

MINUTES OF THE WHITSETT TOWN COUNCIL
December 18, 2018
Whitsett Town Hall Building

PUBLIC HEARING

A public hearing was held at 7:00 p.m., Tuesday, December 18, 2018, at the Whitsett Town Hall. The following members of the Town Council were present: Mayor Richard Fennell, Mayor Pro Tem Andy Brown, Council Members Jerry Rice, Cindy Wheeler, and Lee Greeson.

Also present were Town Administrator Ken Jacobs, Planning Board Chairman Bob Maccia, Planning Board Members Ella Efird and Craig York, land developer Paul Milam, realtor Tom Pate, *The Alamance News* reporter Tomas Murawski, and ten additional members of the public.

Mayor Richard Fennell asked Council Member Jerry Rice to offer the invocation. Mayor Fennell then asked for a motion to officially open the December public hearing. A motion was made by Council Member Lee Greeson to open the hearing; motion seconded by Council Member Jerry Rice. Following the unanimous vote, Mayor Fennell declared the hearing in session.

Preview copies of the proposed documents were available at Town Hall for the public after publication of the hearing notice in a newspaper of general circulation, as well as at the hearing. The documents were provided to the members of the Town Council in their advance packets.

Mayor Fennell announced that the items open for discussion and public comment during tonight's hearing would be the following proposed issues with supportive documentation:

- 1. Three New Zoning Districts and Descriptions**
- 2. Permitted Uses for New Zoning Districts**
- 3. Modifications to the 2017 Land Use Plan**
- 4. Map Standards for Proposed Subdivision Plats (Appendix to Article VI)**
- 5. Town-Established Conditions for Proposed Rezoning of 24.5 Acres**
- 6. Rezoning of 24.5 Acres at 7232 Burlington Road, REID# 103367, from AG to CU-RM12**

Mayor Fennell asked Town Administrator Ken Jacobs to offer some background on the recommendations, who stated that the primary thrust of the public hearing, and touching all aspects to be presented, is the proposed residential development at the eastern edge of Whitsett's border along US Highway 70. Jacobs then introduced land developer Paul Milam to the audience.

1. Three New Zoning Districts and Descriptions

Town Administrator Jacobs presented the following three districts, explaining that the first would apply to Paul Milam's request before the Council.

Residential Multi-Family (RM12) - The RM12 district is established as a district in which the principal use of the land is for duplex and twin homes and is appropriate in areas where the Comprehensive Plan supports high density residential use. This district can be applied to locations that are suitable for multi-family development in that they are on the perimeter of the Town with access to municipal water and sewer, adjoin property with similar density and has adequate highway frontage. The maximum density is 12,000 square feet per unit. The minimum acreage requirement is 24 acres. This district is also subject to Conditional Use and Special Use Permit provisions.

Highway Business-Interstate (HB-I) - The HB-I district is to apply to properties that are located at the exit intersection of an Interstate Highway and a State Highway. It will require sanitary sewer and municipal water. It is intended to accommodate business that cater to mobile travelers that will generally use business at the exit only. The HB-I district is also subject to the Conditional Use and Special Use Permit provisions.

Light Industrial (LI) - The LI, Light Industrial district applies to properties fronting the Interstate with suitable access to the interstate. Generally sanitary sewer and municipal water is desired but not required and will be based on Guilford County Health Department assessment. The LI zone use is primarily for clean, smaller business that are low impact on the Town. The LI zoning is also subject to Conditional Use and Special Use Permit provisions.

2. Permitted Uses for New Zoning Districts

For proposed Residential Multi-Family (RM-12) - Minimum 24 Acres

1. Active Senior Community
2. "Empty Nester" Community
3. Accessible Senior Housing
4. Accessible Senior Neighborhood

For Proposed Highway Business-Interstate (HB-I)

1. Hotel
2. Light Retail - Less than 16,000 sq. ft. with multiple spaces
3. Restaurant - Less than 3,500 sq. ft.

For Proposed Light Industrial (LI)

1. Bulk Mail
2. Warehouse
3. Computer and Office Equipment
4. Electrical and Industrial Apparatus and Supplies
5. Furniture and Fixtures
6. Household Appliances
7. Motor Vehicle Parts and Accessories
8. Motorcycle Assembly
9. Paperboard Containers and Boxes
10. Plumbing Fixtures and Supplies
11. Hardware and Wholesale Cabinet and Woodworking Supplies

The proximity of the proposed LI acreage to Dow Acres community raised concern among Dow Acres residents as far as Stella Drive being open ended for a potential pass-through thoroughfare for any industry that may come to the property. Town Administrator Jacobs explained that, at this point, the LI designation is part of the Town's land use map only, not part of the Town's official zoning map that depicts zoning districts that are in effect at the current time.

Further, the land use plan is not a binding document, but is a tool for guiding the development, organized growth, and overall improvement within Town borders. Mayor Fennell added that the land use map serves as a protection for officials in their decision making and voting for or against in such matters as rezonings, permitted uses, etc. The LI proposed area on the land use plan is currently legally zoned a combination of RS-40 and AG.

3. Modifications to the 2017 Land Use Plan

The attached land use plan would incorporate preferred placement of the first two designations above [LI stays the same as in the June 2017 approved map], and would modify the zoning of the US Highway 70 business corridor. In brief, 7232 Burlington Road (US 70) would go from CU-RS40 to CU-RM12; 1100 NC Highway 61 would go from HB to HB-I; and the US 70 stretch from 7232 Burlington Road heading westward to the intersection of NC Highway 100 would go from HB to Neighborhood Business (NB) with the balance of US 70 remaining HB.

[A comparison of HB and NB can be found in the Zoning Article IV, Section 4-2.3, items B. and C. That excerpt is also part of the official file for this hearing.]

4. Map Standards for Proposed Subdivision Plats (Appendix to Article VI)

Since Whitsett contracts with the Guilford County for planning services, including assistance with establishing ordinances and supplemental materials, and mirrors most of the county documents, the Town would propose to adopt county map standards in its entirety for insertion in the Town's Article VI on subdivisions (which the county prepared for the Town), even though only about 2-3 pages, of the over 40-page appendix, would apply to Town requirements.

5. Town-Established Conditions for Proposed Rezoning of 24.5 Acres

1. The development will have a permanent HOA. The HOA would have a non-voting member from either the Town Planning Board or the Town administration. That member would have access to, and be notified of, all meetings, including closed sessions.
2. Residences will meet construction material description provided by developer in email; i.e., exterior shall be brick, rock, cultured stone, Hardie plank or equivalent, Architectural shingles, garages. Units will be restricted to single story and will be accessible. Provisions for a limited number of 1½ story units per developer's request and discussion.
3. DOT specification streets with curb and gutter. Rolled gutters are permitted.
4. DOT specification sidewalks.
5. Concrete driveways.
6. A buffer will be required per Ordinance 4-8.3 & 4-8.3.1. A substitute submitted by developer would be considered and presented to Planning Board and voted by Council.
7. The following will be prohibited and shall be included in the HOA rules. No Airbnb, VRBO, or any short-term rentals. An owner may rent his unit for a minimum of 1 year under conditions that preclude owner occupancy. The renter must fill out an application to be reviewed by the HOA and must sign a rental agreement. No units are to be sold as rentals.
8. HOA rules shall be reviewed by Whitsett Enforcement Officer and Whitsett Planning Board for concurrence or objection. The HOA covenants are subject to review by Town of Whitsett attorney.
9. Areas between structures shall be covered by easements where necessary to preserve access and to provide for maintenance and utility service.
10. Links to any future trails are encouraged.
11. Maintenance of all sidewalks located outside public street right-of-way shall be the responsibility of the HOA. Sidewalks located within public street right-of-way may be maintained by the Jurisdiction maintaining the public street, subject to the Jurisdiction's approval. If the jurisdiction will not assume maintenance, the HOA shall be responsible for maintenance.

12. The Town has a sign ordinance that will regulate the entrance sign. The Town would be desirous that the Planning Board have input on both the sign and the entrance landscaping.
13. A general landscape plan will be required and will be reviewed and approved by Guilford County with input by the Town of Whitsett.

6. Rezoning of 24.5 Acres at 7232 Burlington Road, REID# 103367, from AG to CU-RM12

In closing remarks, Paul Milam extended his personal appreciation to Town Administrator Jacobs, Town Council Members, and the Planning Board for earnest time and effort, not only in bringing services of water and sewer to benefit his proposed development; but, in setting plans for the Town to grow as well. Milam commended both Town and City of Burlington officials in working through and getting beyond old feelings of years past, which admittedly, was the hardest part of reestablishing dialogue and working towards negotiations with beneficial results for all parties.

ADJOURNMENT

Mayor Fennell asked those present for any further questions or comments; and with none, asked for a motion to close the public hearing. A motion to close the public hearing was made by Council Member Jerry Rice; motion was seconded by Council Member Cindy Wheeler. Motion carried by unanimous vote, and the December 18, 2018 public hearing was adjourned at approximately 7:53 p.m., to then proceed with the regular Council meeting.

/s/

/s/

Jo Hesson, Town Clerk

Richard Fennell, Mayor

APPROVED: January 8, 2019

[*The Alamance News* article that appeared in the December 27, 2018 edition was deemed good coverage of the public hearing proceedings; and is included as part of the official record for the hearing and subsequent meeting.]