

**REGULAR MEETING OF
THE VILLAGE OF CLEMMONS PLANNING BOARD
May 19, 2020 Minutes**

The Village of Clemmons Planning Board met on Tuesday, May 19, 2020 at 6:00 p.m. via Zoom as members shelter in place due to COVID-19. Members present were: Rob Cockrum, Gregory Conlon, Brad Hunter, Martin Majorel, Thomas Mekis, Carolyn Miller, David Orrell, Bobby Patterson and Edee Wilcox. No member was absent.

I. CALL TO ORDER

The regular meeting was called to order at 6:05 p.m. by Chair Brad Hunter via Zoom.

II. APPROVAL OF MINUTES

Bobby Patterson made a motion to approve the April 21, 2020 minutes as written. David Orrell seconded the motion which was unanimously approved.

III. ANNOUNCEMENTS

The Planner asked the board to consider switching the order of the business items on the agenda. Martin Majorel made a motion to switch items A and B under Business. David Orrell seconded the motion which was unanimously approved.

IV. PUBLIC COMMENTS

Attorney Elliot Fus explained changes in municipal legislation regarding public hearings held via remote meetings. The legislation requires that individuals be allowed to submit comments for a period of 24 hours after the closing of the public hearing before a recommendation or decision can be made. After a brief discussion it was unanimously decided that the meeting would be recessed at the closure of the public hearings and would reconvene on Thursday, May 21, 2020 at 3:00 p.m.

V. BUSINESS

- A. Public Hearing of Zoning Map Amendment for AAA Storage** owned by Kazakos Brothers Clemmons LLC for property located at 2225 Lewisville-Clemmons Road, PIN 5893-07-254, consisting of approximately 2.65 +/- acres. Currently zoned LO-S petitioner is requesting **GB-S** (General Business – Special Use; Storage Services, Retail) as shown on a site plan located in the Village of Clemmons Planning Department. (**Zoning Docket C-230**).

Planner Rahimzadeh presented the rezoning request and the site plan for AAA Storage to be located at 2225 Lewisville-Clemmons Road. The petitioner is requesting rezoning from LO-S to GB-S with only one use, storage services retail. The property consists of 2.67 acres, will be climate controlled, entered by gate, has the proper bufferyard per the requirements in the Unified Development Ordinances and no connectivity with adjoining properties.

Staff recommends DENIAL of this proposed rezoning because the Land Use Plan recommends mixed use office for that area and because there is no fencing surrounding the facility as requested.

Chair Brad Hunter opened the public hearing.

Doug Stimmel, 3845 Tangleoak Drive, Clemmons, NC and Shawn Jones, AAA Storage, 7622 Bethany Road, Greensboro, NC were on hand to discuss the proposed site. Mr. Stimmel stated that in meetings held with various council members it was determined that a gate instead of a fence would be preferred, therefore, no fence was shown on the proposed site plan. It was noted that security cameras and an electronic system would be in place to know who is coming or going at all times. There will also be a manager on site six days a week. In looking at the site plan Mr. Stimmel noted that the proposed building is narrower than the adjoining property office buildings with only 5 parking spaces instead of a parking lot creating far less density than an office building. The property owner rezoned this property to limited office twenty-two years ago and has tried to market for years with no takers. The proposed building was designed to look like an office building. With less density proposed it will create less additional traffic on Lewisville-Clemmons Road. Mr. Stimmel advised that two attempts to sit down with adjoining property owners were made. The adjoining office park was invited to a meeting of which only two tenants attended. And invitations to 62 surrounding properties were sent out and only one individual attended. None of the three had negative comments after being shown the proposed project. The petitioner feels this is a great use and treat transition for this property.

Planner Rahimzadeh stated that comments were received from proponents only.

There being no further questions for the petitioner Chair Brad Hunter closed the public hearing and asked for a motion to recess until Thursday, May 21 at 3:00 p.m.

At 8:05 p.m. David Orrell made a motion to recess the Regular Meeting of the Planning Board from Tuesday, May 19, 2020 to Thursday, May 21, 2020 at 3:00 p.m. Martin Majorel seconded the motion which was unanimously approved.

The meeting was reconvened at 3:04 on Thursday, May 21, 2020.

There being no further questions or discussion of the rezoning request Bobby Patterson made a motion to adopt the statement of conformity as stated in the Staff Report (Attached hereto as Exhibit A and incorporated as a part of the minutes) and recommend **APPROVAL** of the rezoning request as presented for Zoning Docket C-230. Greg Conlon seconded the motion which was approved by a vote of 7-2 with Martin Majorel and David Orrell in opposition.

There being no further questions or discussion of the proposed site plan Tom Mekis made a motion to adopt the statement of conformity as stated in the Staff Report as submitted and recommend **APPROVAL** of the preliminary site plan of Version 2 with Flat Top elevation for Zoning Docket C-230. Rob Cockrum seconded the motion which was approved by a vote of 7-2 with Martin Majorel and David Orrell in opposition.

CONDITIONS FOR C-230 AAA Storage:

The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.

PRIOR TO THE ISSUANCE OF ANY PERMITS:

- a. The Developer shall submit a professionally designed Erosion and Sedimentation Control Plan along with an original signed/notarized Financial Responsibility/Ownership (FRO) form for review and approval, if the proposed project creates more than 10,000 square feet of land disturbance.
- b. The Developer shall obtain a stormwater management permit from the Village of Clemmons.

PRIOR TO THE ISSUANCE OF GRADING PERMITS:

- a. The Developer shall obtain a driveway permit from the Village of Clemmons.
- b. The Developer shall obtain a driveway permit from NCDOT.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS:

- a. The Developer shall submit water/sewer extensions plans to Utilities Plan Review for permitting/approval. Water meters purchased through City of Winston-Salem. Utility system development fees to be paid at the time of meter purchase.
- b. The Village of Clemmons Planning Department shall review and approve building elevations.

PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:

- a. The Developer shall submit a professionally designed Erosion and Sedimentation Control Plan along with an original signed/notarized Financial Responsibility/Ownership (FRO) form for review and approval, if the proposed project creates more than 10,000 square feet of land disturbance.
- b. The Developer shall obtain a stormwater occupancy permit from the Village of Clemmons.

OTHER CONDITIONS:

- a. All on site lighting shall be a maximum of 25 feet tall and shall be of the full cut off type or otherwise designated not to cast direct light on adjacent properties. Lighting shall be in conformance with the submitted Photometric Plan with light levels not to exceed the 0.5 foot-candle limit at the property line.
- b. All proposed utilities shall be underground.
- c. The proposed use shall not allow for habitation onsite.
- d. No parking in access road. Signage on site stating “No Parking Fire Lane” to help with keeping vehicles out of access road

B. Zoning Map Amendment for Old Mill Major Subdivision petitioned by Patsy B. Canter, Dianne Bingham McGee and Yishui Yun for properties known as PINS 5892-58-2261, 5892-57-8680 and 5892-57-0376 consisting of approximately 40.52 acres. Currently zoned RS-15 to **RS-9** (Residential Single Family) for Tract #1 and RS-9 and RS-15 to **RM5-S** (Residential Multifamily – Twin Homes) for Tract #2 as shown on a site plan located in the Village of Clemmons Planning Department. (**Zoning Docket C-235**).

Planner Rahimzadeh reviewed the rezoning request and preliminary site plan for the proposed project. Tract 1 is 29.99 acres. The petitioner is requesting to amend the zoning map from RS-15 (Residential Single Family) to RS-9 (Residential Single Family). Tract 2 is 10.53 acres. The petitioner is requesting to amend the zoning map from RS-15 and RS-9 (Residential Single Family) to RM-5-S (Residential Multifamily-Special Use) with uses including Residential Building, Single Family; Residential Building, Duplex; Residential Building, Townhouse; and Residential Building, Twin Home.

Hampton Road will serve as the primary collector road while direct site access as presented will be through Haywood Street and Quinn Street. Staff strongly recommends the installation of left turn lanes on Hampton Road and encourages proposed roads to connect to Arden Drive and the Haywood Street cul-de-sac be designed with a stub out to the parcel east of this development. The Village Transportation Plan shows a proposed road from Quinn Street to Arden Drive. The site plan as presented does not allow for connectivity.

In attendance for the petitioner was Megan Ledbetter, representing Meridian Realty, 8020 Whitmore Cove, Clemmons, NC; Steve Causey with Allied Design, 4720 Kester Mill Road, Winston-Salem, NC; and Todd Isenhour with Isenhour Homes, 3411 Healy Drive, Winston-Salem, NC. Mr. Causey advised that the list of concerns provided by Staff had been addressed. Sidewalk depth was corrected, mail kiosk will be revised, T-turnaround will be revised as requested, fire hydrant will be added. Petitioner stated he is not opposed to improvements being made on Quinn Street and Haywood Street but Staff had not communicated as to what

those improvements might be. Petitioner also stated they would do sprinkler systems, if necessary, instead of road improvements. They are exploring emergency egress at this time. The petitioner does not wish to make connection to Arden Drive from any point in the proposed development nor do they wish to include left turn lanes on Hampton Road as NCDOT stated it was not required.

PROPONENTS submitting comments to approve the proposed development were:

Petitioner Bill and Diane McGee, 6102 Arden Drive, Clemmons, NC

Megan Ledbetter, Meridian Realty Group, 8020 Whitmore Cove, Clemmons, NC

Steve Causey, Allied Design, 4720 Kester Mill Road, Winston-Salem, NC

Todd Isenhour, Isenhour Homes, 3411 Healy Drive, Winston-Salem, NC

Yi Yun, 4155 Arden Street, Clemmons, NC

Dewey Edwards, 4126 Arden Street, Clemmons, NC

The proponents believe the proposed development is a good use for the property. The mixed-use residential zoning utilizing twin homes and single-family homes will be suitable for both young and old. The petitioner has lived on the site for 58 years and is planning to purchase one of the lots to continue living there. The proposal meets the intent of the future land use plan by design and density and abuts a future employment center along the Idols Road Extension.

OPPONENTS to the proposed development were:

Mike and Amanda Tingle, 4165 Arden Street, Clemmons, NC

Gene and Pattie Shoemaker, 4071 Arden Street, Clemmons, NC

Jeannie Wagner, 4041 Arden Street, Clemmons, NC

Donald and Cheryl Wilmoth, 4138 Arden Street, Clemmons, NC

Billy and Judy West, 6166 Haywood Street, Clemmons, NC

Charles Weed, 6100 Arden Drive, Clemmons, NC

Miranda DiCello, 6124 Arden Drive, Clemmons, NC

Lisa Brewer, 6040 Arden Drive, Clemmons, NC

The opposing neighbors feel the proposed development is too dense for the older neighborhood surrounding the property. Their concerns are traffic on Hampton Road, the use of Haywood and Quinn Streets that are substandard to the amount of traffic that will occur, possibility of widening these streets taking away from the property owners, the use of Arden Drive if connectivity is put in place, use of minimum required code bufferyard between established neighborhood and new development instead of increasing to a denser bufferyard to shield the existing neighborhood, concern about types of plantings that will be allowed in the bufferyard, not wanting to overpopulate the town nor the schools, and the timing of presenting the proposal during COVID-19 making it impossible for neighbors to come in person to see the plans and talk to the developers.

There being no further questions for the petitioner Chair Brad Hunter closed the public hearing and asked for a motion to recess until Thursday, May 21 at 3:00 p.m.

At 8:05 p.m. David Orrell made a motion to recess the Regular Meeting of the Planning Board from Tuesday, May 19, 2020 to Thursday, May 21, 2020 at 3:00 p.m. Martin Majorel seconded the motion which was unanimously approved.

The meeting was reconvened at 3:04 p.m. on Thursday, May 21, 2020.

The Planning Board began discussion of several aspects of the proposed development.

The Board firmly believes connectivity is a must. Mr. Isenhour stated the eastern side stub to adjoining property at Crosscut Mill Lane is not feasible due to topography. The petitioner stated he would be willing to build Haywood Street all the way to the east to stub at the adjoining Weber property. The Board asked if the future three lot minor subdivision could be used to connect from Quartersawn to Arden Street to meet fire codes. The petitioner advised this would be a possibility but cost comparison would determine if sprinkling may be less expensive than building a road.

Ms. Ledbetter commented the petitioner could stay at RS-15 zoning and put 104 single-family homes on the property. They were attempting to divide the look of the development by incorporating twin homes as this is what the community is looking for to age in place. A rezoning public hearing would not be required for this option. Mr. Causey stated the rate of traffic would be less with twin homes versus all single-family.

Board Member David Orrell stated that in a conversation with Forsyth County fire inspector, Scott Routh, it was noted that, without exception, the development should have a separate fire access road. The Planner reminded Mr. Orrell that the developer was exploring the option of using sprinklers instead of a fire access road. Mr. Orrell reiterated that Mr. Routh said sprinklers would not satisfy the code and there must be a fire access road. Ms. Ledbetter also spoke with Mr. Routh and was told if the developer sprinkles the entire neighborhood that one way in and one way out was acceptable. Mr. Isenhour offered to put a gravel fire access road from lot 21 to Arden Street. Board Member Bobby Patterson recommended the gravel access road to Arden Street should be a dedicated road not a gravel road. Mr. Isenhour did not object to looking at the dedicated road. Mr. Patterson also felt it was the developer's responsibility to widen Quinn and Haywood streets to the standard 22 feet from the petitioner's property line to the intersection with Arden Street. Mr. Isenhour agreed to entertain that request.

Board Member Greg Conlon said he could not approve the proposal without the roads being widened all the way to Hampton. He also didn't think the proposal should be heard at this time via Zoom. He does not think the bufferyard is sufficient between the neighborhoods and the traffic on Hampton should be addressed.

Jeff Vaughn explained to Mr. Conlon that a type II bufferyard is a much denser area. The more a bufferyard is widened the less plantings are required to be used making it a less dense area defeating the purpose of coverup.

Jay Clapp with Ramy Kemp stated that NCDOT Subdivision Manual allows for 18 feet ditch section streets which is what Quinn and Haywood Streets are at this time. If the streets are widened it will create safety concerns for speeding in the neighborhood.

David Orrell felt that community involvement meetings should have been held by the petitioner and suggested the decision of the Board be delayed until that can happen. Attorney Elliot Fus said a motion could be entertained at this time.

There being no further questions or discussion of the rezoning request Greg Conlon made a motion to adopt the statement of conformity as stated in the Staff Report (Attached hereto as Exhibit B and incorporated as a part of the minutes) and recommend **DENIAL** of the rezoning request as presented for Zoning Docket C-235. David Orrell seconded the motion which was approved by a 6-3 vote with Bobby Patterson, Edee Wilcox, and Brad Hunter in opposition.

There being no further questions or discussion of the proposed site plan Bobby Patterson made a motion to adopt the statement of conformity as stated in the Staff Report and recommend **APPROVAL** of the preliminary site plan as presented for Zoning Docket C-235 to include additional conditions:

- Developer should stub out Haywood Street to the east with temporary t-turnaround per Chapter D.
- Developer shall construct a public road from Arden Street to Quartersawn through Future 3 lot minor subdivision property shown on the site plan.
- Developer shall build Haywood and Quinn stub streets up to standard from petitioner property line to intersection of Arden Street.

Martin Majorel seconded the motion which was approved by a vote of 7-2 with Tom Mekis and Greg Conlon in opposition.

Conditions for C-235 Old Mill are:

The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.

PRIOR TO THE ISSUANCE OF ANY PERMITS

- Developer shall submit a letter indicating payment in lieu of the dedication of land along with preliminary plat.

PRIOR TO THE ISSUANCE OF GRADING PERMITS:

- Developer shall obtain a stormwater management permit from the Village of Clemmons Stormwater Administrator.
- Developer shall meet the tree protection standards during construction as required in Chapter B.3-4 Landscaping and Tree Preservation Standards for the new large variety trees planted to meet the requirements of the ordinance
- Developer shall submit a professionally designed Erosion and Sedimentation Control Plan along with an original signed/notarized Financial Responsibility/Ownership (FRO) form for review and approval, if the proposed project creates more than 10,000 square feet of land disturbance.

PRIOR TO RECORDING FINAL PLAT:

- Developer shall bond or provide some other acceptable performance guarantee for the required sidewalks. 100% of the sidewalks shall be installed within 2 years after the date of the first house building permit.
- Developer shall build roads to public street standards.
- Developer shall construct a public road from Arden Street to Quartersawn through Future 3 lot minor subdivision property as shown on the site plan.
- Developer shall stub out Haywood Street to the east with temporary t-turnaround per Chapter D.
- Developer shall build Haywood and Quinn stub streets up to standard from petitioner property line to intersection of Arden Street.
- Developer shall record a final plat in the office of the Register of Deeds. Final plat shall include, among other requirements, proposed public streets rights-of-way, negative access easement for pertinent lots, property lines, approved addresses for each lot, tentative building locations, and public access and maintenance easements for any sidewalks located along public streets which are outside of the public right- of-way as well as all required payment in lieu calculations.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS:

- Developer shall submit water/sewer extensions plans to Utilities Plan Review for permitting/approval. Water meters purchased through City of Winston-Salem. Utility system development fees to be paid at the time of meter purchase.
- Developer shall obtain Village of Clemmons Driveway permits.

PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:

- a. Developer shall obtain a stormwater occupancy permit from the Village of Clemmons Stormwater Administrator
- b. Developer/Homeowners Association shall be created and be responsible for maintenance post-development of all common areas, including the grassed/landscaped island adjacent to the mail kiosk, the stormwater management controls, and the tree save areas. A note shall be added to the final plat.

C. Staff Report – Next scheduled meeting on June 16, 2020.

The Planner advised there will possibly be one rezoning case to be heard in June.

VI. ADJOURNMENT

Martin Majorel made a motion to adjourn the meeting at 4:22 p.m. on Thursday, May 21, 2020. Tom Mekis seconded the motion which was unanimously approved.

Respectfully submitted:

Patricia A. Fife, Sr. Admin. Assistant

Bobby Patterson, Secretary