

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
REGULAR MEETING 7:00 P.M. NOVEMBER 4, 2014**

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 Joe Pinnix, Jr., Aldermen Keith Hooker, Tracey Shifflette and Irving Neal.

Absent: Alderman Kenny Crews.

Staff Present: Curtis L. Swisher, Town Manager; John G. Wolfe, Town Attorney; Dale F. Martin, Town Clerk; Jeff Hatling, Community Development Director; Police Chief Scott Cunningham; Fire Chief Terry Crouse; Doran Maltba, Public Services Director; Gray Cassell, Chief Information Officer; Ernie Pages, Parks & Recreation Director; Franz Ader, Finance Director; and Ray Smith, Human Resources Director.

- CALL TO ORDER
- INVOCATION BY REVEREND CLAUDE KAYLER, MAIN STREET UNITED METHODIST CHURCH
- PLEDGE OF ALLEGIANCE

Mayor Dawn Morgan called the meeting to order at 7:08 PM. Reverend Claude Kayler of Main Street United Methodist Church delivered the invocation which was followed by the Pledge of Allegiance.

- RECOGNITION OF DARRELL DAVIS, FORMER PLANNING BOARD MEMBER AND LOUIS THIBODEAUX, FORMER BOARD OF ADJUSTMENT MEMBER FOR THEIR SERVICE

Mayor Morgan recognized Mr. Darrell Davis for his years of service on the Kernersville Planning Board as the Town's ETJ member. The Mayor presented him with a letter, a certificate of appreciation and a small gift as a token of the Town's appreciation for his service to the citizens of Kernersville.

Mayor Morgan then recognized Mr. Louis Thibodeaux for his years of service on the Kernersville Board of Adjustment. The Mayor presented him with a letter, a certificate of appreciation and a small gift as a token of the Town's appreciation for his service to the citizens of Kernersville.

PUBLIC HEARINGS

- 1a. **PUBLIC HEARING:** Ray Thomas, Attorney for Triad Baptist Church for multiple properties located at the southern terminus of Whicker Road via South Main Street, also known as the Whicker Road Extension, being all of PIN#(S) 6875-67-0415, 6875-57-4408, 6875-57-7329 and 6875-46-8871 containing a total of 92.87 acres more or less. Petitioner requests a Single & Two Phase Special Use District Rezoning from Single Family Residential and Highway Business-Special Use (RS12, RS20, and HB-S) to Institutional & Public-Special Use District (IP-S). Requested Use(s): *Multiple Uses Requested* Zoning Docket K-730

Mr. Jeff Hatling, Community Development Director presented the Planning Board report for this rezoning request. Mr. Hatling noted that this is a two phase rezoning request with a final development plan coming back before the Planning Board. He presented a site plan of the ball field area and noted a streetyard area along a private drive. He stated that this site is unique because the public right-of-way does not currently have a public street on it although it is adjacent to a public vehicular area. He explained that the UDO requires that a streetyard be landscaped for all motor vehicle surface areas within 100 feet of a street right-of-way.

Mr. Hatling stated that the Staff recommends approval with the conditions amended as follows:

6d – for clarification added: “built-out in the phases of development of the ball fields.”

7b & c: (b) The parking lot lighting for the project shall be required with “cut-off lighting fixtures” that cast light downward and **cast no direct light onto adjacent property**. Pedestrian scale lighting shall illuminate so **that lighting dissolves at the top of light poles to reduce night/sky pollution** and prevent lighting adjacent residential properties. Pole heights shall be a maximum of 30 feet. Security lighting for the concession stand (if needed) shall be a cut-off lighting fixture mounted to a pole or wall.

7(c) The candlepower of any field lights for any outdoor sports shall meet industry playing standards for that game and **cast no direct light onto adjacent property**. All lighting shall be aimed away from residential property (regardless of the height of the poles).

Mr. Hatling stated that an issue came up at the Briefing session regarding a t-turn around at Hill-N-Dale. After review by Staff, it has been determined that a t-turn around is not required due to the fact that this is a public street 300 feet or less. This street is approximately 147 feet; therefore, Hill-N-Dale Dr. will remain just like it is now.

Mr. Hatling stated that Staff recommends approval and with conditions as presented in the Planning Board report and as has been amended tonight.

Alderman Tracey Shifflette asked for a picture to show exactly what landscaping is required. Jeff presented a plan of the area where plantings are required. The Board and Staff continued to discuss this requirement for landscaping along a street that doesn't exist right now. He noted on a map the 100 ft. of public right-of-way where this landscaping is required. It was noted that our current ordinances do not fit this situation. A text amendment was discussed which would allow for an exception in the case where the roadway is not being built at this time, but at some point in the future.

Town Attorney John Wolfe stated that the Board would need to adopt a text amendment to change the ordinance.

Mayor Morgan declared the public hearing open.

In Favor

Ray Thomas, Attorney for the Petitioner, 116 S Cherry Street, Kernersville, NC – introduced Mr. Tim Gerber, an Associate Pastor of Triad Baptist Church.

Pastor Tim Gerber, 1017 Renee Drive, Kernersville, NC – stated that he has been a part of the Church for over 20 years and has lived in the area for over 30 years. He spoke of the exciting growth and expansion of Triad's ministry. He stated that this proposal is a win-win for the church and the community. He thanked the Town for their support over the years and noted that Triad Baptist Church truly has the best interest of the community at heart.

Mr. Ray Thomas stated the petitioner has no objections to the Staff's recommendation for the rezoning, however, in most special use rezoning cases the conditions are the most important issues. He expressed his appreciation to the Staff for working with them to eliminate any issues they may have and referred to his handout presented to the Board.

Mr. Thomas stated that he wants to address Phase I tonight, as Phase II is still undecided.

Mr. Thomas stated that it is their determination that there will be no road of any kind from Hill-N-Dale into this property. He understands that there is a written requirement that there must be another access which would be from Hill-N-Dale and asked for a clarification. If we agree to this then there needs to be some changes in the conditions to reflect that decision. He added that if nothing is required then the petitioner does not need to obtain a driveway permit for example. He also noted that if this is the decision of the Board to not connect this development to Hill-N-Dale then the Thoroughfare Plan needs to be changed as well.

Mr. Thomas then referred to the plantings covered under #6 Landscaping, Signage, Pedestrian Access and proposed a change. He spoke of the definitions in the UDO and

noted that they are often interchangeable as is the case with streets, right-of-ways and public access. He explained that in this case this situation doesn't provide anything to our property, including access to other property.

Mr. Thomas stated that there is no purpose in requiring this landscaping here. He stated that the Board has recognized this and suggested that we clarify in the UDO what a right-of-way is. He stated that if the Board doesn't want this developer to put trees and landscaping next to something that doesn't exist, the Board can do so.

Mr. Thomas then brought up a requirement that a sidewalk be constructed from Whicker Road at Masten Drive alongside the access drive to the ball fields. He stated that they did not feel this sidewalk was necessary. If Whicker Road is made accessible to this property, then whatever has been built could be destroyed.

Mr. Thomas then made himself available for questions.

Alderman Neal asked if the driveway to the ball field is gravel or asphalt.

Mr. Eric Stoltz, 1009 Weslo Drive, Kernersville, NC – stated that the proposed drive will be gravel initially and potentially changed to asphalt at a later date.

Alderman Neal asked if they perceive the driveway to be there in the long-term. Mr. Stoltz stated that it will probably change between the existing end of Whicker Road and the creek.

Mr. Stolz added that the kids will probably be transported by vehicle to the ball fields. We will have a gated entrance at the end of Whicker Road to limit access when no one is playing on the fields. We will have adjacent parking lots and the sidewalks in question are not around the ball fields. The sidewalks we are talking about here are at the end of Whicker Road. He stated that if you put in a sidewalk and Whicker Road is changed later on it will have to be realigned.

Alderman Neal asked if there would be adequate parking near the ball fields. Mr. Stolz stated that there would be adequate parking.

Opposed

Justin Wood, 8030 Hill-n-Dale Drive, Kernersville, NC – stated that he is the current Wyndfall Homeowner Association's President. He reported that they are in favor of the development but opposed to any type of connection to Wyndfall. He added that the neighbor's primary concerns are the traffic, noise and safety of our residents. They believe this connection is not necessary and should remain stubbed. He stated that Mr. Hatling began his presentation by saying that Hill-N-Dale would remain as it is with no connection however, later in his presentation he said there would be a gate and referred to athletic fields needing more than one access. Mr. Wood stated that we need to play fair and pointed out that Beeson Park (Redmon Park) has only one access. He said that

we should play fair and if a second access is required here there should be one at Beeson Park (Redmon Park).

Mr. Wood stated that even with a gate, human nature is to open the gate creating a quick way in and out. He stated that Wyndfall residents take ownership of their property and drive safely as possible in their neighborhood. People coming in and out are not going to have the same concern. He spoke of the change in topography and proposed that the mature trees stay in place as a buffer from the noise and lights from the development.

Mr. Wood stated that the neighbors have met with church officials and the more we met with them the more we began to agree. We believe they are going to be a good neighbor and just ask that we play fair regarding the access to Hill-N-Dale. He thanked the Board for their time. He then asked the neighbors in attendance to stand in agreement to not having a connection to Hill-N-Dale Drive.

Bill Timberlay, 1001 Woodland Point Drive, Kernersville, NC – stated that he loves his neighborhood and loves the area. He stated that this is a closed neighborhood and that the people here are special and asked the Board to take this into consideration.

Naomi Harry, 1029 Wyndfall Dr., Kernersville, NC – thanked those that have met with the neighbors to discuss their concerns. She pointed out however, that at the connection to Hill-N-Dale Dr. near the ball fields there are no lights or security measures for about 140 feet. Even with a gate there will be open access with people hanging out here and littering. That is a big safety issue for the neighbors.

Sarah Lazo, 9001 Hill-N-Dale Dr., Kernersville, NC – stated that her property adjoins the ball fields. She expressed her concern that our tranquility will be dramatically changed due to this development and to open up this access will make this worse. She asked that the Board please keep this in mind when considering any connectivity.

Byron Brown, 1041 Wyndfall, Kernersville, NC - asked about the proposed development in Phase II and if those uses would primarily come in after Whicker Road is built or before? The intensity of some of those uses would require another traffic study be done if they are approved. He asked for the time frame of events.

Mr. Hatling explained that the 2nd Phase will come under a final development plan review before the Planning Board. Staff will review the project and would look at the ingress and egress of the site, traffic capacity, as well as any other standards that would apply. He stated that it is not a public hearing process however, encouraged neighborhoods to subscribe to the Planning Board listserv to keep apprised of what's coming before the Planning Board.

Mayor Morgan explained how to sign up for the Planning Board listserv through the Town's website.

Ray Thomas stated that he wants to make sure that his Client's concern with a second access is heard. Is this a requirement of the Fire Marshal's office or something they would like to have in place?

Mayor Morgan asked Mr. Swisher to update the Board on any plans for a second access to Redmon Park. Mr. Swisher stated that at this time there are no plans for a second access. Eventually an access with Clayton Forest will be established. Presently there is only one access to the park.

Mr. Hatling deferred to the Fire Chief for any requirement by the Fire Marshal's office.

Fire Rescue Chief Terry Crouse stated that the Code does not require a second entrance and it is left up to the authority in each jurisdiction. He added that in most cases it is a good idea for safety reasons. He used the example of Kernersville Medical Parkway providing a second access to the hospital.

Chief Crouse stated that in most cases it is a good idea to have a second access for emergency vehicles however, we realize there is a trade-off and that is increased traffic in neighborhoods. He stated it would be his determination that we do not need to require a second access however, this falls under the authority of the County Fire Marshal as his authority ends at the Town limit line. This property has not been annexed into the Town limits.

Being no additional speakers either in favor or opposed, the public hearing was closed.

1b. Consideration of an ordinance for rezoning

Alderman Neal asked if the sidewalk is part of the UDO requirements. Mr. Hatling stated that it is not.

Alderman Neal stated that he would like to make a motion but needs some legal advice on how the Board could remove the landscaping at the end of Whicker Road, the sidewalk and that Hill-N-Dale to remain as it is right now. Wyndfall is part of Phase II and it may or may not be connected in the future.

Mr. Wolfe stated that he didn't know how it could be done tonight since the ordinance would need to be changed.

Alderman Neal stated that sometimes we have applications that don't fit the situation and he believes that is the case in this situation.

Mr. Wolfe and Mr. Swisher stated that the Board could approve the rezoning tonight and come back with a text amendment.

Mr. Wolfe stated that the Board will need to discuss this issue in detail because you can't have a law that allows you to relieve a requirement in one place and then expect to enforce it otherwise.

Alderman Tracey Shifflette asked if an ordinance could include language that "but in such cases where a road is not in existence then XYZ would apply." Mr. Wolfe stated that something like this could be worked out.

Mr. Ray Thomas stated that the petitioner does have some time constraints due to the need to exercise the option by the end of month. He stated that they will not start grading as soon as they close on the property. If the Board wants to go through a text amendment process it would fit within their schedule.

Mr. Wolfe stated that the Board could approve the rezoning as it is tonight and then take a text amendment through the process. The landscaping would not be required for six months; however, he felt the Board should advise the petitioner that they are taking a chance on something being adopted by the Board.

Alderman Irving Neal made a **Motion** to approve the following ordinance to approve the Phase One Site Plan and to amend the Zoning Ordinance of the Town by rezoning the property in case K-730 from RS12, RS20, HB-S to Institutional Public – Special Use District (IP-S). The said rezoning being consistent with the Town's Comprehensive Plan, and further being both reasonable and in the public interest because:

1. Churches are allowed in any zoning district.
2. Special Use District zoning is being used to assist in addressing potential impacts of this request for IP zoning.

That the sidewalk located along the access drive be eliminated, that Hill-N-Dale remain as it currently is thereby eliminating the need for a driveway permit.

Mayor Pro Tem Joe Pinnix seconded the motion and the vote was all for and motion carried.

**Town Ordinance
Zoning Petition of Triad Baptist Church
Zoning Docket K-730**

**ORDINANCE NO. O-2014-27
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 Single Family Residential and Highway Business-Special Use (RS12, RS20, and HB-S) to Institutional & Public-Special Use District (IP-S). Approved for properties located at the southern terminus of Whicker Road via South Main Street, also known as the Whicker Road Extension, being all of PIN#(S) 6875-67-0415, 6875-57-4408, 6875-57-7329 and 6875-46-8871 containing a total of 92.87 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 the southern terminus of Whicker Road via South Main Street, also known as the Whicker Road Extension, being all of PIN#(S) 6875-67-0415, 6875-57-4408, 6875-57-7329 and 6875-46-8871 containing a total of 92.87 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 *Triad Baptist Church*, identified as "Attachment A of the Special Use District Permit" issued by the Board of Aldermen the 4th day of November, 2014 to Triad Baptist Church.

SECTION 3. The Board of Aldermen hereby directs the issuance of a Special Use District Permit pursuant to Chapter 19 of the Town code for Triad Baptist Church. Said Special Use District Permit and site plan with associated documents attached hereto and incorporated herein.

SECTION 4. This Ordinance shall be effective from and after its adoption.

Adopted this the 4th day of November, 2014.

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 Triad Baptist Church. The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use Permit" for Triad Baptist Church approved by the Board of Aldermen the 4th day of November, 2014 and signed, provided the property is developed in accordance with requirements of the zoning district to Institutional & Public-Special Use District (IP-S) Chapter 19 of the Town Code, the Erosion Control Ordinance, and other applicable laws permitted with the uses of: Residential Building Single-family; Family Group Home B; Family Group Home C; Planned Residential Development; Funeral Home; Golf Course; Recreation Services, Indoor; Recreation Services, Outdoor; Recreation Facility, Public; Swimming Pool, Private; Adult Day Care Center; Cemetery, Licensed; Cemetery Unlicensed; Child Care (Drop In); Child Care (Sick Children); Child Care Institution; Child Day Care Center; Child Day Care Large Home; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Government Offices; Hospice or Palliative Care; Library, Public; Museum or Art Gallery; Neighborhood Organization; Nursing Care

Institution; Police or Fire Station; School, Private; School Public; School Vocational or Professional; Access Easement, Private Off-Site; Park and Shuttle lot, Utilities.

SITE PLAN: Approval with the following conditions:

**denotes standard conditions*

1.) Transportation

- a. *Town of Kernersville Driveway Permit required. The petitioner shall obtain permits for Whicker Road.
- b. *NCDOT Driveway Permit is required. All NCDOT improvements required as part of the Driveway Permit approval process shall be constructed as part of this project.
- c. *Prior to platting with the Register of Deeds of Forsyth County, street names for all new subdivisions, if any, within Phase 2 shall be approved by Address Administrator.

2.) Public Infrastructure

- a. *The developer shall design and construct all public infrastructures in accordance with the *Town of Kernersville 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. *Prior to commencement of construction, all detailed construction plans for infrastructure shall be submitted to and approved by the Kernersville Engineering Division.
- d. *The location, design and construction of the dumpster pad(s) and any appurtenances will be in accordance with the *Town of Kernersville Design and Construction Specifications* manual; and approved by the Public Services Department, Solid Waste Division if this project is annexed into the Town's city limit.
- e. *As to Phase 2, the Developer shall contact the US Post Master located in the Town of Kernersville to determine the location(s) of cluster mail boxes, if any.
- f. *The project shall conform to the Town of Kernersville Unified Development Ordinance, Chapter D Subdivision Regulation standards for a Minor and/or Major Subdivision.
- g. If allowed, at the time Whicker Road Thoroughfare as shown in Plat Book 41 at page 79 as recorded in the Forsyth County Registry is built, the access drive as shown on the Site Plan shall be relocated to the said Whicker Road Thoroughfare.
- h. A forty foot (40') greenway easement shall be dedicated from the existing forty foot (40') greenway on the north side of the stream as recorded in Plat Book 47 Page 186 to the Whicker Road Thoroughfare right-of-way. The easement shall be platted and recorded prior to requesting a building permit or construction of any fields. In addition, a forty foot (40') greenway easement shall be dedicated from the existing forty foot (40') greenway on the south side of the stream as recorded in Plat Book 47 Page 186 centered on the south side of the FEMA 1% flood zone outer edge to the flood zone terminus then following the stream buffer on the west side until terminus at Sedge Garden LLC property as described as pin #6875-44-9996 then following the property line to the future Beesons Field Drive as described in Glennstone approved subdivision. The easement shall be platted and recorded prior to requesting a building permit.

- i. A thirty foot (30') greenway easement shall be dedicated along the intermittent stream running to the Michael & Aleta Stephens property as described as pin #6875-66-0390 from the proposed forty foot (40') greenway as described "i". The greenway easement shall be centered on the stream buffer. The easement shall be platted and recorded prior to requesting a building permit.
- j. Any future development in Phase 2 or changes to Phase 1, if applicable, shall comply with the adopted Thoroughfare and Street Plan, and include the extensions of Masten Drive, Wyndfall Drive, connection to Woodbrook Drive and the future Beesons Field Drive, if applicable.
- k. At such time as Whicker Road Thoroughfare is to be constructed, within six months prior to the commencement of construction, the Town of Kernersville shall give Triad Baptist Church written notice of such. Upon receipt of said notice, Triad Baptist Church shall give the Town of Kernersville notice as to whether a pedestrian or vehicular tunnel or pedestrian overpass will be built and the time for such construction. If the construction of such tunnel or overpass cannot be completed within six months of such notice, then within sixty days of said notice, Triad Baptist Church shall have the option of depositing the cost thereof based on an actual bid in-lieu of construction with the Town of Kernersville. Both parties shall seek to keep the other informed of any plans to construct Whicker Road Thoroughfare.

3.) Environmental and Stormwater Management

- a. *Developer shall adhere to all State, Federal, and Local Government environmental regulations.
- b. *A detailed grading plan, with finished grades, shall be submitted with construction plans.
- c. *Drainage design calculations shall be submitted with the submittal of the grading plan.
- d. *A Stormwater Management Plan shall be submitted to the Town Engineering Division for review and approval prior to final plat submittal.
- e. *Any required permanent stormwater management devices shall be installed prior to the issuance of a Certificate of Occupancy.
- f. *The developer shall have a certified consultant determine, in the field, the type of any regulated waters on the site.
- g. *A Watershed/Stormwater Permit approved by the Town is required.
- h. *Property owner's covenants and restrictions shall include if applicable language that all BMPs or stormwater treatment structures are the property of the owner's association and the maintenance, up-grades and associated costs, shall be the responsibility of the property owner's association.
- i. *All storm drainage easements meeting the Town's requirements as outlined in the Town of Kernersville Design and Construction Specifications manual shall be shown on the Final Plat.

4.) Plat Requirements

- a. *Prepare a final plat to be recorded with the Register of Deeds Office showing all information required by the Unified Development Ordinance and Special Use

District. Developer shall provide an approved final plat for the development prior to the request for any building permit.

- b. *All storm drainage and sanitary sewer easements meeting City-County Utilities Division requirements and the *Town of Kernersville Design and Construction Specifications* manual shall be shown on the final plat.
- c. *A note on the Final Plat shall state: *"All storm drainage devices including but not limited to: pipes, drainage boxes, inlets, outlets and open channel conveyances located outside of the public utility easement shall be maintained by Triad Baptist Church or to whom the Church conveys or sells property to if the church sells any portion of the property. (State the party responsible for maintaining the storm drainage devices).*
- d. The Final Plat for both Phase 1 and Phase 2 shall label any creeks shown thereon.

5.) Emergency Services

- a. *All Fire Rescue Department requirements shall be met during and after the construction process. The Fire Marshal shall approve any changes to the interior turning radiuses and all public access points.
- b. *The design standard for the private access drives shall be designed to accommodate a 90,000 lb. vehicle load.
- c. *Proposed gates shall meet Town of Kernersville ordinances and North Carolina Fire Code.
- d. *Fire hydrants shall comply with Authority Having Jurisdiction (AHJ) requirements for private hydrants.

6.) Landscape, Signage, Pedestrian Access

- a. *Developer shall submit a detailed landscape plan with construction plan submittals for the bufferyard, streetyard, and interior parking lot that identifies plant quantities, selections, sizes and conforms to the Highway Corridor Overlay District.
- b. Existing trees and undergrowth shall remain as indicated on the plan for areas described as "existing trees to remain this area".
- c. The ball field area shall have a complete sidewalk and/ or pedestrian network, built-out in the phases of development of the ball fields.
- d. Security lighting for any building (if needed) shall be a cut-off lighting fixture mounted to a pole or wall. Lighting for ballfields shall meet the industry standard for safety.
- e. *The Highway Corridor Overlay District shall apply to Phase 1 and Phase 2 of this project.
- f. Petitioner is to install the Type IV landscape bufferyard shown on the west side of the property along these ballfields.

7.) Others

- a. A petition for voluntary annexation shall be submitted prior to the recording of the first plat or request for a building permit or construction of fields.
- b. The parking lot lighting for the project shall be required with "cut-off lighting fixtures" that cast light downward and cast no direct light onto adjacent property. Pedestrian scale lighting shall illuminate so that lighting dissolves at the top of light

poles to reduce night/sky pollution and prevent lighting adjacent residential properties. Pole heights shall be a maximum of 30 feet. Security lighting for the concession stand (if needed) shall be a cut-off lighting fixture mounted to a pole or wall.

- c. The candlepower of any field lights for any outdoor sports shall meet industry playing standards for that game and cast no direct light onto adjacent property. All lighting shall be aimed away from residential property (regardless of the height of the poles).
- d. Construction in Phase 1 shall comply with all applicable fire, electrical and safety codes including the installation of any public address system. Public address systems will be designed where speakers are directed away from neighboring homes.

Mayor Morgan called a recess of the meeting at 8:49 PM. The meeting was reconvened at 9:01 PM.

- 2a. PUBLIC HEARING: Jose Landa, Pastor for Iglesia Misionera Cristo Vive for property located at 202 West Bodenhamer Street, being all of PIN#(S) 6886-35-3890, 6886-35-3950 and 6886-35-3907 containing a total of 1.15 acres more or less. Petitioner requests a Single Phase Special Use District Rezoning from Single Family Residential (RS7) to Pedestrian Business-Special Use District (PB-S). Requested Use(s): *Church or Religious Institution, Neighborhood, and Child Day Care Center* Zoning Docket K-731**

Mr. Jeff Hatling, Community Development Director presented the Planning Board report for this rezoning request.

Mayor Morgan declared the public hearing open.

In Favor

Russell Radford, 935 East Mountain Street, Kernersville, NC – requested approval of the proposed rezoning request as presented. He then made himself available for questions.

Opposed

None presented.

Being no additional speakers either in favor or opposed, the public hearing was closed.

Mr. Radford introduced Jose Landa, Pastor of Iglesia Misionera Cristo Vive.

2b. Consideration of an ordinance for said zoning.

Alderman Tracey Shifflette made a **Motion** to approve the Site Plan and the following ordinance to amend the Zoning Ordinances of the Town by rezoning the property in case K-731 from RS7

to PB-S. the said rezoning being consistent with the Town's Comprehensive Plan, and further being both reasonable and in the public interest because:

1. The proposed rezoning parcels are within s small residential neighborhood that has seen a development pattern of new single family residential, mixed with existing older homes. Improvements to Institutional buildings is an opportunity to continue the progress of the neighborhood.
2. Petitioner has submitted a landscape modification and agrees that the modification will need revising to meet the Unified Development Ordinance.
3. Petitioner has submitted a Special Use District request so that zoning conditions can be made to address the church expansions, and child safety in open play areas or athletic fields along Bodenhamer and Orr Streets.

Mayor Pro Tem Joe Pinnix seconded the motion and the vote was all for and motion carried.

Town Ordinance
Zoning Petition of Iglesia Misionera Cristo Vive
Zoning Docket K-731

ORDINANCE O-2014-28
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 Single Family Residential (RS7) to Pedestrian Business-Special Use District (PB-S) for requested uses: Church or Religious Institution, Neighborhood, and Child Day Care Center. Approved for properties located at 202 West Bodenhamer Street, being all of PIN#(S) 6886-35-3890, 6886-35-3950 and 6886-35-3907 containing a total of 1.15 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 202 West Bodenhamer Street, being all of PIN#(S) 6886-35-3890, 6886-35-3950 and 6886-35-3907 containing a total of 1.15 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 *Iglesia Misionera Cristo Vive*, identified as "Attachment A of the Special Use District Permit" issued by the Board of Aldermen the 4th day of November, 2014 to Iglesia Misionera Cristo Vive.

SECTION 3. The Board of Aldermen hereby directs the issuance of a Special Use District Permit pursuant to Chapter 19 of the Town code for Iglesia Misionera Cristo Vive. Said Special Use District Permit and site plan with associated documents attached hereto and incorporated herein.

SECTION 4. This Ordinance shall be effective from and after its adoption.

Adopted this the 4th day of November, 2014.

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 Iglesia Misionera Cristo Vive. The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use Permit" for Iglesia Misionera Cristo Vive approved by the Board of Aldermen the 4th day of November, 2014 and signed, provided the property is developed in accordance with requirements of the zoning district to Pedestrian Business-Special Use District (PB-S) Chapter 19 of the Town Code, the Erosion Control Ordinance, and other applicable laws permitted with the uses of: Church or Religious Institution, Neighborhood, and Child Day Care Center, Special Use District.

Site Plan: Approval of the site plan with the following conditions.

***Standard Conditions**

1.) Transportation

- a. *Town of Kernersville Driveway Permit required if any driveway is moved or altered.
- b. *NCDOT Driveway Permit is required if any driveway is moved or altered. All NCDOT improvements required as part of the Driveway Permit Approval process shall be constructed as part of this project.

2.) Public Infrastructure

- a. *The developer shall design and construct all public infrastructures in accordance with the *Town of Kernersville 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 to and approved by the Kernersville Engineering Division prior to construction.
- d. *The location, design and construction of the dumpster pad(s) and any appurtenances will be in accordance with the *Town of Kernersville Design and Construction Specifications* manual; and approved by the Public Services Department, Solid Waste Division.
- e. *Fire Marshal and North Carolina Building Code requirements shall be followed on this property.

3.) Environmental and Stormwater Management

- a. *Developer shall adhere to all State, Federal, and Local Government environmental regulations.
- b. *A detailed grading plan, with finished grades, shall be submitted with construction plans.
- c. *Drainage design calculations shall be submitted with the submittal of the grading plan.
- d. *A Stormwater Management Plan shall be submitted to the Town Engineering Division for review and approval prior to final plat submittal.
- e. *Any required permanent stormwater management devices shall be installed prior to the issuance of a Certificate of Occupancy.
- f. *A Watershed/Stormwater Permit approved by the Town is required.
- g. *Property owner's covenants and restrictions shall include if applicable language that all BMPs or stormwater treatment structures are the property of the owner's association and the maintenance, up-grades and associated costs, shall be the responsibility of the property owner's association.
- h. *All storm drainage easements meeting the Town's requirements as outlined in the Town of Kernersville Design and Construction Specifications manual shall be shown on the Final Plat.

4.) Plat Requirements (if applicable)

- a. *Prepare a final plat to be recorded with the Register of Deeds Office showing all information required by the Unified Development Ordinance and Special Use District. Developer shall provide an approved final plat for the development prior to the request for any building permit.
- b. *All storm drainage and sanitary sewer easements meeting City-County Utilities Division requirements and the *Town of Kernersville Design and Construction Specifications* manual shall be shown on the final plat.
- c. *A note on the Final Plat shall state: "*All storm drainage devices including but not limited to: pipes, drainage boxes, inlets, outlets and open channel conveyances located outside of the public utility easement shall be maintained by*" and state the party responsible for maintaining the storm drainage devices).

5.) Emergency Services

- a. *All Fire Rescue Department requirements shall be met during and after the construction process. The Fire Marshal shall approve any changes to the interior turning radiuses and all public access points.

6.) Landscape

- a. Developer shall submit, a detailed landscape plan with the submittal for the first building permit application. Construction plan are required with the building permit application. A detailed landscape plan is required showing the modification for Orr Street and for any other required landscape bufferyard, streetyard, and interior parking lot areas. The submitted landscape plan shall include plant selections, quantities, heights, and required sizes.

- b. The petitioner's existing six foot (6) fencing shall be re-installed along any play area, or open fields used for outdoor games along Bodenhamer and Orr Street. The petitioner can re-use the existing chain link fence with the required modifications for Orr Street landscaping and standard landscaping requirements on Bodenhamer Street. Enhanced landscape entranceways along Orr Street are required in the modification.
- c. *The lighting for the project shall be required with "cut-off lighting fixtures" that cast light downward. Pedestrian scale lighting should illuminate so that lighting dissolves at the roof lines of buildings or top of light pole. Pole heights shall be a maximum of 24 feet or less. Security lighting for the building (if needed) shall be a cut-off lighting fixture mounted to a pole or wall.
- d. Sidewalks (5 feet width) are required on Bodenhamer and Orr Streets.

7.) Building Standards

- a. *Proposed color renderings on new construction is required at the time of building permit application. The facades of any new building or any addition to a façade(s) of an existing building either of which is visible from any existing or planned public right-of-way shall comply with either:
 - 1. The building standards set forth in the *Central Kernersville Overlay District*, provided that the primary building material may be stucco and the building design may incorporate any or a combination of any of design standards set forth in the *Central Kernersville Overlay District*; or
 - (ii) The Building Design and Building Materials as set forth in subsection [A] and [B] herein.

[A] Building Design. The construction of any new building, or any addition to an existing building, not exempt, shall be restricted by use of the following:

- 1.) **Front Façade.** No less than fifty percent (50%) of the horizontal length of any facade fronting on the primary abutting street shall have arcades, windows, entry areas, or awnings.
- 2.) **Walls.** Any wall visible from an existing or proposed public right-of-way, shall incorporate at a minimum, two architectural accent elements of doors, windows, columns, color changes, texture change, recesses and/or material changes such as wood, brickwork, stucco, tile, and/or canvas canopies. Fifty (50) linear feet of a wall shall be the maximum length without an architectural accent element.
- 3.) **Windows.** Windows shall be recessed and shall include visually prominent sills, lintels, shutters, or other such forms of framing and trim.
- 4.) **Cornice Trim.** Flat roofs shall include cornice trim along the top of the walls.

(d) Site Plan Standards:

(i) Parking

- [A]** Except in shared adjacent property owners' parking lots, all parking lots shall have a minimum five foot (5') side and rear landscaped area along all adjacent property and ten foot (10') landscape areas along any private drive.
- [B]** Unless prevented by topographical features, internal connections between existing or potential parking lots on adjacent properties shall be provided.
- [C]** Minimally, twenty-five percent (25%) of the off-street parking shall be placed on the side or to the rear of any building which is the subject of required parking.

(ii) Landscaped Streetyard (Bodenhamer Street)

A required streetyard shall comply with one of the following:

- [A]** A minimum streetyard of twenty feet (20') for lots with a depth of two hundred feet (200') or less. Lots greater than two hundred feet (200') in depth shall provide one foot (1') of additional streetyard per ten feet (10') of depth over two hundred feet (200') with a maximum streetyard requirement of fifty feet (50'), or
- [B]** A minimum streetyard of twenty-two feet (22') coupled with a three-foot (3') berm including a two-foot (2') wide crown on the berm.

(iii) Signage

[A] Style. Freestanding signage shall be either:

- 1.) Monument style signs, eight feet (8') or less in height and fifty (50) square feet or less in area; or
- 2.) Decorative double post signs, six feet (6') or less in height and thirty two (32) square feet or less in area; or
- 3.) Decorative single post signs, six feet (6') or less in height and twelve (12) square feet or less in area.

[B] Lighting. Backlit freestanding signage is not permitted except in knockout backlit signs and reader board areas.

[C] Measuring Height. The height of any signage located on a required berm shall be measured from the base of the signage.

PUBLIC SESSION

3. SPEAKERS FROM THE FLOOR.

None presented.

4. **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 October 1, 2014 Briefing Session
Approval of Minutes for October 1, 2014 Closed Session
Approval of Minutes for October 7, 2014 Regular Session
Approval of Minutes for October 7, 2014 Closed Session

C-2 Multi-Jurisdictional Hazard Mitigation Plan Review – 2014

C-3 Consideration of a Resolution Setting the Public Hearing of a voluntary annexation (Satellite) petition by DTRT Colfax Pipe, LLC for property located at 9609 West Market Street.

**RESOLUTION NO. R-2014-33
RESOLUTION SETTING TIME AND PLACE FOR PUBLIC HEARING
ON ANNEXATION OF A 39.823 ACRE TRACT OF PROPERTY NON-CONTIGUOUS
TO THE CORPORATE LIMITS OF THE TOWN OF KERNERSVILLE
KNOWN AS TAX PARCEL NO. 0168732 OF GUILFORD COUNTY TAX MAPS
LOCATED AT 9609 WEST MARKET STREET COLFAX, NC 27235
UPON PETITION OF DTRT COLFAX PIPE, LLC.**

WHEREAS, the Board of Aldermen of the Town of Kernersville was petitioned on the 30th day of September, 2014, to consider the annexation of certain property consisting of a 39.823 acre tract of property, non-contiguous to the corporate limits of the Town of Kernersville, known as Tax Parcel No. 0168732 of Guilford County Tax Maps located at 9609 West Market Street, Colfax, North Carolina 27235, as more fully described on the attached **Exhibits A and B**, which Exhibits are incorporated herein as if fully set out within this Resolution, and which property is non-contiguous to the present municipal boundary of the Town of Kernersville; and

WHEREAS, the Town Clerk has certified to the Board of Aldermen as to the sufficiency of said Petition in that:

1. The property is solely owned, according to the tax records of the Guilford County Tax Supervisor's Office, by DTRT Colfax Pipe, LLC, Pin # 6896811024-000.
2. The Petition includes the name and address of the property owner of all of the real property located within the proposed satellite corporate limits;
3. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the primary corporate limits of the Town of Kernersville;
4. The property proposed for satellite annexation by the Town of Kernersville is within the area described for future annexation by the Town of Kernersville in the

- current Annexation Agreements between the City of High Point and the Town of Kernersville, and the City of Greensboro and the Town of Kernersville;
5. Neither the area proposed for annexation, nor any part thereof, is a subdivision as defined in N.C.G.S. 160A-376; and
 6. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits of the Town of Kernersville, will not exceed ten percent (10%) of the area within the primary corporate limits of the Town of Kernersville; and

WHEREAS, it is now necessary to set a time and place for a Public Hearing on the matter of Annexation of said property and to publish Notice thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF KERNERSVILLE that the Public Hearing on the question of Annexation of the herein set forth property by The Town of Kernersville, being more particularly described in the attached **Exhibits A and B**, is hereby set at 7:00 p.m. in the Kernersville Council Chambers/ District Courtroom, Town Hall, Kernersville, Forsyth County, North Carolina, on the 2nd day of December, 2014, and that Notice therefore be given according to law.

This the 4th day of November, 2014.

C-4 Consideration of recommendation for appointment to the Forsyth County Historic Properties Commission.

Reappointment of Jim Davis, term to expire December 31, 2018

Alderman Irving Neal made a **Motion** to approve the Consent Agenda as presented. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

5. ITEMS REMOVED FROM CONSENT AGENDA.

None presented.

6. SPEAKERS FROM THE FLOOR.

None presented.

7. TOWN MANAGER'S REPORT AND MISCELLANEOUS.

None presented.

8. MATTERS TO BE PRESENTED BY THE TOWN ATTORNEY.

Mayor Morgan thanked the Chamber for all their efforts throughout the community.

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

None presented.

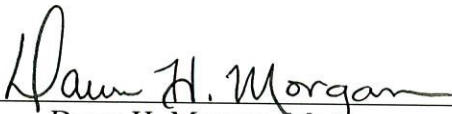
Alderman Keith Hooker made a **Motion** to enter into Closed Session for the purpose of discussing matters that fall within the Attorney-Client privilege. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

The Board entered into Closed Session at 9:10 PM.

10. **ADJOURNMENT.**

Alderman Tracey Shifflette made a **Motion** to adjourn the meeting at 9:25 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 at 9:25 PM.


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 November 4, 2014.

This the 19 day of January, 2014.⁵


Dale F. Martin, MMC, Town Clerk