



Town of Jamestown
Planning Board

Welcome to the Town of Jamestown Planning Board meeting. We appreciate your interest and we encourage public participation in our meeting. Your comments are important to our decision making process. Please note that there will be opportunities during the meeting for you to address the Board members. The first opportunity will come if there is a public hearing on the agenda, when the Chairman declares the hearing open for comment. The second opportunity to address the Board will come near the end of the agenda with the Chairman will inquire if anyone wishes to address the members of the Board. Anyone addressing the Board will approach the podium; give your first and last name and your complete physical address. Comments may be limited to three minutes.

TO: Planning Board Members

FROM: Matthew Johnson, AICP; Director of Planning

RE: **Regular Meeting**
Monday, October 8, 2018 – 6:30 PM
Jamestown Town Hall, Council Chambers

Items on the agenda:

1. Call to Order – Art Wise, Chair of the Planning Board
2. Roll Call – Matthew Johnson, Director of Planning
3. Approval of minutes from July 9, 2018, meeting – Art Wise, Chair of the Planning Board

4. Public Hearings:

*Procedure: Staff will present the case to the Board, followed by commentary from the applicant. The Chair will open the public hearing and request to hear from both those in favor and those opposed. If you wish to address the Board during the public hearing, please come to the podium and state your name and address for the record. Speakers may have up to 3 minutes to address the Board. Please note, this is not a time for dialogue or discussion and the Board may or may not engage with you at this time, even if direct questions are asked. **Once the public hearing is closed, no one may speak on the issue unless specifically requested by the Board Chair.***

A. Rezoning Case 2018-01 – Request to rezone 5834 W. Gate City Blvd. (parcel # 0155982) from Industrial (IND) to Commercial (C).

- a. **Public Hearing**
- b. **Recommendation to Town Council**
- c. **Adoption of Consistency Statement**

5. Public Comment Period:

Procedure: The Board Chair will ask the Town Clerk if anyone has signed up to speak to the Board. It is advisable that if you wish to address the Board that you see the Town Clerk prior to the start of the meeting. Once you have been recognized by the Chair, please come to the podium and state your name and address for the record. Speakers may

have up to 3 minutes to address the Board. Please note, this is not a time for dialogue or discussion and the Board may or may not engage with you, even if direct questions are asked.

6. Other business – Art Wise, Chair of the Planning Board.
7. Adjourn
8. Next regularly scheduled meeting will be November 12, 2018, at 6:30pm in the Council Chambers.

WORKING AGENDA

Items on the agenda:

1. **CALL TO ORDER**

- i. **Welcome to the October 8, 2018, regularly scheduled Planning Board meeting. In order to allow for all attendees to be able to hear Board business, I would ask that at this time, members of the board and the audience please set your cell phones to “SILENT”. As a reminder, public comments are welcome during public hearings and during the “PUBLIC COMMENT” portion of the agenda. Speakers during that portion of the meeting will be limited to 3 minutes per speaker.**

2. **ROLL CALL**

	Present	Absent
Art Wise	<input type="checkbox"/>	<input type="checkbox"/>
Sarah Glanville	<input type="checkbox"/>	<input type="checkbox"/>
Eddie Oakley	<input type="checkbox"/>	<input type="checkbox"/>
Ed Stafford	<input type="checkbox"/>	<input type="checkbox"/>
Russ Walker	<input type="checkbox"/>	<input type="checkbox"/>
Richard Newbill, ETJ	<input type="checkbox"/>	<input type="checkbox"/>
Steve Monroe, ETJ	<input type="checkbox"/>	<input type="checkbox"/>
Robert Lichauer, ETJ	<input type="checkbox"/>	<input type="checkbox"/>
Sherrie Richmond, ETJ	<input type="checkbox"/>	<input type="checkbox"/>
Rebecca Rayborn, Council Rep.	<input type="checkbox"/>	<input type="checkbox"/>

3. **Approval of Minutes: July 9, 2018, regular meeting – Art Wise, Chair of the Planning Board**

- a. **Request from Staff: Staff requests approval of minutes from July 9, 2018, regular meeting as presented.**

- i. **Motion:**
- ii. **Second:**
- iii. **VOTE:**

4. **Public Hearings**

A. Rezoning Case 2018-01 – Request to rezone 5834 W. Gate City Blvd. (parcel # 0155982) from Industrial (IND) to Commercial (C).

a. Public Hearing

- i. Board Chair will *OPEN* the public hearing and ask the staff to present the case.**
- ii. Staff will present the case**
- iii. Board Chair will ask if there is anyone who wishes to speak in favor of the request.**
- iv. Board Chair will ask if there is anyone who wishes to speak in opposition to the request.**
- v. Board Chair will then *CLOSE* the public hearing.**
- vi. Board Chair will ask the Board members for any further discussion. Once discussion is concluded, the Chair will entertain a motion on the item for recommendation to the Town Council.**

b. Recommendation to Town Council

- i. Request from Staff: Staff requests Planning Board recommend approval to the Town Council as presented.**
- ii. Motion:**
- iii. Second:**
- iv. VOTE:**

c. Adoption of Consistency Statement

- i. Request from Staff: Staff requests Planning Board recommend approval to the Town Council as presented. Planning Board members will be required to adopt a statement of consistency – see staff report.**
- ii. Motion:**
- iii. Second:**
- iv. VOTE:**

5. Public Comment

- a. Reminder from Board Chair to audience: The Board Chair will ask the Town Clerk if anyone has signed up to speak to the Board. It is advisable that if you wish to address the Board that you see the Town Clerk prior to the start of the meeting. Once you have been recognized by the Chair, please come to the podium and state your name and address for the record. Speakers may have up to 3 minutes to address the Board. Please note, this is not a time for dialogue or discussion and the Board may or may not engage with you, even if direct questions are asked.***

6. Other business

7. Adjourn

- a. **Motion to adjourn:**
- b. **Second:**
- c. **VOTE:**

8. Next regularly scheduled meeting will be November 12, 2018, at 6:30pm in the Council Chambers.

Planning Board Meeting
7-9-18
Council Chambers
6:30 pm
Minutes & General Account

CRAFT

Planning Board Members Present: Art Wise, Chair; Sarah Glanville, Vice Chair, Eddie Oakley, Richard Newbill (ETJ), & Sherrie Richmond (ETJ)

Planning Board Members Absent: Ed Stafford, Russ Walker, Steve Monroe (ETJ), & Robert Lichauer (ETJ)

Town Council Representative: Rebecca Mann Rayborn

Staff Present: Matthew Johnson & Katie McBride

Visitors Present: Martha Wolfe, Jason Spangler, & Carol Brooks

1. **Call to Order-** Wise called the meeting to order.

2. **Roll Call-** Johnson took roll call as follows:

Art Wise- Present
Sarah Glanville- Present
Eddie Oakley- Present
Ed Stafford- Absent
Russ Walker- Absent
Richard Newbill- Present
Steve Monroe- Absent
Robert Lichauer- Absent
Sherrie Richmond- Present
Rebecca Mann Rayborn- Present

3. **Approval of Minutes from the May 14, 2018 meeting-** Glanville made a motion to approve the minutes from the May 14, 2018 meeting. Oakley made a second to the motion. The motion passed by unanimous vote.

4. **Public Hearings:**

A. Ordinance Update 2018-03- Updates to General Permitted Uses Table of the Land Development Ordinance- Johnson stated that the update was very minor. It would allow for restaurants without a drive thru, bars, and retail sales to be considered "Permitted by Right" within the industrial zoning district. He described the areas within the Town that were zoned as industrial.

Planning Board Members discussed the details of the update with Johnson.

Richmond said that she felt that the update was straight forward and she did not see any issue with it. She asked if Johnson had found anything in his research to indicate

otherwise. He said he had not and he believed that those types of uses easily fit within the industrially zoned areas.

Wise opened the public hearing to anyone that would like to speak in favor of the update. There was no one. He closed that portion of the public hearing.

Wise opened the public hearing to anyone that would like to speak against the update. There was no one. He closed that portion of the public hearing.

Glanville made a motion that the update be approved based on the following:

“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: it supports the spirit of the current land use ordinance. And

The proposed zoning amendment is reasonable. The Planning Board considers the proposed zoning amendment to be reasonable because:

The report of the Town staff finding the proposed zoning amendment to be reasonable is adopted by reference.

The Planning Board further finds that the proposed zoning amendment is reasonable because: it carefully manages land development patterns and is consistent with infrastructure usage. And

The proposed zoning amendment is in the public interest. The Planning Board considers the proposed zoning amendment to be in the public interest because:

The report of the Town staff finding the proposed zoning amendment to be in the public interest is adopted by reference.

The Planning Board further finds that the proposed zoning amendment is in the public interest because: it maintains the small town atmosphere by strategically allowing growth in the most appropriate setting.”

Newbill made a second to the motion. It passed by unanimous vote.

Richmond made a motion to recommend the approval of the update to the Town Council. Oakley made a second to the motion.

McBride took a roll call vote as follows:

Eddie Oakley- Aye
Sarah Glanville- Aye
Richard Newbill- Aye
Sherrie Richmond- Aye

The motion passed by unanimous vote.

5. **Public Comment-** Nobody signed up.
6. **Other Business-** There was none.
7. **Adjournment-** Newbill made a motion to adjourn. Glanville made a second to the motion. The motion passed by unanimous vote.

The meeting ended at 6:51 pm.



The following items must be submitted with this form before the application may be processed.
Please bring the following items with you when submitting your application form:

1. Copy of survey plat(s) and/or deed(s) or map to the parcel(s) requested for rezoning.
2. Completed *Adjoining Property Owner(s) List* form.
3. Completed *Project Questionnaire* included on page three of the application.
4. A site plan/development plan outlining features of the proposed use of the property (if new construction is proposed). The following items should be included on the plan:
 - Title, preparer, and date of plan
 - Property lines and dimensions
 - Easements affecting the property
 - Physical features such as flood plains
 - Setbacks, dimensions, floor area, and height of all existing and proposed buildings
 - Dimensions and locations of existing and proposed roads, driveways, entrances/exits, and parking areas (please label number of parking spaces on plan)
 - Location and description of site features such as landscaping, lighting, and signage (if proposed).

Additional Notes:

- Following approval of the rezoning application, your project may require additional permits. Please contact the Planning Department to discuss permits that may be required for the construction of your project at (336) 454-1138.
- **BY SIGNING THIS FORM, YOU ARE GRANTING PERMISSION FOR MEMBERS OF THE STAFF OR ANY APPOINTED OR ELECTED BOARD THE RIGHT TO ACCESS YOUR PROPERTY.**
- You (or a designated representative) are strongly encouraged to attend all public hearings for your project. Failure to appear may result in the delay of the application.

Applicant Information

Applicant Name: Ted Welborn

Street Address or P.O. Box City/State/Zip Code
 5834 W. Gate City Blvd. 336-707-9393
Greensboro, NC 27407

Home/Work Phone Number Mobile Number Email

Is the applicant the owner of the parcel(s) to be rezoned? Yes No

Owner Information

Owner Name: Ted Welborn

Street Address or P.O. Box City/State/Zip Code
 4004 S. Rockingham Rd. Greensboro, NC 27407

Home/Work Phone Number Mobile Number Email

Applicant and Owner Certification and Signature

(If Applicant and Owner are different individuals, both must sign. If Applicant and Owner are the same, please sign as Owner.)

Applicant Signature: _____ Date: _____

I, THE UNDERSIGNED, AM AN OWNER OF THE ABOVE-DESCRIBED PARCEL(S) AND CERTIFY I AM LEGALLY AUTHORIZED TO MAKE THIS APPLICATION FOR REZONING, HAVING THE PERMISSION OF ALL OTHER OWNERS (IF ANY).

Owner Signature: Ted Welborn Date: 8-23-18

NOTARY STATEMENT:

State of North Carolina, County of Guilford to wit: (SEAL)

I, Matthew Johnson a notary public in and for the state and county aforesaid do hereby certify that Ted Welborn whose name(s) is/are signed to the foregoing statement, personally appeared before me in my state and county and acknowledged the same.

My commission expires December 4, 2021

Given under my hand this 23rd Day of August

Notary Signature: [Signature] Printed Name of Notary: MATTHEW L JOHNSON



Permit Information

Owner Requests Rezoning of the Following Parcel(s):

Parcel #1: 0155982 Parcel Size: 1.1 ac 5834 W. Gate City Blvd.
 Tax Map ID Acres/Square Ft Street Address

Current Parcel Zoning: IND (Industrial) Request to Rezone to: C (Commercial)

Current Parcel Use: Agricultural Commercial Industrial Residential Vacant/Unused

Owner Requests Rezoning of the Following Parcel(s):

Parcel #2: _____ Parcel Size: _____
 Tax Map ID Acres/Square Ft Street Address

Current Parcel Zoning: _____ Request to Rezone to: _____

Current Parcel Use: Agricultural Commercial Industrial Residential Vacant/Unused

Owner Requests Rezoning of the Following Parcel(s):

Parcel #3: _____ Parcel Size: _____
 Tax Map ID Acres/Square Ft Street Address

Current Parcel Zoning: _____ Request to Rezone to: _____

Current Parcel Use: Agricultural Commercial Industrial Residential Vacant/Unused

If you are requesting a Zoning Text Amendment, please provide proposed new language or uses below. Add additional sheets if necessary.

Adjoining Property Owner(s)

Please list ALL property owner(s) and street address(es) of parcel(s) immediately adjoining AND directly across street(s), road(s), and highway(s) from parcel(s) requested for rezoning.		Tax Map Numbers
Guilford Memorial Park	5900 W. Gate City Blvd	0155588
Adjoining Property Owner	Street Address of Adjoining Property (if none, list 'Vacant')	
Fortress Wood Prod., Inc.	1 Metals Dr.	0155991
Adjoining Property Owner	Street Address of Adjoining Property (if none, list 'Vacant')	
Terry Welborn, Jr.	5830 W. Gate City Blvd.	0155983
Adjoining Property Owner	Street Address of Adjoining Property (if none, list 'Vacant')	
KBG, LLC	5835 W. Gate City Blvd.	0156286
Adjoining Property Owner	Street Address of Adjoining Property (if none, list 'Vacant')	
Prime Investment Partners, LLC	5831 W. Gate City Blvd.	0156188
Adjoining Property Owner	Street Address of Adjoining Property (if none, list 'Vacant')	

Project Questionnaire

Rezoning requests involve analysis by Town staff, Planning Board, and Town Council members. The information provided below will help staff members review the application for compliance with town regulations. The questionnaire will also serve as an introduction to the Planning Board, as a copy of the application will be included in information delivered to each member prior to the meeting date. Please use additional sheets and attach photographs if necessary.

Why are you requesting this rezoning?

TO BE ABLE TO USE THE PROPERTY FOR RETAIL + COMMERCIAL USES.

Please provide a description of the site before and after development (if construction is proposed).

No change

Please describe the operation proposed including number of employees and hours of operation, if applicable.

NO CHANGE

Please describe how the properties around your site are used (residential, churches, business, schools) and how the proposed project may impact the surrounding area (e.g. noise, traffic, light, impact on environmental or other unique features).

No change

Please describe potential impacts on public facilities and infrastructure such as the water/wastewater system, public schools, and roads.

No change

Will your project require a permit from other licensing agencies (e.g. NCDENR, NC Department of Transportation, US Army Corps of Engineers, etc). Yes No If yes, please explain.

For Town Use Only

Date Application Received: 8/23/2018 - [Signature]

Town of Jamestown, North Carolina
301 E. Main St.
Jamestown, NC 27282
(336) 454-1138



Frequently Asked Questions

What is a rezoning? A rezoning is required if the proposed use of your property is not permitted by right or with a Special Use Permit.

What is the process? Applicants submit an application for rezoning to the Planning Department by the second Monday of the month to meet the deadline for the following month's Planning Board meeting. Applications are then considered at a public hearing before the Planning Board which makes a recommendation for consideration by the Town Council.

How long does the process take? The process typically takes 2 to 3 months to complete from beginning to end. This time frame can vary if an application requires additional time for review by the Planning Board or Town Council.

What happens during a public hearing? All rezoning applications require two public hearings, one by the Planning Board and one by the Town Council. The NC General Statutes requires that a notice of public hearing be placed in the newspaper. Generally, all property owners within a 500 ft. radius of your property will receive a notice of the date, time and nature of the public hearing and are invited to attend to make public comments.

What can I expect during the meetings? At the time of your public hearing, the meeting chairperson will introduce the item by reading the case summary from the meeting agenda. The Chair will then ask town staff to provide a summary of the application. The applicant and those attendees in support and opposed to the project are then invited to speak.

Why is it important for the applicant to attend both public hearings?
During the public hearing, you (or your representative) will have the opportunity to present your project and respond to questions from Planning Board members and Interested parties in the audience.

Typical Timeline

Step 1. Meet with town staff to discuss your proposed project. Staff members can assist you with the application and answer any questions you may have about the rezoning process.

Step 2. Applications are always due on the second Monday of the month. A non-refundable application fee is due upon submittal.

Step 3. Your application is reviewed by town staff for completeness. Applicants are notified if there are any deficiencies.

Step 4. Complete applications are advertised for public hearing.

Step 5. The Planning Board meeting is held on the 2nd Monday of every month.

Step 6. The Town Council public hearing is scheduled, generally, for the 3rd Tuesday in the following month.

Step 7. Approved applications may proceed with the building permit application process.

Contact Information

You may find the following numbers helpful during your application process:

Planning Department	336-454-1138
Town Manager	336-454-1138
Public Services Department	336-454-1138
Guilford County Health Department	336-641-7777
NC Department of Transportation	336-487-0000
NC Department of Environmental Quality	336-641-3334
NC Department of Motor Vehicles	336-884-1003
NorthState Telecom	336-886-3600
Duke Energy	800-777-9898
Piedmont Natural Gas	800-752-7504
Time Warner Cable	800-892-4357
Utility Location Services	811

Planning Board Members

Eddie Oakley	336-454-1552
Ed Stafford	336-669-5106
Sarah Glanville	336-209-1712
Art Wise	336-884-1099
Russ Walker	336-454-4405
Richard Newbill**	336-688-2134
Steve Monroe**	336-454-2881
Robert Lichauer**	
Sherrie Richmond**	
**Denotes ETJ member	



Planning Board Hearing Date: October 8, 2018

GENERAL INFORMATION

Applicant: Ted Welborn, 4004 S. Rockingham Rd., Greensboro, NC 27407
Request: Rezoning of property located at 5834 W. Gate City Blvd.
Conditions: N/A
Location: 5834 W. Gate City Blvd.
Parcel ID#: 0155982
Public Notice: Notice of Pubic Hearing mailed 09/18/2018
Tract Size: Total of all tracts is approximately 1.10 +/- acres.
Topography: Generally flat.
Vegetation: Developed (strip shopping center with parking lot)
TRC Review: N/A – already developed.

SITE DATA.

Existing Use: Leasable commercial space (one restaurant currently occupies space, two vacant spaces).

Adjacent Uses:

	Adj Zoning	Adj Land Uses
North	IND	Industrial
South	N/A	Outside of TOJ jurisdiction
East	IND	Industrial
West	CIV	Civic

Zoning History:

Case #	Date	Summary
N/A	2009	This property was rezoned as part of the LDO update in 2009.

SPECIAL INFORMATION

Overlay Districts: This site is not currently subject to any special overlay districts with the exception of watershed, which all parcels in Jamestown are subject to.

Environmental:

Watershed: Randleman Lake GWA
Floodplains: Site is not adjacent to any floodplain per FEMA maps.
Streams: There do not appear to be any streams adjacent to the property.
Other: N/A

Utilities: Public Water and Sanitary Sewer are available near this site.

Landscape Requirements: N/A – already developed.

Tree Conservation Areas (TCA): N/A – already developed.

Open Space: N/A – Already developed.

Transportation:

Street Classification: W. Gate City Blvd. (Major Thoroughfare)

Site Access: W. Gate City Blvd.

Traffic Counts: 15,000 trips per NCDOT counts in 2013 at intersection of W. Gate City Blvd. and Suttonwood Dr. (approximately 1,400 ft. east of subject property)

Sidewalks: None existing

Transit: N/A

Traffic Impact Study: No TIS is required.

Street Connectivity: N/A

Other: N/A

IMPACT ANALYSIS

Land Use Compatibility and 2020 Land Development Plan (LDP)

The future land use map identifies a portion of this parcel as being located in the “Commercial” district. The 2020 Land Development Plan defines the “Commercial” districts as:

COMMERCIAL: Areas designated to accommodate existing commercial & office uses, and a limited amount of exclusively commercial & office development outside of designated Activity Centers. Most existing uses are located along major roads and at key intersections. Such “strip development” is generally oriented towards the automobile, and is characterized by numerous curb cuts and signs, and large amounts of parking in front of stores.

The requested C (Commercial) zoning district is consistent with the intent of the LDP.

2020 LDP Goals and Policies Applying To This Proposal

GROWTH MANAGEMENT

GOALS:

- A. Carefully manage growth, making smart growth decisions that maintain and enhance Jamestown’s special community characteristics and heritage.
- B. Strategically locate new land development in the most appropriate places.
- C. Use infrastructure investments as efficiently as possible.

POLICIES:

- 1.5 Carefully manage land development patterns along existing and planned major roads (e.g. Guilford College Road, High Point Road, future Bypass) to maintain their safety and function and create welcoming, aesthetically pleasing entrances that reflect our small-town character.
- 1.7 Encourage the development of new commercial uses within designated activity centers to be energy efficient, aesthetically pleasing and pedestrian-friendly and the renovation, maintenance and creative re-use of existing commercial buildings to provide more retail, business and office uses in convenient locations.
- 1.8 Encourage industrial uses which are environmentally friendly and generally limited to specific areas along High Point Road and Scientific Street. The renovation and adaptive reuse of empty industrial buildings is strongly encouraged.

PLANNING COORDINATION

GOALS:

Coordinate land development planning and decision-making with surrounding jurisdictions, so that future land development in Jamestown fits well into its regional context, and maintains and enhances the quality of life for citizens in and around its jurisdiction.

POLICIES:

2.3 Identify transitional areas (future growth areas) around the Town's borders, to manage future development that may eventually become part of the Town's municipal limits.

COMMUNITY APPEARANCE

GOALS:

Carefully preserve and enhance Jamestown's small-town character and community appearance as it grows.

POLICIES:

3.1 Value and preserve Jamestown's small-town feel.

3.6 Protect, improve and beautify the appearance and function of entrance road corridors, through the use of design guidelines, development standards, landscaping & beautification efforts, and overlay district regulations.

QUALITY OF LIFE

GOALS:

Carefully preserve Jamestown's natural, cultural and historic resources as we grow.

POLICIES:

4.7 Protect our community from excessive noise, light, and vibration by placing new potentially noxious uses in the most appropriate places, and by strengthening and enforcing development regulations including requirements for adequate buffers and set-backs.

PUBLIC SERVICES AND FACILITIES

GOALS:

Provide adequate public services as we grow, consistent with our ability to pay for them.

POLICIES:

5.6 Carefully manage access along major thoroughfares and road entranceways, to protect public safety, road function, and community aesthetics.

CONFORMITY WITH OTHER PLANS

Town Plans: N/A

Other Plans: N/A

STAFF COMMENTARY:

This property has been zoned as an industrial zoning for quite some time. The earliest record that staff could find was a zoning map from 2005 showing the property was zoned “LI – Light Industrial”. During the 2009 LDO Update, all industrial districts (HI – Heavy Industrial and LI – Light Industrial) were consolidated into a more simple “IND – Industrial” zoning district. The area surrounding this property is used in a more industrial manner – self-storage, auto repair, telecommunications tower, manufacturing, etc. In reviewing the 2006 Land Development Ordinances, the permitted uses tables did allow restaurants without drive-thrus to be permitted within Light Industrial areas. Hence the reason that Marisol was previously permitted in that location.

The property owner wishes to rezone this property to accommodate more commercial-type business uses on his property. The property owner has a potential tenant who wishes to open a beer/wine retail shop with an associated bar on the property. Since the previous ordinances allowed similar uses within the Light Industrial area, it seemed logical to request an ordinance amendment to the permitted uses table to allow such uses in the Industrial zoning district once again. However, the Town Council voted on September 18, 2018, to deny the ordinance amendment. Thus, the property owner wishes to request a rezoning of his property to a “Commercial” zoning district which would allow a greater number of possible commercial uses.

The 2020 LDP’s Future Land Use Map indicates that the area could see a change from its current industrial-feel to a more commercial-type corridor. Additionally, the style of the building which exists on the property is likely more suited to commercial-type development uses. Staff believe that the request to rezone this property from IND (Industrial) to C (Commercial) is consistent with the intent of the 2020 Land Development Plan.

Suggested timeline for consideration:

Planning Board Public Hearing: October 8, 2018

Town Council Public Hearing: October 16, 2018

The requested zoning districts are consistent with the intent of the LDP and the staff recommend approval as presented.

WRITTEN RECOMMENDATION ADDRESSING COMPREHENSIVE LAND USE PLAN CONSISTENCY:

Effective October 1, 2017, state law has changed regarding the adoption of “consistency statements” when amending zoning ordinances. I have attached the UNC School of Government’s blog on the topic for your review. However, I thought I would pull some of the pertinent information out and place it below in a bulleted format:

- Boards are not required to take action that is consistent with an adopted Land Development Plan (aka – Comprehensive Plan or “Comp” Plan). They only need to consider what it says.
- The Council and Planning Board **must** adopt a statement that addresses plan consistency when considering zoning ordinance amendments.
- The adopted statement **may not be** something simple like “we find the request to be consistent/inconsistent with adopted policies”. Rather, it must say **how/why** the Council feels as it does.
- The consistency statement must include some modest discussion and explanation about the Planning Board and Council’s feelings on their actions. In other words, the statement should not be crafted beforehand by staff.
- The new law states that the Council must make their statement conform to one of three forms:
 - A statement approving the proposed zoning amendment and describing its consistency with the plan;
 - A statement rejecting the proposed zoning amendment and describing its inconsistency with the plan; or
 - A statement approving the proposed amendment and declaring that this also amends the plan, along with an explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.
- Each consistency statement **must** include an **explanation of why the board deems the action to be reasonable and in the public interest.**

All amendments must now follow this approach:

- 1) Consideration of the proposed zoning amendment and public hearing.
- 2) Deliberation by the Board.
- 3) Motion on consistency/inconsistency with the Land Development Plan (Comp Plan).
 - a. ***If the Board finds that the proposed amendment is inconsistent with the Comp Plan, but wishes to approve the amendment, it must also make a motion (separately) to amend the Comp Plan to conform to the amendment.*** The same is true if the Board finds that a proposed amendment is consistent with the Plan, yet wishes to deny the amendment.
- 4) Motion to approve/deny the zoning amendment.

A sample format is provided on the following pages.

MOTION

FINDING PROPOSED AMENDMENT CONSISTENT WITH COMP PLAN

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

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:_____.

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:_____.

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:_____.

[Call for second etc .]

MOTION

FINDING PROPOSED AMENDMENT INCONSISTENT WITH COMP PLAN

I make a motion that the proposed zoning amendment **be rejected** based on the following:

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:_____.

AND/OR

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 Board further finds that the proposed zoning amendment is unreasonable because:_____.

AND/OR

3. *The proposed zoning amendment is in the public interest.* The 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 Board further finds that the proposed zoning amendment is against the public interest because:_____.

[Call for second etc .]

MOTION
TO APPROVE
ZONING AMENDMENT
(EVEN IF INCONSISTENT WITH COMP PLAN)

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

1. *Even though the proposed zoning amendment is inconsistent with the adopted comprehensive plan of the Town of Jamestown, a change in conditions in meeting the development needs of the community has occurred since plan adoption.* These changes include:

_____.

Furthermore, the Board finds that the proposed zoning amendment meets the development needs of the community because:_____

AND

2. *The proposed zoning amendment is reasonable.* The 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 Board further finds that the proposed zoning amendment is reasonable because:_____.

AND

3. *The proposed zoning amendment is in the public interest.* The Council 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 that the proposed zoning amendment is in the public interest because:_____.

AND

4. By approving this motion, the Board also recommends that the Town Council also hereby amend s the Town of Jamestown Land Development Plan (comprehensive plan) to reflect the approved zoning amendment.

[Call for second etc .]



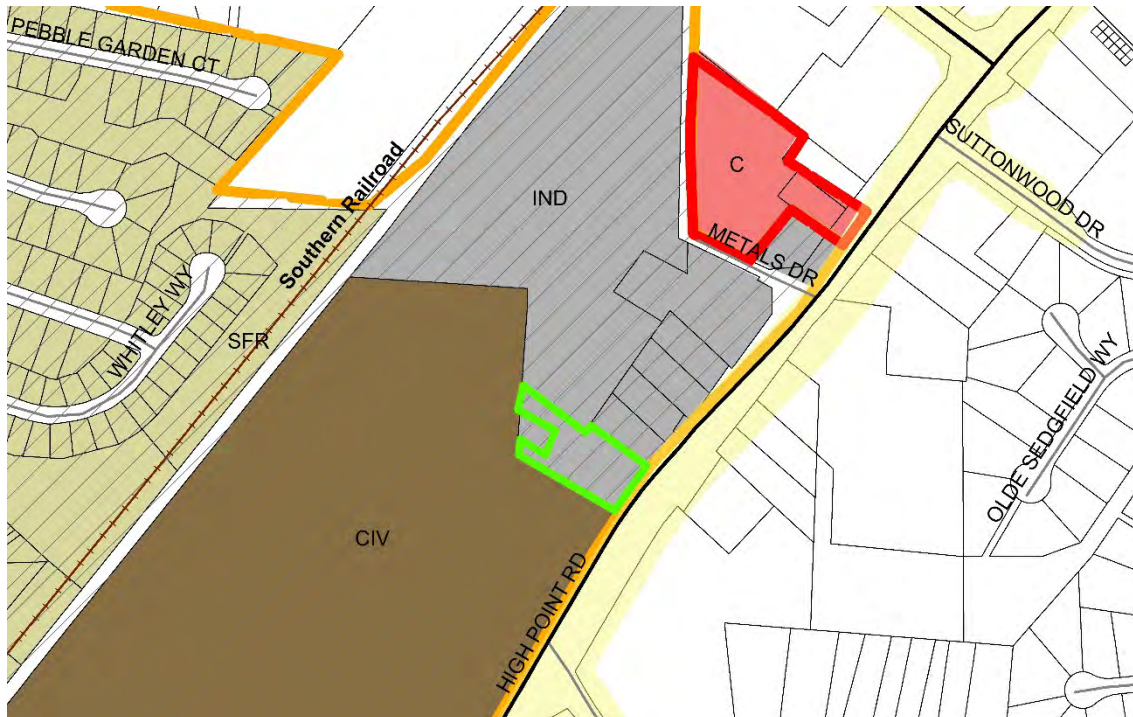
NOTICE OF PUBLIC HEARING Planning Board

ZONING CASE 2018-01

A request for rezoning has been filed with the Town of Jamestown Planning Department for the property shown on the attached map (highlighted in green). The request is described below:

Proposal: Request for rezoning of 5834 W. Gate City Blvd. from “IND – Industrial” to “C – Commercial”.

Location: The site is located at 5834 W. Gate City Blvd. (in green below).



Applicant: Ted Welborn, 4004 S. Rockingham Rd. Greensboro, NC 27407

Applicant's
Contact: Ted Welborn; 336-707-9393

You are receiving this notice because public records indicate that you own property adjacent to, and within 500 feet, of this rezoning request, which has been scheduled for a public hearing. Recipients of this notice may wish to share it with their neighbors whose property is nearby the above noted zoning proposal.

The purpose of the public hearing is to allow citizens to comment regarding potential impacts the proposed development would have on their properties or on the area in general, and to identify issues or concerns related to the appropriateness of the request.

The public hearing is not the appropriate setting to learn about a zoning proposal for the first time. It is difficult to gain understanding of a proposal and offer well thought out comments during the relatively short time of a public hearing. The staff recommend that you contact the applicant or the Town of Jamestown prior to the meeting to learn more about the proposal.

PUBLIC HEARING

PUBLIC HEARING DATE: Monday, October 8, 2018
TIME: 6:30 PM
LOCATION: Town of Jamestown Town Hall, 301 E. Main St., **COUNCIL CHAMBERS**

The meeting facilities of the Town of Jamestown are accessible to people with disabilities. Anyone needing special accommodations should call (336) 454-1138. Notice of public hearing shall also be published in the Jamestown News.

Mailed: September 19, 2018