

**Planning Board Meeting
February 12, 2024
6:00 pm in the Civic Center
Minutes & General Account**

Planning Board Members Present: Ed Stafford, Jane Walker Payne, Russ Walker, Jr., Denise Johnson, Hope Inge (alternate), Donald Dale, Jr. (ETJ), Peggy Levi (ETJ), Sherrie Richmond (ETJ), Robert Coon (ETJ)

Planning Board Members Absent: Dennis Sholl

Staff Members Present: Matthew Johnson, Anna Hawryluk, Ty Cheek, Nancy Avery, Interim Town Clerk & Jim Lanik, Town Attorney.

Town Council liaison Pam Burgess was present.

Visitors Present: William McLean, Jr. (ETJ)

Call to Order – Planning Director Hawryluk called the meeting to order at 6:00 pm.

Election of Chair of the Planning Board – Planning Director Hawryluk stated as part of the organizational meeting a new chair is to be elected. She asked for nominations.

Member Coon nominated Member Stafford to be Chair. Member Levi made a second to the motion. The motion passed by a unanimous vote.

Election of Vice-Chair – Chair Stafford asked for nominations for Vice-Chair. He nominated Member Walker. Member Coon made a motion to elect Member Walker as Vice-Chair. Member Dale made a second to the motion. The motion passed by a unanimous vote.

Roll Call - Planning Director Hawryluk took roll call as follows:

- Hope Inge – present
- Sherri Richmond – present
- Robert Coon - present
- Denise Johnson – present
- Ed Stafford - present
- Russ Walker, Jr. – present
- Peggy Levi - present
- Jane Walker Payne - present
- Donald Dale, Jr. -present

Planning Director Hawryluk stated that a quorum was present.

Regular Meeting Schedule for 2024 – Planning Director Hawryluk stated there is a proposed 2024 Meeting Schedule in the packet. There is an adjustment to the November 11th date as that is a holiday. It has been changed to November 4th.

Member Richmond made a motion to adopt the 2024 Regular Planning Board Meeting Schedule as amended for the November meeting date. Member Levi made a second to the motion. The vote passed by a unanimous vote.

Approval of Minutes June 12, 2023, regular meeting - Member Richmond made a motion to approve the minutes from the June 12, 2023, regular Planning Board meeting. Member Payne made a second to the motion. The motion passed by unanimous vote.

Overview of Planning Board Duties – Planning Director Hawryluk gave an overview of duties of the Planning Board as follows:

- The Planning Board is established by North Carolina General Statute 160D-301 and Article 4.2 of the Town's Land Development Ordinance (LDO).
- The Planning Board is an advisory board to the Town Council. This means that the Board does not make the final decision. The Council will hear the Planning Board's recommendation, but they may or may not follow its recommendation.
- The most common things that the Planning Board have a duty to make recommendations on are rezoning and LDO amendments.
- There are five types of zoning amendments (or rezoning). Conventional, Conditional, Form-based, Overlay districts, and districts allowed by charter. By far the most common you will see in Jamestown are Conventional and Conditional rezonings.
- Conventional zoning districts match up with the uses as outlined in the LDO. An example of this would be if a parcel was zoned Single Family Residential and the owner wanted to market it for businesses. The owner or developer would complete an application for a rezoning and the board would consider it. Keeping in mind that any uses listed in the Commercial Zoning category could occur there.
- Conditional Rezonings have site plans or individual development conditions imposed. The conditions must be agreed upon by both the owner/developer and the Town. A recent example of this was a Conditional Zoning of the parcels in front of Guilford Technical Community College (GTCC) on W. Gate City Boulevard. The owner wanted to rezone these to only allow for very specific uses. In this case they wanted uses they thought would complement the campus. They also wanted to have taller signs than typically allowed. These conditions are included with the zoning and stay with the property. It is not dependent on who owns the property.
- Consideration of rezonings have two parts. The Planning Board will determine if it is consistent with the Comprehensive Plan and adopt a Statement of Consistency that addresses if the zoning is consistent or inconsistent with the Comprehensive Plan. A zoning case can be inconsistent with the Comprehensive Plan and still be recommended, but the statement must explain the reasoning. You all have a printed copy of the Comprehensive Plan to use during rezonings to review the vision for the future and future land use sections of this plan.
- The second part is the Statement of Consistency that addresses if the zoning is consistent or inconsistent with the Comprehensive Plan. A zoning case can be inconsistent with the

Comprehensive Plan and still be recommended, but the statement must explain the reasoning. This statement may consider things such as physical attributes, benefits or detriments to land owners and surrounding neighbors, the relationship between current and permissible development, and why it is in the public interest.

- The other thing the Planning Board members will hear are LDO amendments which occur due to changes in laws that cause the need for an update, to make revisions, correct errors, and provide consistency and clarity. A recent example of this is the updating of the sign ordinance to prohibit digital changeable copy signs in all zoning districts. All of these things will be discussed by the Planning Board with recommendations made to Council.
- The Planning Board also acts as the Board of Adjustment. The Board of Adjustment has authority on quasi-judicial matters, meaning it's "court-like". These are things such as variance request for when a stream is in someone's back yard and their setback needs to be adjusted. Or to hear and decide an appeal of an order, denial of a permit or decision made by an administrative official charged with enforcing this ordinance. Board of Adjustment decisions are final. It does not go to the Town Council. Any appeals of the Board of Adjustment decisions go to the Superior Court.
- The last thing I want to remind you of is to not discuss matters in groups larger than four (4) outside of a public meeting. If you happen to be eating lunch across the street here and decide to sit at a big table together, please do not. A quorum for this full group is four (4) people. If you want to call another member or meet up over coffee and discuss thoughts on upcoming cases you are welcome to. Just do not invite multiple people and have a quorum.
- A quorum of the full Planning Board is four (4). A quorum for in-town only Planning Board is three (3).

Public Comment Period - None

Member Richmond asked where we can make some suggestions about future meetings to research, for example, the number of vehicles on a property. Could we have a meeting and just discuss that. It has twenty-four (24) vehicles on it.

Planning Director Hawryluk said the appropriate and best way to do that is to talk to your Town Council members and see if it is something they are interested in pursuing. The other way is to ask the Planning Board and if there is majority saying yes that is something they want to pursue. There will also be staff time involved. This sounds like a code violation, so if you want to give me that property information, I will be happy to look into it.

Member Richmond said that property has been that way for years. There are other things such as lighting and natural areas. I know code enforcement looks at some of these things, but I do not know if there is a way for us to introduce a topic that we could have staff look at. Are there things that we could review at a particular meeting with staff input and maybe update it or see if there are holes in it like there was in the digital lighting?

Planning Director Hawryluk stated the appropriate way is to ask a Council Member. Digital signage was brought up recently and Council Member Rayborn said she would like staff to review it more and bring forth recommendations.

Member Richmond said she just wanted to know the process. It was mainly with the Horton property where we reviewed a lot of things under that umbrella, not as a separate item.

Chair Stafford repeated if we have a concern with something we need to talk with the Town Council and if it rises to a level then Council will talk to you (Hawryluk) and ask for your assistance or ask to set up a special meeting.

Planning Director Hawryluk said you can also bring it to her and if a majority of members say this is something you would like to address then staff will research it and bring recommendations forward, but number one is to bring it Council Members as the elected officials.

Member Richmond said she wanted to know the process where several of them have the same concern about different issues that come up. If there are certain situations, I can see you (Hawryluk) to see if there are ordinances already that just are not being enforced or there are holes in them. I have three major issues.

Planning Director Hawryluk replied absolutely, you can always speak with me.

Chair Stafford welcomed the new members and said he looks forward to working with everyone this year and thanked the staff for their work.

Adjournment

Motion – Member Coon made a motion to adjourn. Member Payne made a second to the motion. The motion passed unanimously.

The meeting ended at 6:18 pm.