

**Planning Board Meeting
January 9, 2023
6:00 pm in the Civic Center
Minutes & General Account**

Planning Board Members Present: Sarah Glanville, Chair; Ed Stafford, Vice Chair; Dennis Sholl, Jane Walker Payne, Russ Walker, Jr., Donald Dale, Jr. (ETJ), Peggy Levi (ETJ), William McLean, Jr. (ETJ), & Sherrie Richmond (ETJ)

Planning Board Members Absent: Robert Coon (ETJ)

Council Member Representative- Rebecca Mann Rayborn

Staff Members Present: Matthew Johnson, Katie M. Weiner, Ty Cheek, & Tom Terrell, Land Use Attorney

Visitors Present: Martha Wolfe, Susan Dickenson, Marc Isaacson, Patricia Gray, Lisa Keck, Richard Kirkman, Katie Gumerson, Krisdena Reeser, Beth Hammer, Brent Ayers, Robert Frederick, & Carol Brooks

Call to Order- Johnson called the meeting to order. He explained the election process for the Chair and Vice Chair of the Planning Board.

Election of Chair of the Planning Board- Johnson opened the floor to the Planning Board Members for nominations for Chair.

Stafford nominated Glanville to serve as Chair of the Planning Board.

Johnson called for nominations two more times. There were no other nominations.

Stafford made a motion to elect Glanville to serve as the Chair of the Planning Board. Walker made a second to the motion. The motion passed by unanimous vote.

Election of Vice Chair of the Planning Board- Glanville opened the floor to the Planning Board Members for nominations for Vice Chair.

Walker nominated Stafford to serve as Vice Chair of the Planning Board.

Glanville called for nominations two more times. There were no other nominations.

Walker made a motion to elect Stafford to serve as Vice Chair of the Planning Board. Sholl made a second to the motion. The motion passed by unanimous vote.

Roll Call- Cheek took roll call as follows:

Sarah Glanville- Present
Dennis Sholl- Present
Ed Stafford- Present
Jane Walker Payne- Present

Russ Walker- Present
Donald Dale, Jr. (ETJ)- Present
Robert Coon (ETJ)- Absent
Peggy Levi (ETJ)- Present
William McLean, Jr. (ETJ)- Present
Sherrie Richmond (ETJ)- Present

Council Member Rayborn- Present

Cheek stated that a quorum was present.

Setting Regular Planning Board Meeting Schedule for 2023- Glanville noted that there was an error on the schedule. She said that the August meeting date was August 14th and not August 7th.

Walker made a motion to adopt the Regular Planning Board Meeting Schedule for 2023. Levi made a second to the motion. The motion passed by unanimous vote.

Approval of minutes from the July 18, 2022 Planning Board Meeting- Richmond made a motion to approve the minutes from the July 18th Planning Board Meeting. Dale made a second to the motion. The motion passed by unanimous vote.

Public Hearing for the consideration of a Land Development Ordinance (LDO) text amendment- Johnson said that the Town had been working diligently to complete a Development Agreement with DR Horton. He stated that some challenges had arisen throughout the negotiation process. He added that some of the language in the LDO was not compatible with the Town's goals within the Development Agreement. He noted that the proposed text amendment arose as a result of the negotiation with DR Horton, but it was meant to simplify how development agreements functioned in relation to the Town's LDO. Johnson highlighted that it would allow the Town to require higher quality components within developments. He noted that the amendment clarified that a development agreement would be the governing document in areas that were specifically outlined and that the LDO, State laws, and Federal laws would govern where it was silent. He said that Terrell, the Town's Land Use Attorney, drafted a large portion of the language within the text amendment and that DR Horton had submitted the amendment application for consideration.

Levi suggested that "shall" be used instead of "may" in Section "5.5.1. Purpose."

Richmond stated that she was concerned about the amount of flexibility allowed in the text amendment.

Glanville requested that "Town Council" be capitalized consistently throughout the amendment.

Terrell came forward. He presented an overview of his work with the Town on the Development Agreement and the proposed text amendment. He spoke about DR Horton's rezoning and annexation request. He stated that Planned Unit Development (PUD) districts allowed the Town and developers to have flexibility when agreeing to guidelines for a particular development. He added that the Town's PUD district description needed to be more expansive in order to allow the Town to require higher quality components for PUD developments. Terrell stated that DR Horton had noted numerous areas throughout the LDO that conflicted with the specific requirements within the Development Agreement.

He said that the proposed text amendment allowed the Town to have the freedom to work with a developer to design the best possible development. Terrell spoke about the detailed description of what constituted “higher quality” within the amendment. He provided a multitude of examples of higher quality aspects of the DR Horton development that would be allowed as a result of the text amendment. He highlighted that the additional flexibility that the amendment would provide could also help the Town avoid frivolous lawsuits.

Terrell discussed the use of “shall” and “may” in Section “5.5.1 Purpose” with Levi. He explained the legal reasons why the use of the term “may” was appropriate.

Glanville spoke with Terrell about who had drafted the amendment. Terrell said that he had created the template for the amendment which had led to further revisions between the Town and Isaacson. Glanville highlighted the potential impact that the amendment could have on other future PUDs and stated that she was glad that it was not solely written by the DR Horton team because they were focused on their proposed project.

Richmond noted that she was in favor of the environmental protection language that had been included in the amendment.

Marc Isaacson came forward. He stated that his address was 804 Green Valley Road in Greensboro. He noted that he appreciated the work that had been done to bring the amendment to the Planning Board for consideration. He reiterated that the flexibility the amendment would provide would enable the Town and DR Horton to negotiate the best development possible through the Development Agreement process.

Richmond spoke with Isaacson about the applicability of the amendment to future projects as well as the DR Horton development.

Glanville opened the floor to anyone that would like to speak regarding the proposed text amendment.

- Susan Dickenson, 608 Havershire Drive- Dickenson said that she was concerned about the possible impacts the development may have on the critical watershed. She wanted staff and DR Horton to take more time to include every detail in the Development Agreement.
- Patricia Gray, 105 Bellwood Court- Gray spoke about the size of the 467 acre tract of land owned by DR Horton and stated that it was approximately the same size as the NC Zoo. She highlighted the environmental benefits that the property provided for the community. She recommended that the Planning Board deny the text amendment.
- Robert Frederick, 500 Wyndwood Drive- Frederick said that he was concerned about the proposed amendment language because DR Horton had submitted it for consideration. He said that the Town and DR Horton had not been able to agree on the Development Agreement details for over a year. He did not think it was appropriate for Council to determine what constituted “higher quality.”
- Lisa Keck, 108 Bellwood Court- Keck said that there were a lot of decisions being made with missing environmental and historical data. She stated that surveys, updated arborist reports, endangered species impacts, etc. should be required by the Town.

- Katie Gumerson, 4648 Jamesford Drive- Gumerson said that the Planning Board had the opportunity to slow development down if they voted to recommend the denial of the amendment. She was really confused about who wrote the text amendment.
- Brent Ayers, 2120 Guilford College Road- Ayers was concerned about potential negative environmental impacts. He said that the amendment would allow for the developer to double the population of the Town. He encouraged the Planning Board to deny the amendment and hold the developer accountable.
- Krisdena Reeser, 2621 Glasshouse Road- Reeser requested that the Planning Board explain the purpose of the adoption of the original PUD zoning district in 2019. She quoted the consistency statement that the Planning Board had adopted for the district in 2019. She did not understand why the Planning Board was considering an amendment to the LDO for the district.

Glanville asked if anyone else would like to speak regarding the amendment. Nobody came forward. Glanville closed the public hearing.

Richmond stated that the Planning Board and the Town staff had worked very hard to hold the developer accountable in every way legally possible. She said that the property owner had certain rights that had to be taken into consideration throughout the process. She highlighted the language within the amendment that protected the Town's interests.

Glanville said that the amendment had to be read in its entirety in order to understand the protections that it provided for the Town. She spoke about the language within the amendment that allowed for the Council to determine what constituted "higher quality." She stated that elected officials may change, but they represented the citizens of the Town. She added that if their definition of "higher quality" was not consistent with the majority of the citizens that they would be voted out of office. Glanville reiterated that the amendment would apply to the DR Horton project and other PUD developments that may be proposed in the future. She said that she had reviewed the text amendment and did not find that it weakened the Town's position in any way. .

Stafford made a motion to recommend the approval of the text amendment to the LDO pertaining to the PUD zoning district to the Town Council. Walker made a second to the motion.

Weiner took a roll call vote as follows:

Sherrie Richmond- Aye
 Donald Dale, Jr.- Aye
 Jane Walker Payne- Aye
 Ed Stafford- Aye
 Russ Walker- Aye
 Dennis Sholl- Nay
 William McLean, Jr.- Aye
 Peggy Levi- Aye

The motion passed by a 7 to 1 vote with Sholl voting in opposition.

Stafford made the following motion:

"I make a motion that the proposed zoning amendment be approved based on the following:

1. The proposed rezoning amendment is consistent with the adopted Comprehensive Plan of the Town of Jamestown. The Planning Board further finds that the proposed zoning amendment is consistent with the Comprehensive Plan because: The Land Development Ordinance (LDO) text amendment adds language to strengthen the Town's position in meeting key Guiding Principles of the Comprehensive Plan including:
 - A. Facilitating high quality and innovative growth compatible with the Town's traditional development patterns (Guiding Principle #1)
 - B. Promoting the quality of life and aesthetic standards Jamestown residents expect (Guiding Principle #2)
 - C. Preserving and protecting the natural environment and vital resources (Guiding Principle #11)

AND

2. The proposed zoning amendment is reasonable. The Planning Board considers the proposed zoning amendment to be reasonable because:
 - A. The report of the Town staff finding the proposed zoning amendment to be reasonable is adopted by reference.
 - B. The Planning Board further finds that the proposed zoning amendment is reasonable because: The text amendment strengthens the Town's role in managing large-sized developments that significantly affect the Town's resources and its residents. The new Section 5.5 Development Agreements adds regulatory language that furthers the Town's position during the development process.

AND

3. The proposed zoning amendment is in the public interest. The Planning Board considers the proposed zoning amendment to be in the public interest because:
 - A. The report of the Town staff finding the proposed zoning amendment to be in the public interest is adopted by reference.
 - B. The Planning Board further finds that the proposed zoning amendment is in the public interest because: The language added through the proposed text amendment clarifies a system of checks and balances that includes Town staff, the Town Council, State statute, and public review. "

Payne made a second to the motion. The motion passed by unanimous vote.

Public Comment- Nobody signed up.

Adjournment- Richmond made a motion to adjourn. Payne made a second to the motion. The motion passed by unanimous vote.

The meeting ended at 7:16 pm.