

Planning Board Meeting

7-11-16

6:30 pm
Council Chambers

Minutes & General Account

PB Members Present: Art Wise, Chair; Kerry Miller, John Capes, Eddie Oakley, Ed Stafford (Alternate for Sarah Glanville) Steve Monroe ETJ representative

Planning Board High School Representative: Jackson Dew

Town Council Representative: Lynn Montgomery

Staff Present: Carrie Spencer and Martha Wolfe

Visitors Present: Bob Lackey, Kelly Irvin, Carol Brooks of the Jamestown News

1. Call to Order – Art Wise, Chair, called the meeting to order.
2. Approval of minutes from the April 11, 2016 Planning Board meeting – Kerry Miller made a motion to approve the minutes as presented. John Capes made a second to the motion. The motion passed by unanimous vote.
3. Public Hearing Case # 2016-02 to consider Rezoning Request from Single Family Residential (SFR) to Conditional Zoning Multi-Family Residential (CZ-MFR) for the property located at 210 Oakdale Rd. – Carrie Spencer presented the rezoning request for the property located at 210 Oakdale Rd. The proposed rezoning request is to rezone the property from SFR to CZ-MFR. The condition requested is the maximum density of 8 units/acre. Which is the existing density. The property consists of approximately .5 acres.

Spencer explained that the property was originally zoned R-9 PUD prior to 2009. In 2009, the Town went through a Town-Wide rezoning and adoption of a new Land Development Ordinance and Zoning Map. This property at 210 Oakdale Rd. was changed from R-9 PUD for SFR. The property had 4 apartments units. The units were constructed on the parcel in 1985. The property was originally owned by Bob Lackey. Today the property is owned by Bob Lackey and Mike Bryant. The current zoning SFR does not allow the density of 8 units per acre. The property is currently a non-conforming use due to the 2009 rezoning.

The property owner might be interested in marketing the property in the future. He would like to bring the property into a conforming use. Presently, if the property were to be torn down due to damage, they could not re-build it with the current zoning. The property owner does have a right to maintain the existing value in their property.

Spencer said these properties have been developed as apartments units since 1985. She feels that the requested rezoning to Conditional Zoning Multi-Family Residential is consistent with the current LDP.

Spencer highlighted the goals & policies of the 2020 Land Development Plan that apply to this rezoning request.

- Carefully Manage growth
- Preserve the existing residential uses and neighborhoods
- Provide adequate, affordable, attractive, quality housing
- Balance individual property rights

John Capes asked if we move forward with this rezoning, does it apply only to this property. Spencer said this is site specific and only applies to this parcel. We are not setting a precedent for the area.

Art Wise asked the applicant to come forward and present his request.

Bob Lackey, 209 Knollwood Drive. Mr. Lackey said he purchased the property in 1985. He said at that time, it was zoned R8. Single Family and Multi-Family Residential were allowed. The quantity of 4 apartment units and parking requirements were met when he built the units.

He was not aware of the 2009 zoning change to SFR. He had the property appraised and that was when he discovered the non-conforming use. After talking with the Town Planner, he decided to request the rezoning to CZ-MFR to bring the property into conformity.

Mr. Lackey added that he has received some complaints from the neighbors regarding problems with a tenant. This tenant has been evicted. The other 2 tenants have been renting at these apartments for 9 and 7 years. Lackey said he does anticipate selling the property.

Art Wise opened the Public Comment Portion of the Public Hearing. He asked for anyone that was in favor of the rezoning to please come forward, give your name and address. Please adhere to the 3 minute time limit.

Kelly Irvin, 211 Oakdale Rd., said she is neither for nor against the rezoning. She stated she lived in these apartments during her transition. She now owns property across the street. There are drug dealers that live in one of the apartment. The traffic starts going in and out of the apartment at approximately 11:00 pm lasting until 5:00 am.

She has called 911 and the Sheriff's Office. She has complained to the landlord and the management company. She has talked with the owners. She has talked with the drug enforcement officer with the SBI. She has taken pictures of the activity. However, she has received no help.

She asked as the Jamestown Planning Board, it seems one of their responsibilities should be to preserve Jamestown and the Oakdale area. As a municipality can you put into place some ordinance or regulation where the property owner is responsible for their tenant's behavior. Incorporate a regulation whereby the owner is responsible to manage the property and the people/tenant that live there. Ms. Irvin said what she has seen has been really bad.

No one else wished to speak for nor against the rezoning request. Art Wise closed the Public Comment Period of the Public Hearing.

Art Wise suggested the Town Council work with the Sheriff's Department regarding the illegal activity at this property. Carrie Spencer said the Planning Board can only consider this rezoning request. The state statues will not allow the Town to set rent, sales price or regulate personal property rights on private property. Mr. Lackey (owner) stated the one tenant in question has been evicted and moved out. There

is still one tenant living in another apartment unit. Ms. Irvin stated this tenant has also been a source of complaints. Spencer again stated the Planning Board must deal with the rezoning request that is before them.

Kerry Miller made a motion to recommend the rezoning request for the property located at 210 Oakdale Rd. from Single Family Residential (SFR) to Conditional Zoning Multi-Family Residential (CZ/MFR) with the condition to allow the maximum residential density of 8 units/acre. John Capes made a second to the motion. On a roll call vote:

Kerry Miller voted aye
John Capes voted aye
Eddie Oakley voted aye
Ed Stafford voted aye

The motion passed by unanimous vote. The Town Clerk stated the Town Council will be asked to set a Public Hearing date to consider this rezoning request at the August 16, 2016 meeting.

Carrie Spencer said she would speak with the Town Attorney and the Sheriff regarding the situation with the tenant that is still living in the apartment complex.

4. Public Comment Period – No one registered to speak.
5. Other business:

The Town Clerk said the following terms and appointments are required for the Planning Board.

- Kerry Miller has served 2 consecutive terms and must rotate off the Planning Board. He is eligible to serve as an alternate and he has agreed to do so.
- Ed Stafford is an alternate and he has agreed to serve as an active Planning Board member beginning 9-1-16 to 8-31-2021.
- Eddie Oakley's first term expires 8-31-16. He is eligible to serve another term and he has agreed to do so. The term to be effective 9-1-16 to 8-31-2021.
- Dot Perdue, current alternate, has moved out of town. Russell Walker, Jr. has put in an application to serve as an alternate on the Planning Board.

John Capes made a motion to approve the appointments and re-appointments as presented. Kerry Miller made a second to the motion. The motion passed by unanimous vote.
Still under other business:

Kerry Miller asked if the Town of Jamestown has an ordinance regulating solicitation. The Town Clerk said we do have a very comprehensive ordinance. There is a solicitation permit process. She said if a solicitor comes to their home, you may call her to see if they have been issued a proper permit. If they have not, the Sheriff will be called.

John Capes said in his neighborhood he has noticed more and more cars are parking on both sides of the road. It is getting increasingly harder to maneuver through the cars. Spencer stated the current ordinance allows parking on the street. The Sheriff has the authority to ticket cars parked illegally.

John Capes made a motion to adjourn the meeting. Kerry Miller made a second to the motion. The motion passed by unanimous vote. The meeting ended at 7:16 pm.