

VILLAGE OF WESLEY CHAPEL
PLANNING BOARD MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
April 24, 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, Michael Kenary, and David Boyce; Alternate Deb Bledsoe seated as regular member, Alternate Amanda Fuller; Member Sandy Ells arrived late during item 5 and did not vote
Planning Board Members Absent: Alternate Vincent Gahren
Others Present: Clerk/Finance Officer Cheryl Bennett; Planning/Zoning Administrator Bill Duston, Mayor Pro Tem Kenary and Council Member Como

1. Pledge and Invocation

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

2. Public Comment

Becky Plyler spoke regarding the need to reconsider heritage trees, and safety issues of trees falling down due to ground saturation.

3. Additions, Deletions and Approval of Agenda

The Ridge Preliminary Plat will be considered after the item dealing with Retaining Walls. Deb Bledsoe motioned to approve the agenda with this change, Michael Kenary seconded the motion. The motion passed unanimously.

4. Approval of Minutes

David Boyce motioned to approve the March 27, 2017 Planning Board minutes. Michael Kenary seconded the motion. The motion passed unanimously.

5. Possible Zoning and Subdivision Ordinance Text Changes Dealing with Retaining Walls
Bill Duston and Bonnie Fisher, Village Engineer, worked on the text which address “retaining walls” in three specific areas: Conditional Zoning Requests, Conditional Use Permit Requests, and Major Subdivision Plat Requests. Text was added to Section 3.5.1 of the Zoning Ordinance to request information on retaining walls at the sketch plan level. For Minor Subdivision Plats, text was added to require topographic information on the rough grading concept plan as well as areas where there are slopes, floodplains, and where retaining walls may be required. The text also calls for the retaining walls to have proposed wall height and proposed material indicated, and be of a decorative texture and an integrally tinted earth tone color. Definitions were added to Section 2.2 for “Wall, Freestanding” (decorative walls), and Wall, Retaining”. Union County requires permits if the wall is 30 inches or higher, so Section 10.8 was revised to add permits are not required for freestanding or retaining walls less than thirty inches in height.

Text was added to Section 4.3 Residential Districts for maximum height to be eight feet for walls in the required rear and side yard setbacks, and five feet in the front yard, and the walls are not allowed within the established right-of-way of any publicly maintained road unless an encroachment agreement has first been obtained from the governmental body maintaining said road. Subdivision entry walls are not limited to any specific height or style, but are subject to specific review and approval of the Planning Board prior to the start of construction. In Business Districts, the maximum wall heights are the same as in residential districts.

Text was added to require retaining walls to be identified, including proposed material and estimated height, be of decorative texture and an integrally tinted earth tone color on Section 14.6.5 (10) Stormwater Management Concept Plan Checklist.

Chuck Adams asked if we should add a requirement for an estimate of wall height within a certain number of feet. Marvin requires terracing with a maximum of two six foot high walls. Michael Kenary suggested a leeway of three feet in height. Ms. Fisher did not know if the County had a cap on maximum wall height. Bill Duston noted a variance on walls would be hard to get and would go to the Board of Adjustment; he suggested a percentage of height leeway. He noted the walls in the Ridge are outside the setbacks. Deb Bledsoe asked engineer John Ross if you can estimate wall height; he said you don't know the detail grading of the site for the retaining wall height without a higher level of design. A reason to focus on exterior walls was asked, Chair Souza noted one subdivision is across from a school and there is a subdivision behind it, and there were concerns for kids walking through the subdivision. Bonnie Fisher also noted it relates to the impact of changes on neighbors. Keith Cooper, developer of the Ridge noted they did not know their interior walls until they were way into the engineering. Maintenance of terraces on exterior walls was discussed; the HOA needs to be able to maintain them on HOA land.

The Board decided that we can address the total wall height later on.

David Boyce motioned to approve the changes to the Zoning Ordinance, with the correction of the word setbacks (not area) at 4.3.1(a) and (b) and the Statement of Consistency that the proposed text is neither consistent nor inconsistent with the Village's Land Use Plan (LUP) as the LUP does not specifically address grading issues; and the Statement of Reasonableness that the proposed text is deemed reasonable as it affords the Village greater site development information than the current text. Michael Kenary seconded the motion.

The motion passed unanimously.

PROPOSED CHANGES TO THE WESLEY CHAPEL ZONING ORDINANCE

(New text is shown in ***bold, italicized and underlined type***; text to be removed is ~~struck~~). Explanatory text (i.e., "Purpose") is also provided in *italicized* font and is for explanatory purposes only and is not intended for adoption by the Village Council.

1. Add the following text to Section 2.2, "Definitions":

Wall, Freestanding

A constructed solid barrier of concrete, stone, brick, tile, wood or similar type of material that stands free of attachment or support and encloses or borders a yard or lot.

Purpose: This provides distinction between retaining walls, building walls (currently defined in the Zoning Ordinance) and other types of walls.

Wall, Retaining

A vertical structure designed to restrain soil to a slope that it would not naturally adhere to (typically a steep, near-vertical or vertical slope). Retaining walls are used to provide separation between different elevations often in terrain where the landscape needs to be engineered for more specific purposes.

2. Add the following text to Section 3.5.1, "Application Procedures (for Conditional Zoning Requests):

Areas that may require retaining walls due to topographic constraints shall be identified on the plan. Provide proposed material and estimated height of the walls. Retaining wall materials shall have a decorative texture and an integrally tinted earth tone color.

Purpose: For any conditional zoning request, the applicant will now be required to show with their submitted plans, all locations where retaining walls are proposed. All retaining walls shall be "decorative" in nature, and shall be required to have a neutral tone color.

3. Make the following changes to Section 4.3, "Fences and Walls Permitted":

Unless otherwise noted in this Ordinance, fences or walls **30 inches or greater in height** are permitted in the various districts subject to the following regulations:

4.3.1 In Residential Districts:

- a. Within the required rear and side yard **setbacks** the maximum height of a fence (except court perimeter fences) or **freestanding or retaining** wall shall be eight (8) feet.
- ~~d.~~ b. Within the required front yard **setbacks**, the maximum height of a fence or **freestanding or retaining** wall shall be five (5) feet. ~~with an~~

~~unobstructive view.~~

- c. No portion on any fence or ***freestanding or retaining*** wall shall be located within the established right-of-way of any publicly maintained road unless an encroachment agreement has first been obtained from the governmental body maintaining said road.
- e. Subdivision entry and perimeter walls are not required ***limited*** to be of any specific height or style, but are subject to specific review and approval of the Village of Wesley Chapel Planning Board prior to the start of construction. Said review and approval shall include any signage and/or illumination integral to subdivision entry and perimeter walls.

4.3.2 In Business Districts:

- a. Within the required rear and side yard areas the maximum height of a fence or ***freestanding or retaining wall*** shall be eight (8) feet.
- b. Within the required front yard area, the maximum height of a fence shall be five (5) feet.

4. Make the following changes to Section 10.8(4), "Zoning Permit Not Required":

Section 10.8 Zoning Permit Not Required (*Renumbered 09.18.2012*)

Notwithstanding any other provisions of this Ordinance, no zoning permit is necessary for the following uses:

- (4) Mailboxes, newspaper boxes, ***freestanding or retaining*** walls ***less than thirty (30) inches in height***, fences, birdhouses, flag poles, pump covers, and doghouses under fifteen (15) square feet of gross floor area.

***Purpose:** The current Zoning Ordinance text does not require a zoning permit for ANY walls. The proposed text would require permits for any retaining or freestanding wall 30" or greater in height and provide greater consistency with other zoning and subdivision regulation text that deals with walls.*

4. Add the following to Section 14.6.5 (10), "Stormwater Management Concept Plan Checklist":

10. Areas that may require retaining walls due to topographic constraints shall be identified on the plan. Provide proposed material and estimated height of the walls.

Retaining wall materials shall have a decorative texture and an integrally tinted earth tone color.

Purpose: For any development that requires submittal of stormwater plans for review, the applicant will now be required to show with their submitted plans, all locations where retaining walls are proposed. All retaining walls shall be “decorative” in nature, and shall be required to have a neutral tone color.

David Boyce motioned to approve the changes to the Subdivision Ordinance; Michael Kenary seconded the motion.

The motion passed unanimously.

**PROPOSED CHANGES TO THE WESLEY CHAPEL SUBDIVISION
ORDINANCE**

(New text is shown in ***bold, italicized and underlined type***; text to be removed is ~~struck~~)
Explanatory text (i.e., “Purpose”) is also provided in *italicized* font and is for explanatory purposes only and is not intended for adoption by the Village Council.

1. Add the following text to Section 113, “Other Definitions”:

Retaining Wall

A vertical structure designed to restrain soil to a slope that it would not naturally adhere to (typically a steep, near-vertical or vertical slope). Retaining walls are used to provide separation between different elevations often in terrain where the landscape needs to be engineered for more specific purposes.

2. Add the following text to Section 305.2 (j), “Minor Subdivision Plat Preliminary Plan Submittal Requirements”:

j) The preliminary plat of the proposed subdivision shall show the following

- ***A separate rough grading concept plan drawn as the same scale as the final plat showing lot lines, topography with contour intervals of no greater than ten (10) feet (at the discretion of the Subdivision Administrator contour intervals of five (5) feet may be required), and an accurate mapping of all soil classifications found on the site and general depths thereof; and***
- ***A separate map or plan illustrating general site constraints including, but not limited to: areas within floodplains; areas of slopes greater than fifteen (15) percent; and, areas where retaining walls may be required; and,***

- **Where any retaining walls are required, indicate proposed wall height and proposed material. Retaining wall materials shall have a decorative texture and an integrally tinted earth tone color.**

Purpose: The current subdivision language does not specifically require that retaining wall information be provided. The proposed changes will require that the applicant furnish the Village with the proposed location, height and exterior finish of all retaining walls associated with the subdivision. Identification of retaining wall locations will assist the Village in evaluating the impacts of the proposed site grading and potential visual impacts to adjacent properties.

3. **Add the following text to Section 308.1 (k), “Major Subdivision Plat Sketch Plan Submittal Requirements”:**

- **A separate map rough grading concept plan drawn as the same scale as the final plat...**
- **A separate map or plan illustrating general site constraints including, but not limited to: areas within floodplains; areas of slopes greater than fifteen (15) percent; and, areas where retaining walls may be required; and,**
- **Where any retaining walls are required, indicate proposed wall height and proposed material. Retaining wall materials shall have a decorative texture and an integrally tinted earth tone color.**

Purpose: The proposed changes will require that the applicant furnish the Village with the proposed location, height and exterior finish of all retaining walls associated with the subdivision. Identification of retaining wall locations will assist the Village in evaluating the impacts of the proposed site grading and potential visual impacts to adjacent properties.

6. Ridge Preliminary Plat

Bill Duston noted reviewed the eight changes to the development. Two short cul-de-sacs were slightly enlarged and slightly reconfigured to meet NCDOT specifications. A slight adjustment to the eastern stormwater detention pond required by the stormwater engineer caused it to rotate about fifteen feet away from Price Mill. A sewer easement was moved and now exits the development away from lots in Price Mill. Union County Public Works required a sewer easement to be extended to NC 84 for future development. At the time the conditional zoning was approved, the developer was not required to submit complete stormwater and grading plans. Subsequently, complete plans were submitted and show retaining walls in three locations, behind lots 15-22 across from Price Mill (height 7-12 feet), behind lots 40-46 (height 5-7 feet), and behind the cul-de-sac in the southwest corner (height less than six feet). According to our

engineer, the retaining walls are needed to properly channel stormwater from the site and to meet the Village's stormwater regulations. Proposed wall materials and fencing are shown on the site plan. The approved site plan called for the removal of nine heritage trees, the revised site plan calls for the removal of eight heritage trees. Two trees were saved as a result of the rotation of the pond, and one on the southern portion of the site will need to be removed as a result of the utility easement extension. The approved plan called for 2.84 acres of tree save area, some of that area was taken up by the utility easement, so other tree save area was added to make up the difference. The developer will mitigate the total of 624 inches of trees required for the nine heritage trees even though the number of trees to be removed is now eight. The developer indicated a total of thirty mitigation trees are to be planted on common area behind the retaining wall located near lots 15-23.

The developer showed a slide of the entrance wall, it is a work in progress, but they plan the look of a gated entry without a gate. Mr. Duston noted there is no height limitation, but prior to construction Planning Board needs to approve it.

Keith Cooper noted he has in writing that the adjacent homeowner did not agree to a sidewalk extension.

Bill Duston noted we require parking with the group mailboxes, Engineer John Ross stated there is parking at both locations.

The exiting right turn lane was discussed, DOT only approved fifty feet. Chuck Adams noted that is less than three cars. Michael Kenary noted traffic already backs up from the light to the Keels' house. He suggested adding a sign saying do not block the intersection but it would be up to DOT. John Ross said DOT would not allow them to build the additional land requested. Difficulties with traffic were discussed. It will be difficult to see to turn left due to stacking. Bill Duston noted the approved site plan shows a left turn lane; he asked Keith Cooper is there were any changes from the approved site plan, Mr. Cooper affirmed there were no changes. The left turn lane in from the east is 150 feet. Mr. Duston suggested to Planning Board that in the future when there are any recommended traffic changes, they need to be vetted by DOT before the project goes to Council.

Amanda Fuller noted Public Works agreed to a thirty foot temporary sewer easement, and a twenty foot permanent easement, which needs to be shown on the plat. This was agreed in writing with Price Mill. Bill Duston will need the approval from Union County Public Works.

Keith Cooper said there will be an aluminum fence on all retaining walls over thirty inches. The highest wall is twelve feet. Chair Souza asked if there was any benefit to terracing. Mr. Cooper said it would cut into backyards, there is not enough space.

Amanda Fuller noted the resident engineer in Price Mill suggested trees between the neighborhoods, and any additional trees could help to screen the wall. The developer agreed to clean the debris out of the stream between the neighborhoods, but has not put it in writing yet.

Chair Souza asked if there are any heritage trees here that could potentially fall on a home. Mr. Cooper said what is left is down below the wall, and would fall in the woods.

Michael Kenary asked if the covenants allow on-street parking. Mr. Cooper said he thinks they restrict that.

Chair Souza inquired on the space between rows of parking at the clubhouse; Mr. Duston said the standards if twenty-four inches, but it was not mentioned to Mr. Cooper; a recommendation can be made from Planning Board to Council.

Chair Souza asked for more detail on the front wall. He noted we can't require, but would like to see, more traffic improvements. We need to see the plat with the revised sewer easement, and asked them to close out what they are doing with Price Mill.

Chuck Adams motioned to do those things and come back next month. David Boyce seconded the motion.

The motion passed unanimously.

7. Possible Zoning and Subdivision Ordinance Text Changes Dealing with Invasive Species

Mr. Duston noted he combined the list of invasive species from Mr. Ortiz and a list from the urban planner from a few years back. Michael Kenary motioned to recommend approval of the zoning ordinance amendment to remove the invasive species from the list of acceptable species, with the Statement of Reasonableness that the proposed text is deemed reasonable as it promotes the natural environment by not allowing invasive plant and tree species from being planted in required landscape buffers, and the statement of consistency that the proposed text is neither consistent nor inconsistent with the Village's Land Use Plan as the Land Use Plan does not specifically invasive species. David Boyce seconded the motion.

The motion passed unanimously.

Michael Kenary motioned to recommend approval of the subdivision ordinance amendment to remove the invasive species from the list of acceptable species. David Boyce seconded the motion.

The motion passed unanimously.

Recommended species being removed from the list are:

Small Maturing Trees: *Acer ginnala* (Amur maple), *Eleganus angustifolia* (Russian Olive), *Morus alba* (White mulberry), and *Paulownia tomentosa* (Empress tree)

Shrubs: *Bambusa multiplex* (Hedge bamboo), *Berberis thunbergii* (Japanese barberry), *Euonymus alatus* (Winged euonymus), *Eleagnus pungens* (Eleagnus), *Ligustrum japonicum* (Japanese privet), and *Mahonia lealei* (Leatherleaf mahonia)

8. Possible Zoning Text Changes Dealing with Barns

The purpose of this amendment is to allow barns in the front yard and when there is no principal structure on larger sized lots. Bill Duston noted someone suggested to him that we might want to limit this to RA40; the Board considered that but disagreed. Minimum lot size was discussed.

Chuck Adams motioned to approve the text amendment

9. Other Business

John Souza said Council agreed for Planning Board to review the ordinance regarding barns; Bill Duston is working on text.

Bill Duston reported that Council called a public hearing on April 4, 2017 regarding the proposed roundabout at Potter and Wesley Chapel Roads. DOT submitted for a grant and should know the results in May.

At the Heritage subdivision Planning Board requested three traffic improvements, one is a shadow lane, and although both Mr. Duston and Travis Manning recall it being run by DOT and getting their okay, now DOT won't agree to it. On the site plan Mr. Duston missed noticing where Kolter added the improvements would be subject to DOT approval (although the shadow lane was also listed as a condition for approval). After conversations with the attorney Bill Duston will allow it to be deleted. Kolter did not have the road improvements on the plans given to Indian Trail. In the future, if Planning Board requests traffic improvements, he suggested you wait thirty days to get DOT approval before making a final decision. John Souza noted we compromised in lieu of a traffic light to require these conditions and their traffic engineer was there. Planning Board's recommendation was that the development come back to them if all the traffic improvements can't be done. Council did not include that recommendation in their approval.

Bill Duston reported a new subdivision is coming with a road extension of Hudson Church Road for a future connection to Tan Yard Road; he heard from a citizen there used to be a bridge connecting Hudson Church and Tan Yard Roads but it was washed out in a flood.

Chair Souza asked if we can have a map in the room, either on the wall or projected so we can zoom in on an area.

10. Adjournment

Vince Gahren motioned to adjourn, Sandy Ells seconded the motion.

The motion passed unanimously.

The meeting ended at approximately 8:50 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Chairman John Souza