

VILLAGE OF WESLEY CHAPEL
PLANNING BOARD MEETING MINUTES
WESLEY CHAPEL TOWN HALL
6490 Weddington Road, Wesley Chapel, NC 28104
January 22, 2018 – 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 (arrived 6:22 pm), Michael Kenary, Alternate Deb Bledsoe (seated as regular member for items 1 and 2 until David Boyce arrived) and Alternate Vincent Gahren

Planning Board Member Absent: Sandra Ells; Alternate Ty Jaiyeoba

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

1. Pledge and Invocation

Chair John Souza led the Pledge of Allegiance and the invocation was given.

2. Public Comment

Matt Lunsford, a realtor representing a land owner on Waxhaw-Indian Trail Road, commented that they want to re-zone to R-20 but want some assurance before spending a lot of money. It is across from New Town Elementary School and a small part fronts the road so he did not feel the view from the road would be much changed.

Lori Bailey noted at the September and December 6, 2017 community meeting the majority was against the proposed Future Land Use Plan (FLUP) amendments, and cited concerns on traffic, and being across from the school. Moser has presented two different plans for one corner, but the changes requested impact all corners of NC 84 and Potter, and would compete with the existing unfinished and oversized commercial space. She urged adhering to the defined cycle of FLUP reviews.

Sherry Killion questioned whether the Moser proposal would enhance the safety of the kids, and is it truly what we want. She urged finishing what is already approved, and cited the negative impacts. As a 23 year resident she noted a lot of work was done to incorporate and a lot of input from the citizens created the FLUP, and asked we uphold the current FLUP.

3. Additions, Deletions and Approval of Agenda

Berms, Council at Planning Board, Candella Lighting Plan and Decreasing the Number of Days to get Packets were added to Other Business. Michael Kenary motioned to adopt the agenda, as amended. Vince Gahren seconded the motion.

The motion passed unanimously.

4. Approval of Minutes

Vince Gahren motioned to approve the November 27, 2017 minutes. David Boyce seconded the motion.

The motion passed unanimously.

5. Addington Crossing – Monument Sign

Zoning Administrator Tim Gauss noted the ordinance requires Planning Board to approve the monument sign. The proposal meets the requirements in Section 8.6.C.1.a as to size, materials, height, etc. and staff recommends approval.

Michael Kenary motioned to approve the Addington Crossing monument sign as presented. Vince Gahren seconded the motion.

The motion passed unanimously.

6. Heritage Map 1 Final Plat

Tim Gauss noted preliminary plat of this 119 lot senior housing development was approved by Council in August. The request now is to approve final plat on 69 lots. The bond will be \$2,484,028.67 and the amount was approved by the village engineer. Agency review required some changes to the development including NC DOT removal of the shadow lane on Wesley Chapel Road, and .35 acre of the tree save area was exchanged with a similar amount at another location on the site to accommodate soil erosion structures. The village engineer had not reviewed the final materials when the materials were sent to Planning Board, but he now has her final letter.

The lighting plan will have acorn fixtures, and our ordinance requires a cap on top of the lights, the illustration does not show that. Mr. Gauss noted the plan also does not meet our spacing requirements; we can work with them or they can request a subdivision modification. David Goracke of Kolter said they will add top hats to the lights. They worked with Duke Energy on the lighting plans, there are three runs longer than the two hundred feet between lights as required by the ordinance. He believed it met the intent of a well-lit residential neighborhood. There is lighting at two of the three trail entrances. Subdivision Ordinance Section 405.8(a)(6) requires streetlights at minimum intervals of 120 feet and maximum intervals of 200 feet distance between streetlights on alternating sides of the street. It was verified that no light will bleed to the Ramige's home. Lighting exhibit B was updated from what was initially distributed. Tim Gauss noted since this is conditional zoning, we cannot be less restrictive than the ordinance, so they have to meet the spacing requirements and cannot get a subdivision modification. David Goracke offered to modify the lighting plan with staff if Planning Board makes a positive recommendation subject to that condition. Planning Board was not comfortable with that, and suggested to continue this to February to modify the lighting plan to bring it into compliance and to see the letter from the Village engineer approving the modifications to the site. Discussion was held on approving with conditions. David Goracke said other subdivisions have lights twice that far apart. The engineer's letter is here today, and it should not take long to revise the lighting plan. Michael Kenary motioned to approve Heritage with the condition that

the streetlights be within our ordinance requirements, and that we have the engineer letter that approves the bond. Vince Gahren seconded the motion.

The motion failed 2-3 with Gahren and Kenary voting yea, and Adams, Boyce and Souza voting nay.

David Goracke offered if the Board can table this item to the end of the meeting, they can go in the conference room and revise the lighting plan. Michael Kenary motioned to bring this item back up after Item 8. Chuck Adams seconded the motion.

The motion passed 4-1 with Boyce voting nay.

7. Text Amendment

Tim Gauss reported this is to meet state legislation in Session Law 2017-10 that allows certain simple land changes to be expedited and just go through staff review. One change is to add an exemption in Section 110 for division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes. The other change is revising administrative subdivisions Section 111.1. Our current ordinance allows it if another administrative subdivision has not been done within three years within 1,500 feet from the original parcel; it is proposed to be changed to ten years per the Session Law. Session Law restricts it to parcels greater than five acres; our ordinance does not include an acreage limit and Mr. Gauss felt we don't need that restriction. If we don't do this, the State probably won't come to our door; the School of Government is looking at whether you have to do this as the language doesn't say shall.

David Boyce motioned to revise the text, incorporated herein, in accordance with the changes in State law. Vince Gahren seconded the motion.

The motion passed unanimously.

Proposed changes to text in the Subdivision Ordinance are:

Section 110. "Subdivision Defined" is hereby amended to add the following exemption:

"5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes."

"Section 111.1 "Administrative Subdivision" Defined (Revised 10.09.06)

An administrative subdivision is defined as a subdivision where:

- No public or private streets are proposed or necessary, and
- No rights-of-way are dedicated, no easements are dedicated, and
- Where three (3) or fewer lots will result after the subdivision is completed, and
- Where no public water or sewer systems are proposed.

However, if the subdivider owns, leases, holds an option on, or holds any legal or equitable interest in any property adjacent to or located directly across a street, easement, road, or right-of-way, from the property to be subdivided, the proposed subdivision shall not qualify for consideration under the abbreviated, Procedure for Review of Administrative Subdivisions, see Section 304.

Additionally, the Procedure for Review of Administrative Subdivisions shall not be used for an additional time within ~~three (3)~~ ten (10) years on any property less than fifteen hundred (1,500) feet from the original property boundaries, by anyone, who owned, had an option on, or any legal or beneficial interest in the original subdivision at the time the original subdivision received preliminary or final plat approval.”

Michael Kenary motioned to approve the statement of consistency: This proposed text changes are neither consistent nor inconsistent with the Land Use Plan (LUP) since the LUP does not directly address exempt or administrative subdivisions; and the Statement of Reasonableness: These proposed text changes are deemed to be reasonable because they are in response to a legislative action by the General Assembly and similar to the Village’s current subdivision provisions. David Boyce seconded the motion.

The motion passed unanimously.

8. Other Business

- Downtown Wesley Chapel, LLC – Community Meeting December 6, 2017
- Follow up from November meeting – Addington Crossing preliminary plat; RUC documentation; Planning Board training December 13
- Planning staff report, including other projects under review; “No Parking” signs at Village Commons; marketing for Senior Housing at Courtyards
- Berm
- Council at Planning Board
- Candella lighting
- Decreasing the number of days to get packets

Mr. Gauss provided summary notes of the December 6, 2017 community meeting saying there was good discussion. Many of the same issues were brought up including capacity of infrastructure, preference for rural atmosphere and proximity to school. Creative suggestions included a public/private partnership or a police station, and that Moser could take his more aggressive marketing ideas to Aston. Council will hold a public hearing on February 12, 2018 and may either make a decision that night or defer it. Planning Board and staff have recommended against it and most people that have spoken during public sessions have been opposed.

Mr. Gauss reported Council approved the preliminary plat of Addington Crossing in January, he has not yet documented the RUC history. Bill Duston led Planning Board training on December 13th at Weddington, with four towns represented, including our three alternates. Similarities and differences between the towns were discussed and it was a good refresher course.

Chuck Adams noted we need to do a better job documenting what developers offer; we were promised a 150 foot turn lane which then turned into a hundred foot taper and a fifty foot lane. Mr. Gauss noted anything dealing with a road has to be approved by NC DOT, who has said they have more pavement than they can take care of already. John Souza noted this is why we are asking for the lighting plan in writing. Tim Gauss said he verified with NC DOT that they would not approve the 150 foot turn lane and will share it with Mr. Souza.

Tim Gauss reported signs are up at the Aston property to discourage overnight truck parking. He went on-line and checked the Courtyards subdivision marketing, and it gave the impression they are marketing to a mature audience.

Chair Souza reported a request came from Council to allow a smaller front setback buffer if the developer has a berm, similar to how it can be reduced if you have a fence or wall. Mr. Gauss will bring proposed text to the next meeting.

Chair Souza suggested inviting one council member per Planning Board meeting to attend, and put them on our agenda to increase communication and let them share how they see us moving forward. He noted he attends Council meetings and tries to act as a conduit. Consensus was this is a good idea.

Chair Souza said he understood Candella does not meet our lighting ordinance, and asked Tim Gauss to research whether they built to plan or if the plans did not meet the ordinance. In the future the planner will make an on-site visit to subdivisions in the building stage, to see if they are building according to what they promised to do.

Chair Souza noted the next item is to consider reducing the lead time for Planning Board packets, so that the communication time between Council and Planning Board is shortened. Council Member Como noted council is looking at shortening the time for items to go to Planning Board, so this would let items to go from Planning Board to the next Council meeting. Tim Gauss will look at any needed changes to the Rules of Procedure for next month for this and for anything else that is out of date in the Rules, and look at his calendar for developer submittals.

Revisit Item 6.

Tim Gauss verified the new locations that David Goracke and Travis Manning proposed for lighting at Heritage meets our ordinance spacing requirements. Sheet 1 already meets the spacing requirements, and sheet 2 has been changed to meet the spacing requirements. The new locations for lights are at the corner of lot 48, between lots 1 and 2, between lots 3 and 4, front corner of lot 53, between lots 7 and 8, between lots 9 and 10, between lots 44 and 45, between lots 16 and 15, between lots 19 and 18, between lots 21 and 22, at the front corner of lot 61, between lots 25 and 26, at the front corner of lot 64, between lots 67 and 68, at the front left corner of lot 69, between lots 33 and 32, between lots 30 and 29, between lots 59 and 60, between lots 35 and 36, and between lots 54 and 55.

Vince Gahren motioned to approve the final plat of map 1 of Heritage with the above amended lighting plan. Michael Kenary seconded the motion. David Boyce inquired if Mr. Goracke and Mr. Manning were employed by Metrolina Engineering who had produced the original lighting plan; they are not; and Mr. Boyce noted the change in locations can be affected by the topography.

The motion passed 4-1, with Boyce voting nay.

Planning Board asked Tim Gauss what if the developer cannot do the lights as proposed, his response was they are locked into the final plat, if there is an obstacle that is truly minor he can make a judgment call, but otherwise it will come back to Planning Board. The developer will submit the new sheet to the Planner.

9. Adjournment

Chuck Adams motioned to adjourn, Vince Gahren seconded the motion.

The motion passed unanimously.

The meeting ended at approximately 9:22 pm.

Respectfully submitted,

Cheryl Bennett, Clerk

Chairman John Souza