

**MINUTES  
CITY-COUNTY PLANNING BOARD  
APRIL 8, 2021  
4:30 P.M.  
VIRTUAL**

MEMBERS PRESENT: George Bryan, Melynda Dunigan, Jason Grubbs, Clarence Lambe,  
Chris Leak, Mo McRae, Brenda Smith, Jack Steelman  
MEMBER ABSENT: None  
PRESIDING: Chris Leak

**CALL TO ORDER**

The Chair recognized Council Member Scippio and Council Member Larson, who were in attendance.

Melynda Dunigan presented a Resolution honoring Tommy Hicks for his years of service on the City-County Planning Board.

MOTION: Clarence Lambe moved adoption of the Resolution.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

**A. ACTION ON MINUTES**

- March 11, 2021 Public Hearing

MOTION: Clarence Lambe moved approval of the minutes.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

**B. PUBLIC HEARING ITEMS**

The actual order of cases considered by the Planning Board on April 8, 2021, is determined procedurally by taking consent agenda cases first, then cases for which there was a public

hearing. Accordingly, the order of cases on April 8, 2021, was as follows: B.1.; B.2.; B.4.; B.3.; B.5.; B.6.; B.7.

1. Zoning petition of Carole L. Long and City of Winston-Salem from RS9 to RM18-S (Residential Building, Single Family; Residential Building, Multifamily; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Townhouse; Life Care Community; and Planned Residential Development): property is located on the north side of Stafford Village Boulevard, across from Stafford Place Boulevard (Zoning Docket W-3461) (Case starts at 13:30).

Desmond Corley presented the staff report.

Melynda observed that there appeared to be quite a few trees in the northern section of the property and asked if there was a plan to retain any of the trees. Desmond indicated that there was no notation on the site plan, but if the applicants propose to retain vegetation, it would be allowed to count toward the bufferyard requirements. They could also supplement the existing vegetation. He further stated that there is a tree save requirement for the plan and that the proposal is in compliance with that requirement. Melynda also asked if there was a sidewalk or walkway to get to the outdoor amenity area and Stafford Village Boulevard. Desmond showed the sidewalk on the site plan.

Mo McRae pointed out that it seemed somewhat limiting to have only one community building as an amenity for seniors.

[George Tullos, 7425 Avalon Boulevard, Alpharetta, GA 30009]

In response to Mo's comment, Mr. Tullos stated that one of the amenities within the common areas offered in the building will be a large community space that will have a kitchen and space for events, seminars, and meetings. In addition, there will be other amenities, such as a fitness center, business center, reading nooks, shared library space, a walking trail around the property, and sidewalks.

Brenda Smith asked how the designation of "senior" is enforced for zoning. Chris Murphy responded that zoning does not involve age restrictions.

## **PUBLIC HEARING**

FOR: None

AGAINST: None

## **WORK SESSION**

MOTION: Clarence Lambe recommended that the Planning Board find that the request is consistent with the comprehensive plan.

SECOND: George Bryan

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

MOTION: Clarence Lambe recommended approval of the zoning petition.

SECOND: George Bryan

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

2. Zoning petition of Village at Robinhood, LLC from MU-S to GB-S (Motor Vehicle, Repair and Maintenance; Retail Store; Arts and Crafts Studio; Food or Drug Store; Furniture and Home Furnishings Store; Restaurant (without drive-through service); Banking and Financial Services; Offices; Services, A; Testing and Research Lab; Veterinary Services; Recreation Services, Indoor; Theater, Indoor; Child Care, Drop-In; Club or Lodge; Government Offices, Neighborhood Organization, or Post Office; Library, Public; Museum or Art Gallery; Police or Fire Station; School, Vocational or Professional; and Utilities): property is located at the southeast corner of Fleetwood Circle and Firedale Drive (Zoning Docket W-3460) (Case starts at 22:09).

Desmond Corley presented the staff report.

Regarding the proposed condition restricting outdoor storage of equipment, Jack Steelman asked whether that also included a restriction against outdoor overnight and weekend storage of automobiles being serviced. Desmond stated that the UDO allows for some outdoor storage of vehicles being serviced; however, there is a limit to the number of vehicles that can be stored before it becomes a storage yard, which has its own screening requirements. The proposed condition does not propose to further limit what the UDO already allows.

Melynda asked if the area plan recommendation for nearby property would still be viable should the petition be granted. Desmond responded that the indicated area is intended to be a transition area between the high intensity uses in the activity center and the lower density single-family detached neighborhoods in the surrounding area. It would still be viable.

Jack further asked whether staff ever considered the value of reaching out to building owners and tenants when a rezoning has been requested. Desmond explained staff's procedure regarding neighborhood outreach. He stated that the UDO does not require petitioners to reach out to tenants in commercial areas.

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Clarence Lambe recommended that the Planning Board find that the request is consistent with the comprehensive plan.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

MOTION: Clarence Lambe recommended approval of the zoning petition.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

3. Zoning petition of Donald A. Joyce Revocable Trust, Michael A. Joyce, and Rachel Joyce Maxcy Heirs from RS9 and LB to GB-S (Convenience Store; Restaurant (with drive-through service); Restaurant (without drive-through service); Services, A; Offices; Retail Store; and Food or Drug Store) Two-Phase: property is located at the southwest corner of Union Cross Road and Sedge Garden Road (Zoning Docket W-3464) (Case starts at 33:30).

Gary Roberts presented the staff report.

George Bryan asked whether Kernersville had shared any other plans that they may have in the area for making the activity center more attractive. Gary stated that they had not.

## PUBLIC HEARING

FOR:

Andy Priolo (Circle K), 1100 Situs Court, Suite 100, Raleigh, NC 27606

- I realize that staff has recommended denial based on the fact that our building is flipped. I have been through many rezoning applications, and one of the things that always comes up is traffic closer to the neighborhood. By flipping the building like staff is recommending, it is our concern that that creates more traffic to the rear of the site, which is closer to the neighborhood.
- Safety is the second concern. I can't give you any specific data, but we see this a lot, through our operations. When activity is blocked by the building as opposed to activity being in front where there is traffic and so forth, it tends to create more loitering because you can't see people that are gathered on the opposite side of the building. It's a 24-hour location. That is very important to us because we want safety for both our customers and our employees.

Peter Doster (Bowman Consulting), 4350 Main Street, Suite 219, Harrisburg, NC 28075

- I have worked in the Carolinas quite a bit with Circle K stores and one of the bigger differences between a gas station/C-store and what is across the street is the flow of traffic. When someone is going to a coffee shop or a shopping center, that is a destination for them. They know where they are going, where parking is, things like that. When it comes to convenience stores and gas stations, those are things that a car might turn into at the last minute. And the reason they are going to do that is to get gas and be on their way; it is not a destination. What is important is safety, in and out of the site. I have seen too many times where a car won't notice something is a gas station until the last minute. In this case that could happen from not seeing a canopy. We all know that a canopy, second to the monument sign, is how you denote what a gas station is.
- I also wanted to point out that we are surrounded by residential property, and the canopy illumination, within standards, puts off a good amount of light. Having that more towards the road, where lighting already occurs, benefits the people surrounding us. Another point I would like to make is that the angled layout that Gary presented, unfortunately, does not work for us on this site. The economics require us to have eight gas pumps, and by trying to angle it, our site is too narrow. So that would not work. As you can see, we are proposing underground stormwater management in the low point of the site. The only other way to manage that would be flipping where the building and the canopy are today. Like Andy said, that blocks a lot of the viewing into our site.
- We are looking to provide a good amount of landscaping beyond the 10 feet that is required to provide that pedestrian feel. We want to do that where possible in this layout to promote pedestrians and walkability and things of that nature. This is a brand, there aren't too many gas stations where you can't see their canopy or signage.
- We met with Annette on-site to describe this layout and I think our conversation was favorable. We would have to adjust our approaches if we flipped the building and the

canopy. Understanding that it is in that pedestrian overlay district, we were just hoping that our particular location, our use, would be looked at a little differently than a shopping center.

AGAINST: None

### **WORK SESSION**

George stated that neighborhood activity centers are very important for cohesion and walkability, and that he is not convinced, from the presentations, of the lack of visibility for the canopy because he thinks it can be seen from both approaches. George asked Mr. Doster what he could do to make this site more walkable, more pleasant, and less of a highway type gas station because cohesiveness is needed in our activity centers.

Mr. Doster stated that they would increase the visibility and aesthetics from the pedestrian walkway. He added that there have been situations where they have improved the look of the canopy by using brick columns to give it more of a building feel from the site, and that there were things they could do to enhance the pedestrian feel of the development. He agreed that it is very important to attract pedestrians and have them wanting to walk in this area.

George asked if there could be planting of more shrubs and larger trees. Mr. Doster stated that they could do that within the means of their grading and within the space between the sidewalk and curb line. Gary indicated that the site plan shows a 10-foot Type I bufferyard along the two street frontages where they are only required to install a 10-foot streetyard. That would include evergreen plantings.

Clarence asked Gary if there was any input from Kernersville other than agreeing with staff's comments about the layout. Gary stated that Kernersville had gone the extra mile across the street by including canopy trees within that shopping center. Clarence and Gary also discussed the petitioner's understanding of the activity center. Aaron King displayed other examples of gas stations with inverted layouts within the community and contended that the same thing could be done on this site. Clarence asked whether it was possible to relocate the stormwater device. Aaron stated that he thought the site was relatively flat, but that would be a question for an engineer. Chris Leak asked about the feedback received by the petitioner during their conversations. Gary stated that it was pretty much what they had shared with the Board today.

Jason Grubbs discussed traffic flow in the area and gave the following scenario: If one exits Interstate 40, which is southwest of this location, and turns left to come back through the diverted diamond interchange towards Kernersville to stop at the Circle K, they would have to make a left onto Sedge Garden Road and then a left into the convenience store. Staff could not verify whether a U-turn would be possible northbound on Union Cross Road. Aaron stated that a median was in place on Union Cross Road in that area. Clarence observed that stacking would

be better if the entrances were farther away from the intersection than proposed. Gary stated that that was another advantage of flipping the layout.

MOTION: Clarence Lambe recommended that the Planning Board find that the request is inconsistent with the comprehensive plan.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

MOTION: Clarence Lambe recommended denial of the zoning petition.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

4. Zoning petition of City of Winston-Salem from Forsyth County MU-S to Winston-Salem MU-S: property is located at the western terminus of Cedarmere Drive (Zoning Docket W-3465) (Case starts at 30:41).

Desmond Corley presented the staff report.

### **PUBLIC HEARING**

FOR: None

AGAINST: None

### **WORK SESSION**

MOTION: Clarence Lambe recommended that the Planning Board find that the request is consistent with the comprehensive plan.

SECOND: George Bryan

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

MOTION: Clarence Lambe recommended approval of the zoning petition.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

5. Zoning petition of Jimmy Lee Barrow from AG and RS20 to RS30: property is located on the east side of Reidsville Road and west side of Old Flat Rock Road, north of Vance Road (Zoning Docket F-1600) (Case starts at 1:00:40).

Gary Roberts presented the staff report.

George asked Gary to explain the history of the RS20 designation for this property, and Clarence asked whether there was sewer up to where the RS20 area is. Gary confirmed that there was not sewer within reasonable distance of the site.

### **PUBLIC HEARING**

FOR:

Jim Barrow (property owner), 3720 Old Flat Rock Road, Kernersville, NC 27284

- This is inherited farmland that I grew up on. I have three daughters and a sister, none of whom are interested in inheriting the property. I had been approached before making contact with an agent to sell it as a development area, and I turned that request down because I knew what type of development it was going to be. We are interested in selling due to aging. We have different needs now than in the past. If it is developed, I would like for it to be a nice, upscale development. I care very much about my neighbors and would like for them to have a nice area, if it is developed. The property has been leased for many years for agricultural purposes. The lease pretty much pays the taxes on the property, but it doesn't gain anything for us. This would be for our future.

Brian Craven, 101 Centreport Drive, Greensboro, NC 27409

- I'm working with Will Yearn of Granville Homes and Yearn Properties on this project, and we just wanted to express that we are local. We have been in development and construction and real estate brokerage for 15-20 years. We have worked on projects similar to this that are what I consider county projects with public water and septic systems, as well as infill sites with public water and sewer available. We mainly develop single-family homes, some moderate-density multifamily, like townhome communities,

and we focus on the Triad. We try to be pretty transparent, in this case by reaching out to the neighbors and working with Jim Barrow on this property. We have met on-site with him a number of times.

- Gary mentioned that the property has a portion already zoned RS20, so we are looking to stick with a general RS30, which I think is pretty accurate for the area being rural and having some potential larger residential lots.

Will Yearn, 532 Hillwood Court, Greensboro, NC 27410

I am here to answer any questions about the development of the property but would like to defer my time to Amanda.

Amanda Hodierne (attorney), 804 Green Valley Road, Greensboro, NC 27408

- I represent Mr. Craven and Mr. Yearn and the entity that they have formed for this property. It's a North Carolina entity and they have this property under contract for purchase. We worked diligently on the front end to consult with Mr. Roberts about what would be an appropriate, good commonsense zoning district for this location. We wanted to put forth a petition that made sense and that was immediately reasonable. We feel that the RS30 captures that.
- I want to highlight a few reasons that I would submit to you that this is an immediately reasonable request and would ask for your support. First, as you have heard from Mr. Roberts, it is consistent with your adopted *Legacy 2030* plan being designated as Growth Management Area 5 at this location, which, of course, RS30 is an appropriate zoning district for. The reason for that is the low-intensity nature of RS30 and because of its emphasis on maintaining rural characteristics.
- In addition to just meeting that textual guidance, we're actually bearing it out with the specifics of this particular request. As you have seen in your staff report, if you played this out just by the numbers to its full intensity, the RS30 zoning would yield just six more housing units than the current zoning already allows on the property, which is a very minimal increase. In conjunction, looking at impact, the traffic trip generation is increased by just 57 trips per day. Again, a very minimal, I would submit, incremental increase.
- Also, I studied your permitted use table and did a quick comparison of what uses are allowed in RS30 that are not allowed in the AG district, and I really didn't find any. I found one: a bed and breakfast is allowed, and that is not allowed in AG, but even that would require a Special Use Permit from your Board of Adjustment. So even if we were to receive an approval on this zoning, even that is not something we could go do. I think it is important to note that this really doesn't change a lot about the nature of land use on this piece of property.
- I want to talk about the compatibility of the existing land use. This is our property highlighted in pink in the middle of the screen. The purple dots around it are individual houses. You can see there are a lot of subdivision-type developments to the southeast. This is the RS20 that has been discussed. Then you see a lot more larger lots and AG

land use pattern as you go out on Reidsville Road further into the county to the northwest, and this property lies right in between, serving as a nice transition between those platted subdivisions and tapering out into more existing agriculture.

- The next slide shows the zoning split that currently exists. The red line is the zoning demarcation line between AG and RS20. You can see there is a good swath of RS20. It is an actual established pattern in your zoning, and the property sits right on the line. A part of the request is a down zoning. In doing the downzoning and asking for these minimal upticks in the incremental zoning previously elaborated on, what you are creating is a nice transition in your zoning. You are giving a nice RS30 district here that tapers from your RS20 down to your AG, which I would submit to you is a very reasonable and sound planning practice to manage your fringe.
- We had some neighborhood communication that is detailed in your staff report. We sent out a letter to everyone on the same mailing list that your staff uses. I received five phone calls from that, and had great conversations with all but one, who I left a message for but didn't hear back from. I had follow-up phone calls and even exchanged some emails. Their questions were mostly site plan related, but I think we were able to answer a lot of the process, procedure and intentional questions. I think we had a strong neighborhood communication.
- In summary, I think this is a small incremental change in zoning. It's reasonable for the reasons we've discussed. It's consistent with your *Legacy 2030* plan. It's compatible with the existing and established land use pattern in the area, and it provides a nice transition in your zoning, taking you from the RS20 that currently exists to the AG that currently exists on the other side. RS30 is right there in between.

AGAINST:

Viola Bowman, 3705 Old Flat Rock Road, Kernersville, NC 27284

- Are you going to have any outlets planned on Highway 158?

Aaron reminded the Board that this is a General Use request. For the public's information, that means that the Planning Board does not have a site plan that demonstrates how the land would be developed. What is being asked of the Planning Board is to approve a change in zoning independent of a site plan, to go from the AG and RS20 districts to the RS30 district. If the Board recommends approval of that, and it is ultimately approved by the County Commissioners, anything permitted in the RS30 district by right would be permitted, and any development that would take place in that district has to comply with those standards.

Should this property be developed for a subdivision, an applicant would have to bring a subdivision plan back to the Planning Board that would demonstrate lot size, access points, layout, et cetera. For the public, and as a reminder to the Planning Board, we do not have that today.

- I disagree with the RS30 plan.

[Cheryl Redfern, 7153 Mantlewood Lane, Kernersville, NC 27284

Rather than speaking in opposition, Ms. Redfern spoke on behalf of the seller and deferred questions to Ms. Hodierne.]

### **WORK SESSION**

George indicated that he had read the letters received, and it seemed that one of the reasons for opposition was impact on the water table, but what he was hearing was that water is available. He asked if the developers would confirm whether there might be some impact on the water table. Ms. Hodierne stated that there is public water available, and that they fully intend to make use of it.

Jason commented that this is a tough case for him because it is a very transitional area, and there is a tremendous amount of development pressure coming from the southwest. He added that the preservation of farmland is near and dear to his heart, and if there were a better solution than this, he would probably be voting differently. He thought that, given what the property owner could do by right, this was not much of an extension, and if it buffers some of that development pressure, it may preserve some agricultural land later on. He further stated that this may be the best that we could hope for. Jason also expressed concerns about how Old Flat Rock Road would support the volume of traffic.

MOTION: Clarence Lambe recommended that the Planning Board find that the request is consistent with the comprehensive plan.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

MOTION: Clarence Lambe recommended approval of the zoning petition.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

6. Zoning petition of David G. Williams from RS40 to NO-S (Residential Building, Single Family; Offices; and Combined Use): property is located on the south side of Styers

Ferry Road, west of Styers Crossing Lane (Zoning Docket F-1601) (Case starts at 1:24:20).

Gary Roberts presented the staff report.

## **PUBLIC HEARING**

FOR:

John Lipka (civil engineer), 514 Edwards Road, Rural Hall, NC 27045

- I wanted to provide a little bit of insight into development of the property from the engineer's perspective. There will be limited impact as far as traffic goes. We have proposed 10 parking spaces, we anticipate maybe four or five of those being used at a time. As far as the frequency of the use of the space, I can let my client speak to that a little bit more, but relatively no impacts to traffic.
- We are adding some impervious surface area. There is a downstream pond onsite. Relatively no impacts to the environment for the little bit of impervious we are adding to widen the driveway. We've had conversations with the adjacent property owners during our neighborhood outreach regarding visual impacts. The two immediate property owners to the east had concerns about what the impacts would be. There are several hundred feet of existing natural canopy buffer between this property and their residences, and we are required to install a Type II landscape buffer, if our site plan gets approved, to the east, so that would add to the pretty extensive canopy buffer that is there.
- I think that summarizes the impacts to the site. As far as a specific use of the site, it will benefit Forsyth County. As to the benefits that would meet the owners' intent for the use of the property, I will have my client speak to that.

David Niblock, 110 Oakwood Drive, Suite 300, Winston-Salem, NC 27103

- As for the proposed use of this property, I will begin by saying that folks engage in what we call alternative dispute resolution processes. Frequently that consists of mediation. Sometimes it is arbitration, but mediation is the voluntary endeavor for folks to resolve disputes without having to avail themselves of our court system. It is very worthwhile and very successful. And the idea of the Williams Dispute Resolution Center, which is in fact the proposed use of this property, is to provide a pastoral setting in a situation that is not necessarily office space or high-rise space, where folks can come together and have the opportunity to meet with a mediator or arbitrator and resolve these disputes. This is consistent with the wishes of Dave Williams, and it is consistent with the acts of the trust. And we don't think that it is inconsistent with any of the neighborhood, although I respect the recommendation for denial because of the reasons set forth. This use will be more minimal but much more meaningful than any potential use that would be allowed in terms of residential development in this location.

- From a traffic standpoint, it would be less problematic than if it were developed as would otherwise be allowed. It is a not-for-profit endeavor. I want to make perfectly clear that this is not something being considered for commercial reasons. You have seen the site plan. It would involve folks arriving, and the most that would be in the actual house or building at any one time would be maybe 6-10 people.
- We are excited about this possibility because it isn't inconsistent with anything in the neighborhood other than that it is not residential. The support we've received from outreach efforts has been across the board. I believe you commented there is no one in opposition to this. It is actually very nice, from my standpoint, to be involved in something that feels this good for the neighborhood, the community, and the county. Understanding the challenges faced, we would respectfully ask you to consider approving us for that purpose.

Joseph Gatto, 521 Ridgeway Circle, Winston-Salem, NC 27104

- I am the trustee of this trust. David Williams was my client. Obviously, I'm an attorney. David Niblock and I do a lot of mediation. We've especially done a lot of them during the COVID period because of the delays that have occurred at the courthouse. The trust does not allow for this property to be developed, but we wanted to use it as some type of community-based resource, and we looked at several options and felt the pastoral setting would be able to serve as a community-based resource. It would be non-profit, it would be a venue for people to come and have their disputes resolved in an area where there are trees and a pond; again, the atmosphere would lend itself to avoiding litigation and hopefully lessen, to some extent, the massive backlog we are going to have of cases since the courthouse has essentially been shut down for the last year. We really thought that would be a valid approach and we do not, especially Mr. Williams, want to do anything to disturb the natural surroundings and the natural aspects of this property. That is the last thing we want to do. Having said that, I just appreciate your consideration. And I do understand how it may not be consistent with the long-term plan, but we would hope that this would be an addition and would not disturb the rural growth plan.

AGAINST: None

### **WORK SESSION**

George asked Mr. Niblock how he would currently be allowed to use the home as a home office. Mr. Niblock stated that Aaron would be in a better position to answer that question from the zoning perspective. He stated that this always seems to be a matter of degree, which is why they are trying to rezone the property.

Aaron stated that a home office has to be a primary residence, but there are also restrictions in terms of square footage. The home occupation provisions are tightly restricted in the UDO. What is being contemplated here goes above and beyond what is done with a home occupation.

Melynda asked whether the request would rise to the level of spot zoning. Aaron explained that looking across the street, there is a large block of GI, and further southeast there is some Campus zoning. Given those two non-residential areas on the zoning map, staff didn't feel like it would rise to the level of illegal spot zoning.

The use classification and zoning districts were discussed at length among the Board and staff.

George stated that it is clear in the *Clemmons 2040 Plan* that this whole area should be rural preservation. He stated that they define it, they clarify it and they underline it, and if Clemmons is saying they don't want precedents here, then the Board needs to be careful about precedents. Melynda also noted that she was concerned about precedents. She stated that she thought it was a good use, but the Board should be conscious of the precedent that they would potentially be setting with an approval. Jack confirmed with Mr. Gatto the property development prohibitions and whether those included the possibility of a conservation easement or donation to Clemmons so that it would protect the agricultural nature of the property and the surrounding area while providing a non-profit entity a great location. Mr. Gatto specified that he did not know whether the specific terms of the trust would allow it but that he would not be averse to it.

Aaron asked the Board to keep in mind that staff does not monitor what the trust does or does not do, but they enforce the site plan that has been submitted with the request. The site plan that has been submitted does not show any proposed grade lines outside of the area that is being contemplated for development and the parking by the house. If someone were to come in to get a grading permit from staff, they would not issue it because there is no proposed grading going on there. By virtue of the site plan, there is a pretty solid level of conservation going on, considering the fact that the site plan restricts grading activity.

MOTION: Clarence Lambe recommended that the Planning Board find that the request is inconsistent with the comprehensive plan.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

MOTION: Clarence Lambe recommended approval of the zoning petition.

SECOND: Jason Grubbs

VOTE:

FOR: Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: George Bryan, Melynda Dunigan

EXCUSED: None

7. Zoning petition of Tammie F. Weavil and Timothy J. Weavil from AG to LI-S (Building Contractors, General; Building Contractors, Heavy; Offices; and Warehousing) with a Special Intense Development Allocation: property is located in the southeast quadrant of I-74 and High Point Road (Zoning Docket F-1602) (Case starts at 1:53:14).

Gary Roberts presented the staff report.

Clarence asked how much assemblage would be required to meet the first condition of the SIDA considerations. Gary stated that that would be hard to say, but it would need to be something much larger than this with coordinated access to other properties that does not minimize the overall development potential. He could not give a specific acreage. Aaron stated that from staff's point of view, this area of Forsyth County is starting to see a lot of traction for economic/industrial development, and there have been discussions, at length, about the challenges of finding land for economic development and industrial parks.

Melynda asked what would be allowed for storage and whether there would be materials that might impact water quality. Gary responded that the LI district does not allow a lot of outside storage, but he could not speak to water quality. Desmond added that Manufacturing C is the industrial use that allows the most materials to be outside. Aaron stated that there are standards in the watershed ordinance. Gary indicated that there is no sewer available, so they will be using a septic system, which is not ideal in a water supply watershed. Jack stated that he would appreciate the preservation of 165 acres of land for tax base and employment growth in Winston-Salem/Forsyth County, but in the absence of sewer and a coordinated plan to help facilitate this, it's less than likely to happen. He asked whether those conversations had begun and whether it was time to do so.

Kirk Ericson reminded the Board that staff will be updating the comprehensive plan which will provide the perfect time for the Board, as well as the general public, to think about the Growth Management Plan, but also consider economic development.

## **PUBLIC HEARING**

FOR:

Bo Drew (attorney), 110 Oakwood Avenue, Suite 300, Winston-Salem, NC 27103

- Last week I sent in a neighborhood outreach summary and a submission with additional points outlining why this should be allowed. It's located along a major thoroughfare, and its distanced from any single-family homes. We are not trying to put something in a neighborhood; proposed industrial uses are compatible with the uses in this area. As has been noted, directly across the street is a quarry and concrete plant and beside that a grading company. The site has access to High Point Road, a major thoroughfare. I-74 is

less than a mile down the road, with minimal traffic issues. Everything is compatible with Gary's list, so I would ask: What is the issue, and why the denial? Staff has a concern that, essentially, this business is too small, and we would disagree with that.

- The Board just had a discussion about what if, when, and how long for sewer, but what you have in front of you is the right here and now, a certainty that a business will go in. It does not need access to sewer. That land has been there for a while, and there will be discussions for a while, but at some point, somebody needs to be first, and my client is willing to be first. He is ready, willing, and able to do it. The folks across the street are in support of this application. He supports the businesses across the street. The business provides an economic benefit, it doesn't pose harm to the environment, it does not need sewer, and it's consistent with the zoning of this property. We urge this Board to respectfully give serious consideration to vote to approve the application.
- David Smith is not asking to put this business in the middle of this proposed park, or somewhere you would have to work around it; it's just a corner right off of High Point Road. From our view, it is a little difficult to see how this would be disruptive or inconsistent with the plan. I think this has some similarity to the case you just heard. Our position is that this proposed zoning request is consistent with the long-term plan, but should members of this board agree in the alternative, we would ask that the Planning Board entertain a second motion to approve the request for all the reasons that are in the application and that you have heard today.

David Smith, 130 Prestwick Drive, High Point, NC 27265

- We have been looking for property for a couple of years to suit our needs, and when this property came up, it was perfect. I do business with the businesses across the street, and the church that I attend is down the street. Because of access to the highway, this particular piece of property really fits our needs. The way we look at it, the 10 acres that we are looking at purchasing are in a corner, and we feel like a future development could be built around it. We would be using a septic field. We feel like we are consistent with what the future use would be and what the current use would be. You have two churches, two schools, a fire station, and a convenience store; there is really nothing consistent with that in that area.

Ben Sturgill, 3408 North Elm Street, Greensboro, NC 27405

- The current owners of the property, the Weavils, have owned this property for a long time, and they wish to sell the property; my client wishes to purchase it. Surrounding neighbors have been notified, and we have received no opposition from anyone. There was a precedent set with the GI zoning across the street with the rock quarry, the concrete plant, and grading company. We hope that the Board is consistent with that precedent. We hope the Board values small local businesses. Mr. Smith has lived in this area his entire life. His business is a staple in the community. The business is currently owned and operated by him in Davidson County and he wishes to move it to Forsyth County.

You saw the economic benefit that this business will bring for the area and for the residents.

AGAINST:

Terry Smith, 173 Valleyview Drive, Lexington, NC 27295

- I am not really in opposition, but I have two legal easements through this property that concern me, and I'm willing to move them, but I haven't heard anything from anyone. The first one that comes into the property is Boyd Street. It's 40 feet wide and comes in approximately 400 feet, then turns left on Midway Street, which is 40 feet wide, and goes to my property. That gives me easement to my property. I had 20 more acres that I lost to Interstate 74 in 1971. I am willing to move my easements, but I need to hear from someone. There is water on this property that flows through it. It flows into Abbott's Creek.

Zach Smith, 4370 Dixie Drive, Kernersville, NC 27284

- I live on the family farm. I work for Martin Marietta, the rock quarry across the road. I do occasionally see the Smith & Jennings trucks come in, but usually they go to Vulcan down the street. Our main concern is we do not want to lose access to our fields that we make income off of. It is not a lot, but it's still an income. The branch that my dad spoke of, we cannot cross it to get to this field from our adjoining property because of the terrain. It's just not feasible. I run heavy equipment, but I don't own it.
- The first gentleman that spoke said that there is not a lot of traffic on High Point Road, but he has obviously not ridden on this road because we have to fight this traffic going to our fields. It is a heavily trafficked road. We just want to make sure we get access to our land. And we want it documented. My dad was told it was by word of mouth. That is not the case. This has been in the records probably longer than any of us have been alive. When my dad leaves us, then I will need it for my records. We are advocates for farmland and hate to see it dwindle in this county. We are in the farm SIDA program of Forsyth County.

### **WORK SESSION**

George explained his reasons for voting a certain way on this case. Melynda agreed that it was a very difficult case and added that long-term investment is extremely important for the future. Mo commented that sometimes acting too quickly when the first door opens can limit great opportunities for later. She added that this may be a short-sighted avenue to pursue.

MOTION: Melynda Dunigan recommended that the Planning Board find that the request is inconsistent with the comprehensive plan.

SECOND: Mo McRae

VOTE:

FOR: Melynda Dunigan, Chris Leak, Mo McRae

AGAINST: George Bryan, Jason Grubbs, Clarence Lambe, Brenda Smith, Jack Steelman

EXCUSED: None

MOTION: Clarence Lambe recommended that the Planning Board find that the request is consistent with the comprehensive plan.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Jason Grubbs, Clarence Lambe, Brenda Smith, Jack Steelman

AGAINST: Melynda Dunigan, Chris Leak, Mo McRae

EXCUSED: None

MOTION: Clarence Lambe recommended approval of the zoning petition.

SECOND: Brenda Smith

VOTE:

FOR: George Bryan, Jason Grubbs, Clarence Lambe, Brenda Smith, Jack Steelman

AGAINST: Melynda Dunigan, Chris Leak, Mo McRae

EXCUSED: None

MOTION: Clarence Lambe recommended approval of the SIDA allocation.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Jason Grubbs, Clarence Lambe, Brenda Smith, Jack Steelman

AGAINST: Melynda Dunigan, Chris Leak, Mo McRae

EXCUSED: None

#### **D. STAFF REPORT**

There will be 13 hearing items presented at the next Planning Board public meeting.

Two zoning cases were heard and approved at the City Council meeting this week. Cottage Courts was approved 5-3, but since there were only five votes, it will come back for a second reading.

City Council has appointed Walter Farabee to the Planning Board. Walter is awaiting confirmation by the County Commissioners before it becomes official.

#### **E. FOR THE GOOD OF THE ORDER**