

US 441 GATEWAY DISTRICT PLANNING COUNCIL

MINUTES

Date: April 27, 2021

Time Begin 6:04 pm

Time End: 6:45 pm

Location: Remote

Members	Present	Absent	Members	Present	Absent
Dora Robinson		X	Vacant		
Myra Cloer	X		Vacant		
Debby Cowan	X		Vacant		
Susan Kinsland	X				

Staff Present:

Michael Poston, Planning Director

John Jeleniewski, Senior Planner

Allison Kelley, Administrative Assistant

Call to Order and Quorum Check:

Chairman Debby Cowan called the meeting to order at 6:04 p.m. and a quorum was not present.

Approval of the Agenda:

The agenda was not approved as a quorum was not present.

Approval of Minutes:

The minutes from July 30, 2020 was not approved as a quorum was not present.

Public Comment: (3 minutes)

There was no public comment.

New Business

a) Rural Living District discussion to allow duplexes

John Jeleniewski stated the 441 ordinance is set up with graphics, descriptions, allowed uses, and standards for each district. The Rural Living (RL) District makes up the majority of the 441 zoned jurisdiction. Mr. Jeleniewski stated staff has received a request to add *single-family attached dwelling units* to the permitted use table in the RL District. The current permitted uses by right are as follows:

- adult day-care homes
- non-commercial-agricultural activities
- bed and breakfast inn
- camp, campground
- child day-care homes
- community center
- hardware/garden store
- hotel/motel
- place of worship
- police, fire, or rescue station
- post office
- single-family detached dwelling unit

He stated the proposed use addition of *single-family attached dwelling units* is another term for duplexes. Building Code considers duplexes as single-family, as they are side-by-side and an attached unit. Mr. Jeleniewski asked the Council for feedback on the proposed text amendment.

Ms. Cowan inquired if there would be any concerns, and if they originally left off this use for concerns of water, sewer or two families in a unit. In addition, stated she was not opposed to adding the proposed use for duplexes.

Mr. Jeleniewski stated staff does not see any concerns as it would still be considered a residential dwelling unit. Staff would apply the maximum density standard, which he believes they amended the ordinance to one dwelling unit per acre. Depending on the size of land, they could do multiple duplexes. However, they would not be able to regulate parking, and they could have separate or shared driveways. Mr. Jeleniewski stated the RL District is not near public utility services, and would not have the availability of public water and sewer. Environmental Health would be involved for regulations regarding septic system drainfields, repair areas, and setbacks for wells. In addition, all existing standards in the ordinance would apply to the proposed use. He stated staff does not typically see a tremendous amount of duplexes in this area, and they typically are in higher density areas where there are public utilities. However in this case, this use for *single-family attached dwelling units* could have been overlooked as it is allowed in the Golf Course Community, Planned Residential Community, Townhome/Condominium Community, and Village Center districts.

Mr. Poston stated when the ordinance was adopted they could of determined that duplexes would not be as common in the more rural areas of the districts. However, looking at housing opportunities there is a need for affordable housing options and due to the lack of infrastructure, this could be an appropriate use other than the typical manufactured homes.

Ms. Cloer stated she did not see anything concerning adding this additional permitted use and the Council should move forward with this request. Ms. Kinsland stated she is in agreement with the addition of duplexes. In addition, is it strictly two small houses connected sharing a wall or could it be more than two?

Mr. Jeleniewski stated the definition says attached therefore, it would be a dwelling unit on each side that shares a party wall. If more units are proposed, it moves into multi-family with a triplex and a quad. He stated state building code considers these two units as single-family residential. Ms. Cowan stated that of the three of the four members present today they are all in favor of moving this proposal forward. Mr. Poston stated the Council would have to call for a public hearing when there is a quorum present.

b) Approval Process Discussion

Mr. Poston stated this discussion had been brought up in other zoning jurisdictions in the county. The special use permit process, which requires a quasi-judicial hearing that only allows those that have standing to participate. In other jurisdictions, community members do not have a way to voice their concerns to the Council before or during the hearing since this process is much like a court case. Staff has presented a newer approval process for the Council to consider called conditional zoning that requires the Council's approval or recommendation. In North Carolina there are three different types of approval processes, administrative, quasi-judicial, and legislative. Conditional Zoning is a legislative rezoning decision, in which both the Council and the Planning Board would act as an advisory board. The Board of Commissioners would hold a public hearing, and make the final determination. Conditional Zoning is a rezoning process that the applicant would ask to change their property use from residential to commercial. The Council would evaluate this request based on their adopted Small Area Plan, and then make a recommendation to the Board of Commissioners. This process would allow the Council to discuss the project with the community during this process, as there are no qualifier factors who can participate in a legislative process unlike a quasi-judicial hearing. In addition, this process allows the applicant, staff, and boards to put additional conditions on the project that would make it more compatible with the area. Mr. Poston stated the Council was provided a copy of The Village of Forest Hills conditional zoning ordinance, and they require the developer to host a public meeting

to discuss their project before submitting a formal application. The developer is required to provide minutes from the community meeting to provide feedback and/or concerns from the community. The Council could incorporate this requirement in the process, and staff will be working on a draft document for conditional zoning for all planning councils to review.

Ms. Cowan inquired if the new conditional zoning process would substitute the quasi-judicial process. Mr. Poston stated there will always be variance and appeal request, which requires the quasi-judicial process. In addition, the conditional zoning process would likely substitute the special use hearing process. He stated there currently is state statute changes with new language moving through the state legislature that may change how the council will trigger and approach the conditional zoning process. The Council determined that the conditional zoning process would be a good addition to involve the community more throughout the process.

c) Planning Updates

Mr. Poston informed the Council that Caroline LaFrierier, Planner II for the department had accepted a job with the Southwestern Commission at the beginning of this year. He stated they have hired a new planner, Anna Harkins that will start the beginning of May after her completion of her graduate degree in community planning from the College of Charleston.

Mr. Poston stated the Council will have forthcoming meeting this summer regarding text amendments for state statute Chapter 160D which is a mandatory recodification of statutes that allow counties and cities to exercise land development regulations including zoning and subdivisions. In addition, staff will be cleaning up the ordinance and eliminating unintentional conflicts that occurred during developing the Unified Development Ordinance (UDO) and propose those changes to the Council for consideration.

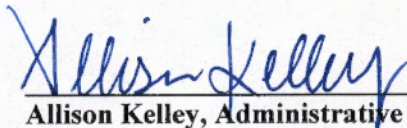
In addition, Mr. Poston stated the Council is made up of seven members that currently have four seats filled. He asked the Council if they knew of any potential members that would like to volunteer to serve on this Council to reach out to Commissioner Gayle Woody.

Mr. Jeleniewski informed the Council that they approved the Sequoyah hotel last summer, and staff is finalizing there review on the final submitted plans. In addition, he stated the initial project hotel was going to be seven stories, but they have reduced to five stories.

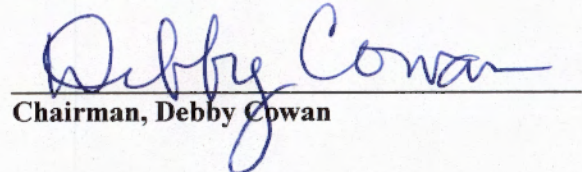
Adjournment:

With no further business, Chair Debby Cowan made a motion to adjourn and the meeting adjourned at 6:45 p.m.

Submitted By:


Allison Kelley, Administrative Assistant

Approved By:


Chairman, Debby Cowan