

**Special Meeting of the Town Council
October 11, 2022
6:00 pm in the Civic Center
Minutes & General Account**

Council Members Present: Mayor Montgomery, Council Members Wolfe, Rayborn, Capes, & Straughn

Staff Members Present: Matthew Johnson, Katie M. Weiner, Anna Hawryluk, Ty Cheek, Paul Blanchard, Beth Koonce, Town Attorney; Tom Terrell, Land Use Attorney; & Seth Harry, Community Design Consultant

Visitors Present: Denise Murphy, Laura Huntley, Dennis Forbis, Jamie Forbis, Lee Johnson, Al Stewart, Jeffrey Craig, Greg Strever, Theresa Strever, Carl Burgess, Pam Burgess, Mary Fay Bodenheimer, Daved Bodenheimer, Tom Tervo, Shanna Moore, Karen Niehans, Sam Niehans, Ryan Moats, Marc Isaacson, Bob Dischinger, Jeff Hochanadel, Rita Talchik, Richard Howle, Brad Yoder, Katie Gumerson, Laura Gullledge, Chris Marsh, Nancy Chan, Leung Chan, Deb Printup, Lisa Keck, Patricia Gray, Richard Kirkman, Karen Gunter, Mack Andrews, Tim Hess, Ronnie Sanders, Raymond Ellis, Brent Ayers, Elizabeth Hammer, Pam Karboski, Krisdena Reeser, Bill Wyszomierski, Arlene Wyszomierski, Trish Kirbey, Susan Myers, Jeffrey Williams, Karen Lisenby, William McLean, Avery Scott, John Uhls, Marty Haley, Bill Rothermel, Amy Gies, Jerry Fuqua, Philip Blockus, Deputy Nielsen, & Carol Brooks

Call to Order- Mayor Montgomery called the meeting to order.

Roll Call- Weiner took roll call as follows:

- Council Member Wolfe- Present
- Council Member Capes- Present
- Mayor Montgomery- Present
- Council Member Straughn- Present
- Council Member Rayborn- Present

Weiner stated that a quorum was present.

Pledge of Allegiance- Mayor Montgomery led everyone in the Pledge of Allegiance.

Moment of Silence- Mayor Montgomery called for a moment of silence.

Mayor Montgomery welcomed everyone to the meeting and provided an overview of the public hearing process. She encouraged everyone that had specific questions about the annexation request, rezoning request, or the development agreement to reach out to Town Hall staff.

Public Hearing on Question of Annexation pursuant to G.S. 160A-31 for properties located at 2221 Guilford College Road, 5300 Mackay Road, 2207 Guilford College Road, and 5303 Mackay Road-

Hawryluk stated that the public hearing was initially opened at the November 16, 2021 Regular Town Council meeting. She said that the Town had received a petition for annexation for the properties located at 2221 Guilford College Road, 5300 Mackay Road, 2207 Guilford College Road, and 5303 Mackay Road. She stated that the public hearings regarding annexation, rezoning, and the development agreement were dependent upon one another. Hawryluk added that the majority of the presentation from staff and discussion about the requests would take place during the first public hearing. She said

that the public hearings had been continued at the September 20th meeting in order to give the requests the time, attention, and the public input that they deserved.

Hawryluk provided an overview of the staff report that had been included in the Council packet. She stated that the parcel numbers had changed since the beginning of the request process. She highlighted that no additional parcels or land had been added. She noted that Guilford County had changed the grouping of parcels so there were some new numbers.

Hawryluk stated that the proposed rezoning was from Agricultural (AG) to Planned Unit Development (PUD). She noted that the property was approximately 467 acres. She added that there was a condition included with the proposal that a development agreement be approved concurrently with the rezoning request. She added that portions of the site were subject to gateway scenic corridor requirements. Hawryluk said that the reason for the request was to allow the applicant to develop a high-quality, master plan community that would include numerous housing types and uses not permitted in agricultural districts. She stated that the Planning Board unanimously recommended the approval of the rezoning application at the November 8th, 2021 meeting. She highlighted that the recommendation was subject to the following conditions: the site-specific master plan submitted to the Planning Board be approved by Council, a development agreement be approved by Council, the permitted residential density be determined by Council as part of the site-specific master plan and development agreement, and any variance in signage from the Land Development Ordinance (LDO) standards be approved by Council and subject to the development agreement.

Hawryluk presented the definition of PUD. She stated that PUD districts were designed to promote compatible, mixed uses to instigate an integrated, sustainable development consistent with the Town's unique character. She provided images of the property and noted adjacent neighborhoods. Hawryluk noted that the Envision Jamestown Comprehensive Plan was adopted in October 2021. She stated that the property was located with the Preliminary Growth Area and was classified as the Mackay-Guilford section on the Future Land Use Map. She presented information on the Livability (Housing) section of the Comp Plan. She highlighted that the Town scored poorly on housing accessibility, affordability, and housing type options. She noted that 75% of housing units were single-family homes in Jamestown. Hawryluk highlighted the historic assets of the property, including the Futrell-Mackay-Armstrong house. She noted that the development agreement included the requirement that the developer work with historic preservation organizations to preserve aspects of on-site historic structures. She noted the following Guiding Principles identified in the Comp Plan that were consistent with the rezoning request:

- Guiding Principle #1: Jamestown will actively facilitate high-quality growth that is both compatible with the Town's traditional development pattern and innovative in how it meets the needs of our diverse and dynamic community.
- Guiding Principle #2: As the strength of our community is directly tied to the long-term success of our neighborhoods, we will work diligently to promote and maintain the quality of life and aesthetic standards that our residents expect in Jamestown.
- Guiding Principle #4: The ability to safely walk and ride a bicycle throughout the Town is critical to maintaining our community's high quality of life. We will ensure that our community is well-connected with the necessary infrastructure to support walking and biking as an important mode of transportation for all residents.
- Guiding Principle #6: Every neighborhood in Jamestown will have convenient access to a wide variety of public parks, natural open spaces, and other recreational opportunities that meet the diverse needs, abilities, and desires of our residents.

- Guiding Principle #7: The Town will continue its tradition of providing cost-effective and efficient public services and high-quality infrastructure that meets the needs and exceeds the expectation of the community.
- Guiding Principle #9: We will work diligently with our partners in law enforcement and emergency services to ensure that Jamestown has the resources to maintain a high level of public safety for our residents.
- Guiding Principle #10: Jamestown is a welcoming and inclusive community that values the benefits of diversity in all aspects of the Town and its residents.
- Guiding Principle #11: The quality and health of the natural environment is as important to our community as the quality of the built environment, and we will work to preserve and protect these vital resources.
- Guiding Principle #12: Our local transportation network will move people and goods throughout the community in a context sensitive manner that prioritizes safety over speed, provides significant internal connectivity, and facilitates access to the regional network.

Hawryluk stated that the Town hired Seth Harry, Community Design Consultant, to facilitate a community outreach process to provide visual depictions of community preferences. She said that the community had the opportunity to participate in the events online or in-person. She added that he was present to speak about that process.

Hawryluk introduced Tom Terrell, the Town's Land Use Attorney, to provide information on the draft of the development agreement.

Terrell said that he estimated that Council, the public, and Town staff had spent thousands of hours working on the request to ensure that the project was handled appropriately. He stated that the development agreement that was included in the packet was still subject to change. He added that anyone that would like to speak about the final version of the agreement would have every opportunity required by statute to do so.

Terrell presented an overview of the history of the property. He spoke about the application submitted by Diamondback Investments that was denied by the Town Council. He noted that the Town Council had fought off numerous attempts to have the land taken from Jamestown's jurisdiction. He added that Interim Town Manager, Dave Treme, and staff met with DR Horton after those attempts. Terrell stated that the result of those meeting was that Town staff agreed to recommend the rezoning of the property with the requested density if DR Horton made numerous compromises and sacrifices to improve the quality of the development.

Terrell spoke about the history of development agreements. He highlighted that they created an opportunity for elected officials, Town staff, citizens, and the developer to have careful, considered discussions about how land should be developed. He noted that DR Horton was a production builder and that any departure from their business model created hurdles for their team. Terrell stated that it was harder for DR Horton to negotiate certain terms than custom builders. However, he said that DR Horton had begun to work cooperatively with Town staff. He thanked the DR Horton team for being willing to work diligently on the development agreement alongside Town staff.

Terrell stated that if the development agreement were adopted, the result would be a custom/production hybrid that should be the sustainable, higher quality community that the initial letter of understanding drafted by Treme had envisioned. He spoke about citizen input sessions held by

Seth Harry. Terrell noted that many of the design elements and requests originating from citizen input had been incorporated. He highlighted that “rear-loaded” homes, pedestrian sheds that defined locations of open space, better landscaping, elements of human connectivity, and architectural enhancements had been included in the agreement. Terrell noted that current draft of the development agreement did not include any housing with vinyl siding. He added that DR Horton had agreed to use “cementitious” materials, more commonly referred to as “Hardie boards,” along with stone, brick, etc. instead.

Terrell said that the Town had made numerous assurances to DR Horton in regard to the provision of water, sewer, and solid waste pickup. He added that the Town had agreed to make improvements to the water and sewer infrastructure as defined in the Development Agreement. He noted that DR Horton had agreed to pay 75% of the cost of a new trash truck as a result of the numerous concessions that the Town had made. Those concessions included the Town’s agreement to assist with the right-of-way acquisition for emergency access to Hunt Chase, payment for upgrades to wastewater lines, guarantees of approval of Development Clearance Certificates within 9 working days, agreement to raise manholes, agreement to allow DR Horton to be vested under current laws for 40 years, and the approval of alternate construction materials.

Terrell noted that the commercial area would have a 32,000 square foot limitation and large-box retail would be prohibited. He stated that the only uses that were allowed were the ones approved for the Main Street Zoning District. He also spoke about the apartments that had been proposed on the property. He said that a multi-family component allowed DR Horton to make the other concessions that they had agreed to within the development agreement. He noted that there would be no access to Hunt Chase except for emergency vehicles that had a key to a locked gate. He added that the apartment location should not be easily visible from Guilford College Road. Terrell highlighted that the apartments would be built on a parcel that was approximately 5% of the project’s size. He encouraged Council to approve the total density of 1500 units, including up to 500 apartment units. Terrell noted that there were still a few issues to be resolved within the agreement, but there had been a lot of progress made. He added that the Town had aggressively protected the interests of the community and he believed that the Council had offered every opportunity for public input.

Seth Harry, Community Design Consultant, came forward. He stated that the public process utilized followed a format that he believed was very effective. He added that the findings that had resulted from public input had been used to guide the design requirements in the development agreement. Harry said that the community engagement sessions were a hybrid process that allowed in-person and virtual participation because of Covid. He added that the findings from the sessions were available on the Town’s website. He noted that the renderings that resulted from the community engagement meetings served as a representation of the desires of the citizens, but did not dictate a specific site layout. He presented a visual interpretation that his team had designed and compared it to the site plan submitted by the applicant. Harry stated that overall community structure, internal connectivity, external connectivity, block size, mix of uses, community character, and street design were all important themes that arose from the workshops. He noted that Terrell had spoken about those elements within the development agreement and the progress that the Town had made to ensure the project reflected the desires of the community.

Marc Isaacson, DR Horton applicant, came forward. He stated that his address was 804 Green Valley Road, Greensboro, NC. Isaacson introduced Ryan Moats, Brad Yoder, and Bob Dischinger from the DR Horton team. He stated that he was hopeful that the development would be an affordable, high-quality

development that would provide housing for the community. He added that there were still some open-ended items to discuss, but he believed that a final draft would be made available to Council soon. Isaacson said that the PUD designation provided flexibility in regard to housing types and allowed the developer to have a creative approach in regard to the historic nature of the property. He noted that DR Horton would attempt to incorporate aspects of the Armstrong House in the design of the amenity center. He added that the PUD ordinance included an expectation that developments would be high-quality and compatible with the character of surrounding neighborhoods. Isaacson said that DR Horton had worked with Town staff for several months to design an application that was supported by the ordinance and that fit within the parameters of the PUD framework.

Moats came forward. He stated that his address was 4150 Mendenhall Oaks Parkway, High Point, NC. He provided an overview of the DR Horton concept plan for the development. He said that DR Horton had incorporated aspects of the public input sessions, such as rear-loaded homes, mixed housing types throughout the site, large areas of open space, a custom amenity center inspired by local history, and a neighborhood-scale commercial area. Moats stated that there were six types of homes proposed for the community. He noted that there were age-targeted homes within the plan to allow people to live in Jamestown throughout every stage of their life. He said that there were large areas of mature forests that would be preserved. Moats said that some of the smaller details of the concept plan had not been finalized, but the locations presented of specific areas should remain the same.

Mayor Montgomery stated that active plans to develop the “Johnson Property” began over two years ago. She noted that Diamondback Investments’ application was denied unanimously by Council and the Town was required to consider DR Horton’s application once they bought the property. She spoke about the complexity of the consideration of the development of the land. She added that the Town’s attorneys had advised Council that another public hearing would be required on the request after the final development agreement had been submitted for review. She encouraged anyone that would like to speak about the application to do so.

Council Member Straughn asked Koonce if she had anything to add. She did not.

Mayor Montgomery opened the public hearing to anyone that would like to speak about the annexation request.

- Denise Murphy, 3821 Hunt Chase Drive- Murphy stated that she had been pleasantly surprised by the responsiveness of the Council and Town staff. She added that she had met with Council and staff about the application and appreciated the time they spent addressing her concerns. She said that she was not in favor of the apartments proposed on the property because they would be adjacent to her home. Murphy requested a buffer between Hunt Chase and the apartments.
- Jeff Craig, 111 Jordan Creek Drive- Craig said he lived directly across the street from the property. He stated that Council’s lives would not be affected as much as neighboring property owners. He added that everyone believed that Council had already made up their minds and he hoped that was not true. He noted that his biggest objection was the commercial component of the project.
- Chris Marsh, 3757 Hunt Chase Drive- Marsh stated that he was pleasantly surprised by the presentations given that night. He was concerned about the emergency vehicle access on Hunt

Chase Drive. He was also worried about overcrowding in the school system. He added that there would be a large amount of construction for a long period of time to build the development. Marsh wanted to see a plan regarding additional public utilities that would be required to serve the property.

- Tom Tervo, 2 Langholm Court- Tervo stated that Jamestown was not an urban area. He was concerned about the proposed density for the development. He believed that it would increase the traffic. Tervo said that people would park in front of rear-loaded homes. He was not in favor of the apartments.
- Brent Ayers, 2120 Guilford College Road- Ayers said that he and his neighbors had expressed their concerns about the schools, roads, and access. He stated that it was not acceptable for the Town to say that they did not have control over the school system. He added that DR Horton was not a reputable builder. Ayers said that the development would not age well or match the character of the Town. He thanked the Town for addressing some of the concerns that citizens had in the development agreement. He encouraged Council to vote against the proposal because he believed it was reckless growth.
- Greg Strever, 100 Pearce Drive- Strever said that his main concern was the increased traffic on Guilford Road. He noted that it was already difficult for him to get out of his neighborhood because the traffic was heavy. He also believed that the project could negatively impact his property value.
- Al Stewart, 307 Jordan Crossing- Stewart stated that he was concerned about the master plan because it had not been finalized. He thought that DR Horton could deviate from the plan after it had been approved. He was worried that apartments would cause an increase in crime. Stewart said that DR Horton would clear cut trees and that there would not be a variety of home types in the development.
- Sam Niehans, 130 Thora Drive- Niehans believed that the development would cause an increase in taxes and a reduction in the quality of the education system. He noted that overcrowding was already an issue.
- Jeff Williams, 2328 Adams Farm Parkway- Williams was worried about the maintenance of the emergency access at Fox Hollow. He stated that he was a part of the homeowners association and would like to know who to call in the event that the gate was broken. He also said that the buffer between his neighborhood and the apartments included open space because of the pipeline that runs along the property. He did not believe there would be enough landscaping to provide a sufficient buffer.
- Raymond Ellis, 301 Shadowlawn Drive- Ellis stated that he had lived in Town for over 30 years. He said that he believed the project would result in explosive growth that would lead to a lot of problems. He added that he agreed with the previous speakers. Ellis noted that DR Horton would return to request concessions to make the project as cheap as possible.
- Trish Kirbey, 131 Thora Drive- Kirbey stated that the DR Horton plan did not match the public engagement session discussions. She claimed that the development would reduce the property

values of homes in the area. She added that it would ruin the Town's infrastructure and reduce everyone's quality of life. Kirbey believed that the development would result in an increase in crime and would lead to overcrowding in schools.

- Krisdena Reeser, 2621 Glasshouse Road- Reeser stated that the documents submitted by the applicant were not valid. She also claimed that Town staff did not follow proper procedure and that there were errors in some of the supporting documents. She did not understand why the parcel numbers for the property had changed.

Mayor Montgomery asked if anyone would like to speak about the annexation request. Nobody came forward. Mayor Montgomery opened the floor to Council for discussion.

Council Member Wolfe said that there was still some work to be done on the development agreement. She added that those details needed to be addressed before a full discussion could take place. She asked if it would be acceptable to continue the public hearing to the October 18th Regular Town Council meeting.

Terrell came forward. He stated that there may not be enough time before October 18th for some of the details to be resolved.

Mayor Montgomery suggested that the hearing be continued to the November 15th Regular Town Council meeting.

Council Member Straughn agreed that the hearing should be continued to the November meeting.

Council Member Wolfe made a motion to continue the public hearing to the November 15th Regular Town Council meeting at 6:00 pm in the Civic Center without further advertisement. Council Member Capes made a second to the motion. The motion passed by unanimous vote.

Mayor Montgomery called for a ten minute recess at 7:55 pm.

Mayor Montgomery called the meeting back to order at 8:05 pm.

Public Hearing on rezoning request from DR Horton for properties located at 2221 Guilford College Road, 5300 Mackay Road, 2207 Guilford College Road, and 5303 Mackay Road from Agricultural (AG) to Planned Unit Development (PUD)- Mayor Montgomery asked Hawryluk if she had any additional information to present. Hawryluk stated that she did not.

Mayor Montgomery asked the applicant if they had any information to add.

Isaacson came forward and thanked Council for their patience.

Mayor Montgomery opened the public hearing to anyone that would like to speak about the rezoning request. Nobody came forward. Mayor Montgomery opened the floor to Council for discussion.

Council Member Wolfe made a motion to continue the public hearing to the November 15th Regular Town Council meeting at 6:00 pm in the Civic Center without further advertisement. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

Public Hearing for consideration of Development Agreement for DR Horton property- Mayor Montgomery asked Hawryluk if she had any additional information. Hawryluk had no new information to present.

Mayor Montgomery opened the public hearing to anyone that would like to speak about the development agreement. Nobody came forward. Mayor Montgomery opened the floor to Council for discussion.

Council Member Rayborn made a motion to continue the public hearing to the November 15th Regular Town Council meeting in the Civic Center without further advertisement. Council Member Straughn made a second to the motion. The motion passed by unanimous vote.

Council Member Straughn asked Koonce if she had anything to add. She said that she had some minor wording suggestions that she would submit to Terrell for his consideration.

Adjournment- Council Member Straughn made a motion to adjourn. Council Member Rayborn made a second to the motion. The motion passed by unanimous vote.

The meeting ended at 8:08 pm.

Mayor

Town Clerk