

VILLAGE OF WESLEY CHAPEL
PLANNING BOARD MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
November 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, David Boyce, Michael Kenary, Alternate Ty Jaiyeoba seated as regular member, and Alternates Deb Bledsoe and Vincent Gahren

Planning Board Member Absent: Sandra Ells

Others Present: Clerk Cheryl Bennett; Planning/Zoning Administrator Tim Gauss

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

Appointment of a Secretary was added to Other Business. Michael Kenary motioned to adopt the agenda, as amended. Chuck Adams seconded the motion.

The motion passed unanimously.

4. Approval of Minutes

David Boyce motioned to approve the October 23, 2017 minutes. Michael Kenary seconded the motion.

The motion passed unanimously.

5. 2018 Meeting Schedule

David Boyce motioned to approve the 2018 Regular Meeting Schedule, incorporated herein. Michael Kenary seconded the motion.

The motion passed unanimously.

**Village of Wesley Chapel
Schedule of Planning Board Meetings 2018
(Meetings are on 4th Monday, 7 pm unless it is a holiday)**

January 22
February 26
March 26

April 23
May 21 (one week early due to Memorial Day)
June 25
July 23
August 27
September 24
October 22
November 26
No December meeting

6. Addington Crossing – Preliminary Plat

Zoning Administrator Tim Gauss reported this is a fifty-one lot by-right subdivision on 103.66 acres zoned R-40. The north section accesses Hudson Church Road and the south section accesses Potter Road. The site has Duke Power line right of ways and a drainage area down the middle. The proposal was amended to include a required sidewalk along Potter Road, and there is a small retaining wall. All required approvals have been obtained. Bonds have been submitted to NC DOT, and our bonds have not yet been submitted. Mr. Gauss said the plat does meet all our subdivision requirements.

Regarding the right of way on Hudson Church Road, Frank Cantrell, Cardno Senior Project Engineer, gave 55 feet of right of way so the other side of the street will only have to give five feet for future possible widening. Cardno engineer Ashton Bowman noted a traffic impact analysis was done and found no required improvements however they went ahead and will widen Hudson Church Road, and install a left turn lane on Potter Road. The Village is not aware of any plans to widen Potter Road. The suicide lane runs from lot 3 to past lot 26. Discussion was held on traffic exiting from Fernwood to Potter, and whether there should be two lanes exiting the subdivision so traffic does not build up, noting eventually Fernwood will run to Hudson Church Road and access from Beulah Church Road. Thirty lots will currently access Potter Road via the two entrances. The applicant said the Army Corps of Engineers won't allow traversing the waterway, thus the north and south sections do not connect. Mailbox kiosks will be between lots 6 and 7, and between lots 42 and 43. There will be a fee in lieu, as the amount of land that would have been required for recreational uses is less than two acres.

Planning Board noted that Heritage is building a thread trail. Ashton Bowman said they thought about building a thread trail, but there would still be a gap because of Mr. Howey's property, between lots 37 and 38, which Cardno does not own. Cardno said when they record the plat, they will put an exclusion on the map to allow the Village the right to put the trail along the waterway in the common area or anywhere in the common area. The Army Corps of Engineers will not allow a pedestrian walkway to disturb the creek, so it could not connect the north and south areas. Tim Gauss noted Heritage was a conditional zoning project so they agreed to the condition of building a thread trail, but this is a use-by-right.

There will not be a clubhouse. There will be an HOA and the CCR's have been submitted to the village. The driveway access permit was sent to Wesley Chapel by DOT for signature. Driveways will be concrete. They have not contacted UCPS for the impact to the schools

(currently zoned for Sun Valley schools). They have permission from Duke to cross the power right of ways. Homes are expected to be above the median price point; \$850,000 in road improvements are being put in.

For tree save area, Ashton Bowman said they used the Kolter model. The green area is the 23.5 acres of required tree save, 63% of the site has tree cover. They are preserving 33 acres. The red trees are the heritage trees being removed, and per the ordinance they took the inches of diameter times three, and that is the trees to be mitigated. Rather than plant a lot of trees, they are preserving additional tree acreage. Clerk Bennett noted you need a subdivision modification to remove heritage trees. Two hundred thirty two heritage trees are proposed to be removed. Deb Bledsoe asked if some of the trees on corners of large lots could be saved. The engineer said it is difficult to build a road that has to undulate due to trees at the front of lots. Ms. Bowman said they did an overlay and tried to adjust as much as possible; they are working with an arborist. Chair John Souza questioned whether using land that is undevelopable to provide extra tree save area was apples to apples with Kolter using developable land to provide extra tree save area. No trees are proposed to be planted. Since the ordinance prohibits removal of heritage trees, they must request a subdivision modification. That will be submitted to Planning Board and then to Council. The flood land can be developable with special permits but it is more expensive. The developer asked if the subdivision modification can just be submitted to Council so that they will not be delayed by having to submit it to Planning Board.

The landscape plan for the front entrance along with the Duke approval was requested. There will be no fence or wall in the front. The entrance monument plans will be submitted. It is outside the right of way. Roads are not owned by the Village, so they will be DOT maintained. The applicant would have to resubmit to DOT to put in extra exit lanes. The turning lanes were discussed.

David Boyce motioned to recommend approval of the subdivision subject to a one hundred fifty foot right turn exit lane off Fernwood, pending DOT approval; a letter from the Army Corps of Engineers stating they cannot put in pedestrian walkways between the north and south sections, a letter dedicating easement for thread trail in all common areas on the final plat, and recommended modification for removal of 232 heritage trees. Ty Taiyeoba seconded the motion.

The motion passed unanimously.

7. Text Amendment

- RUC Zoning
- “Administrative Subdivisions”

Tim Gauss noted there is a passage in the non-conforming lot section of the ordinance, saying accessory structures can either use the fifteen feet per the zoning district, or use the original plat, so there is flexibility for those zoned R-40 or R-20. RUC section 3.1.1(g) also allows flexibility for accessory structures. To cleanse the zoning map of RUC would be labor intensive, and expensive. David Boyce added that writing in R-20 lots would be a bad perception. The ordinance is a little confusing on where you have to look for the provisions. The practice has

always been to respect original plats for principal and accessory structures. Chair Souza said he heard questions on how we came up with RUC, as opposed to whether it works or not. Tim Gauss said it seems to work well. The non-conforming lots are grandfathered in. Planning Board consensus was to leave it alone; it hasn't caused problems and would cost a lot to fix.

David Boyce motioned that since there are no significant issues with RUC to defer any possible changes to Council. Chuck Adams seconded the motion.

The motion passed unanimously.

There was a suggestion by Chair Souza to put information on the website regarding non-conforming lots or RUC zoning, but consensus was that if someone has a question they will come to us without that. We have not had anyone come to us with a problem in getting a loan when they had a non-conforming lot. Clerk Bennett noted when COG was doing our zoning they knowingly created non-conforming lots, Stonegate is one good example. We later annexed many lots, and the attorney suggested they not be non-conforming and other towns had created RUC zoning, so we did that also. The planner looked at all the lots, and decided to just apply RUC to the newly annexed lots. We do have to advertise and put signs on annexed lots when zoning is applied to them. Planning Board asked Mr. Gauss to include a paragraph explaining the history of RUC zoning to Council.

Tim Gauss reported NC in Session Law 2017-10 effective July 1, 2017 created two new categories to expedite review for qualifying subdivisions of three or fewer lots in a parcel greater than five acres. The exemption related to settling an estate is codifying case law; the Administrative Subdivision is a new class; but reasonable standards can apply. We currently have an Administrative Subdivision provision, but it will need some tweaking. He recommended developing ordinance language to establish provisions for both of these.

8. Other Business

- Follow up from October Meeting
- Planning staff report
- Status of Downtown Wesley Chapel, LLC
- Other staff items
- Appoint secretary

Mr. Gauss noted Aston finished grading for a medical building, our engineer approved the grading plans. Aston was interested in an ABC store, and this was reported to Council. Vince Gahren noted down near the intersection of Jim Wilson Road and 521, near Sun City, they are putting in a lot of stores and restaurants, and he wondered why Aston could not get those businesses here. Ty Taiyeoba also found it difficult to believe all Aston said, and we probably need to push them, perhaps we can have another conversation and bring ideas to them. People will come to get to places even if they don't live here.

Tim Gauss had a conversation about the Plyler property, for potential commercial uses, including a gas station and restaurants.

Mr. Gauss reported on an administrative subdivision between Tan Yard and Hudson Church Road extension where the larger parcel will contain 12.5 acres and the smaller parcel 1.6 acre. The house on the smaller lot lies within a potential path of a future connecting road. He spoke to the owner regarding future possible road connections and possible reservation on the plat, but the owner did not want to do so. We don't have a lot of power to preserve such a corridor.

There was a call about construction of the Quintessa clubhouse, and they also inquired about clear cutting about 20 acres adjacent to Quintessa for lumber harvesting. It is not in any subdivision. We don't have local provisions to prohibit clear cutting.

Council instructed Tim Gauss to conduct a community meeting on the Moser application, it will be held December 6, 2017 at 7 pm here at town hall. He considered a larger venue based on emails and seating/parking capacity, but council directed it be held here. Planning Board expressed concern for safety of residents parking elsewhere and trying to walk over and that it sends a message to people that we don't want you to come. Chair Souza will contact the Mayor to see if there is a contingency plan should people in excess of the 104 capacity and 40 parking spaces show up.

From the last council meeting Council Member Rodriguez motioned that since Council members pick up their packets, Planning Board should do the same, and his motion passed by a 3-1 vote. Council also requested a copy of the Planning Board packets. Third Council motioned for Planning Board to designate someone, and suggested one of the alternates, do the minutes. Chuck Adams motioned for Cheryl Bennett to do Planning Board minutes. Deb Bledsoe noted this is an official board, and the members are not qualified to do the minutes. David Boyce seconded the motion. Chair Souza asked Clerk Bennett if she would do the minutes, she replied yes she would, the Clerk has always done Planning Board minutes. There was discussion on the confusion that could result if various Planning Board members do the minutes, the difficulty to engage in the discussion and also take minutes, and the need to get them on a timely basis.

The motion passed unanimously.

Planning Board training will be held at Weddington Town Hall on Wednesday, December 13th and will be taught by Bill Duston. The Clerk will send the meeting time out when it is decided.

9. Adjournment

David Boyce motioned to adjourn, Michael Kenary seconded the motion.

The motion passed unanimously.

The meeting ended at approximately 9:44 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Chairman John Souza