

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

The meeting of the Whitsett Planning Board was held at 7:00 p.m., Wednesday, March 3, 2010 at the Whitsett Town Hall. In attendance: Board Chairman Bob Maccia, Board Vice Chairman Joe Wheeler, Board member Patrick Hickey, and Council member liaison Jerry Rice. Absent: Board member Ella Efirid and Board alternate Homer Moser. Also present was Rock Creek Record reporter Jamie Kennedy and area resident Denny Stroud.

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 February 3, 2010. With none offered, a motion was made by Board Vice Chairman Joe Wheeler to accept the minutes of the February 3 meeting as written; motion was seconded by Board member Patrick Hickey. Adoption of the minutes carried by unanimous vote of those present.

2. Discussion of Sale of Utility Buildings and Carports at Corner of Highways 61 and 70

At this point of the meeting, Board Chairman Bob Maccia broke the order of agenda items, to allow for a “new business” item to be proposed to the Board for consideration. Chairman Maccia’s initial remarks explained that a nearby resident, Denny Stroud, was present at tonight’s meeting to present his plans for a small business on the Huffman Oil property at the corner of highways 61 and 70. Stroud’s intention was to sell portable utility buildings from the lot, which is a trade currently not permitted according to ordinance. Chairman Maccia invited Denny Stroud to the table to enlighten the Board on his efforts to date and the obstacles encountered.

Mr. Stroud explained that he had recently leased the commercial property at 61 and 70 for five years with the hopes of running a small business for retail sales of utility buildings. When he asked Huffman Oil about permits or protocol of

checking with the Town, he was told nothing was necessary. Stroud proceeded with his plan by placing several metal buildings on the lot, only to soon learn from Enforcement Officer and Town Administrator Gary Deal that anyone conducting business within the Town limits is required to first secure a privilege license. But, paramount to the license in this case, is the roadblock that the particular trade of selling utility buildings was not allowed in Town even though the leased land was zoned highway business. Deal went on to explain the lengthy process of developing, recommending, and adopting ordinance changes and conditional standards, which involved public hearings—all in all taking generally a minimum of three months. Deal suggested to Stroud that he plan to introduce his plans immediately to the Planning Board at the next monthly meeting scheduled for March 3 so that if the Board voted to recommend amendments to Council pertinent to this case, the proposed changes could be scheduled for the June public hearing docket.

Subsequent to Stroud's explanation of his predicament to the Board, he was again told of the usual three-month process that would culminate at the annual public hearing in June. Stroud, again hearing "June," asked the Board if anything could be done to expedite that process. Chairman Maccia, giving a somewhat nod, stated that first there is work on the part of the Board that would need to be done before a hearing earlier than June could even be considered.

First, the Board would need to recommend to Council that the retail sale of utility buildings be added to the Town's permitted use schedule with a "D" designation, meaning that the "use" of selling utility buildings would be subject to specific development conditions that the Planning Board would need to formulate. With all this in order, the Planning Board could then recommend to the Town Council that a public hearing earlier than June be considered by Council members; and that decision rests totally with the Council.

At this point, Chairman Maccia thanked Denny Stroud for his time, and excused him from the meeting so that the Board could discuss the viability of the matter and the next moves by the Board. After brief discussion and deliberation, the Board concluded that this type business may be a good fit for the vacant parcel, especially since it required no lighting and no water and sewer requirement in order to operate. Stroud would, however, need to abide by the additional conditions set forth in conjunction with the permitted-use schedule and other standing ordinance requirements, e.g., signs and banners, buffers, etc.

With that, a motion was made by Vice Chairman Joe Wheeler to add the retail sales of utility buildings and carports to the Town's permitted-use schedule and that an "as soon as" public hearing (providing the advertising timelines can be met) be suggested to the Council. Motion was seconded by Board member Patrick Hickey; and motion passed by unanimous vote of those present.

3. Revisit Draft Amendments on Lawn Maintenance (Nuisance Ordinance)

Chairman Maccia explained that at the February 9 Council meeting he had presented to the Council members a copy of the Town’s revised general ordinance on nuisances with the Planning Board’s recommended added wording as well as a definition of the term “nuisance.” Maccia stated that Council members had some trouble with the trailing words under item (A) which dealt with weeds and grass—those words being “have unkempt appearance, or to constitute a nuisance”—and asked that those words be stricken from the final copy prior to public hearing. (A copy of the ordinance excerpt with noted Council action is attached for the record.)

With little reaction from Board members, a motion was made by Board member Patrick Hickey to accept the ordinance with the Council’s direction carried out; motion seconded by Vice Chairman Joe Wheeler. Motion carried by unanimous vote of those in attendance.

4. Any Other Old Business

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

NEW BUSINESS

1. Any Other New Business

With the issue of the sale of utility buildings handled up front, 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 Vice Chairman Joe Wheeler to adjourn; motion seconded by Board member Patrick Hickey. By unanimous quorum vote, the March 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, April 7 at the Town Hall.

/s/

/s/

Jo Hesson, Town Clerk

Bob Maccia, Planning Board Chairman

APPROVED: July 7, 2010