

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
REGULAR MEETING 7:00 P.M. APRIL 2, 2013**

The Board of Aldermen of the Town of Kernersville met in regular session at 7:00 p.m. on the above date in the Municipal Council Chambers at the Municipal Building at 134 East Mountain Street.

Present: Mayor Dawn H. Morgan, Mayor Pro Tem Dana Caudill Jones, Aldermen Keith Hooker, Tracey Shifflette, Irving Neal and Neal Stockton.

Absent: None.

Staff Present: Curtis L. Swisher, Town Manager; John G. Wolfe, Town Attorney; Dale F. Martin, Town Clerk; Jeff Hatling, Community Development Director; Police Captain Tim Leonard; Franz Ader, Finance Director; Ernie Pages, Parks & Recreation Director; Terry Crouse, Fire Chief; Ray Smith, Human Resources Director; Gray Cassell, Information Services Director; Russell Radford, Engineering Director and Brian Ulrich, Transportation Manager.

- **CALL TO ORDER**
- **INVOCATION BY REVEREND RICK CARTER, MAIN STREET UNITED METHODIST CHURCH**
- **PLEDGE OF ALLEGIANCE**

Mayor Dawn Morgan called the meeting to order. Reverend Rick Cater of Main Street United Methodist Church delivered the invocation which was followed by the Pledge of Allegiance.

- **PRESENTATION OF PROCLAMATION FOR TELECOMMUNICATORS**

Mayor Morgan presented a Proclamation recognizing Public Safety Telecommunicators Week April 14-20, 2013 and commending them on their diligence and professionalism. The Telecommunicators recognized were Ryan Spong, Amy Clewis, Lauran Stroupe and Erin Whitaker. Jeff Lemons, Nancy Sipe, Brad Rock, Karen Campbell, Jerry Carter and Phillip Infinger are also Telecommunicators but were unable to attend the meeting

Ryan Spong, Communications Supervisor thanked the Board for this recognition. Telecommunicators work behind the scene and take their jobs very seriously.

- **PRESENTATION OF PROCLAMATION RECOGNIZING EARTH DAY**

Mayor Morgan presented a Proclamation to Doran Maltba, Public Services Director and Russell Radford, Engineering Director designating April 18, 2013 as Earth Day in Kernersville. Earth Day is a joint effort between Public Services and Engineering and will consist of events and

activities from 9 AM to 7:00 PM here in the Town Hall courtyard. Mr. Maltba thanked the Board for their support and encouraged everyone to attend.

PUBLIC HEARINGS

Mayor Morgan explained the Board's procedures for holding public hearings.

1 a. PUBLIC HEARING: Jeff Smith, agent for I-40 Union Cross RE, LLC, for properties located in the 1400 block of Union Cross Road, being all of PIN#(S) 6874-29-9209, 6874-29-9567, 6874-39-1720, 6874-39-4747, 6874-39-6995, 6874-48-0736, 6874-49-7107, 6874-59-2195, 6875-30-4115, 6875-30-5140 containing a total of 83.96 acres more or less. Petitioner requests a Special Use District Two-Phase and Single-Phase rezoning from RS20 (Residential Single-Family, minimum lot size 20,000 sq. ft.) and MU-S (Mixed Use – Special Use District) to MU-S (Mixed Use – Special Use District) Two-Phase and Single-Phase. Zoning Docket K-719

Mr. Jeff Hatling presented the Planning Board Report for this rezoning request noting the history of zoning changes on this site. He described the changes proposed from what was previously approved. He presented the site plan and described the phases for this project by highlighting the proposed units in each district, the design specifications, the bufferyard conditions, and Land Use Plan recommendation for this area. He presented the Thoroughfare and Street Plan recommendation for Union Cross Road and the surrounding residential streets. He presented the Planning Board and Staff recommendation for approval of this rezoning request with conditions.

Mayor Morgan declared the Public Hearing Open.

In Favor

Jeff Smith, 8443 Alice Player Drive, Oak Ridge, North Carolina – stated that this was his grandparent's property. He stated that due to the economy, changes are being made from what was requested before. He highlighted the uses and infrastructure improvements for each phase of the project. He spoke of the high quality product being developed and that the developer will keep ownership of the property so that it doesn't deteriorate over time. He stated that the multifamily units will be built in phases as they are leased so that you will not have a lot of empty buildings sitting on the site for a period of time. He pointed out the large recreation area on the site.

Mr. Smith stated there will be several out parcels to develop. They have interest from drug stores and grocery stores for those sites. They plan to build a walkable community with sidewalks on both sides of the streets. They have met with adjacent property owners and have tried to address their concerns by amending the uses in Tract 3. He stated that they plan to apply for grading permits and hope to have units available by spring of 2015. He then made himself available for questions.

Opposed

None presented.

Being no additional speakers, Mayor Morgan closed the Public Hearing.

1 b. Consideration of an ordinance rezoning said property.

Mayor Pro Tem Dana Caudill Jones commended the Developer for meeting with the residents and addressing their concerns. She believed this development to be a nice addition to Kernersville.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to approve the following Ordinance amending the Unified Development Ordinance of the Town by rezoning the property in case K-719 from MU-S and RS-20 to MU-S Single Phase and Two Phase. The said rezoning being consistent with the Town's Comprehensive Plan and Kernersville Development Plan and further being both reasonable and in the public interest due to the following facts:

1. The proposed Mixed Use Special Use District would assist in the implementing the Town's Land Use Plan by creating a commercial node.
2. The development of this neighborhood commercial center will help reduce travel for the area residents.
3. The Special Use District conditions include detailed design standards for the buildings and site plans to create a strong "sense of place."
4. A complete sidewalk system is required that provides for internal circulation and connections to future external sidewalk systems.
5. The high quality design will enhance the commercial tax base and help diversify economic base.

Alderman Irving Neal seconded the motion and the vote was all for and motion carried.

Town Ordinance

**Zoning Petition of Jeff Smith, agent for I-40 Union Cross RE, LLC
Zoning Docket K-719**

**ORDINANCE No. O-2013-07
AN ORDINANCE AMENDING THE
KERNERSVILLE ZONING ORDINANCE AND THE
OFFICIAL ZONING MAP OF THE
TOWN OF KERNERSVILLE, NC**

BE IT ORDAINED by the Board of Aldermen of the Town of Kernersville as follows:

SECTION 1. The Kernersville Zoning Map be amended by changing from RS20 (Residential Single-Family, minimum lot size 20,000 sq. ft.) and MU-S (Mixed Use – Special Use District) to MU-S (Mixed Use – Special Use District) Two-Phase and Single-Phase for property located in the 1400 block of Union Cross Road, being all of PIN#(S) 6874-29-9209, 6874-29-9567, 6874-

39-1720, 6874-39-4747, 6874-39-6995, 6874-48-0736, 6874-49-7107, 6874-59-2195, 6875-30-4115, 6875-30-5140 containing a total of 83.96 acres more or less as recorded in the Office of the Register of Deeds, Forsyth County, North Carolina and being further described as follows:

BEING KNOWN AND DESIGNATED as 1400 block of Union Cross Road, being all of PIN#(S) 6874-29-9209, 6874-29-9567, 6874-39-1720, 6874-39-4747, 6874-39-6995, 6874-48-0736, 6874-49-7107, 6874-59-2195, 6875-30-4115, 6875-30-5140 containing a total of 83.96 acres more or less as recorded in the Office of the Register of Deeds, Forsyth County, North Carolina.

SECTION 2. This ordinance is adopted after approval of and upon condition of compliance with the site plan entitled *Smith Crossing* identified as "Attachment A of the Special Use District Permit" issued by the Board of Aldermen the 2nd day of April, 2013 to Smith Crossing

SECTION 3. This Ordinance shall be effective from and after its adoption.

Adopted this the 2nd day of April, 2013.

SPECIAL USE DISTRICT PERMIT

Issued by

Board of Aldermen of the Town of Kernersville

The Board of Aldermen of the Town of Kernersville has issued a Special Use District Permit for the site shown on the site plan map included in this zoning petition of Jeff Smith, Petitioner. The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use Permit" for *Smith Crossing* approved by the Board of Aldermen the 2nd day of April, 2013 and signed, provided the property is developed in accordance with requirements of the zoning district of MU-S (*Mixed Use-Special Use District*), Chapter 19 of the Town Code, the Erosion Control Ordinance, and other applicable laws permitted with the uses of: **Tract 1 Commercial Uses:** *ABC Store (Liquor); Arts & Crafts Studio; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (with drive-through service for specialty food & beverage shops); Restaurant (without drive-through service); Restaurant (with drive-through service) Limited to Two; Retail Store, Specialty or Miscellaneous; Shopping Center; Wholesale Trade A; Banking and Financial Services; Bed and Breakfast; Funeral Home; Hotel or Motel; Medical or Dental Laboratory; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Personal; Testing and Research Lab; Veterinary Services; Warehousing; Recreation Services, Indoor; Recreation Services, Outdoor; Recreation Facility, Public; Swimming Pool, Private; Theater, Indoor; Adult Day Care Center; Child Care (Drop-in); Child Care (Sick Children); Child Care Institution; Child Day Care Center; Club or Lodge; Church or Religious Institution, Neighborhood; Church or Religious Institution, Community; Government Offices; Hospital or Health Center; Limited Campus Uses; Museum or Art Gallery; Neighborhood Organization; Police or Fire Station; School, Private; School, Vocational or Professional; Manufacturing A; Access Easement, Private Off-Site; Broadcast Studio; Park and Shuttle Lot; Parking, Commercial; Utilities*

Tract 1 Residential Area Uses: *Residential Building, Multifamily*

Tract 2 Commercial Uses: *Swimming Pool, Private; Access Easement, Private Off-Site; Utilities.* **Tract 2 Residential Area Uses:** *Residential Building, Multifamily*

Tract 3 Commercial Uses: *Swimming Pool, Private; Access Easement, Private Off-Site; Utilities.* **Tract 3 Residential Area Uses:** *Residential Building, Single-Family, Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Townhome; Access Easement, Private Off-Site; Utilities*

SITE PLAN: Approval with the following conditions:

**Standard conditions denoted by asterisk*

1.) Transportation

- a. All proposed streets shall be public. See *Thoroughfare and Street Plan* for private street and drives definitions.
- b. *Unless prevented by topographical features, internal connections between existing or potential parking lots on adjacent properties shall be provided.
- c. The Developer shall coordinate with NCDOT and their contractor on the realignment of Kenosha Drive and its connection to Union Cross Road.
- d. A revised Traffic Impact Analysis is required prior to applying for a NCDOT Driveway Permit.
- e. *NCDOT Driveway Permits are required for all accesses onto Union Cross Road. All NCDOT improvements required as part of the Driveway Permit approval process shall be constructed as part of this project. All improvements on NCDOT maintained roads shall be, at a minimum, in accordance with NCDOT design standards.
- f. Grant a 10-foot public utility, drainage, slope, retaining wall, and permanent construction easement directly behind the right-of-way on Union Cross Road.
- g. Bus Transit stop(s) shall be established that meet PART standards.
- h. The grading plan for phase one of the project shall include construction drawings for that portion of Street “D” shown to be within the boundary of phase one and phase two of the project, plus any portions/lengths of Street “D” outside the project boundary needed to ensure proper roadway design.

2.) Plat Requirements

- a. *Developer shall show on the final plat a 5 foot negative access easement along all lots on Union Cross Road with the exception of NCDOT approved access locations either now or in the future.
- b. *All storm drainage easements meeting the Town’s easement requirements as outlined in the Design and Construction Specifications Manual shall be shown on the final plat.
- c. A note on the Final Plat shall state: “Any landscaping within the entrance islands, traffic circle or walkways shall be maintained by the Property Owners Association.”
- d. *Lower Abbotts Creek Sewer Basin acreage fees shall be paid prior to platting.
- e. *A note on the Final Plat shall state: “All storm drainage devices including but

not limited to: pipes, stormwater BMP's, drainage boxes, inlets, outlets and open channel conveyances located outside of the public right-of-way shall be maintained by....." (and state the party responsible for maintaining the storm drainage devices).

- f. All street names shall be approved by the Town of Kernersville prior to final plat. A letter of approval shall be attached to preliminary plat at time of submittal.

3.) **Public Infrastructure**

- a. *The developer shall design and construct all public infrastructures in accordance with the Town's *Design and Construction Specifications Manual*.
- b. *All water and sanitary sewer drawings with appropriate easements shall be approved by the City-County Utilities Commission.
- c. *All detailed construction plans for infrastructure must be submitted and approved by the Engineering Department prior to construction.
- d. The lighting for the project shall be required with no light above "cut-off lighting fixtures". Cut off lighting fixtures are lights that cast light downward.
- e. *Lower Abbotts Creek Sewer Basin acreage fees shall be paid prior to final platting.
- f. The developer shall grant an sewer easement to the Union Cross Station shopping center to allow them to connect and remove their sewer pump station. Any cost for the connection shall be the responsibility of Union Cross Station. The Smith Crossing property shall be restored to its preexisting condition after the connection.
- g. * Water lines shall be connected to the existing lines along Kenosha Drive during the first phases of construction. Water lines shall be connected to the existing water lines along Trailwood Lane and Kendallwood Drive at the time of the Smith Crossing street connections to said streets.
- h. *The water and sewer lines shall be placed outside of the public street.
- i. *The Developer shall extend the water line along "E" Street and tie-in to existing water line at the end of Kenosha Drive, as directed and approved by the City-County Utilities Commission.
- j. *The Developer shall provide an access into the existing sanitary sewer easement for maintenance purposes. Type and location of the access shall be approved by the City-County Utilities Commission.
- k. *A street lighting plan shall be submitted to the Town's Engineering Department for approval.
- l. *Dumpster pads and appurtenances shall be constructed in accordance with the Town's Design and Construction Specifications manual. The number, type and locations shall be approved by the Public Services Department, Solid Waste Division. For all commercial sites a "Hold Harmless Agreement" signed by the property owner is required.
- m. The Developer shall coordinate with the contractor of the NCDOT Union Cross road widening project U-4909 to facilitate the waterline tie-in at the intersection of Street "A" and Union Cross Road.
- n. *All detailed construction plans for infrastructure must be submitted to and approved by the Engineering Department prior to construction.

- o. Vehicle accessible route shall be made to the sewer outfall line.

4.) Phases

- a. Development of the project may be phased according to market demand.
- b. The public roads shall serve each phase accordingly.
- c. Seamless flow of public streets shall be designed.
- d. A connector street from Union Cross Road shall be completed through the development from Union Cross Road to the eastern portion of the development prior to connecting to the end of Kenosha Drive, Trailwood Lane and Kendallwood Drive, except for the rear driveway connection to Kenosha Drive from within Tract 2 first phase of the “residential building, multifamily” development.
- e. Prior to applying for a building permit for the “residential building, multifamily” located south of Street “D”, Street "D" shall be completed to the point farthest east of Tract 2 or a surety established for said improvements.
- f. The developer of Tract 2 “residential building, multifamily” shall provide a second unrestricted access onto Kenosha Drive during their first phase of construction. At the time of connection, the developer shall overlay Kenosha Drive with one inch of type S9.5A asphalt pavement from the end of the existing pavement on Kenosha Drive to the limits of the improvements to the intersection of Union Cross Road and Kenosha Drive provided for under the Union Cross Road NCDOT road improvement project.

5.) Environmental

- a. *Developer shall adhere to all State, Federal and Local Government environmental regulations.
- b. *Stream buffers need to extend along all streams and “wrap” around upper origin points.
- c. *Zone (1) and Zone (2) stream buffers must start at the top of the channel bank.
- d. *Developer shall identify where stream buffer signs will be installed along the outer edge of Zone (1). The signs can be purchased through the Town of Kernersville and shall be installed at an interval not to exceed 500 feet.
- e. *A stormwater management plan prepared by a professional engineer, submitted for review and approval by the Engineering Department, is required for each phase of development. When final development plan(s) are submitted, the design engineer will include provisions for treatment of stormwater runoff where feasible. Treatment options may include, but are not limited to: curb cuts, grass-lined swales and waterways, and natural stormwater conveyance buffers. If the developer has elected to develop under the high-density option, impervious surfaces within each phase of development shall be collected and properly treated in an approved stormwater best management practice (BMP). Further, any off-site stormwater drainage, which cannot be bypassed, must also be treated in the BMP. Should a watershed protection pond be a BMP of choice, a good faith effort by the designing engineer shall be made to minimize its potential classification as a high hazard dam. All other provisions of the Town's Watershed Protection Ordinance shall be met. All stormwater management requirements and

regulations that are applicable and adopted by the Town and/or NCDENR and/or other regulatory agencies with jurisdiction over the site at the time of submittal of final development plans shall be followed.

- f. Provide a visible note on the Preliminary Subdivision plan stating that the project will comply with the UDO Chapter C- Environmental Ordinance, Watershed Protection and Stormwater Runoff Ordinances.
- g. The development should comply with the Stormwater/watershed requirements included in the "Standard Conditions" of the initial approved ordinance No. 0-2005-56 for this site on December 6, 2005. The submitted Special Use District site plan does not meet those conditions with the location of the possible BMP #1. At the proposed possible BMP #1 check for existing freshwater lake/pond (national wetlands inventory) a BMP is not allowed in the natural way of a freshwater lake/pond waters).
- h. Review drainage runoff coming from Kenosha and Union Cross to the site. As necessary provide corresponding permanent drainage easements on the site project for this stormwater runoff drainage.
- i. If the developer has elected to develop under the high-density option, impervious surfaces within each phase of development shall be collected and properly treated in an approved stormwater best management practice (BMP). A stormwater management plan prepared by a professional engineer, submitted for review and approval to the Engineering Department, is required for each phase of development. When final development plan(s) are submitted, the design engineer will include provisions for treatment of stormwater runoff. Treatment options may include any BMP, which the Design Manual published by the NC Division of Environmental Management identifies as capable of complying with minimum treatment requirements stated in the Town's stormwater ordinances. Further, any off-site stormwater drainage, which cannot be bypassed, must also be treated in the BMP. Should a watershed protection pond be a BMP of choice, a good faith effort by the designing engineer shall be made to minimize its potential classification as a high hazard dam. All other provisions of the Town's Watershed Protection Ordinance shall be met.
- j. All stormwater management requirements and regulations that are applicable and adopted by the Town and/or NCDENR and/or other regulatory agencies with jurisdiction over the site at the time of submittal of final development plans shall be followed.
- k. A detailed grading plan for lot drainage shall be submitted with construction plans for roadways, storm drain systems, and water and sewer systems. Detailed grading plans shall include: provisions for adequate drainage of surface water between and around dwelling units. Finish grades shall slope away from each residential unit six (6) inches in ten (10) feet and be in compliance with current requirements of the North Carolina Building Code. Shallow grassed drainage swales designed to transport surface water between and around residential units shall have a minimum slope of two (2%) percent. On the plan show all BMPs with existing and proposed topography (2' contours) as well as existing and proposed plantings, property lines, buffers and easements that are within 50 feet of the limits of any BMP.

6.) Non-Residential Architectural Standards

- a. Non-Residential structures shall meet the Highway Corridor Overlay District and Overlay District General Requirements.
- b. During the Final Development Plan review the applicant may request departure from the architectural standards of the Highway Corridor Zoning Overlay Districts provided that the applicant presents, at the time of Final Development Plan application, proposed findings of facts that the proposed development would implement the Purposes of the Highway Corridor Overlay District more adequately than development which would meet the strict requirements of the Overlay District.

7.) Non-Residential Site Plan Standards

- a. Structures, landscaping, sidewalks and parking shall be harmonious and aesthetically pleasing in visual relationship to other structures within the development.
- b. The buildings along all roads shall be located as close to the primary road as possible, and include for pedestrian sidewalks and drives. Parking shall be to the side or rear. Parking may be in the front of theaters or hotels if landscaping is utilized to create parking rooms. The parking shall be designed with enhanced landscape islands that break up any large parking areas into smaller areas.
- c. Loading docks, trash collection and other outdoor storage and activity areas shall be incorporated into the overall pedestrian scale of the building and landscaping. Dumpsters for the commercial building along the Kenosha Drive neighborhood shall be located on the rear of the building and as far from residential property lines as reasonably possible.
- d. Outdoor display areas shall be planned in the overall design of the site plan. The area shall contribute to the pedestrian scale and use of the development.
- e. Drive-through windows shall be placed either to the side or rear of a main building, allow for sufficient vehicle stacking distance, and should be remote from parcel access points.
- f. Scale of outdoor features, landscaping, structures and other site plan elements are to have proportions in rhythm, heights and setbacks in order to create a walkable atmosphere.
- g. Public pedestrian walkways are to be provided through the development linking all areas.
- h. Sidewalks shall be installed along the full length of the sides of any building constructed which features a customer entrance, and along any side of any building where parking or a driveway is provided. Any such required sidewalk shall be parallel to the building and located at least five feet (5') from the building in order to provide an area for planting beds for foundation and entranceway landscaping, except where arcades and entranceways are part of the façade of a building.
- i. Outdoor spaces and site amenities are to be included in the design. The outdoor spaces and site amenities are intended to enhance the vehicular and pedestrian entryways to the site and the buildings on the site shall have direct access to the

public pedestrian walkways. An “outdoor space” or “site amenity” shall include, but is not limited to, the following:

- i. A landscaped median for the driveway(s) leading into the site and landscaped pedestrian areas;
 - ii. A public square, park, or outdoor playground on the site, or on adjacent land;
 - iii. Window shopping walkways;
 - iv. Kiosk area, water feature, or clock tower; or other such deliberately shaped area and/or focal feature or amenity that adequately enhances such community and public spaces.
- j. The maximum height of any freestanding light fixture shall be 35'. All lighting on site will be designed so that direct illumination does not extend beyond the property line. Pedestrian scale lighting will be capped to direct light downward. No wall-pack type lighting will be permitted on site other than those fixtures which are designed to focus light downward. Wall mounted decorative lighting is permitted.
- k. Any commercial building within 300' of the Kenosha subdivision shall be limited to one story, with a parapet height not to exceed 30 feet.
- l. All manufacturing, storage, offices, wholesale, retail sales, or similar uses, shall be conducted within an enclosed building, except as otherwise provided below.
- m. All loading areas and entrances shall be screened from view from occupied residential structures. Screening shall meet the requirements of Section 3-4.5 Outdoor Storage Area Screening Standards, (B) Screening.
- n. All mechanical facilities including but not limited to; heating, ventilation and air conditioning (HVAC) units, including on-ground and rooftop mechanical systems; refrigeration units; and dumpsters shall be so located and/or shielded so it is not visible from occupied residential structures and to reduce the sound. Material and design of any screening device shall either match or incorporate into its construction the same type of material as that used as the predominant material(s) and color(s) of the primary facade. The screening may include wood or wood imitation material, such as brick façade post with wood fencing.
- o. Dumpsters shall be enclosed on three (3) sides with walls at least eight (8) feet high and constructed of the same material as the principal building on the zoning lot; the fourth side of the enclosure shall be a permanent gate of wood or other opaque material.
- p. Noise related equipment and motor vehicles use areas shall be located in the least intrusive areas from occupied residential structures as determined by the Community Development Director taking into consideration topography, lot size and use.

8.) Residential Architectural Design Standards

- a. Hip roofs with multiple cable roof lines.
- b. Multiple building façade material shall include brick or stone façade elements on a minimum of 25% of the lower front façade level. Siding shall be wood or hardiplank type material.
- c. Covered entranceways.

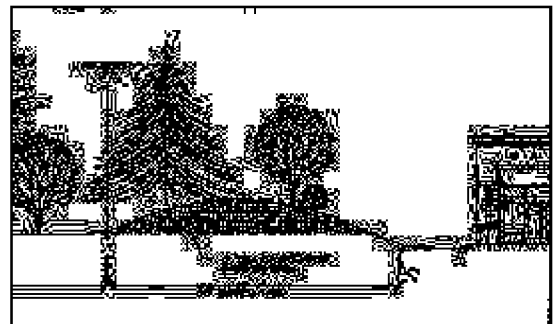
- d. Window and entrance door trim shall include decorative shutters, heads and aprons on all sides of the building.
- e. All sides incorporate the architectural design standards.
- f. Garage doors shall be paneled and framed with decorative trim.
- g. The front and rear yards shall include a distinctly designed landscaped and/or fenced feature. The minimum planting shall meet all of the UDO multifamily planting requirements.
- h. Petitioner shall provide on-site driveway parking for two (2) vehicles per single-family residential structure, excluding garage.
- i. The height of the “highest finish floor elevation in Smith Crossing” for residential units along Kenosha or Kingswood, shall not be higher than the “highest finish first floor elevation” on the adjacent Kenosha or Kingswood residential unit.

9.) **Recreation**

- a. A recreation facility shall be provided in the residential area(s) with a walkway provided to it.
- b. Active recreational facilities shall be designed to be visible from the street and numerous units to provide for adequate access and safety.

10.) **Landscaping, Bufferyards and Streetyards**

- a. A 50’ streetyard is required along Union Cross Road and I-40 unless at the time of Final Development Plan an enhanced streetyard is presented that incorporates the use of a 3’ high brick wall(s).
- b. Along all residential streets, streetyard trees shall be placed outside of the public right-of-way and easement. The minimum planting intervals shall be one tree per unit. The streetyard tree is in addition to the required residential landscaping. A streetyard landscape plan shall be submitted at the time of platting of the residential units to assure the spacing and tree variety creates a harmonious tree lined street.
- c. No buildings, parking spaces or maneuvering areas may be located within the required streetyard.
- d. Street “D”, the east west connector road, shall include large variety of deciduous trees spaced fifty (50) foot on center on both sides of the street and located outside of the public right-of-way and easements, except at stream crossings.
- e. Detention ponds shall be landscaped. A landscape plan shall be submitted that includes at a minimum vegetative banks with a ratio of planting meeting the streetyard planting standards to establish the pond as an amenity.
- f. Bufferyard along the existing residential subdivisions of Kenosha and Kingswood shall be 50’ with a 6’ berm, unless the grade on Smith Crossing, adjacent to the 50’ bufferyard, is 6’ lower than the adjacent residential. The planting requirements shall be 2 deciduous trees; 18 primary evergreen plants; 10 supplementary evergreen shrubs meeting the bufferyard size standards. The



planting shall be on top of the berm or slope if there is a 6' cut.

11.) Signage

- a. Shall meet the Highway Corridor Overlay District standards.

12.) Lighting

- a. The maximum height of any freestanding light fixture shall be 35' in parking lots and along streets. Pedestrian scale light shall be used along the interior walkways and building. All lighting on site will be designed so that direct illumination does not extend beyond the property line. Pedestrian scale lighting will be capped to direct light downward. No wall-pack type lighting will be permitted on site other than those fixtures which are designed to focus light downward. Wall mounted decorative lighting is permitted.

13.) Sidewalks and Open Space

- a. Sidewalk connections shall be provided throughout the proposed development as well as to the adjacent rights of ways per ordinance requirements and standards.
- b. *As required by the UDO sidewalks are required on both sides of residential streets.
- c. The sidewalk along Street "D", the east west connector, shall be completed on both sides during the construction of the road.
- d. Pedestrian crosswalk provisions shall be made for Union Cross Road.
- e. Provisions will be made for permanent maintenance of all common areas and facilities.
- f. All pedestrian walkways and crosswalks in the commercial areas shall be distinguished from driving surfaces through the use of some alternative material differing from that used within the parking lot such as pavers, bricks or scored pavement.
- g. Developer shall identify the "Pedestrian Access" to the pedestrian ways and open space with signage.
- h. A public sidewalk shall be installed on the south side of existing Kenosha Drive prior to the connection made to the connection made Tract 3. This condition shall be waived unless all the property owners along the south side of the existing Kenosha Drive convey the necessary public easement for the sidewalk on the backside of the ditch at no cost.

14.) Emergency Services

- a. *Fire hydrants placed per Kernersville Fire Department and CCUC requirements.
- b. *The architect shall consult the fire code when they design the building.
- c. Any gate/impediment must comply with TOK Ordinance 7-102 – Access Requirements in addition to any applicable fire code requirements.

15.) Land Uses

- a. Tract 1
 - i. Up to 243,000 sq. ft. of retail, not including the proposed hotel site(s).
 - ii. No single retail tenant building may exceed 25,000 sq. ft.
 - iii. Multifamily is only allowed above the first floor of commercial or office. Any residential unit shall be at a minimum five hundred (500) square feet; and each residential dwelling unit shall be provided with its own bathroom and kitchen facilities.
- b. Tract 2
 - i. Maximum number of units 372.
- c. Tract 3
 - i. Maximum number of units 110.
 - ii. No rental offices allowed.

16.) Permitted Use Table

USE TYPE	Tract 1	Tract 2	Tract 3	Conditions
RESIDENTIAL				
Residential Building, Single Family			X	
Residential Building, Duplex			X	
Residential Building, Twin home			X	
Residential Building, Multifamily	X	X		61
Residential Building, Townhome			X	
RETAIL AND WHOLESALE TRADE				
ABC Store (liquor)	X			
Arts & Crafts Studio	X			
Convenience Store	X			
Food or Drug Store	X			
Furniture and Home Furnishings Store	X			
General Merchandise Store	X			
Hardware Store	X			
Nursery, Lawn and Garden Supply Store, Retail	X			
Restaurant (with drive-through service for specialty food & beverage shops)	X			
Restaurant (without drive-through service)	X			
Restaurant (with drive-through service) Limited to Two	X			
Retail Store, Specialty or Miscellaneous	X			
Shopping Center	X			
Wholesale Trade A	X			
BUSINESS AND PERSONAL SERVICES				
Banking and Financial Services	X			
Bed and Breakfast	X			7
Funeral Home	X			
Hotel or Motel	X			

Medical or Dental Laboratory	X			
Medical and Surgical Offices	X			47
Non-Store Retailer	X			
Offices, Miscellaneous	X			
Professional Office	X			
Services, Business A	X			
Services, Personal	X			
Testing and Research Lab	X			
Veterinary Services	X			74
Warehousing	X			
INSTITUTIONAL AND PUBLIC USES				
Recreation Services, Indoor	X			59
Recreation Services, Outdoor	X			59
Recreation Facility, Public	X			
Swimming Pool, Private	X	X	X	70
Theater, Indoor	X			
Adult Day Care Center	X			2
Child Care (Drop-In)	X			13
Child Care (Sick Children)	X			14
Child Care Institution	X			15
Child Day Care Center	X			16
Club or Lodge	X			21
Church or Religious Institution, Neighborhood	X			20
Church or Religious Institution, Community	X			19
Government Offices	X			
Hospital or Health Center	X			
Limited Campus Uses	X			41
Museum or Art Gallery	X			
Neighborhood Organization	X			
Police or Fire Station	X			58
School, Private	X			64
School, Vocational or Professional	X			
MANUFACTURING				
Manufacturing A	X			45.1
TRANSPORTATION AND UTILITIES				
Access Easement, Private Off-Site	X	X	X	1
Broadcast Studio	X			
Park and Shuttle Lot	X			55
Parking, Commercial	X			
Utilities	X	X	X	73

PUBLIC SESSION

2. SPEAKERS FROM THE FLOOR.

None presented.

3. 2013 Annual Reports and Budget Requests:
Kernersville Chamber of Commerce

Tony Smits, 5831 Sutter Lane, Kernersville, NC, Chairman of the Chamber of Commerce

– thanked the Board for the opportunity to speak tonight. He stated that the KDPDC was rolled in with the Chamber of Commerce and the Chamber has been able to continue to work with the Downtown business with the additional half-time staff person. He stated that due to additional Staff, the Chamber is considering an expansion to their building. He highlighted the focus of the Chamber which is to increase marketing of retail businesses and to continue providing training opportunities. He highlighted various events held during the holidays. He reported on the new kiosk being erected downtown. He noted the job fair success, the Spring Folly's success and highlighted the new activities planned this year. Mr. Smits stated that the Chamber has been good stewards of Town funds and requested the current level of funding as last year.

Kernersville Senior Enrichment Center

Lisa Miller, Executive Director – presented highlights of the past year's activities in which over 2800 seniors were served. She stated that the Center has experienced a small decrease in the number of participants this year due to illnesses. She commended her volunteers and highlighted the importance of their role in the operation of the Senior Center. Mrs. Miller stated that most of the classes are scheduled Monday through Friday however; we are expanding into evening hours and weekends. She noted the partnerships with other agencies to provide programs such as the Kernersville Parks & Recreation Department, Winston-Salem Parks & Recreation Department, the Kernersville Fire Rescue Department, the Chamber of Commerce and the library.

Mrs. Miller stated that the Staff will continue to monitor and evaluate their programs and activities and to make changes for improvements as necessary. She thanked the Board for their past support and asked for continued support of the Senior Center. She stated that the Senior Center is asking for a slight increase in funding to cover expected losses in Federal and State funding. She then made herself available for questions.

Kernersville Cares for Kids

Doug Kiger, Chairman of the Kernersville Cares for Kids Board – stated that he appreciates the past support of this program. He explained that the funding provided to this organization is given back to the schools by conducting programs at each school on leadership without the use of drugs and alcohol. He stated that Kernersville schools traditionally outshine other schools in Forsyth County. He stated that he appreciates the Town's support over the years and asked for continued support of this program. The organization will continue to be good stewards of the funds. He stated that this week is School Spring Break therefore, students were not able to attend tonight. He presented a video of two student leaders in this program from East Forsyth High School.

Mayor Pro Tem Caudill Jones asked for details on the Lunch & Listen event coming up. Mr. Kiger stated that the event will be held on Tuesday April 16 and the speaker is a former NBA

Basketball player that got into drugs. Tickets are still available for the event and encouraged the audience to attend.

Tree Commission

Mr. John Edwards, Landscape Specialists for the Parks & Recreation Department and Chairman of the Tree Commission – stated that the Commission has been proud to serve Kernersville for three years. He reported on the recent Arbor Day Events and highlighted the benefits of trees. He then highlighted events and activities the Commission participated in last year. He thanked the Board for their continued support and for the opportunity to serve the Town.

Paul J. Ciener Botanical Gardens

John Wolfe, 317 S Main St., Kernersville, NC – thanked the Board for the opportunity to speak tonight. He then introduced Ms. Kitty Lyon, Director of the PJC Botanical Gardens. Mr. Wolfe highlighted the Garden's events and activities over the past year. He thanked the Board for the Occupancy Tax Funds which are used to attract tourist and visitors to the area and presented current statistics. He noted the educational opportunities through our schools. He highlighted the Garden's marketing efforts and partnerships with organizations throughout the town. He commended the numerous volunteers that help with the operations of the Gardens. He stated that the organization was fortunate to receive a grant to redo their website. He noted the Annual Gala will be held on April 13th and invited everyone to attend. He again thanked the Board for their support and asked for continued funding.

Kitty Lyons also thanked the Board for their support of the Gardens and stated that everyone is excited about the plans and events happening there.

4. Consideration of a Request to hold “Dancing in the Streets” event on May 10, 2013 as part of the How is Your Heart Project.

Mr. Alvin Borders, 110 Apostle's Court, Winston Salem, NC – updated the Board on the “How Is Your Heart” project. He stated that they will be working with First Baptist Church to hold this event on May 10th. He explained further that this project is about healthy heart awareness and to address good health habits. They are requesting to close Main Street between Hugh Street and Beard Street for “dancing in the streets.” He encouraged everyone to attend.

Alderman Tracey Shifflette made a **Motion** to approve this request to hold “Dancing in the Streets” event on May 10, 2013. Mayor Pro Tem Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

5. Consideration of a Request by NCDOT to purchase Town property for right-of-way.

Mr. Swisher presented two parcels that NCDOT is requesting to purchase from the Town for right-of-way for the Macy Grove interchange. He referred to the map and explained that DOT

has offered \$128,625 for the parcel located north of Business 40 and that there is a small remnant attached that they offered an extra \$100 for. He stated that Staff recommends accepting the offer to purchase the larger tract but that the Town keep the smaller parcel at the present time.

Mr. Swisher explained that the second parcel, NCDOT is requesting an easement across the property located at 1121 and 1203 East Mountain Street for \$177,100.00. Staff recommends this offer be accepted as well.

Alderman Neal Stockton made a **Motion** to sell the larger tract North of Business 40 and 1121 & 1203 East Mountain Street as requested by NCDOT for right-of-way. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

6. Consideration of a Municipal Agreement with NCDOT for the Kerner's Mill Creek Greenway.

Mr. Swisher presented a Municipal Agreement with NCDOT for the Kerner's Mill Creek Greenway project. He stated that the agreement will fund 80% of the greenway up to \$1,300,000. He added that this project was fully funded in the FY 2011-2012 budget.

Alderman Tracey Shifflette made a **Motion** to approve the Municipal Agreement with NCDOT as presented for the Kerner's Mill Creek Greenway project. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

Mr. Swisher asked Brian Ulrich, Transportation Manager to address the options for the crossing at the creek. Mr. Swisher stated that at the time the Board selected the option furthest away from houses. He explained that this has changed a little from before by shifting closer to the houses. Mr. Ulrich explained that the original plan was to go straight down at the end of the road. He noted the issues at the site that necessitated the changes. He stated that our goal is to find a way to impact the end property the least as possible. If approved by DOT, he pointed out on the map the changes being proposed and noted that the entrance would be changed to a sidewalk at the recommendation by the property owner to be more in keeping with the other sidewalks in the area.

Phil Loflin, 324 Kilburn Way Lane, Kernersville, NC – stated that Mr. Ulrich has been great to work with throughout the project. He stated that the neighbors are in favor of this being at the end of street as it will lessen the chance that this road will ever be extended. He added that his property is the only one affected currently. He spoke of the discussions with the designers and his neighbors. When a house is built at the end of the street, the owner will look at this out the front door and he expressed his concern that it will look like a handicapped ramp. He initiated a discussion for some landscaping to break it up. After a brief discussion, Staff stated that they believed landscaping could be added and that a plan would be prepared and shared with the Board and others interested.

Mayor Pro Tem Caudill Jones stated that she would like to see the plan and encouraged a design that would be as less intrusive as possible. Mr. Ulrich stated that we will recommend something to minimize the look as much as possible but final approval will be up to NCDOT.

7. Discussion on the Replacement of a HVAC System for Town Hall.

Mr. Swisher stated that this was brought up last month for discussion. He explained the history of the HVAC system here at Town Hall and the problems we've had with it for years. He stated that it has been repeatedly pulled out of the budget for various reasons. He added that the projected cost to replace the system is approximately \$400,000 and will take several months to design and install.

Mr. Swisher stated that the first step in replacing the system is to work with a consultant to establish the specifications for a new system. He stated that if we start this process now it will be around September before a new system could be installed. He estimated that cost for having the specifications drawn up to be \$20,000-\$30,000. A brief discussion was held.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to authorize the Town Manager to move forward with hiring a consultant to establish specifications for a new HVAC system for Town Hall. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

8. Consideration of a Request for Funding The Carolina Field of Honor Veterans Memorial at Triad Park.

Bill Knight – thanked the Board for the opportunity to speak tonight. He updated the Board on the fundraising efforts for the Memorial. He noted that 80% of the projected funds have been raised. He stated that they hope to get construction of the amphitheater underway this summer and to be completed this year. He spoke of the economic impact this Memorial will have on the area by increasing tourism at Triad Park. He commended Forsyth and Guilford Counties for working together on Triad Park to create a facility that will make us all very proud. He reminded the Board and those in attendance that this organization is a 501C3 tax deductible organization. He made himself available for questions.

Alderman Stockton stated that this will be a great tribute to the numerous veterans we have in the area.

Alderman Neal Stockton made a **Motion** to authorize an expenditure in the amount of \$10,000 towards the Carolina Field of Honor Veterans Memorial at Triad Park. Alderman Irving Neal seconded the motion and the vote was all for and motion carried.

Roger Stockton also thanked the Board for their support. He also noted that this would be a tremendous draw to the Kernersville area. He stated that people are excited about this memorial and the enthusiasm of those involved is amazing. He stated that the plans are ready to move forward however, permits won't be issued until all the funds have been raised. He stated that the Committee will be calling on the "big hitters" in an attempt to get this finished and underway. He thanked the Board for being a part of this effort and for taking ownership in the project.

9. **CONSENT AGENDA:** All of the following matters are considered to be routine by the Board of Aldermen and will be enacted by one motion. There will be no separate discussion unless a Board member or citizen so requests, in which event the matter will be removed from the Consent Agenda and considered under the following item.

C-1 Approval of Minutes for February 27, 2013, Briefing Session
Approval of Minutes for February 27, 2013, Closed Session

C-2 Forsyth County Tax Refunds.

1 st Citizens Bank	Double entry	\$119.75
-------------------------------	--------------	----------

Alderman Tracey Shifflette made a **Motion** to approve the Consent Agenda as submitted. Mayor Pro Tem Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

10. **ITEMS REMOVED FROM CONSENT AGENDA.**

None removed.

11. **SPEAKERS FROM THE FLOOR.**

None presented.

12. **TOWN MANAGER'S REPORT AND MISCELLANEOUS.**

Mr. Swisher presented a resolution for the Board to consider regarding the continued funding for the PARTF grants.

Alderman Irving Neal made a **Motion** to approve the following resolution as requested. Mayor Pro Tem Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

The Town Manager presented another request from NCDOT to purchase right-of-way and easement for the new Winston-Salem Northern Beltway.

Alderman Irving Neal made a **Motion** to approve a request by NCDOT to purchase right-of-way for the new Winston-Salem Northern Beltway. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

Mr. Swisher then reminded the Board of the Resolution approved in support of the City of Asheville keeping control of their water and sewer system. He read an article where the City of Charlotte may lose control of the airport and where the City of Raleigh stands to lose control of one of their parks.

Mr. Swisher reported on the State's budget information he heard while at Town Hall Day. He updated the Board on the potential for the State to withhold various funds from municipalities in addition to the holdharmless funds. He stated that this would result in a \$1.8 million loss in revenues for the Town. He encouraged the Board to contact our Legislators. Mr. Swisher added that we may not know the final results until the end of June and it may be after we adopt our budget.

Alderman Hooker asked if we could adopt a 6 month interim budget and could we make it contingent upon the adoption of the State budget.

Mr. Wolfe state the Board has the authority to adopt an interim budget setting aside salaries, debts, and usual expenses.

After a brief discussion by the Board regarding the meeting dates in June, it was recommended that everyone keep a flexible schedule at the end of June in the event a special meeting becomes necessary.

Mayor Morgan commended Staff on the article in the newspaper on upcoming cross country events. Mr. Swisher explained that Winston Salem Forsyth County Schools will begin to include cross country into their Middle School sports programs this year. He also noted that the Town has been contacted regarding hosting the Middle School Championship at the Ivey M. Redmon Sports Complex this year. He then reported on a meeting he and Ernie Pages had with Wake Forest on the potential of holding the 2013 Cross Country Championships at the Ivey M. Redmon Sports Complex.

Mayor Morgan invited everyone to the Declan Playground Dedication on Friday, April 5th at 6:30 PM at the Ivey M. Redmon Sports Complex.

Mayor Morgan asked for an update on the sign. Mr. Swisher reported that construction of the sign is well underway and that the brick columns are up.

13. MATTERS TO BE PRESENTED BY THE TOWN ATTORNEY.

None presented.

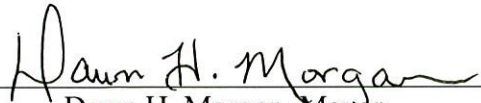
14. MATTERS TO BE PRESENTED BY THE MAYOR AND BOARD OF ALDERMEN.

None presented.

15. ADJOURNMENT.

Alderman Tracey Shifflette made a **Motion** to adjourn the meeting at 9:34 PM. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

Being no further business to come before the Board, the meeting was adjourned.


Dawn H. Morgan, Mayor

Attest:


Dale F. Martin, Town Clerk

I, Dale F. Martin, Town Clerk of the Town of Kernersville, North Carolina, do hereby certify that this is a true and correct copy of the minutes of the meeting duly held on April 2, 2013.

This the 10 day of May, 2013.


Dale F. Martin, MMC, Town Clerk