

**REGULAR MEETING OF
THE VILLAGE OF CLEMMONS PLANNING BOARD
April 21, 2020 Minutes**

The Village of Clemmons Planning Board met on Tuesday, February 18, 2020 at 6:04 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 6:04 p.m. by Chair Brad Hunter via Zoom.

II. APPROVAL OF MINUTES

David Orrell made a motion to approve the February 18, 2020 minutes as written. Rob Cockrum seconded the motion which was unanimously approved.

III. ANNOUNCEMENTS

Planner Rahimzadeh thanked all the board members for participating via Zoom for tonight's meeting. He also requested the Board to switch Business Items A and B on the agenda. Carolyn Miller made a motion to change the agenda. Martin Majorel seconded the motion which was unanimously approved.

IV. PUBLIC COMMENTS

There were no public comments.

BUSINESS

- A. Major Subdivision Preliminary Site Plan Review for Idolwood by James Blakley** for property listed as PIN 5892-22-0602, approximately 14.07 +/- acres zoned as RS-9 (Single Family Residential) located west of the Bluestone subdivision on Idols Road as shown on a site plan located in the Village of Clemmons Planning Department. **(Zoning Docket C-20-001).**

Planner Rahimzadeh gave a brief presentation of the proposed major subdivision to be known as Idolwood consisting of 30 lots using existing zoning of RS-9 (Single Family Residential). The proposed major subdivision will have direct access from Bluestone Park Drive. The site plan has larger parcel on 30 lots and opposed to the original plan with 37 lots. The petitioner no longer owns the property fronting Idols Road so there can be no secondary access. The developer is using the common area for the tree save requirement which will make an enjoyable green space for all residents to enjoy.

There was a brief discussion regarding the alignment of the t-turnaround and the fact that only one mail kiosk is being planned for 30 lots. The board also questioned why only one mail kiosk was planned for the entire neighborhood and wondered if a mail kiosk could also be placed on the other side of the development closer to the residents on that side.

Proponents Present:

Vince Townsend, 7A Wendy Court, Greensboro, NC 27409, addressed the boards concerns.

Mr. Townsend pointed out that t-turnarounds are only temporary until the adjoining property is developed at which time the stub streets would be opened and the t-turnarounds would disappear. He also advised that would be more than happy to put a second mail kiosk on Quails Nest in the common area to serve the lots on that side of the development.

James Blakley, 274 Baity Road, Mocksville, NC 27028, owner of the property was also present.

There being no further questions or discussion of the proposed site plan review Greg Conlon made a motion to adopt the statement of conformity as stated in the Site Plan Review Record (Attached hereto as Exhibit A and incorporated as a part of the minutes) and recommend APPROVAL of the preliminary site plan review as presented for the proposed site plan for Idolwood Zoning Docket C-20-001. Tom Mekis seconded the motion which was unanimously approved.

Conditions for C-20-001 Idolwood 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

- a. 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:

- a. Developer shall obtain a stormwater management permit from the Village of Clemmons Stormwater Administrator.
- b. 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.

PRIOR TO RECORDING FINAL PLAT:

- a. 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.
- b. Developer shall build roads to public street standards.
- c. 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:

- 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. Village of Clemmons Driveway permits must be obtained for the driveways.

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.

B. Public Hearing of Zoning Map Amendment for The Village at Kinnamon by Alegro Investment Properties, LLC and Carlos Pereira for property located at 3462 Clemmons Road, PINS 5893-30-8703 and 5893-30-9990, consisting of approximately 8.0 +/- acres. Currently zoned RS-15 and LO-S petitioner is requesting **RM-12-S** (Residential Building, Multifamily) as shown on a site plan located in the Village of Clemmons Planning Department. (**Zoning Docket C-234**).

Planner Rahimzadeh presented Zoning Docket C-234. The petitioner is requesting a zoning change from LO-S (Limited Office – Special Use) and RS-15 (Residential Single Family) to RM-12-S (Residential Multifamily – Special Use of Residential building, multifamily) to be accessed by Kinnamon Village Drive. NCDOT has future plans to upgrade Hwy 158 and does not want to grant additional access points. The proposed site plan includes three three-story buildings providing 78 units consisting of 1-2 or 3 bedrooms. Planner Rahimzadeh stated that all requirements in Chapters B and C of the Unified Development Ordinances have been met by the proposed site plan.

The Planner reported that the proposed request is not in conformance with the Clemmons Future Land Use Plan as it calls for developments that do not exceed two-story and the aesthetic enhancement of the Hwy 158 corridor to maintain and improve on a historic design. The proposed request conforms to the Forsyth County Legacy Plan that specifies the site needs to promote dense, mixed-use and pedestrian-oriented development.

There was a brief discussion of the walkability of the site for access to Stadium Drive, stormwater issues, topography of the site and type of management.

The petitioner, Ron Davis, Alegro Investment Properties, LLC, 380H Knollwood St, #253, Winston-Salem, NC, was available to answer questions. Mr. Davis stated the back topography is twelve (12) feet allowing for 3 stories to fit into the site. He also noted that stormwater is a calculated number and the engineered design using the two detention ponds will capture all stormwater and control the release as required. Mr. Davis also explained that the development will sit back away from the view corridor and with the back topography will not be seen by most individuals. Information provided by former Councilman Mike Combest stated that Future Land Use Plan was designed to recommend not require what can be placed on a particular site. It was also noted that there would be on-site staff maintenance year around on Monday-Friday. There would be emergency management contact information for after hours. Mr. Davis believes the proposed site plan makes an excellent fit for the community.

Chair Brad Hunter opened the public hearing.

Attorney Elliot Fus advised the board to base their findings on the information presented and do not consider ethnicity, income or character of residents.

John Stiltner, Landmark Asset Services, Inc., 406 E. 4th Street, Winston-Salem, NC 27101 advised there would be 1, 2 and 3 bedroom units ranging from 750 square feet to 1,150 square feet.

There was a question of walkability to the Stadium Drive area. Mr. Davis stated they have an easement through adjoining property owned by Carlos Periera that will be used for walking access to US-158/Clemmons Road. Initially this gravel access was to be used for emergency vehicles but the County Fire officials stated it was not necessary. Mr. Davis reminded the board that as properties along Hwy 158 between the shopping center and the church are redeveloped they will be required to provide sidewalks.

There was a question concerning the impact 100+ cars will have on traffic. Mr. Davis noted that there were options traffic can go such as Hwy 158 to Winston-Salem or Kinnamon Road to I-40. It was also noted that the majority of the renters will be working in the community and walking to and from work.

There was a question regarding the type of landscaping proposed. Planner Rahimzadeh stated there is a ratio between number of trees and parking spaces. There are requirements in the Unified Development Ordinances as to types of plants that must be used for landscaping the property and the bufferyards.

The question of fencing/bufferyard between the Stadium Drive properties and the proposed development. There is fencing/bufferyard provided at the back of Stadium Ridge but no where else. Mr. Davis advised that the fence had been placed per the request of Stadium Ridge Homeowners Association. The Kearns family already has a fence in place and the property owned by Gary Lee has just requested fencing. The board felt it would be much better if the fence/bufferyard was placed from Stadium Ridge Court to the end of Mr. Lee's property. Mr. Davis advised they would be willing to provide fencing/bufferyard at the requested location.

Planner Rahimzadeh noted that several individuals had provided comments:

Sarah Jetton, 6171 Stadium Ridge Ct. Clemmons is very opposed to the site. Main concerns: 1) Location of dumpster will be right at their development. Would like it moved to a different location on the site; 2) Stadium Drive cannot handle the additional traffic. Traffic already backs up morning and afternoons due to school. 3) Clemmons Elementary already overcrowded.

Molly Bahn, 6160 Stadium Ridge Ct, Clemmons is opposing the site. Main concerns: 1) Traffic on Stadium Drive; 2) Need a fence at least 8 feet tall around property so kids will not cut through others property to get to school; 3) Would like for there to be less units so not so crowded.

Mary Utley, 6183 Stadium Ridge Ct, Clemmons is opposing the site. Main concerns: 1) Traffic on Stadium Drive; 2) School will be overcrowded; 3) What direction will kids have to walk to get to school; 4) Too many apartments; 5) Location of dumpsters should be moved.

Cherry Horn, 6166 Stadium Ridge Ct, Clemmons is in opposition. Main concerns: 1) Density too much – why does it have to be 3 stories; 2) Traffic on Stadium will increase along with new library being built; 3) Clemmons is overbuilding, not leaving any green space; 4) Schools overcrowded already; 5) Dumpsters need moved to another location.

Larry Bowen, 6136 Stadium Ridge Ct, Clemmons is in opposition. Main concerns: 1) Traffic on Stadium; 2) Foot traffic through Stadium Ridge; 3) Decreased property values.

Russell and Charlene Frisby, 6190 Stadium Ridge Ct., Clemmons is in opposition. They stated their home is directly between the proposed apartments and Clemmons Elementary School. Stadium Ridge Ct is a private road-it is not owned or maintained by the city of Clemmons or by Forsyth County. People wanting to walk from the proposed apartments to Clemmons Elementary are not going to walk all the way out to Hwy 158, turn right to Stadium, and turn right again to get to the school with playground. They are going to cut through our property to get there. Last time the petitioner proposed a 6' fence to eliminate that possibility. That would not be an adequate remedy for us or for the single-family homeowners that live on Stadium Drive between Stadium Ridge Ct and Hwy 158. Clemmons does not need more apartments. Our ratio of apartments to single family

homes is proportional to norms. We need to use that property for exactly what it is currently zoned for—single family homes and/or Limited Office-Special Use. We strongly oppose the rezoning request.

Nancy Lang, 6172 Stadium Ridge Ct, Clemmons, HOA President is opposing the site. Ms. Lang said there are lots of apartments in the area already. This 78-unit 1-2-3 bedroom, 24 of which are 3-bedroom is much too dense for that area. The traffic on Stadium Drive is already a bottleneck both ways and with the new library being built that will bring additional traffic. Ms. Lang noted that Stadium Ridge Court is a private street not a public one owned by Clemmons and the residents do not want foot traffic from the proposed site for security reasons. She also feels the dumpster location should be moved and noted the petition with 58 signatures are all from surrounding property owners, whereas the petitioner's petition names had no bearing on the actual site location. Ms. Lang also stated the public hearing should have been a physical meeting instead of a Zoom meeting so that everyone in opposition could be present.

Adam Kearns, 6057 Stadium Drive, Clemmons spoke via telephone to address the board. He is strongly opposed to the proposed rezoning and site plan and wanted to ask the petitioner if he could guarantee no foot traffic; could he guarantee property values will not decrease; and could he guarantee the safety in their lifestyle would not change.

Gary Lee, owner of three (3) adjoining properties on Stadium Drive is opposed to the building of the residential multi-family apartment complex being built on Kinnamon Circle called "Village at Kinnamon" because: 1) project will de-value my properties; 2) I will have a constant problem with people from the complex trespassing through my property; 3) It will be putting more traffic on Stadium drive which is already a very bad situation.

Craig Sheppard, no address given, is a proponent for Village at Kinnamon. He stated he is writing in support of the proposed rezoning request off Kinnamon Loop Circle. As a commercial property owner and land owner in the Village of Clemmons, he believes more residential multi-family housing is necessary to grow the economy in the Village business district.

Petitioners Ron Davis and John Stiltner replied to several of the concerns stated. The petitioner will be willing to add fence and bufferyard between the site and adjoining property owners on Stadium Ridge Court and Mr. Lee's properties on Stadium Drive. Mr. Stiltner stated there are security concerns everywhere in today's world but they will place security cameras to catch any foot traffic violators through the adjoining properties and they would also put a clause in the lease that states that action would not be permissible. The apartments will be well managed and well maintained and there will be a school bus stop to take the children to and from school.

The Board held a brief discussion and felt that with the addition of a 15-foot buffer and 6-foot fence along with the steep drop off in topography that foot traffic shouldn't be an issue. They also approved of the petitioner's willingness to extend the buffer and fence line to include Mr. Lee's properties. A sidewalk on Hwy 158 was suggested by a board member but the Planner advised Clemmons could not request the petitioner to put a sidewalk on property he doesn't own. Again, it was stated that sidewalks would go in as that area is redeveloped.

Nancy Lang did not feel like all the questions were being addressed and that the petitioner's list of signatures was of no relevance to the area. She also wondered where the petitioner thought all the people in the proposed development was going to work in Clemmons.

Adam Kearns wanted to know why this development has to go there. He thinks the trees should be left there for the land beautification. He doesn't want to look out his back door and see an apartment complex.

Chair Brad Hunter asked for a motion to close the public hearing. David Orrell made a motion to close the public hearing. Carolyn Miller seconded the motion which was approved unanimously.

Planner Rahimzadeh reminded the board that conditions can be added if they wish to have the fence and bufferyard extended. He also reiterated that the land use plan calls for the Hwy 158 corridor as a preserving historic overlay but also noted the proposed plan will not be touching Hwy 158. The proposed site plan meets all the requirements of the Unified Development Ordinances. He informed the board of their 3 choices: if they feel it is inconsistent with land use plan vote to deny; if it is consistent with land use plan vote to approve; if it is inconsistent but due to outweighing factors move to approve the rezoning which would in turn change the land use plan.

David Orrell commented that he knows all the players in the proposal well and knows the job will be done right but feels the petitioner has blatantly ignored the land use plan and desires of the community.

Ron Davis reiterated that Mike Combest had gone item by item to address all the outstanding issues.

Martin Majorel stated that the proposed project is a standalone and needs to be looked at differently. It fits on the land. What will happen to that property if the proposed project is denied? This project will look nice and will be maintained and the next one that comes along may not be.

Chair Brad Hunter felt economically it fits and will bring needed vitality to that area. He stated it was being built by a reputable developer and maintained by a reputable management company.

Edee Wilcox made a request to make sure a condition is added to extend the fence and bufferyard line.

Bobby Patterson noted that the topography fits a 3-story structure nicely. In his experience that piece of property would be hard to develop. He would be in favor of this proposed project versus what could go there.

Chair Brad Hunter thanked Staff, Stadium Ridge HOA, the Developer and Petitioner for all the hard work put into this proposal.

Tom Mekis made a motion to adopt the statement of conformity as stated in the Site Plan Review and recommend DENIAL of the rezoning and preliminary site plan review as presented for the proposed major subdivision consistent with the statement for Zoning Docket C-234. David Orrell seconded the motion which failed 2-6 with Edee Wilcox, Greg Conlon, Martin Majorel, Carolyn Miller, and Bobby Patterson and Rob Cockrum voting against the motion. Brad Hunter abstained.

Martin Majorel 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 APPROVAL of the rezoning request as presented and the preliminary site plan with the addition of a condition to extend the fence and bufferyard from Stadium Ridge development to the end of property belonging to Gary Lee for the proposed site plan consistent with the statement for Zoning Docket C-234. Bobby Patterson seconded the motion. The motion passed with a 6-3 vote with Tom Mekis, David Orrell and Rob Cockrum voting against the motion.

CONDITIONS FOR C-234 Village at Kinnamon:

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 obtain a grading permit if 10,000 square feet or more of land is disturbed.
- b. The Developer shall obtain a stormwater management permit.

PRIOR TO THE ISSUANCE OF GRADING PERMITS:

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

PRIOR TO THE ISSUANCE OF BUILDING PERMITS:

- a. The developer shall submit a utility plan.

PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:

- a. The Developer shall obtain a stormwater occupancy permit.
- b. All sight lighting shall be a maximum of 25 feet tall and shall not cast direct light on adjoining properties. A photometric plan with light levels not to exceed .5 foot-candle limit at the property line shall be submitted and approved.
- c. The Developer shall extend the six-foot fence along the west and north side of the property from the Stadium Ridge development PIN # 5893-31-7154 to the end of, and including, property owned by Gary Lee on Stadium Drive PIN # 5893-30-5721 to be maintained by the property management company. The six-foot fence shall be constructed of masonry, concrete, metal, or wooden material which does not allow light to pass through per the UDO.

OTHER CONDITIONS:

- a. All service utility areas shall be sufficiently screened.
- b. All internal sidewalks shall be ADA compliant and provide curb cuts with tactile paving at proposed internal crossings along with handicap parking area.

C. Staff Report – Next scheduled meeting on May 19, 2020.

The Planner advised there will possibly be two cases to be heard in May.

V. ADJOURNMENT

Rob Cockrum made a motion to adjourn the meeting at 8:55 p.m. Martin Majorel seconded the motion which was unanimously approved.

Respectfully submitted:

Patricia A. Fife, Sr. Admin. Assistant

Bobby Patterson, Secretary