

MINUTES OF THE WHITSETT PLANNING BOARD
February 3, 2010
Whitsett Town Hall

The monthly meeting of the Whitsett Planning Board was held at 7:00 p.m., Wednesday, February 3, 2010 at the Whitsett Town Hall. In attendance: Board Chairman Bob Maccia, Board Vice Chairman Joe Wheeler, Board member Ella Efird, and Council member liaison Jerry Rice. Absent: Board member Patrick Hickey, Jr., and Board alternate Homer Moser. Also present was Rock Creek Record reporter Jamie Kennedy. Guests in attendance were realtors Richard Jones and Ted Crum along with property owner Sylvia Edwards.

Planning Board Chairman Bob Maccia called the meeting to order, noting that a quorum was present. Council member liaison Jerry Rice offered the invocation.

OLD BUSINESS

1. Adoption of Minutes

Planning Board Chairman Bob Maccia asked for any changes to the minutes from the Planning Board meeting on January 6, 2010. With none offered, a motion was made by Board member Ella Efird to accept the minutes of the January 6 meeting as written; motion seconded by Board Vice Chairman Joe Wheeler. Adoption of the minutes carried by unanimous vote of those present.

2. Presentation and Discussion on Hwy 70 Property (Edwards)

At this point, Chairman Maccia interrupted the agenda order of the meeting to allow the guests present to start an open discussion on the zoning of the Sylvia Edwards property located at 7210 Burlington Road. Back in 2005, the Town rezoned the front 400' of the property from residential to highway business (HB), leaving the rear portion to remain zoned residential.

Richard Jones and Ted Crum, representing their client Sylvia Edwards explained that their real estate firm had had several interested parties in the parcel at 7210 Burlington Road—and a recent one in particular who had just withdrawn his offer. The property presents too many problems because of the unusual zoning of part HB and part residential. The latest case, would have been a good match; but, the prospective buyer could not obtain commercial financing due to the combination of commercial/residential.

So that this roadblock for prospective buyers does not continue, the intent of Messrs. Jones and Crum at this Board meeting, was to determine if the Town might be open to considering (1) adding other permitted uses for HB zoning; and (2) adding depth to the HB zoning of the Edwards parcel. Mr. Jones provided a copy of the permitted-use schedule for the Town of Gibsonville; and asked for the Board to consider adding some of those uses to Whitsett's schedule. In addition, Mr. Jones asked the Planning Board to consider recommending to the Town Council extension of the limited 400' commercial tract.

Mr. Jones stated that he thought the Town's intention back in 2005 was to grant the 400' HB zoning for the time being; and then when a land-use prospect came into focus, the Town would consider additional HB rezoning of the lot. A major detriment, unfortunately, becomes the lengthy process of recommendations, notifications, public hearing(s) and ruling(s) that is required for ordinance changes and rezonings. The timeframe with all its hurdles ranges from a minimum of 3 months to 6 months or more, depending on the complexity; and so often prospects look elsewhere.

A healthy discussion and good exchanges continued with the conclusion at tonight's meeting being that the Board Chairman would convey the concerns and proposals of Mr. Jones and Mr. Crum to the Town Council members at the regular monthly meeting next week to sense their reaction.

3. Review of Draft Amendments on Lawn Maintenance (Nuisance Ordinance)

Prior to tonight's meeting, members of the Planning Board received in their packages a page that documented the Town's current "nuisance" ordinance with some insertions from various other local ordinances as discussed and concurred with during the January Board meeting. Essentially, wording was borrowed from Sedalia's ordinance to better describe an "unkempt appearance" [of one's property], including a specific listing of appliances prohibited outside of a dwelling.

In addition, several definitions of "nuisance" were entertained for inclusion in the beginning of Chapter 42 on Health and Sanitation. The definition most favorable dealt with law and the legal rights of others that may become harmed or inconvenienced.

Following a brief discussion, and final review of the added language for constituting a nuisance and the new definition, a motion was made by Vice Chairman Joe Wheeler to approve the expanded ordinance and the preferred definition for recommendation to the Town Council for placement on the next public hearing's docket. Motion was seconded by Board member Ella Efirid; and motion carried by unanimous quorum vote.

4. Any Other Old Business

Board Chairman Maccia asked for any other old business; and there was none.

NEW BUSINESS

1. Review County Ordinance on Accessory Buildings and Discuss Applying to Town Requirements

Board Chairman Maccia gave some background on what prompted this issue, stating that a relatively new resident on Brightwood Church Road, unaware of Town procedures, approached the County permits department with plans to erect a 48' by 60' accessory building on his property. The County, after informing the resident that he first needed a development permit certificate from the Town in order to proceed, did, however, look over the plans only to inform the resident that his plans did not meet County codes.

According to County requirements, accessory buildings must be located behind the front building line of the principal structure on the parcel. The County, being the contracted enforcement authority for Whitsett, thought that Whitsett's ordinances mirrored those of the County. The Town normally does adopt the County ordinances for uniformity of compliance; but, in this case they did not; and the Town's ordinance actually allowed accessory structures to extend beyond the front line of the main dwelling.

This situation may have been an oversight on the Town's part to have not updated its ordinance to coincide with the County code, or perhaps the County assumed that the Town's and theirs agreed and pursued no further. Despite the reason, the "fix" to all this would be for the Town to amend its current ordinance using County requirements for uniform conformity.

Members of the Planning Board had received in their mailed packages a page noting (1) the current Town's section on accessory buildings, and (2) excerpts from the Guilford County ordinance on such structures. Copy attached for the record.

With no further discussion, a motion was made by Board member Ella Efird to amend the Town's ordinance to include items A and B from the County's code, stating locations for [future] accessory buildings for single-family development and annex structures, e.g., clubhouses, rental or administrative offices for multi-family development. Item C, however, which dealt with utility substations permitted in easements was not favored and, therefore, would not be included for recommendation to the Town Council. Motion was seconded by Vice Chairman Joe Wheeler; and the motion passed unanimously.

2. Any Other New Business

Chairman Maccia asked for any other new business; and there was none.

ADJOURNMENT

With no further business before the Board, Planning Board Chairman Bob Maccia invited a motion to adjourn. Motion made by Board member Ella Efird to adjourn; motion seconded by Board Vice Chairman Joe Wheeler. By unanimous vote, the February 3 meeting was adjourned at 8:10 p.m.

The next meeting of the Whitsett Planning Board is scheduled for 7:00 p.m., Wednesday, March 3 at the Town Hall.

/s/

/s/

Jo Hesson, Town Clerk

Bob Maccia, Planning Board Chairman

APPROVED: March 3, 2010