Traffic Impact Analysis does get vetted through our traffic engineer. John Souza noted the traffic numbers were not believable by citizens, but the engineer approved it. Council Member Como questioned how much control we have with DOT. Mayor Pro Tem Kenary noted we don't control roads, but can always request improvements unless DOT were willing to change their standards. Council Member Como noted DOT is improving Hwy. 84, the intersection with the four way stop, and asked for potential intersections to improve. Council Member Kaperonis noted we can only funnel so much traffic through the road, traffic is bad on Hwy. 84 in the evenings, and to the high school. We can mandate a traffic impact analysis, we currently have thresholds, but can change them. Council Member Como asked Bill Duston if they can re-time lights at Hwy. 84 and Potter in the am and pm to improve traffic. Chuck Adams stated we need right turn lanes, also at Wesley Chapel Stouts Road and Highway 74. Council agreed we need to look at the ordinance regarding traffic. Chuck Adams noted we will have increased density and a lot of traffic. Bill Duston will look into having someone from DOT come to Planning Board.

Mayor Pro Tem Kenary motioned to purchase the ITE manuals and other manuals as allowed by the purchasing policy and move budgeted funds as needed. Council Member Rodriguez seconded the motion. Cost may be up to \$1,000. If we can find it elsewhere for free, we will pursue that.

The motion passed 3-2, with Kapfhammer and Como voting nay.

6. Discussion on potential cap on senior housing

And 7. Discussion on potential district for senior housing

Council Member Rodriguez noted seniors are likely to be working, probably not locally, and living active lives, where does it make the best sense to locate it. We have one in Indian Trail, Waxhaw, Marvin, there are several. We need to find out if we need a district, and what would we cap it at, are we a senior housing instead of acre and half acre lots; what does the community as a whole want. Chuck Adams added we have had eight surveys, public hearings about R-40, and without exception they wanted R-40. We have an infrastructure issue, and need senior housing, but to what extent. Mayor Kapfhammer noted senior housing is a density conversation,

do we want to designate specific areas of higher density. Sandy Ells stated we don't have high density on our land use plan, so the conflict arises, since everything could be high density, which makes it hodge podge. Mayor Pro Tem Kenary said we hear a lot of putting it by Target, we need to evaluate if these people are still working, maybe it should be put at the strategic nodes of getting out of town to get to work; again it is density and where is road infrastructure in place.

Bill Duston said a district can be designated as an area on the Future Land Use Plan, i.e. 300 acres, this is our preferred location, it can still remain zoned R-40 and a conventional subdivision can still go there. When you go to the zoning map, it is a little more difficult, and we would need to do a little more homework. Mayor Kapfhammer stated we need to look at density, but also demographics, you can't prevent someone from buying a home in a particular place. Mayor Pro Tem Kenary looked at our existing zoning districts, i.e. R-40, R-20, B-1, B-2, and shared it is more than a location it is a defined district for senior housing. Vincent Gahren said as he understood it, if you buy in senior housing, and then sell, and continue to meet the 80% requirement for HUD you can sell it to anyone. If you lose that cap, you can sell to anyone. A district would be a preferred area for senior living, although you can still put in a by right use, and it would be an easier process for the developer. Mayor Pro Tem Kenary suggested defining a rezoning district, such as S-55, or S-62. Council Member Kaperonis said he thought more of a free market, he heard Wesley Chapel is difficult to work with, which is not a bad thing, but where is it defined that senior housing has to be high density; his in-laws live on senior living in half acre lots. Mayor Kapfhammer suggested looking at a density zone, where a senior housing may work in. Mayor Pro Tem Kenary asked if we look at a higher density zone, it could be senior but it could also be any age. John Souza said he did some research, and other places do have caps or zones. He heard an average of 1.4 people per house in a study, and with three houses per acre, it turns into 4.5 people per house, which is not different from an average house. Council Member Rodriguez added it doesn't have to be crammed in, maybe it could be conservation subdivisions. Sandy Ells we started with a lower density, and modified it on Epcon's request, maybe we should re-visit it. Mayor Pro Tem Kenary added when you take out the land that is uninhabited, ponds, tennis courts, clubhouses, what do you have left to put housing on.

Council consensus was for Planning Board to re-evaluate the text.

Council Member Kaperonis asked what the biggest impediment is to the process and working with developers; Chuck Adams it changes depending on how things are running in the town; developers get more money for more units on the land.

Council Member Como noted the survey will help for the input.

8. Call for public hearing to consider CZ15-01 conditional re-zoning request for Ridge at Wesley Chapel

Council Member Kaperonis motioned to call for a public hearing to consider CZ15-01 conditional re-zoning request for Ridge at Wesley Chapel on April 27, 2016 at 7 pm at town hall. Council Member Como seconded the motion.

The motion passed unanimously.

9. Adjournment

Mayor Pro Tem Kenary motioned to adjourn; Council Member Como seconded the motion.

2016.03.23 minutes

The motion passed unanimously.

The meeting ended at approximately 9:16 p.m.

Respectfully submitted,

Cheryl Bennett, Clerk

Acting Chairman John Souza