

SUMMARY OF MINUTES

COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE

6:30 p.m., Tuesday, October 11, 2011

COMMITTEE ROOM

Room 239, City Hall

MEMBERS PRESENT: Council Member Dan Besse, Chair
Council Member Denise D. Adams, Vice Chair
Council Member James Taylor, Jr.
Council Member Molly Leight

OTHERS PRESENT: Council Member Derwin L. Montgomery
Council Member Wanda Merschel (out at 6:58 p.m.)

Chair Besse called the meeting to order and stated that without objection, the Committee would first consider the Consent Agenda. He requested to pull Items C-1(a-t). No other items were removed.

Council Member Adams made a motion to approve the balance of the Consent Agenda. The motion was duly seconded by Council Member Taylor and carried unanimously.

CONSENT AGENDA

- C-1. ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(1) OF THE CODE OF THE CITY OF WINSTON-SALEM: [*Repairs less than 50% of value of structure (<50) six months*].
- u. William & Elizabeth Schachte 2401 Lyndhurst Avenue
- C-2. RESOLUTION AUTHORIZING ACCEPTANCE OF A GIFT DEED FROM THE ROBERT HAYWOOD MORRISON FOUNDATION.
- C-3. APPROVAL OF COMMUNITY DEVELOPMENT/HOUSING/GENERAL GOVERNMENT COMMITTEE SUMMARY OF MINUTES - *September 13, 2011*.
- C-1. ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF A STRUCTURE PURSUANT TO CHAPTER 10, ARTICLE V, SECTION 10-203(f)(1) OF THE CODE OF THE CITY OF WINSTON-SALEM: [*Repairs less than 50% of value of structure (<50) six months*].

- a. Pinnacle Prop. of Randolph Co. 920 Bethlehem Lane, Apt. A
- b. Pinnacle Prop. of Randolph Co. 920 Bethlehem Lane, Apt. B
- c. Pinnacle Prop. of Randolph Co. 920 Bethlehem Lane, Apt. C
- d. Pinnacle Prop. of Randolph Co. 920 Bethlehem Lane, Apt. D
- e. Pinnacle Prop. of Randolph Co. 935 New Hope Lane, Apt. A
- f. Pinnacle Prop. of Randolph Co. 935 New Hope Lane, Apt. B
- g. Pinnacle Prop. of Randolph Co. 935 New Hope Lane, Apt. C
- h. Pinnacle Prop. of Randolph Co. 935 New Hope Lane, Apt. D
- i. Pinnacle Prop. of Randolph Co. 931 New Hope Lane, Apt. A
- j. Pinnacle Prop. of Randolph Co. 931 New Hope Lane Apt. B
- k. Pinnacle Prop. of Randolph Co. 931 New Hope Lane Apt. C
- l. Pinnacle Prop. of Randolph Co. 931 New Hope Lane Apt. D
- m. Pinnacle Prop. of Randolph Co. 956 New Hope Lane, Apt. A
- n. Pinnacle Prop. of Randolph Co. 956 New Hope Lane, Apt. B
- o. Pinnacle Prop. of Randolph Co. 956 New Hope Lane, Apt. C
- p. Pinnacle Prop. of Randolph Co. 956 New Hope Lane, Apt. D
- q. Pinnacle Prop. of Randolph Co. 954 New Hope Lane, Apt. A
- r. Pinnacle Prop. of Randolph Co. 954 New Hope Lane, Apt. B
- s. Pinnacle Prop. of Randolph Co. 954 New Hope Lane, Apt. C
- t. Pinnacle Prop. of Randolph Co. 954 New Hope Lane, Apt. D

Chair Besse indicated a request had been received to extend the repair or demolish order to six months rather than the staff-recommended three months.

Council Member Adams made a motion to approve staff's recommendation with an allowance of six months to repair or demolish the structures. The motion was duly seconded by Council Member Taylor and unanimously carried.

GENERAL AGENDA

G-1. BRIEFING ON WEST SUBURBAN AREA PLAN.

Mr. Paul Norby, City/County Planning Director, stated that this was the second of three area plans to be completed this year, affecting approximately 40,000 people. The public hearing on this item is scheduled for the November 7 City Council Meeting.

Mr. Kirk Ericson, Principal Planner, gave the briefing on the West Suburban Area Plan. He stated the area had 40,000 residents in 2000, and has grown to approximately 50,000 residents in 2010 covering almost 20,000 acres.

Chair Besse stated that the West Suburban Area includes parts of three wards: the Southwest Ward that he represents, the West Ward that Council Member Clark represents and the Northwest Ward that Council Member Merschel represents. He noted that there have been no major controversies in the Southwest or West Wards. He stated, however, that there is a controversy regarding the parcel of land located at Yadkinville and Transou Roads in the Northwest Ward. The parcel is presently zoned single family, and the plan recommends a change to moderate density. Chair Besse recognized that most of the citizens in attendance were there for that particular item. He then called on Council Member Merschel to summarize the issues.

Council Member Merschel reported that there has been a tremendous amount of growth in the area, driven primarily by the addition of Reagan High School as well as good housing inventory, a good mix of prices and a still somewhat rural makeup. However, the infrastructure cannot accommodate the amount of traffic and development. She stated that the left-hand turn onto Yadkinville Road towards Winston-Salem is almost impossible to navigate, as well as sight issues at Transou Road. She further stated that multi-family is best placed where there is infrastructure and mass transit. Council Member Merschel noted that the Council has historically supported the Area Plans. However, she recommends changing that parcel in the Plan, having it retain its single family residential character.

Council Member Leight stated that she tends to support and protect neighborhoods, so she can understand the concerns and will consider the request.

Chair Besse referred to the public comments from the Planning Board Public Hearing regarding the Mill Creek Greenway. He suggested that Council Members review the comments and the greenway plan. He stated that the point made by Planning Board Members on that issue was that the entire greenway plan is under revision.

Council Member Merschel out at 6:58 p.m.

G-2. CONSIDERATION OF A REQUEST FROM THE ZONING BOARD OF ADJUSTMENT. [*Special Use Permits for keeping fowl.*]

Mr. Charles Norton, Inspections Director, reported that three years ago, Council amended the City Code for keeping chicken, pigeons and fowl to allow a Special Use Permit through the Zoning Board of Adjustment (ZBA) if they could not meet the 150 foot setback requirements. Since then, the ZBA has heard many cases regarding keeping chickens, from both the applicants and opposition. The Board Members expressed concerns that the information given was not supported by technical evidence, causing additional concerns with health, sanitation, noise, and quality of life issues.

Mr. Norton reviewed the existing regulations. He reported that the ZBA felt the public didn't have many guidelines if in opposition of one keeping chickens, and that more information needs to be provided and codified. He outlined the ZBA recommendations: Flock Size/Types- limited to four, no roosters; Shelter/Housing- fixed structure with roof with perimeter fence no more than five feet from structure, mobile structures allowed but no more than 10 feet from property line; Roaming- only allowed if property is completely enclosed by perimeter fence, limited to permitted property only; Time Limit for Special Use Permit- term limit to expire with option to renew; and Consideration to be given to reducing 150 foot setback.

Mr. Norton acknowledged the ZBA members present to provide additional information: Mr. Rick Reich, Chairman, 1216 South Hawthorne and Mr. Abram Moore, 629 Cloister Drive.

Mr. Moore stated that since 2009, 11 cases have come before the ZBA, with seven of those already having chicken coops and chickens on their property. He reported that some of the reasons the Board was given to house chickens was for children as projects, food source and lot size. The opposition reported decreases in property values, vermin and health concerns. He further stated that the ZBA is trying to generate a consistent standard so that both proponents and opponents understand what they are getting involved in.

Council Member Leight questioned the feasibility of charging a fee for a license or permit to keep fowl/chickens each year, similar to registering dogs and cats.

Mr. Lee Garrity, City Manager, noted that bonafide farms are exempt from the rule. However, there are some lots in the city that are four to ten acres. If citizens are limited to four chickens, there could be unanticipated consequences. He suggested the 150 foot restriction could apply to the large lots, and four chickens could apply to the smaller lots.

Mr. Moore explained that the reason the ZBA is recommending four chickens is because the information provided regarding coop sizes is calculated for square footage per chicken.

In response to Council Member Taylor's question, Mr. Moore responded that information on health risks has not been provided by citizens opposed to housing chickens, and staff could not find the information readily available.

Mr. Norton added that the information provided was related to commercial chickens on farms.

Council Member Taylor stated that he cannot support a reduction in a 150 foot setback, especially in urban areas.

Council Member Montgomery stated in his research, he discovered that this is currently a national discussion. He requested information on health hazards, how it affects neighborhoods in urban areas, the impact on property values, inspecting/regulating increasing demands on staff, enforceability, a Special Use Permit fee for keeping fowl and time limits. He stated that he also has concerns with reducing the 150 foot setback.

Council Member Adams expressed concerns with reducing the 150 foot setback in urban areas because homes are closer together. She requested to hear from the public on this issue.

Chair Besse remarked that the ZBA suggestions would be a radical shift in the Council's recommendation from three years ago. The Council wanted to prohibit keeping fowl within the city altogether, and the 150 foot setback was a compromise.

Council Member Adams made a recommendation to hold the item in Committee to allow time to gather more information and receive feedback from the citizens.

Council Member Leight suggested that staff report on how the City's ordinance compares with other cities.

Chair Besse recommended that staff bring this item back to Committee in January or February.

Council Member Taylor requested extensive information on health concerns and a timeframe for bringing back the Special Use Permit.

Council Member Montgomery asked staff to include Forsyth County in inquiries regarding health concerns and the effect on property values.

Chair Besse asked what, if anything, is being used to control vermin.

ADJOURNMENT: 7:47 p.m.