

VILLAGE OF WESLEY CHAPEL  
PLANNING BOARD MEETING MINUTES  
WESLEY CHAPEL TOWN HALL  
6490 Weddington Road, Wesley Chapel, NC 28104  
February 25, 2019 – 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, David Boyce and Sandra Ells; Alternate Deb Bledsoe

**Planning Board Members Absent:** Alternate Ty Jaiyeoba and Vince Gahren

**Others Present:** Clerk Cheryl Bennett; Planning/Zoning Administrator Robyn Byers, Ph.D.

1. Pledge, Invocation, and Determination of Quorum

Chair Souza led the pledge of allegiance, and David Boyce gave the invocation. A quorum was present.

2. Public Comments - none

3. Additions, Deletions and Approval of Agenda

David Boyce motioned to adopt the agenda as is, and Michael Kenary seconded the motion. The motion passed unanimously.

4. Approval of Minutes of January 28, 2019 meeting

David Boyce motioned to approve the January 28, 2019 minutes; Michael Kenary seconded the motion.

The motion passed unanimously.

5. Council Member in

Council Member Como reported last week the Board of County Commissioners approved, by a 2-1 vote, a re-zoning at Beulah Church Road and Waxhaw-Indian Trail Road for 182 units plus businesses on 8+ acres, with only 84 parking spaces. The County is also spending 21.3 million for an industrial park, and he questioned who will benefit from the sale of the property. He attended a community meeting regarding a proposal to go from R-40 to high density R-8 on unincorporated land near New Town Elementary. It is targeted, but not restricted, to seniors. The citizens in attendance were not in favor of it. He noted the need to improve relations between the towns and the county. He questioned why we had contributed \$275,000 to the roundabout project DOT is doing a year ago, and it has not yet started.

6. New Business  
a. Preliminary Plat - Cavesson

Planner Robyn Byers, Ph.D. reviewed her staff report, as follows.

**Background:**

*Location: Parcel 06027005A – on the east side of Chambwood Rd., north of the intersection with New Town Rd.*

*Size of tract: 42.356 acres*

*Number of lots: 28*

*Zoning: R-40*

*Minimum lot size: 40,000 square feet*

*Yard requirements: Front setback – 50'; Rear setback – 40'; Side setbacks – 15' each*

*Minimum lot width: 120'*

*Buffering: Roughly 300' of a 50' buffer along Common Open Space and Lots 1 and 2*

**Background:**

*The applicant is requesting a by-right subdivision in an R-40 zone on the east side of Chambwood Rd., north of the intersection with New Town Rd. The site includes 28, 40,000+ square foot lots on public roads. The site includes 10.64 acres of open space and includes portions of floodway and floodplain, as well as stream buffers associated with the East Fork of Twelve Mile Creek, all lying outside of lot areas. The site preserves 76% of the existing tree canopy at 1.83 acres. There is a minimal amount of tree save area located on individual lots, within rear yard setbacks, where existing large trees exist. Additionally, an estimated \$5,460.89 has been confirmed as a fee-in-lieu amount to be paid prior to final plat approval.*

*Of particular interest are Sheet 2.0, showing the overall site plan, as well as Sheet 1.0, which shows existing conditions, and Sheet 3.0, showing the existing trees along with the limits of disturbance.*

*To date, we have received letters of approval or confirmation from Union County Public Works, NCDEQ for erosion and sediment control, NCDEQ for stormwater, NCDOT for the driveway permit and internal roads, Union County Public Schools, Union County Fire Marshall, Union County E-911. Additionally, the Village Engineer has reviewed and approved the plans. The attached checklist will verify that all requirements of our Ordinance have been reviewed and satisfied.*

**Staff Recommendation:** *A set of Preliminary Plat/Construction drawings for Cavesson are included in your packet. The applicant has received approval from the Village's consulting engineer and other agencies as required. To the best of my knowledge, the plat is in keeping with the Village's subdivision regulations. Staff therefore recommends approval of the Final Plat.*

Michael Kenary noted the area has water issues, Chambwood Road was closed further down during the hurricane. Twelve Oaks also has water issues. The engineer said the current FEMA map shows no issue. The ponds on the Rosenblum's land will remain. The development will have curb and gutter. Chair Souza questioned whether the street light between lots 12 and 13 would cause issues for the home behind it. The engineer said the neighboring lot is very deep,

and the home is not near the light. A possible condition could be to look at the light again at final plat. The road width is 27 feet from back of curb, and 22 feet from edge of pavement. The streets will be State maintained. Chuck Adams asked if they could have two lanes exiting. TJ Pecorak, the developer's representative, replied the existing home will maintain their separate driveway, and relative to DOT standards, the property has relatively easy access. For a 28 home subdivision, it is a significant expense to add another lane to exit. If it had been in the ordinance, it would have been addressed earlier. The developer's engineer noted the property has only 110 feet of frontage on Chambwood Road, and added the cul-de-sac radius is large enough for a fire truck to turn around. Between lots 15 and 16 is an easement to access the stormwater pond. Mr. Pecorak shared they have two to four builders, the homes will be custom, and cost \$600,000 to \$800,000. Deb Bledsoe asked about lots 22 and 23; there will be fencing so as not to disturb the trees during construction. She asked if they would replace the hardwoods with hardwood, they will be adding trees to the tree save area. Mr. Pecorak add they will try to move some of the existing trees depending on the time of the year.

Michael Kenary motioned to approve the preliminary plat of Cavesson, noting it meets the requirements, but traffic at the entrance will be an issue. David Boyce seconded the motion.

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

The street light will be addressed at final plat.

## 7. Old Business

### a. Tree Ordinance Updates

The planner has discussed tree issues with the Union County Urban Forester and members of the US Forest Service. She will tackle the ordinance update in pieces, first to update the subdivision ordinance, then the zoning ordinance, and finishing with a policy guide that we can put on the website.

She noted the clear cutting provision originally discussed by the Board did not get officially adopted. If the property is under the farm or forest tax program, and a plan in place calls for clear cutting the property, the restriction on development for three or five years is ineffective. The majority of inquiries lately have included forestry or farm program properties.

Different options for the tree canopy retention standards are being reviewed, and may allow for tree retention at a higher rate, and reduce heritage tree removal. We can request a certain number of trees per lot in a common area. Most of the land here is in a farm program, not a tree program.

Tree save areas have been allowed on individual lots in the past, and this has created issues in terms of enforcement. The current ordinance language is not clear on the extent of tree save on individual lots, and maintenance requirements after development. Without requiring permits to cut down certain trees, there is no mechanism to catch an issue prior to trees being removed.

With conservation subdivisions, Chair Souza questioned whether adding more trees conflicted with the conservation idea. Planner Byers noted the conservation ordinance does allow some uses, including forestry. The Urban Forester will review the draft ordinance.

b. Sign Ordinance Updates

The planner has also been working on the sign ordinance and looking at ordinances from other entities that have already been updated, as well as issues she has had administering the ordinance, i.e. adding in sign area computation measurements. She will put the information into tables for ease of understanding. She is also updating wording to be in accordance with the *Reed v. Town of Gilbert* ruling requiring signs not be regulated by content. A draft was given to the Planning Board to review, and feedback is appreciated. Tables of signs were reviewed.

Exempt signs are mostly defined by content; they will have to be lumped under yard signs. The Planning Board chose six square feet as the maximum sign area. Clarification was asked for the prohibited sign type of exposed neon, incandescent, or non-changing light emitting diode (LED) signs (except for interior neon or non-changing LED window signs in compliance with window signage regulations and exterior neon or non-changing LED open/closed signs exceeding two square feet. This will be put in permitted signs.

Permanent signs included some repetition with subdivision monument signs, subdivision changeable copy signs and monument or changeable copy signs. This will be consolidated into two categories, monument signs and changeable copy signs. Sandwich board signs will be taken out of permanent signs and put in the temporary sign section. Temporary signs will include new subdivision announcement signs, with a limit of thirty two square feet.

8. Other Business

Chuck Adams brought up requiring two exit lanes in new subdivisions. Chair Souza will ask Council to approve the Planning Board looking at that. He also wanted to ask council to require any non-residential zoning changes to be conditional zoning. Planner Byers noted other planners suggested you not put that in the ordinance. She will check with the attorney for his opinion and bring it back next month.

Chuck Adams noted continuing care facilities in Wesley Chapel in the Office Institutional district is by right, and suggested it be made a conditional use, and asked the planner to check on what the parking standards are. Chair Souza will add that to his list of things to ask Council about.

Planner Byers noted she has an application for a temporary sign announcing a subdivision which the ordinance limits to 32 square feet. She know there are other similar signs out there that are larger and asked if she should wait for a complaint, or look for cases. Planning Board declined to give direction, and suggested she ask Council.

9. Adjourn

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

The meeting ended at approximately 9:30 pm.

Respectfully submitted,

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Cheryl Bennett, Clerk

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Chairman John Souza