

WALKERTOWN PLANNING BOARD MEETING
WALKERTOWN LIBRARY AUDITORIUM
JANUARY 4, 2012 3:00 P.M.

MINUTES

CALL TO ORDER

Chairman Al Slater called the Planning Board meeting to order at 3:02 p.m. with the following being members in attendance: Al Slater, Jenny Morris, Donald Whitaker, Robert Butler, Larry Marshall, and Planning Board Coordinators Town Manager Scott Snow and Town Clerk Rusty Sawyer. Also in attendance were Town Attorney Bo Houff and Winston-Salem/Forsyth County Project Planner Gary Roberts.

In the audience were Town Council members Sarah Welch, Peggy Leight and Randy Mendenhall. Mayor Davis was also in attendance.

Representing Gospel Light Church were Jake Moser and Bobby Roberson.

- **DETERMINATION OF QUORUM**
Yes, Chairman Slater confirms a Quorum is present.

- **APPROVAL OF AGENDA**
Larry Marshall moved, and Jenny Morris seconded, for approval of the agenda as presented. The vote was unanimous.

- **APPROVAL OF MINUTES**
 1. **December 6,2011**
Robert Butler moved, and Jenny Morris seconded, for approval of the December 6, 2011 minutes as written. The vote was unanimous.

PUBLIC SESSION - Please limit your talk to 3 minutes. Non-Agenda Items only.

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

BUSINESS AT HAND

1. SELECTION OF CHAIRPERSON OF WALKERTOWN PLANNING BOARD

MOTION: To re-appoint Al Slater as Chairperson of the Walkertown Planning Board.

BY: Robert Butler
SECOND: Jenny Morris
VOTE: Unanimous.

2. SELECTION OF VICE-CHAIRPERSON OF WALKERTOWN PLANNING BOARD

MOTION: To re-appoint Larry Marshall as 2012 Vice-Chairperson of the Walkertown Planning Board.

BY: Jenny Morris
SECOND: Robert Butler
VOTE: Unanimous

3. DOCKET # WA-PBR 2010-01

Petitioner(s) : Gospel Light Church

Type of Request : Amendment to a previously approved site condition regarding sidewalks.

Chairman Slater introduces Gary Roberts from City-County Planning. Gary directs the Planning Board members to page 1 of the City-County Planning Board Staff Report on the Petition by Gospel Light Baptist Church. Gospel Light has requested an amendment to a previously approved site condition regarding sidewalks at the southwest corner of Gospel Light Road and Walkertown-Guthrie Road in the Town of Walkertown. The following is the Staff Analysis.

On July 6, 2010 the Walkertown Planning Board approved a request to add a 24,000 sf fellowship hall to the existing community scale church and school. The main sanctuary has approximately 2,200 seats and the campus includes approximately 798 car and bus parking spaces.

One of the conditions of this Planning Board Review approval was to install sidewalks along both street frontages prior to the issuance of the certificate of occupancy. Because Walkertown-Guthrie Road is classified as a minor thoroughfare and Gospel Light Church Road as a collector street, sidewalks are required by the UDO (*Unified Development Ordinance**) for Planning Board Review items as per Chapter B Article III Section 3-12. This requirement was clearly conveyed to the petitioner at the June 23, 2010 Interdepartmental meeting and noted as a condition on the approved site plan (see condition a. below).

Because this is an ordinance requirement, the Planning Board does not have the authority to waive this requirement. Also, there is no appeal route for Planning Board Reviews to go to the Town Council. Therefore, the petitioners essentially have four options: (1) Install the sidewalks; (2) As per Chapter B Article III Section 3-12 (A) (2) (b) revise the site plan to show an alternate location for the sidewalk; (3) Initiate a text amendment that would do away with this requirement. This would obviously impact the entire jurisdiction and not just the subject property; or (4) The Planning Board can put a delay on the condition for the sidewalk to be installed within a future timeframe or perhaps once the Town installs sidewalks within the general area. This would also impact the entire jurisdiction by setting a precedent. Option four is the route the petitioners have chosen.

Said condition was tied to the issuance of the NCDOT driveway permit. Because the petitioner did not install the sidewalks and NCDOT did not itself require the

sidewalks as a condition of its driveway permit approval, the driveway permit was approved without any sidewalk installation. The zoning field inspector saw the approved driveway permit and assumed that all requirements had been met and therefore issued the Certificate of Occupancy on 7-18-11. In September of 2011, the Inspections Division notified the petitioner of the need to install the sidewalks. The petitioners then filed a request to the Planning Board to amend said condition (see attached letter from Pastor Bobby *Roberson**). The letter essentially states that Gospel Light Baptist Church will install sidewalks along their frontage once the Town of Walkertown installs sidewalks to Gospel Light Church Road. However, as per Town Manager Scott Snow, the Town does not have plans for sidewalk installation in this area and even if it did Planning staff does not recommend tying the completion of an ordinance requirement to what the Town may or may not do in the future. Constructing sidewalks as new construction and development occurs will, over time, result in a connected network of pedestrian facilities.

Planning staff does not see any reason to single out or grant any special privilege to the petitioner in regard to this ordinance requirement. Such action would establish a poor policy precedent from a consistency and fairness standpoint both in regard to past projects where sidewalks were installed in the Town and future development requests which may arise.

*one addition was made: UDO is an acronym for Unified Development Ordinance

*one correction was made: Patterson was corrected to read Roberson

SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL

The following conditions were approved on 7-6-10 by the Walkertown Planning Board and shown on the site plan.

- **Prior to issuance of grading permits:**
 - a. Developer shall obtain driveway permits from NCDOT. Required improvements include but are not limited to: driveway closings, right of way dedication and sidewalks along both Walkertown-Guthrie Road and Gospel Light Road.
- **Prior to issuance of Occupancy permits:**
 - a. All requirements of the NCDOT driveway permit shall be completed.
 - b. Developer shall demonstrate compliance with the landscaping plan approved as part of the original request, PBR 96-51

STAFF RECOMMENDATION: Denial

Gary asks if anyone has questions. No one answered.

Al Slater refers to the July 6, 2010 Planning Board Minutes. Note the sidewalk installation requirements before the issuance of the Occupancy Permit.

Jenny Morris asks Gary the time frame for installing sidewalks in the letter from Gospel Light.

Gary says 3mos. or 3 years. They do not want to set a time frame for installing sidewalks until the Town of Walkertown completes their installation up to Gospel Light Church Road.

Chairman Slater thanks Gary Roberts.

Chairman Slater opens the floor for public comments on the petition by Gospel Light.

Mayor Doc Davis introduces himself, states his address as 2950 Main Street, Walkertown. I think a delay until connectivity is reasonable.

Pastor Bobby Roberson, Gospel Light Church, introduces himself. I ask why we should build these sidewalks. We do not have members walking to church. We have always had a problem with skateboarders and kids from Kings Gate. They could be injured. We have had to call the Law. We would be willing to connect to the Town's sidewalks.

Jake Moser, Gospel Light Church, introduces himself, states his address as 806 Gallant Court. I was at the meeting and questioned the need for the sidewalks then. We have gone 21 years without sidewalks and not disturbing the road. Would people commute by sidewalks to the church? McDonalds and CVS both have sidewalks and I never see them used. People drive to the parking lot and walk in. None of the inner sidewalks are used. We are not against sidewalks in Walkertown and we would connect to the Town's sidewalks.

No one comes forward to speak and AI closes the public session at 3:23.

Chairman Slater asks the Board for comments.

Robert Butler: Not installing the sidewalks is not an option. We will keep sidewalk installation on the books. Gospel Light might try to get the skateboarders to come to church.

Larry Marshall: We don't have the authority to change an ordinance.

Bo Houff: There are timing issues. There is no provision in the ordinance for postponement, waiver for limitation. The feasibility of the sidewalks is not the issue. If granted a delay, a precedent would be set. I am not concerned about precedent. Each opinion is considered as separate. The board could have installed an amendment to delay at the first meeting, not easy or allowed now.

AI: Could they use an alternate site for the sidewalk inside their property line and be less costly?

Scott: Maybe. It would not require curb and gutter which should save money.

Jenny: In option 4, how much time would we set for the delay? 1yr.?

AI: If we deny, we would set a specific time.

Bo: The Planning Board could modify Gospel Light's request. DOT was at fault. They probably shouldn't have approved the driveway permit without sidewalk installation. Has the government harmed Gospel Light by not enforcing at the time the grading permit was issued?

Gary: Gospel Light is not claiming they were harmed. They got a delay, which is what they are asking for.

Don: We all sympathize with Gospel Lights position but specs. are specs.

Al: I agree.

Don: What are their options without granting a change?

Al: They could ask for a site plan amendment by the Board for more time.

Bobby Roberson: I didn't know anything about sidewalks until construction was complete. We have already spent 3 or 4 million dollars. We still favor connectivity to Walkertown's sidewalks.

Al: Jake Moser and your builder were aware of the site condition regarding sidewalks. Are we ready for a motion?

Bo: The Planning Board can:

- 1) Grant the request for a delay
- 2) Modify the petition for a specific amount of time
- 3) Advise DOT to enforce the petition
- 4) Deny

Al: Gary or Bo, please explain the appeal process.

Bo: Gospel Light would write a text amendment, then take their text amendment to Winston-Salem/Forsyth Planning to review. They would have a short time, maybe 30 days to do this.

Gary: The entire process could take 3 months. First planning would review the text amendment, then write a staff report with its analysis and recommendation. This would be presented to the Walkertown Planning Board. The meeting would include an advertised public hearing. They would make a recommendation to the Town Council. The Town Council would have an advertised public hearing and review the Planning Boards recommendation. Then the Town Council would vote on the text amendment, which would apply to all future construction.

Scott: Or, Gospel Light could file for an alternate location for the sidewalks.

Jenny: What is the estimated cost?

Jake Moser: \$150k plus grading. We like the sidewalks in Town, just not in a rural setting. They would only be used by skateboarders.

Jenny: Is this the most rural site required to have sidewalks?

Scott: No. Walkertown's entire jurisdiction is required to have sidewalks.

Al: All the way to Johnson Control.

Robert: These sidewalks would be within ½ mile of Gospel Lights' School.

Scott: That was just a recommendation only.

Don: How long to complete the sidewalks?

Gary: 3 to 8 months.

Jenny: How much time would Gospel Light want?

Jake: It's a bad time of year to start construction. We would have to do some serious grading. If I picked a time to start, it would be spring.

Jenny: Would 1 year be enough?

Jake: Yes.

Bobby: Why one year? Kids drive to school. We have no walkers. Will we have the money?

Al asks the Board if anyone needs more time for discussion. No more questions from the Board.

MOTION: TO DENY THE PETITION BY GOSPEL LIGHT REQUESTING AN AMENDMENT TO A PREVIOUSLY APPROVED SITE CONDITION REGARDING SIDEWALKS. ALSO, REQUIRE GOSPEL LIGHT TO START INSTALLATION OF THE SIDEWALKS NO LATER THAN APRIL 1, 2012.

**BY: AL SLATER
SECOND: ROBERT BUTLER
VOTE: UNANIMOUS**

PUBLIC SESSION WAS OPEN AND CLOSED AT 3:54 P.M. WITH NO SPEAKERS

ADJOURNMENT: On a motion by Jenny Morris and seconded by Don Whitker, the meeting was adjourned at 3:56 p.m.

**Submitted by: RUSTY SAWYER
Town Clerk**

