

OFFICIAL MINUTES
Carroll County Planning and Zoning Commission
Work Session
Carroll County Master Plan

November 28, 2011

Location: Carroll County Office Building

Members Present: Dennis Wertz, Chairman
Charles M. Chadwick, Vice Chair
Melvin E. Baile, Jr.
Alec Yeo
R. Wayne Barnes
Richard J. Soisson
Richard S. Rothschild, Ex-Officio
Cynthia L. Cheatwood, Alternate

Present with the Commission were the following persons: Commissioner Doug Howard; Commissioner Robin Frazier; Tom Devilbiss and Kelly Martin, Department of Land Use, Planning, and Development; Daphne Daly, Bureau of Planning; Gail Kessler, Department of the County Attorney; William Knill; and Jean Knill.

Mr. Wertz asked Mr. William Knill if he had any comments to add to the letter he had sent to the Commission.

Mr. Knill indicated he was a Mount Airy resident who had sent a letter to the Commission on behalf of the Greater Taylorsville Area Citizens' Council (GTACC). The purpose of the letter was to request that the Commission reconsider how commercial areas within the County's Rural Villages are handled. Mr. Knill suggested that different guidelines or standards should be used for commercial development within Rural Villages to make them more compatible to the Rural Villages concept and not quite so intrusive.

Ms. Daphne Daly, Bureau of Planning, indicated she had spoken previously to the GTACC regarding this request. She suggested the issue be discussed during the review of Chapter 14: Land Use & Growth Management.

Mrs. Cheatwood entered the meeting.

Mr. Wertz noted that the Commission had also received an e-mail from Ms. Stephanie Brannigan discussing several issues including, planning for areas for improved infrastructure, improving the current zoning process, etc.

There were no further citizen comments.

The Commission reviewed the new chapter developed by staff, entitled: "Associated Plan Elements".

Ms. Daly explained that the Commission had discussed creating the new chapter to combine the chapters on the Heart of the Civil War Heritage Area, the Mineral Resources Area, the Water Resources Element, and the Rural Villages. After consideration, Ms. Daly had removed the

Rural Villages from the chapter to include them as a Priority Funding Area subset in Chapter 14: Land Use & Growth Management.

It was the consensus of the Commission that no further changes be made to the new chapter.

Mr. Wertz asked for citizen comments regarding the chapter; there were none.

Mr. Devilbiss led the Commission in a discussion in follow up to previous meetings regarding Employment/Economic Development. The Commission discussed dividing the County into districts; developing criteria using the Carroll County Economic Development Land and Employment Needs Study as a starting point; mapping areas that could be eligible for employment; meeting with the citizens in each district, and the appropriate Commissioner, to discuss possible employment areas; etc. There was considerable discussion regarding whether landowner consent was possible before an area was proposed.

Staff provided additional information to the Commission regarding case law relating to the comprehensiveness of a review.

Mr. Devilbiss clarified that the Planning Commission makes recommendations related to land use designations. It is the Board of County Commissioners that is responsible for taking any action with regard to those recommendations by rezoning properties.

Mr. Chadwick explained that the land use designation does not change the property taxes and it does not create non-conforming uses—it is a recommendation from the Commission. If a landowner wants to develop property in accordance with its existing zoning, they can.

The Commission discussed identifying areas that meet the criteria that is developed. Areas will be narrowed down based on community input.

Commissioner Rothschild suggested that a mechanism be developed to prevent rezonings from occurring without landowner consent.

Mr. Chadwick suggested that once land has been identified for employment use, the Board should task the Economic Development staff with notifying the property owners to lobby for zoning changes to protect those areas from residential development.

Commissioners Howard and Frazier suggested that the criteria should be utilized county-wide rather than each district having its own criteria. Commissioner Rothschild suggested each district should have its own criteria. He indicated it may be necessary to consult outside counsel for legal opinions regarding this issue. Commissioner Rothschild relayed several questions to counsel, including: is there a requirement to draw a map or provide text descriptions of what land would qualify for rezoning; what is the minimum criteria that we need to conform with to have the comprehensive rezoning deemed consistent; does the mere fact that we give the landowner right of consent make us inconsistent; etc.

Staff indicated they would work with Economic Development to develop criteria for use in identifying properties for possible employment zoning.

The Commission will meet for Master Plan Work Sessions on Thursday, December 8 and Monday, December 12. This will not be a continuation of the Employment/Economic Development discussion. The Commission adjourned at approximately 8:25 p.m.

Secretary

Approved