

Planning Board Meeting
April 8, 2024
6:00 pm in the Civic Center
Minutes & General Account

Planning Board Members Present: Russ Walker, Jr. (Vice Chair), Dennis Sholl, Jane Walker Payne, Donald Dale (ETJ), Peggy Levi (ETJ), William McLean (ETJ Alt.), John Capes (Alt.), Robert Coon (ETJ), Susan Stringer

Planning Board Members Absent: Sherrie Richmond & Donald Dale

Council Member Representative: Pam Burgess

Staff Members Present: Katie M. Weiner, Ty Cheek, Anna Hawryluk, & Matthew Johnson

Visitors Present: James Bowman, Jill Bowman, Vivien Carson, Maxine Fisher, David Fisher, Scott Blue, Jan Blue, Christine Hughes, Kitty Duvall, Gary Duvall, Nathaniel Woody, Peyton Woody, Jay Smith, Sondra Click, Tarey Cullen, Keith Wagner, Jenny Wagner, Griffin Wagner, Ricky Lewis, Delbra Lewis, Eric James, James Keaney, Krisdena Reeser, Thomas Newton, Leann Love, Jane Hebard, Penny Hebard, Ray McFillin, Carol McFillin, Carol Brooks, Stafford Kelly, Sterling Kelly, Richard Boling, Ryan Howard, Janina Austin, John Denglere, Mary Osborne, Elizabeth Murray, Clifton Moore, & Amanda Hodiernne

Call to Order: Walker called the meeting to order.

Roll Call: Weiner took roll call as follows:

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| Russ Walker, Vice Chair | present |
| Denise Johnson | present |
| Jane Walker Payne | present |
| Dennis Sholl | present |
| Robert Coon (ETJ) | present |
| John Capes (Alt. Member) | present |
| Donald Dale (ETJ) | absent |
| Peggy Levi (ETJ) | present |
| Sherrie Richmond (ETJ) | absent |
| William McLean (ETJ Alt.) | present |
| Susan Stringer | present |
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| Council Member Burgess | present |

Weiner stated that a quorum was present.

Amend Regular Meeting Schedule – Hawryluk requested the Board amend the 2024 regular meeting schedule to move the May meeting from the 6th to the 20th due to the need to use the Civic Center for elections.

Capes made a motion to amend the 2024 regular meeting schedule to move the May meeting from the 13th to the 20th. Payne made a second to the motion. The motion passed by a unanimous vote.

Public Hearing on rezoning request for parcels consisting of a total of 18.704 acres +/- at 1903, 1905 - 1915 Guilford College Road between Cherry Hollow Road and Chadwick Road for rezoning from Single Family Zoning Residential (SFR) to Conditional Zoning – Multifamily Residential (CZ-MFR) for two parcels - Hawryluk stated last month a Public Hearing was held on this request. She added that the hearing had been continued to the April 8th meeting. The Town received a revised plan on March 26th that shows an entrance moved onto Guilford College Road. That was the only change to the plans. After the Technical Review Committee (TRC) meeting of the revised plan, staff recommended several changes to better align with the Comprehensive Plan: reduction in units, guest parking, sidewalks on both sides of the street, berm height recommendations, conditions on materials and/or design, and other technical standards. Staff has not received any response on these requests. Staff would recommend that the Planning Board deny the proposal as it is presented. However, the applicant contacted staff yesterday and requested that the hearing be continued so they could address some of the concerns that had been raised. Staff believes it is reasonable to continue the Public Hearing to the 20th of May to allow the applicant time to present a revised plan to better meet the concerns of the public and this Board.

Walker called the applicant forward to speak.

David B. Coe, PO Box 36, Wallburg, NC – Coe requested a continuation for one more month. Jamestown Engineering has made some progress and changes. There has been interaction with NCDOT, and various potential sources identified for public water supply. He plans to bring something next month to be approved by the Board.

Planning Board members discussed with Mr. Coe what would be done differently if an extension were granted.

Coe stated he did not see a substantial change in the total number of units, but he did expect a potential change in the overall layout or perhaps another connection point.

Walker opened the floor to anyone that would like to speak regarding the rezoning request.

- James Bowman, 201 Chadwick Drive – Bowman opposed continuing this for another month stating two months was enough time. He recommended denial of the rezoning request because it was not compatible with the current homes, aesthetics of the surrounding properties, or the Envision Jamestown Comprehensive Plan.
- Jan Blue, Hickory Hollow Road – Blue opposed the rezoning because of concerns about density, traffic, safety, poor aesthetics, and adverse impacts on critical and protected watersheds.

- Jenny Wagner, 102 McFarland Court – Wagner expressed concern about density issues and the lack of green space in the proposed development. She asked the Board to deny the rezoning request and to deny the request for a continuation. She said that the applicant does not appear willing to reduce the number of units or add amenities.
- Eric James, 6314 Hickory Hollow – James asked the Board to deny the rezoning due to the amount of traffic and accidents that occur in the area already.
- Perry Hebert, 6312 Hickory Hollow Road – Hebert said he was concerned about runoff from the development into the critical watershed because of riparian damage.
- Leann Love, 99 Chadwick Drive – Love opposed the rezoning as flooding already exists on the horse farm now and increased density would add to stormwater problems. She said that the proposed rezoning would be dangerous for school buses.
- Maxine Fisher, 283 Chadwick Drive – Fisher opposed high density development due to stormwater issues, clear cutting, and leveling of the land. She requested denial of the rezoning and an extension.
- Keith Wagner, 102 McFarland Court – Wagner expressed concern as a resident in the ETJ. He was frustrated about not being able to vote for Town Council Members who make decisions that impact his enjoyment of his property. He asked the Board to follow the Comprehensive Plan.
- Terry Cullen, 101 Chadwick Drive – Cullen requested unanimous denial of this rezoning because of density and spot zoning concerns. The development plan has no recreational area, damages trees, and uses vinyl siding.
- Pete Woody, 6308 Hickory Hollow Road – Woody said the proposed density is not compatible with the area and does not meet the bare minimum requirements.
- Krisdena Reeser, 2621 Glass House Road – Reeser stated the proposed development is not consistent with the Comprehensive Plan or the Land Development Ordinance and expressed concern that Town staff made decisions about the Randleman Lake Watershed area without contacting DEQ. She urged denial of the rezoning request.
- Janina Austin, 403 Thornwood Road – Austin urged denial of the rezoning request and continuance because the developer does not seem interested in addressing concerns about density.
- Thomas Newton, 822 Jarman Drive – Newton urged the Planning Board to listen to the residents that came before him and their concerns. He does not want to see all the trees cut down and does not like the proposed development.

- Ricky Lewis, 6306 Hickory Hollow Road – Lewis opposed rezoning as it interferes with the Envision Jamestown concept. People make the community, not buildings. This unique place should not be auctioned off in this way.

Walker closed the public hearing.

The Board discussed whether to continue the hearing another month for further consideration.

Capes made a motion to recommend that Council deny the proposed zoning amendment. Coon made a second to the motion.

Weiner took a Roll Call Vote as follows:

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| William McLean | aye |
| Peggy Levi | aye |
| John Capes | aye |
| Dennis Sholl | aye |
| Russ Walker | aye |
| Jane Walker Payne | aye |
| Susan Stringer | aye |
| Denise Johnson | aye |
| Robert Coon | aye |

Motion passed by a unanimous vote.

Capes made a motion to deny the proposed zoning amendment based on the following Consistency Statement:

1. *The proposed zoning amendment is not consistent with the adopted comprehensive plan of the Town of Jamestown.* The Planning Board finds that the proposed zoning amendment is inconsistent with the comprehensive plan because the suburban residential future land use calls for lower intensity uses to be developed in a manner similar to or adjacent to similar development and neither of these are met by this proposal.
2. *The proposed zoning amendment is not reasonable.* The Planning Board considers the proposed zoning amendment to be unreasonable because:
 - a. The report of the Town staff finding the proposed zoning amendment to be unreasonable is adopted by reference.
 - b. The Planning Board further finds that the proposed zoning amendment is unreasonable because there is a disregard for Guiding Principles that encourage design standards that enhance the quality of life in the development, are compatible with surroundings, and avoid the introduction of monotonous development styles.
3. *The proposed zoning amendment is not in the public interest.* The Planning Board considers the proposed zoning amendment to be against the public interest because:

- a. The report of the Town staff finding the proposed zoning amendment to be against the public interest is adopted by reference.
- b. The Planning Board further finds the proposed zoning amendment to be against the public interest because it deviates from our adopted comprehensive plan in a way that is unreasonable to approve as a conditional use.

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

The Board took a ten-minute recess and Walker excused ETJ members.

Public Hearing on rezoning a portion of a parcel consisting of a total of 1.7 create +/- 100 Near Lennox Drive (Parcel #160267) 1.7 acres +/- portion of 4.46 acres +/- parcel from Residential Main Street Transitional (MST) to Conditional Zoning-Residential Main Street Transitional - Hawryluk stated this is case number 2024-02 and this is a continuation of a Public Hearing held last month. The conditions are as follows: maximum number of units will be twenty-four (24), all units would be one-bedroom units, building height would be limited to three stories exclusive of the architectural roofline features, and maximum number of buildings shall be limited to two. Both buildings will be placed on the existing Phase Two building pad locations. Parking is adequate with 46 spots; only 24 were required. The Board's only consideration is whether the rezoning is consistent or not.

Walker called the applicant forward to speak.

Attorney Mark Isaacson, 804 Green Valley Road, Greensboro – Isaacson said he was there on behalf of Burkely Communities. A legally binding agreement exists between the Condominium Owners Association and Burkely Communities concerning the two vacant building pads. This project was delayed during a recession period and during that time the zoning was changed. We requested rezoning to get back to where we were and complete the project.

Walker opened the floor to anyone that would like to speak.

Sandra Click, 103A Lennox Drive – Click stated she was president of the Condominiums Owners Association (COA) Board in 2023, and was aware of the sale of the two-cement pads known as Phase 2 to Burkely Communities. The COA had the knowledge and experience to negotiate an agreement, and they had communicated with residents.

John Skinner, 200 Lennox Drive, Unit 2D – Skinner stated he is a homeowner concerned about the increase in density in an already small area with limited parking. He requested that the Planning Board deny the rezoning request.

Sylvia Christopher, Lennox Square 3D – Christopher expressed concern about increased traffic in the parking lot, the lack of green space/playground area, and the inability of transfer trucks to turn around in the parking lot.

Ernestine Cherry, 100 Lennox Drive – Cherry stated the legal agreement was not approved by a majority of members of the COA. Homeowners knew nothing about the negotiations. She expressed concern about inadequate parking and stated the project should not go forward.

Elizabeth Murray, 100 Lennox Square – Murray stated there was a lack of transparency and trust with the COA and most homeowners were not kept informed. She has no issues with Burkely’s plan though she prefers condos and not apartments. She requested denial of the rezoning because of the way the COA handled it.

Yolander White, 200 Lennox Square, 1C – White asked for the rezoning decision to be delayed. She said she was on the HOA Board, and they were blindsided with this.

Walker closed the Public Hearing.

The Board discussed the proposed zoning amendment.

Capes made a motion to approve the proposed zoning amendment. Johnson made a second.

Weiner took a roll call vote as follows:

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| John Capes | aye |
| Dennis Sholl | aye |
| Russ Walker | aye |
| Jane Walker Payne | aye |
| Denise Johnson | aye |

The motion passed by a unanimous vote.

Capes made a motion to approve the proposed zoning amendment based on the following Consistency Statement:

1. *The proposed zoning 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 site was originally planned and sized for two 12-unit buildings.
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 zoning is consistent with the current zoning and usage of the full parcel.
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 Board further finds the proposed zoning amendment is in the public interest because it will provide housing options that meet the needs for different stages of life and family situations.

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

Public Comment Period

No one wished to speak.

Adjournment

Capes made a motion to adjourn. Sholl made a second to the motion. The motion passed by a unanimous vote.

The meeting ended at 8:40 pm.