

VILLAGE OF WESLEY CHAPEL  
PLANNING BOARD MEETING MINUTES  
WESLEY CHAPEL TOWN HALL  
6490 Weddington Road, Wesley Chapel, NC 28104  
February 27, 2017 – 7:00 PM

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

**Planning Board Members Present:** Chair John Souza, Chuck Adams, Sandy Ells, Michael Kenary, and David Boyce; Alternates Deb Bledsoe and Amanda Fuller

**Planning Board Members Absent:** Alternate Vincent Gahren

**Others Present:** Clerk/Finance Officer Cheryl Bennett; Planning/Zoning Administrator Bill Duston, Council Member Mike Como

1. Pledge and Invocation

Chair John Souza led the Pledge of Allegiance and David Boyce gave the invocation.

2. Public Comment – none

3. Additions, Deletions and Approval of Agenda

Michael Kenary motioned to approve the agenda and move the Presentation from Union Power to the beginning of the agenda. David Boyce seconded the motion.

The motion passed unanimously.

4. Approval of Minutes

Sandy Ells motioned to approve the January 23, 2017 Planning Board minutes. Michael Kenary seconded the motion.

The motion passed unanimously.

5. Presentation from Union Power

Luanne Sherron noted Union Power is a not for profit corporation, and they have 2,000 meters in the Village, which serves maybe half our residents. Wil Ortiz from their Vegetation Management Department presented a PowerPoint regarding trees in the power lines right of way. Options are limited and trees end up being trimmed such that they end up looking peculiar, either like a V or a half of a tree. When hardwoods are topped, they grow back twice as much growth, and tend to break at the joints. He showed examples in Wesley Oaks of a willow oak on a berm, and in Brookmeade of loblolly trees near the power lines. He explained how Union Power will replace trees at their own expense. The right tree in the right place is important, the closer to the wires and if there is a berm, the mature height needs to be smaller. He showed how there are five bubbles of influence, the town, the electric utility, the resident, motorists, and subdivision residents. Mr. Ortiz said in the best of all worlds the builder submits the landscape plan to the town, and the town gets the electric utility's input. He reviewed our ordinance appendices which have lists of trees, and noted some are large maturing trees which should not be in the right of way, small maturing trees do have right of way potential, and he noted some species which are highly invasive. He looked at the list of shrubs and noted some are actually the size of a tree

such as the English holly, and some are highly invasive. Union Power will work one on one with homeowners and in an HOA zone they will remove trees and grind stumps, and the HOA will replace the trees.

He was asked about underground utilities, and noted they are more expensive in the long run. It is usually not a problem to plant over a buried line, but at some time it will get dug up.

#### 6. Courtyards Preliminary Plat

Bill Duston reviewed the preliminary plat plans and received all approval letters. There are a few amendments to the site plan; a few lot lines were shifted, a couple of cul de sacs were shifted per DOT request, and some stormwater ponds were shifted. He noted a retaining wall was never mentioned in the conditional zoning review, but is present in the preliminary plat. He noted Planning Board has up to thirty days to review the preliminary plat. Preliminary plat allows you to move dirt, but not to sell lots. This development is not being approved in stages; this is the whole plat.

Frank Cantrell, the Courtyards engineer who sealed the plans, noted the approval letters refer to this version of the plans. He reviewed where retaining walls are located and their heights, as shown on page C5. There will be a decorative segmental block wall, and show planted areas nearby. Only small sections will be seen by houses adjacent to the subdivision, and they will be landscaped. Adjacent homes are higher than the new subdivision. If the wall is more than six feet, they install a black aluminum railing.

Bill Duston noted Planning Board can recommend approval, denial, or add conditions. The safety fence was not shown on the plat and a note could be added to the plat to require them. One wall on the interior is eleven feet high, the exterior walls are lower. Mr. Cantrell estimated there is about 3,000 linear feet of retaining wall, and six hundred fifty feet on the exterior. Amanda Fuller questioned why there are retaining walls now, but they were not shown previously. Mr. Cantrell said they were always on their grading plan, but didn't come up before. Bill Duston noted regarding stormwater plans, we found a void between the conceptual plans at conditional zoning review, and the final plans at plat. Our engineer said in the back of their mind they knew they would probably be there, but until you do the actual stormwater plans, it didn't come up. She has been tasked with re-doing the stormwater requirements for conditional zoning. Mr. Cantrell was asked if there were options to retaining walls, and he said not with the topography. He said they will not affect their stormwater runoff because it is all piped underground. They usually use the hand rails in pedestrian areas where a wall is thirty inches or higher, and in non-pedestrian areas where the wall is five or more feet. Planning Board asked for all areas where walls are thirty inches or more to have rails. The applicant said many lots have courtyards on the east side to enjoy the view of the natural areas. The applicant agreed to forty-two inch high safety fences on the exterior where no fence is, and the wall is thirty inches or higher. Mr. Duston asked for a sheet for council showing where the fence on the exterior will be. On the interior walls over six feet high they will have the forty-two inch handrail fence. Dr. Sandy Ells noted with three feet or more, you have the potential for serious head injuries.

Michael Kenary motioned to recommend approval of the preliminary plat with the condition that the handrail/fence be included where the retaining wall is more than thirty inches high on the exterior and more than six feet tall anywhere else. Sandy Ells seconded the motion.

The motion passed 4-1 with Boyce voting no. David Boyce said fences, trees and stormwater runoff were the three issues with this project, Planning Board recommended disapproval, and now we are allowing 3,000 linear feet of retaining wall and he couldn't see how it won't affect runoff. He did not think it was in keeping with the residents' and Planning Board's thoughts.

7. Possible Zoning Ordinance Text Changes Dealing with Clearing of Land  
Bill Duston found from the School of Government attorney a statute (160A-458.5(c)) that specifically allows requiring replanting three to five years after clear cutting is legal. Discussion was held regarding circumventing the tree ordinance through the loophole and how this would close it, while still allowing owners to cut timber as they want.

Michael Kenary motioned to ask Bill Duston to look into a possible amendment regarding clear cutting and also look at the entire tree ordinance. David Boyce seconded the motion.

The motion passed with three yeas, and Souza and Adams abstained; so the motion passed unanimously.

8. Conservation Zoning  
Chuck Adams motioned that conservation zoning not be discussed. David Boyce seconded the motion.

The motion passed unanimously.

9. Consideration of moving the regular meeting date of the Planning Board  
After some discussion, Chuck Adams motioned to keep the meeting dates the same. David Boyce seconded the motion.

The motion passed 4-1 with Kenary voting nay.

10. Other Business  
Bill Duston reported that retaining walls had never surfaced at Planning Board and another development's walls have generated a concern.

John Souza said if someone wants to build a barn, it must be behind or to the side of their home; do we want to encourage a barn and allow it anywhere, and even if there is no residence. Bill Duston reported that the new owner of the nine acre Perkins property (who had it re-zoned to R-40) came and asked where they could put a barn in a similar situation. John Souza will bring this up to Council.

Council Member Como noted with new developments having cluster mailboxes, he had a situation where there was no number on the front of the home. Bill Duston will check with the building department at the County to see if they require numbers on homes.

Michael Kenary asked if Wesley Chapel had adopted the Union County Animal Ordinance; Clerk Bennett said yes we had.

11. Adjournment

David Boyce motioned to adjourn the Planning Board meeting, Chuck Adams seconded the motion.

The motion passed unanimously.

The meeting ended at approximately 10 pm.

Respectfully submitted,

---

Cheryl Bennett, Clerk

---

Chairman John Souza