

**WALKERTOWN PLANNING BOARD MEETING
WALKERTOWN LIBRARY AUDITORIUM**

SEPTEMBER 1, 2009 3:00 P.M.

MINUTES

CALL TO ORDER

Chairman Al Slater called the meeting to order at 3:01 p.m. Serving on the Board were Mr. Slater, Harvey Neal, Robert Butler, Peggy Leight, and Don Whitaker. Alternate Kevin Briggs sat in the audience. Also in attendance were Lynn McKinnie, Bo Houff, and Scott Snow. Three council members were present in the audience – Marilyn Martin, Wayne Hester, and Sarah Welch.

The agenda was approved on a motion by Ms. Leight, seconded by Mr. Whitaker, and unanimously approved.

The minutes from the August 4, 2009 meeting were approved by motion of Mr. Butler, seconded by Mr. Neal.

PUBLIC SESSION - Please limit your talk to 3 minutes.

Public Session was opened and closed at 3:04 p.m. with no speakers.

BUSINESS AT HAND

(...PLEASE BRING YOUR INFORMATION PREVIOUSLY HANDED OUT...)

1. **CONTINUATION FROM AUGUST 4, 2009 PLANNING BOARD MEETING**
WA-038 – OCULUS PARTNERS
 - (1) **REZONING/TWO PHASE REQUEST**
 - (2) **SITE PLAN APPROVAL REQUEST**
 - (3) **SIDA APPROVAL REQUEST**

Mr. Slater said that this issue had been on the August 4th meeting agenda, and at that time, it was continued to the next meeting. Mr. Slater felt that it would be in the interest of the community to have a recap on what was presented at the August meeting. He asked Gary Roberts, City-County Planning Dept., to give a review of this case. Mr. Roberts complied and presented his department's Planning Staff Report.

Mr. Roberts gave a brief description of the location and the results of the City-County Planning Board Staff Report as pertaining to the property. This is a two-phase zoning; their site plan shows a 3,200 square foot, one-story office building in the first phase. They do not have a plan for the second phase on the portion to the north. Sidewalks are required along the frontage – something that was left out on page 6 of the report - but is required by ordinance. Parking would be on the side and rear, which is required NO districts. The Staff has a concern about the proposed development's inconsistency with the Walkertown Area Plan, which calls for comprehensively multi-family development. He stated that the Plan does not recommend individual "piece-meal" fragmented rezoning along 158 and said this is a classic example of how strip commercial developments starts.

He said approving this would set a precedence for other properties around – how could we say no to this property and this property to a non-residential type use on an individual fragmented type approach. He said that from the Planning Staff’s standpoint, it’s not about whether or not the neighbors are in agreement.....are their drainage issues, etc. It’s really a land-use issue and a precedent setting issue. Staff does not think there is a pent-up demand for more office space in Walkertown. In the Staff Report, it is noted in the Staff Report that there are many more areas that could clearly accommodate this use. SIDA is required when impervious cover exceeds 24% - which this does. He said the Walkertown Planning Board would need to take three votes:

1. Zoning from RS-20 to NO-S
2. SIDA (for the one lot only – not both lots)
3. Site Plan (does it meet UDO requirements, which it does)

As for SIDA, Mr. Roberts said that the project is not in compliance with the Comprehensive Plan and that the project is not compatible with the general character of the area and surrounding land uses.

He reiterated that the Staff continues to recommend denial for this request.

Questions and answers included:

- In the NO district there is a requirement that no lighting be over 8-feet in height. (In order to go above and beyond what the ordinance requires, it would need to be a condition.)
- To have as much green space as possible between travel lanes and actual sidewalk, we try and get the sidewalk at the back of the right-of-way.
- Only one lot is going to be used at this time – the other one is not included. Owner would have to come back, not only for a final development plan for the site plan approval, which goes to Planning Board and Council, but also for the SIDA request.
- Why would this be considered “piece-meal” for this project? Would it be considered that way if the request was for one condominium instead? Mr. Roberts said they wouldn’t necessarily recommend one condo would be approved; they’d have to respond to that issue if it was actually submitted – but that would be more consistent with the Area Plan. It would be hoped that there would be a larger assemblage of this with some public streets that would go back and connect to Martin Street that would really build a neighborhood in here – not necessarily an apartment complex – but a neighborhood. If they brought in small acre request for RM-8-S, that would probably be considered fragmented and piece-meal. If the placement of the building’s facilitated this to be the first piece of a puzzle that was to grow, if it was designed that way, then perhaps that could be acceptable. They just feel that this is not the right piece of the puzzle for the overall puzzle. It just doesn’t fit from Staff’s standpoint.
- Mr. Roberts pointed out that there is a non-conforming auto repair facility across the road in front of this property (HB).
- Ms. Leight asked about the water and retention, two pipes leading out of the retention pond, if there had been further discussion on this as to where the water would go? Mr. Roberts stated that there has been no further discussion but that it meets code requirements at this point - they are not required to pre-engineer the whole facility – they are required to show where the pond would be – and they have done that, shown the pipe discharges – all they’re required to do. Water is going to that direction already – that’s where it’s sloped, that’s the natural water flow downhill. Water is currently going there now – will more water be going? Certainly

you'll have more impervious surface but you'll also have the pond, which is designed to catch that. Don't know how much more or less water is going to be coming off the site as a result of this development.

3:28 p.m. PRESENTING THE PETITIONER'S REQUEST:

Harry Boles – Representing OCCULUS PARTNERS, II

David Freeman, optometrist in Walkertown for nearly 30 years, and his optometrist brother Rex Freeman, operates another office in Kernersville.

Mr. Boles opened by saying he was appreciative of having the opportunity to discuss this issue more.

Ms. Meadows, who owns Tax Lot #109 – property in Phase I – has been trying to sell her property for a number of years and she needs to move. Susie Brown owns the property that is in Phase 2. If I understand Gary correctly, he's saying that the Staff's opinion is that the proposed use that is being proposed for this property will be inconsistent with the Comprehensive Plan. This Plan would be the Legacy Plan as amended by the Walkertown Area Plan (WAP). In the WAP, when an area plan is adopted, it amends the Legacy Plan – the Comprehensive Plan – to the extent that it applies to the local geographical area. It also provides that the Legacy Plan contains general information about the planning area's existing conditions and recommendations for guiding the future growth and development of the area. Legacy applies to the entire county – it was adopted by all the municipal bodies, as well as the County Commissioners. The WAP specifically says on the first page in the Preface: "The Plan contains guidelines"... (a key word)... "to help the Planning Board, governing bodies, community leaders and neighborhoods..." etc. "...to make decisions concerning zoning, public investment, private initiatives..." etc. If I may, for a moment, I'd like to talk about philosophy. You'll find different philosophies going from one elected body to another, whether it be a city or town or county throughout North Carolina. I've seen many different philosophies. They range from the philosophy that we've got to control everything that happens on a piece of property to the traditional American philosophy, which is, we need to respect private property rights, protect liberty and only institute those kinds of controls that are necessary for the reasonable use of a private property. Unfortunately, a lot of times when we have people who sit on Planning Boards and Town Councils, they get the idea that these comprehensive plans, like Legacy, and the Walkertown Area Plan (WAP) is something that is written in concrete – that you've got to do whatever, for example, a Planning Board staff member recommends. Being a student of this process for about thirty (30) years, we have got a unique planning process in North Carolina that requires an appointed body, namely, a Planning Board, to apply judgment to what's presented to it in a public hearing. That ends up in a decision with respect to a recommendation to the elected body. And then, when it gets to the elected body, the elected body, again, takes everything presented in the public hearing, and applies judgment to the facts that's been presented, and then it makes a decision. I would respectfully suggest to each and every one of you that's not a ministerial act. There are some people in this philosophy that I am talking about, that think you have a map – and it's color-coded in brown – and you take a thumbtack and you go over there and you hit that map. If you hit brown and it says "moderate density residential" – that's all you can put there. Well, that's not true. The process doesn't contemplate a ministerial act. If the process contemplated a ministerial act, we wouldn't need a Planning Board and we wouldn't need a Town Council. We would delegate it all to someone who is on the staff of the local city, county, or whomever who has land use jurisdiction. And if the thumbtack went into a district that allowed the proposed use, it would be perfunctory. We wouldn't need a Planning Board or a Town Council to exercise judgment with respect to the facts

that's presented in public hearings. One of my biggest concerns over the past thirty years has been a preconceived notion that you've got to be inflexible. As a member of this community, I would respectfully say that I think we ought to look at every case on a case-by-case basis and I think we ought to be weighing private property rights and one's right to use their property in a reasonable way and then take into account what the community factors are and exercise our judgment, not because the Town Council votes a certain way all the time or not because a community leader thinks that's the way it ought to be - - - but because we listen to the facts and we've got a situation where maybe this time, it ought to be a little different. So, my point is that this Walkertown Area Plan, as an amendment to Legacy, is a guideline. It's only one part of what's presented at a public hearing for you as an appointed official to consider in applying your judgment in making a recommendation to the town council. And I respectfully say to you that that is, in fact, the process in North Carolina and one that I would like to see handled generally by the Board of Alderman of the Town of Kernersville, which I think it does, by and large, to the Board of Alderman to the City of Winston-Salem, and Greensboro, etc. With respect to our specific request for Neighborhood Offices, we are asking for five (5) office uses and if you look at the report from the Planning Board staff – page 1 – it says “Type of Request” and then “Proposal” and then right below that it gives the “Zoning District Purpose Statement” - - it's copied right out of the UDO. It essentially says, this use N.O. – is for low density office uses. It's intended to be located around “...the periphery of established residential areas...” That means it touches residential areas – it doesn't mean it's inconsistent with residential areas – it means it is adjacent to residential areas. It can't be inconsistent if it's along the periphery. And, along major and minor thoroughfares. It also talks about limited parking – it generates small amounts of traffic and it serves as a transitional land use between residential districts. That means it's got to touch it! It can't be inconsistent with it! And commercial districts. I handed out to you the map with the blue on it - - - you will notice that the blue is the Community Activity Center that's in the WAP. You will notice that if you go down the boundary line of the two properties that's north of Tract II in our petition, you go 375 feet and you hit the southern boundary line of the Community Activity Center. You go straight across the street and you got one property that's already zoned Highway Business and that Community Activity Center (CAC) goes further south than our property; which means, if you use your WAP, we are considered to be contiguous to, I would submit to you for all purposes that the CAC area that is directly across 158 – for every other purpose in the UDO, if you've got protest petitions or notices that have to be given to adjoining property owners – those properties straight across the street are considered to be adjoining and contiguous. We touch the Community Activity Center! Right straight across the street! We have got the perfect match for what your WAP says that the use ought to be for this property minus 375-feet to the south. This is where judgment in the philosophy that I've outlined comes in. Thumbtack went into the brown – it says “Medium density Residential” – it's 375-feet south of the line that this Board and the Town Council voted on for the location of the CAC. It touches, for all purposes, the CAC across 158 and so what we're asking for is the balancing of the private property rights that Ms. Meadows has; Ms. Brown has; and that Dr. Freeman will have when he exercises his right to purchase under contract and it should grant the most perfect transitional district that's in your ordinance. You cannot find a better one!!

I spoke last time about traffic – I won't repeat that.

With respect to SIDA, this is not an intensely developed site. I think that we are asking for about 43% coverage of impervious structure. Under SIDA, we could go to 70%. I think, that without SIDA, we can go to 36% or 38% - taking into account what we already have there, which under the State enabling legislation, we have a right to replace. By the way,

as an aside, the Planning Board might want to take a look in the future at the way SIDA is being kept on the books. I think there's a difference in the way the Town of Walkertown keeps SIDA on the books and the Town of Kernersville, and it may be that our practice here in this town, is too restrictive, and that we might be able to gain more SIDA if we do the right book-keeping. And, I say the "right book-keeping" if you go strictly by what the state statute says.

Last thing I would say is the reason that we included the second lot was not because we had a lot that is too small for what we are proposing – we've got plenty of land to do what we proposed. The problem is the width of the lot, when you take into account the buffer that's required along the southern boundary line. When you take that buffer and you put that buffer in there, it bumps the building to the north and, therefore, we've got to go closer to that line. Another way of saying it, is if the lot to the north, which is Susie Brown's property, were not included in this zoning, we would also have a 20-foot buffer on that side and we couldn't get our building on the property. So, the only way this would work is we had to get an adjoining property owner to agree to join in the petition for rezoning; limit the use to five (5) office uses **not commercial** uses – which gives you assurance that you can control what's going to be there in the future with your approval of site plan.

Mr. Chairman, members of the Board, we would respectfully request that you approve all three in your votes today. And I stand here ready to answer any questions.

PUBLIC HEARING WAS OPENED AT 3:45 P.M.

- Kris Niebergall
Regional Leasing Director
Glenwood Development Co.

We are the company that developed both the Walkertown Commons and also the Walkertown Landing project. I would like the Board for allowing me to speak with you all today. I would like to say as a result of a very productive relationship with the Board, our company has worked hard to present what we think is a meaningful contribution to this community, by way of our two projects. They were carefully thought through by both the ownership and also by the Board and we appreciate all of your efforts and we are trying very hard to be good neighbors and good citizens as we have in the past. We are always here to foster positive changes in your community. I am not here to protest the zoning or the site plan approval of the applicant. I'm here in the spirit of cooperation. My job is to carry through on the balance of our project that we have there at the corner of 66 and 158. All of the vacant land that you see there at the corner – we all drive by it – every day – and it's my job to see that this property is developed carefully and in compliance with your wishes, both phases. That obviously involves the sale of land to businesses that want to come in to the community. Our group has done all of the heavy lifting, in cooperation with the Board, to bring that project into compliance with the master plans that we are hearing described here together. The comprehensive plan – we know this plan – we understand it – we are in agreement with it – we live by these plans – and we are happy that we can be here to see this to completion. And we have a long way to go. The Board knows this, and I certainly don't want to insult your intelligence. You know we are zoned. We have put the exit lanes in place – on both 158 and on Highway 66 – and we worked with the D.O.T. It was very expensive and you all know how hard we worked to get all of that accomplished; again, to comply with the master plan, in cooperation with the Board. We have the storm retention on our property. We have the utilities to the property. Our sites are graded – and they're ready for somebody like Dr. Freeman to come on site. We graded the sites using a satellite so they are perfect. We'd like to urge the Board to go back and think through all

that we've done together and how do we get people like McDonald's and CVS and Sheetz and Lowe's Foods? How did we get these people on site? How do we get them? To be a part of a community that we are creating here, by way of a comprehensive plan. We believe in it – we abide by it – and we think it's good – and we are here to continue that tradition. We would like to invite Dr. Freeman and his group to reconsider coming to our project. I've made numerous concessions, or numerous offers, to Dr. Freeman, and we've done the work. It's done! It's ready! And we're here to help. Thank you.

- Mary Stafford
Realtor

I have the property listed for Ms. Brown and worked with Ms. Meadows in getting this done. I have had numerous calls, all of which never got any further than calling the Planning Board in Winston-Salem to see if it could go through. I could have written offers on this property many times but the people were not willing to spend the money that it would take to go through there to get the planning and everything done for it and then be turned down. Dr. Freeman, who is a member of our community and the business world, has been here a long time. I showed him numerous properties – he looked at numerous properties, outside of what I have shown him. He likes this for the visibility and the good access to get into his property. He has overgrown his rental space that he is in up here. He would like to add another optometrist and a couple more assistants in there. I think he's been very good. Ms. Meadows is now not able to really look after her property. She needs to sell it to move on with her life. She needs something that she doesn't have maintenance and upkeep on. And, of course, she has been a lifelong member in this community. And I would ask you today to take into consideration the needs of Dr. Freeman, the needs of Ms. Brown and Ms. Meadows in doing this. And we would also like to thank him for the work they've done in the Walkertown Commons and so forth. It has met a lot of needs here. But - - - a lot of people have other needs as far as moving on with their lives, also. So I'd appreciate anything you can consider for Ms. Meadows and Ms. Brown.

- Patricia Fulp
5113 Reidsville Road

I have the property that's next door to the proposed property to be sold. I've been there since 1983. My brother and I bought the adjoining properties – he's next door to me, so he's next to the park, in 1978. I wanted to mention that I brought up all the questions about the water and the drainage, etc., at the last meeting. We have met with Harry Boles and Dr. Freeman's representative and Stewart Scott (Scott Stewart?) Anyway, they have offered to work with us on providing some drainage between our properties and I feel that that is going to be pretty satisfactory to us. I just wanted to let everyone know that they have offered with us and settle some of the drainage questions that I raised. So, just for information, I know Ms. Leight asked about the drainage question, so I wanted to answer that. I'm sure Harry can offer more information if he needs to about it but, in general, we've pretty much come to an agreement that I think will be okay.

Mr. Slater asked Ms. Stafford if she had had any other interest in anyone purchasing this land along 158 for homes? She responded that there was no interest whatsoever as far as homes. She mentioned one gentleman, not for this property, but for another property that she has access to, and he was going to do multi-family like for lower-income, handicapped – this kind of thing, but it was too close to the apartments on the Commons. It was too close for him to work with FHA – that's the only thing she had. All calls for that property have been for businesses. And it would be Highway Business – not for office business.

PUBLIC HEARING WAS CLOSED AT 3:57 P.M.

Chairman Slater then opened the discussion for the Planning Board to discuss or make a motion.

Mr. Whitaker said the Petition Supporting Special-Use District Zoning Map Amendment was very impressive and if he didn't know the circumstances, he would've signed it also. He said personally it would be great but he has to make a decision that's best for the town and he said the lot with no plans for it and the SIDA throws him into opposition.

Ms. Leight said there have been a number of concerns brought up with this case. First, in her mind, was the 2nd lot rezoning.

"Unfortunately," she said, "with two-phase we have had a number of problems in the past when we do two-phase zoning. We have gotten caught a number of times with the two-phase zoning and found that Walkertown has lost in those situations. In my mind, the answer would be to use both lots for the one development. Water issues, looks like, have been settled. Driveway – again, to that second lot – and then the discussions today have been about the Area Plan. Mary served on the group with the Area Plan; I did too. Marilyn, too, and a number of other people here did. We are looking at the integrity of the plan, more in terms of the integrity of Walkertown, too. We don't want to become an extension of Winston-Salem or Kernersville. We don't want to be known as a suburb of those areas. And, if we do some hodge-podge, or piece-meal patchwork zoning, I think we will become a nonentity. We will not have a heart. There won't be a heart for Walkertown and real integrity for this group. We have a vision for the Town of Walkertown – and I think it is a philosophy, like what Harry said. When he said that we need to protect personal rights, every time – every administration, the current one, and previous ones – when they try to take away one of my rights, I get infuriated. I truly do. But I also think that what we have right now is a very democratic process. We are not thumbtacks. We do not look at this and say "That's brown – and it should be green, or it should be blue." The reason we have a three-tiered system is because we have this democratic process and it's for most of North Carolina. Where the Staff, like Gary, comes in and gives his report – they are the professionals. They are the engineers. They are the planners. And they give a report from their point of view. This lot that they are looking at. Then, it comes to the Planning Board. And we are an appointed board – we are not elected, and we are, therefore, supposed to be "apolitical". We look at the plan, not just the plan in terms of document, but the plan in terms of Walkertown itself. We have a view of Walkertown and of the people. What we are not supposed to take into account are the needs of the people. We are supposed to look at it from the good and bad of the case itself. Then, we make a recommendation and the final decision does reside with the Town Council. They take into consideration the political needs, the people's needs, and make a decision and can go against any recommendation that we make. But in terms of what we make, we make these decisions that are deliberate and I don't think that they are small-minded. But we also don't want to open the door to fragmenting. In this particular case, not just what the plan says and what is yellow versus what is blue – there is not a compelling rationale why this one parcel – no matter what it was going to be used for – why that one parcel should be rezoned from residential to commercial – where there are at least a dozen, probably more than twenty different lots, already zoned commercial that are ready to go and can be built on and can meet Dr. Freeman's needs and the town's needs for now and for the future. So, it's not about the personal; it's not about what it's actually going to be used for – it's looking at the entirety of the plan and looking not just that we're saying that this is spot zoning but maybe this would be a great thing for here. But for right now, this doesn't fit with how we are looking at what Walkertown needs.

Mr. Slater then spoke saying, "I, along with Don, was very impressed with the number of people who live in this area that signed this petition in support of rezoning this piece of property. Since we did the Area Plan three years ago, I think things have changed in this area. I would hate to have a piece of property that I can't sell and right in front of it, across the road, is Highway-Business and I can't sell my property for Highway-Business. I think maybe we have made some mistakes on that. I cannot see where 375-foot distance from the Activity Center at the corner of 66 and 158 is that big difference. I personally would not want to live on that highway. I can understand why these two families are wanting to sell that property and get off that highway. And they will probably only be able to sell it to business some day. I doubt if you took a vote from the people in this room today, you could not sell it for anyone to live on that highway. Things have changed since that highway was put through. It has changed on 66. We will see 66 the same way from Darrow Road to 158 one day. People do not want to live on a major highway today. If you don't believe it, why are we building so many subdivisions? That's where people want to go. They want to get off the highway. So, if we don't consider rezoning property where these people own that property, they are stuck with that the rest of their lives. What are they going to do with it? That's one of the considerations we need to look at today that we have what will eventually be a four-lane highway there one day, if they ever have enough money to build it. No one that I know, I've talked to some builders, and there's no one out there ready to build condos. I would not approve a condo myself there because if I wanted to consider the situation of condos versus office space, and had kids running up and across the highway, we are looking at a situation that would take lives then. I understand how these two families feel – they have a piece of property that is covered all around practically – already business. Very heavy traffic area. That's the only way they'll ever get rid of their property. I think we have guidelines as far as the area plan – which I, myself, worked on, and agreed to. But I can see changes since we did that – the changes have changed because we have business now in front of this property. We should go forth with a lot of consideration on this today when we have a motion. Another thing I would like to refer to is the SIDA - - this seems like it's been a sticking point with members of this board and the council that we are running out of SIDA. We have approximately 44 acres now. What are we going to do with it? What are we holding it for? Do we not want any development in Walkertown? I sat in this room a couple of years ago and heard this board vote down one of our town council's SIDA so he could increase his business – a business that helps the families here in Walkertown. Thankfully, the Board did approve it. More SIDA can be gotten as we go into the future and develop in Walkertown – Kernersville has already proven that that can happen. So, we shouldn't be that concerned that we are giving up a little SIDA if we approve a piece of property for a corporate citizen of the town who has had a good business here and served a lot of people for many years. So, I would ask that the Board consider all these facts, too."

Mr. Whitaker responded by noting that this request is less than an acre and is wanting an acre of SIDA and that was his major issue; plus, the size of the extra lot. He thought the doctor needed another 100-feet or so for his building.

OCCULUS MOTIONS FOR VOTING:

At this time MOTIONS FOR RECOMMENDATION were requested:

#1 REZONING REQUEST

FROM: RM-20

TO: NO-S

**MOTION: OCULUS – WA-038 - REZONING:
TO RECOMMEND DENIAL FOR REZONING**

BY: DON WHITAKER

SECOND: ROBERT BUTLER

VOTE: MOTION PASSED 3 TO 2

IN FAVOR OF MOTION:

DON WHITAKER

ROBERT BUTLER

PEGGY LEIGHT

AGAINST MOTION:

AL SLATER

HARVEY NEAL

#2 SITE PLAN APPROVAL REQUEST OCULUS – WA-038

MOTION: TO RECOMMEND APPROVAL OF SITE PLAN

BY: PEGGY LEIGHT

SECOND: HARVEY NEAL

VOTE: MOTION PASSED UNANIMOUSLY

#3 SIDA REQUEST OCULUS – WA-038

MOTION: TO RECOMMEND DENIAL FOR SIDA REQUEST

BY: DON WHITAKER

SECOND: ROBERT BUTLER

VOTE: MOTION PASSED 3 TO 2

IN FAVOR OF MOTION:

DON WHITAKER

ROBERT BUTLER

PEGGY LEIGHT

AGAINST MOTION:

AL SLATER

HARVEY NEAL

**2. PUBLIC HEARING
CHANGE ZONING JURISDICTION FROM FORSYTH COUNTY TO
WALKERTOWN FOR 5015 AND 5017 WRANGLER DRIVE**

This action is formality only. It formally changes zoning jurisdiction for newly annexed property from Forsyth County Commissioners to Town of Walkertown jurisdiction.

PUBLIC HEARING WAS OPENED AND CLOSED AT 4:18 P.M. WITH NO SPEAKERS.

**MOTION: TO RECOMMEND APPROVAL TO CHANGE ZONING
JURISDICTION FROM FORSYTH COUNTY TO WALKERTOWN
FOR 5015 AND 5017 WRANGLER DRIVE**
BY: PEGGY LEIGHT
SECOND: HARVEY NEAL
VOTE: MOTION PASSED UNANIMOUSLY

**3. PUBLIC HEARING
CHANGE ZONING JURISDICTION FROM FORSYTH COUNTY TO
WALKERTOWN FOR 3799 PINE HALL ROAD**

This action is formality only. It formally changes zoning jurisdiction for newly annexed property from Forsyth County Commissioners to Town of Walkertown jurisdiction.

PUBLIC HEARING WAS OPENED AND CLOSED AT 4:23 P.M. WITH NO SPEAKERS.

**MOTION: TO RECOMMEND APPROVAL TO CHANGE ZONING
JURISDICTION FROM FORSYTH COUNTY TO WALKERTOWN
3799 PINE HALL ROAD**
BY: DON WHITAKER
SECOND: PEGGY LEIGHT
VOTE: MOTION PASSED UNANIMOUSLY

4. CONTINUATION OF FAÇADE ORDINANCE DISCUSSION

The Planning Board decided to continue this issue to a work session later in the month.

A Planning Board work session was set up for Thursday, September 17th at 2:00 p.m. at Town Hall. By consensus, the council agreed to the date.

Continue the Façade Ordinance discussion to the work shop session.

PUBLIC SESSION (IF NEEDED)

Public Session was opened at 4:25 p.m.

1. Harry Boles
2981 Avalee St.

I'm speaking for myself individually, and not a client. I would like to tell you a little bit about the way we got the language in the county ordinance – the UDO – that deals with SIDA. I

was on the council and this was my number one priority. The history of watershed regulation in state statute and in ordinance in the county predates 1995. I don't remember the exact date of the enabling legislation at the state level but I believe it was 1994. In 1995, the UDO was adopted by each one of the governing bodies in the County and there was no right for SIDA in the ordinance. In 1996, as a result of a proposal I made as a council member and subsequent meeting for Margaret Bessette, the language that's on page 6 of the staff report in our rezoning – Item C – that language is my language that was put in the county ordinance. At that time, the proposal was to mirror like some of the other governing bodies were doing and require statistical analysis like, for example, the number of jobs that were going to be created, etc., which meant that Walkertown would never ever – or almost never – get to use SIDA. This was a deliberate attempt and success on the part of town council to use language that tied into, for example, a need for a specific community service, or affordable housing, and retaining jobs or increasing property tax base or assisting an existing industry to grow or remain in Forsyth County. This language was specifically addressed, and targeted, because I wrote it – word for word – to address the small business, like, for example, Dr. Freeman's. You can take a look at the other municipalities in the County and you'll see a statistical, almost like a formula you've got to meet before you get above the threshold – it's been a while since I did that – so that historical portion of the county UDO needs to be understood by the Planning Board and by the Town Council and, of course, when the UDO was amended for the County then later – you know the history because a lot of you were involved in it as to how it actually became part of the UDO for the Town of Walkertown. I thought maybe you might want to know that.

Secondly, I've never heard a competitor use public hearing in a planning board meeting to stamp out competition. I was a little bit shocked – about the shopping center developer across the street. I heard him say, seven times or more, that they believed in the comprehensive plan. I believe if you go back and check, when they filed their petition for rezoning on the original tract, it was not consistent with the Comprehensive Plan. They argued other way – so I thought that was kind of interesting that you had competition arguing on the other side in one of these rezoning matters – kind of “self-serving”. Thank you.

Public Session was closed at 4:29 p.m.

ANNOUNCEMENTS:

ADJOURNMENT

At 4:30 p.m., on a motion by Ms. Leight, seconded by Mr. Neal, and unanimously approved by the Board, the meeting was adjourned.

2009 MEETING SCHEDULE

LIBRARY @ 3:00 P.M. FIRST TUESDAY OF MONTH

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| OCTOBER | 6 | |
| NOVEMBER | 10 | *Due to Election Day |
| DECEMBER | 1 | |

Submitted by:

**Lynn McKinnie
Planning Board Secretary**