

**Planning Board Minutes  
Town of Butner, North Carolina  
Thursday, April 11, 2024, 6:30 P.M.  
Town Council Meeting Room**

**Members present:** Ricky Campbell, Vice Chairman; Mark Pennington, Michael McFadden, Bill Cheek, Wynette Thompson, Lynette Bailey and Beau Whitted (arrived later).

**Staff present:** Jennifer Ganser, Planning Director (PD)

**Counsel:** Gerry Koinis

**CALL TO ORDER:** Vice Chairman Campbell called the meeting to order at 6:30 p.m

**ROLL CALL:** PD Ganser called the roll. Board members absent: Martin Sinicki, Beau Whitted.

Immediately following the roll call the Vice Chairman asked alternate L. Bailey to join the Board.

**ADOPT AGENDA:** Vice Chair Campbell called for adoption of the agenda. M. McFadden made a **motion** to adopt the agenda as printed, second by B. Cheek. Motion passed.

**APPROVAL OF MINUTES, MARCH 14, 2024:** Vice Chair Campbell asked if there were additions or corrections to the minutes. There being none, B. Cheek made a **motion** to approve the minutes as presented. Second by L. Bailey. Motion passed. Beau Whitted arrived at this point and joined the Board.

**PUBLIC COMMENT:** PD Ganser reported that no members of the public had signed up to speak.

**CONSIDERATION OF TA.24.03:** Chad Meadows, CodeWright Planners, introduced himself to the Board and stated that his firm is consulting with Town staff in drafting text amendments and updates to the LDO. He explained his approach to this endeavor which can be a long-term effort. His firm is in Durham and all his clients are governmental bodies.

C. Meadows stated that an LDO is a living document with some changes being required by changes in state statutes and he and staff have found multiple text amendment changes needed in the Town's LDO. Proposed multiple changes will be brought to the Board in groups and the timing of any changes will be set by the Town. The Board requested that as the presentation was being given that C. Meadows state which changes were required by State law.

C. Meadows provided a display on the screen of the current LDO text and the proposed change as he presented background information and reasons for the proposed changes and impact of such changes.

The first section was Vested Rights. C. Meadows discussed the history and importance of a citizen's vested rights. He gave a detailed explanation of the proposed draft including definitions, description, explanation and termination of vested rights.

C. Meadows continued his presentation covering proposed changes, including Permit choice: 3.1.7, Public notification: 3.1.11. In 3.2, Standards and Procedures, he pointed out the updates to the area of citizen comments. He pointed out details of the proposed changes in the use of the concept plan and/or site plan by an applicant in 3.2.3.

Throughout the proposed changes C. Meadows pointed out additional wording that will clarify various points in the LDO. He discussed the steps that are currently in use for seeking plan approval and the time limits on various steps.

C. Meadows stated the proposed changes allow an applicant to file a site plan rather than a concept plan for a Special Use Permit. Any variance must be accepted and signed for by an applicant and he discussed the appeals process. There was discussion on the point that filing of an appeal tolls all fines, fees and time periods.

In 3.2.14, C. Meadows discussed the renaming of the section to Vested Rights Certificate and the process. He pointed out the definition section that will be part of the LDO. There was Board discussion on grandfathering. C. Meadows stated that proposed changes will have no impact on current plans that are already approved.

Following C. Meadow's presentation the Board discussed the next steps. It was pointed out that there will be a time for public comment, followed by revision or recommendation to the Town Council.

Vice Chairman Campbell opened the floor for public comment. There was none. He then asked for further Board discussion. There being none, M. McFadden made a **motion** to approve the proposed updates, second by B. Cheek. Motion passed.

PD Ganser read the Consistency Statement. M. Pennington made a **motion** to approve the Consistency Statement, second by L. Bailey. Motion passed.

**CONSIDERATION OF TA.24.04:** PD Ganser presented a proposed amendment to the LDO that would delegate the duties of the Town's Board of Adjustment to the Town's Planning Board. This has been under discussion for some time and proposed changes to 2.3 and 2.4 of the LDO were presented for Board consideration.

There was discussion about how the Board of Adjustment would be dissolved by the Town Council and duties shifted to the Planning Board. There was also discussion on the topic of composition of membership of the new Planning Board. Following discussion, B. Cheek made a **motion** to accept the proposed amendment, second by B. Whitted. Motion passed.

PD Ganser read the Consistency Statement. M. McFadden made a **motion** to approve the

Consistency Statement, second L. Bailey. Motion passed.

**CONSIDERATION OF AMENDMENT TO RULES OF PROCEDURE:** PD Ganser presented a revised Rules of Procedure that reflects one change in the text in Rule 22 on what constitutes a quorum.

L. Bailey made a **motion** to approve the recommendation, second by W. Thompson. Motion passed.

**PLANNING REPORT:** PD Ganser reported there has been a review of an application for SGWASA. Cookout is currently outstanding with no further action since staff's last report. There will be a Board meeting in June but staff does not anticipate a meeting in May.

PD Ganser reminded the Board that there will be live virtual training on May 16, 1-4:30 p.m. Board members need to inform staff if they wish to take advantage of the training.

There is one vacancy on the Planning Board. It must be a member from the ETJ.

**BOARD COMMENTS:** There was no further discussion.

**ADJOURNMENT:** There being no further business, the Vice Chairman called for a motion to adjourn. M. Pennington made a **motion** to adjourn, second by B. Cheek. Motion passed.

Meeting adjourned at 7:28 p.m.

Respectfully submitted,

Ricky Campbell, Vice Chairman