

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
REGULAR MEETING 7:00 P.M. FEBRUARY 3, 2015**

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, Kenny Crews and Irving Neal.

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 Chief Scott Cunningham; Fire Rescue 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 JOHN G. RIGHTS, KERNERSVILLE MORAVIAN CHURCH**
- **PLEDGE OF ALLEGIANCE LED BY CUB SCOUT PACK 940**

Mayor Dawn Morgan called the meeting to order. The invocation was delivered by Reverend John G. Rights of Kernersville Moravian Church and was followed by the Pledge of Allegiance. Cub Scout Pack 940 led the Pledge: Caleb Stewart; Keir Silver, Tommy Crockett and Jimmy Gossett.

- **PRESENTATION OF A CERTIFICATE OF APPRECIATION TO DOUG JEWELL**

Mr. Doug Jewell was unable to attend.

PUBLIC HEARINGS

- 1a. **PUBLIC HEARING:** Doug Stimmel, Agent for Others for multiple properties located at 716 South Main St., 715 South Cherry St., 803 South Cherry St., and additional properties bordering South Cherry Street, South Main Street, and Old Winston Road, being all of PIN#(S) (Greenfield Property) 6876-91-0614, 6876-81-7817, 6876-71-8866, 6876-81-7693 and part of 6876-82-5300; and (Slade Property)

6876-91-2626, and 6876-91-1666 containing a total of 34.68 acres more or less. Petitioner requests a Single & Two Phase Special Use District Rezoning from Single Family Residential and Highway Business (RS7, RS12, HB, and HB-S) to General Business–Special Use District (GB-S). Requested Use(s): Multiple Uses Requested Zoning Docket K-729 (Valid Protest Petition Filed) (Continued from December 2, 2014 and January 13, 2015)

1b. Consideration of ordinance rezoning above property.

Mayor Morgan announced that a request has been received by the Petitioner to continue this item again until the March meeting. Mayor Morgan then asked if anyone in attendance wanted to speak regarding the continuance.

Susan Kerner, 620 South Main Street, Kernersville, NC – spoke on behalf of those who support this continuance.

Alderman Irving Neal made a **Motion** to continue the item to March 3, 2015 Board of Alderman meeting. Mayor Pro Tem Joe Pinnix seconded the motion and the vote was all for and motion carried.

2a. PUBLIC HEARING: Van Smith, Agent for Tradition Homes for property located at the Northwest corner of Lambeth Farm Lane and Lake Way, being all of PIN #(s) 6876-93-9934, 6876-93-8618, 6876-93-9315 and 6876-93-8333 containing 8.94 acres more or less. Petitioner requests a Special Use District Rezoning from RM12-S (Residential Multifamily, maximum 12 units/acre – Special Use District) to RM12-S (Residential Multifamily, maximum 12 units/acre – Special Use District for a site plan modification. Zoning Docket K-567.A3

Mr. Jeff Hatling, Community Development Director presented the Planning Board Report for this rezoning request. He pointed out the modification to the site plan by removing two parking lots (57 parking spaces) which are not needed at this time. He stated that the Planning Board and Staff recommend approval as requested.

Mayor Morgan declared the public hearing open.

In favor

None presented.

Opposed

None presented.

Mayor Morgan declared the public hearing closed.

2b. Consideration of ordinance rezoning above property.

Alderman Kenny Crews made a **Motion** to approve the site plan and the following ordinance to amend the Unified Development Ordinance of the Town by rezoning property in case K-567A.3 from RM12-S to RM12-S, the said rezoning being consistent with the Town's Comprehensive Plan, Kernersville Development Plan, and further being both reasonable and in the public interest because of the following fact:

The petitioner requested Special Use District rezoning to allow for the reduction of 57 parking spaces. The remaining parking spaces would meet the Unified Development Ordinance requirements.

Approval of the site plan with the original conditions.

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

Town Ordinance

Zoning Petition of Van Smith, Agent for Tradition Homes

Zoning Docket K-567.A3

**ORDINANCE O-2015-04
AN ORDINANCE AMENDING THE
KERNERSVILLE ZONING ORDINANCE AND THE
OFFICIAL ZONING MAP OF THE
TOWN OF KERNERSVILLE, NC**

SECTION 1. The Kernersville Zoning Ordinance and the Official Zoning Map of the Town of Kernersville, NC are hereby amended by changing from RM12-S (Residential Multifamily, maximum 12 units/acre – Special Use District) to RM12-S (Residential Multifamily, maximum 12 units/acre – Special Use District being all of PIN(s) # 6876-93-9934, 6876-93-8618, 6876-93-9315 and 6876-93-8333 containing 8.94 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 Northwest corner of Lambeth Farm Lane and Lake Way, being all of PIN #(s) 6876-93-9934, 6876-93-8618, 6876-93-9315 and 6876-93-8333 containing 8.94 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 *McConnell II*, identified as "Attachment A of the Special Use District Permit" issued by the Board of Aldermen the 3rd day of February, 2015 to Tradition Homes.

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 *McConnell II*. 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 3rd day of February, 2015.

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 Tradition Homes. The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use Permit" for Tradition Homes approved by the Board of Aldermen the 13th day of January, 2015 and signed, provided the property is developed in accordance with requirements of the zoning district to RM12-S (Residential Multifamily, maximum 12 units/acre – Special Use District Chapter 19 of the Town Code, the Erosion Control Ordinance, and other applicable laws permitted with the uses of: Residential Building, Multifamily

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

1. The townhome designs, as illustrated in Exhibit A which include the design elements of:
 - a. Front porch columns
 - b. Stone façade
 - c. Shake siding façade
 - d. Horizontal siding façade
 - e. Paneled doors
 - f. Window shutters on all four (4) sides of the structure
 - g. Hip and two gable roof
2. The previous quadraplex designs would be allowed following the original site plan if the townhome development were not completed.
3. The existing natural drainage channels onto this site shall not be obstructed to back stormwater onto the adjacent properties.

Original Conditions K-567 Special Use District (Ordinance 0-2001-18)

**Asterisk identifies standard conditions.*

~~Strikethrough~~ represent conditions that have been completed.

1. Developer shall contribute \$185,000 to the Town upon the recording of the first plat. These funds will go towards the improvements to the Cherry and Oakhurst Streets intersection. ~~Developer shall contribute \$190,000 to the Town upon issuance of the Building Permit that includes the 150th unit. These funds will go towards improvements to Durham Street.~~
2. ~~Lake Way, Mountainview Drive and Sunset Court shall be constructed to Town of Kernersville residential street standards. If developer wishes to install trees along Lake Way, Mountainview Dr., and Sunset Court, the streets must be constructed per the attached cross-sections.~~
3. ~~Dedicate a cutback right-of-way (10' x 10') at all intersections.~~

4. ~~If a traffic circle is constructed, it shall be designed per NCDOT standards with a single, extra-wide lane and the right-of-way shall be dedicated for a distance of ten (10') feet behind the outside back of curb with a ten-foot (10') utility easement behind the right-of-way.~~
 - a. ~~The site distance shall be unobstructed from the centerline of one intersection to the next intersection to the right.~~
 - b. ~~Channelization shall be striped and installed per the Public Works Department. In regard to Cross-Section "B" on sheet two, trees and obstructions over the height of a drivers eye, (3.5' from pavement elevation) are prohibited in the interior of the traffic circle. A sidewalk is not necessary on the interior of the traffic circle.~~
5. ~~If the traffic circle is constructed and/or trees placed in the right-of-way, the property owners association shall include language which outlines how and when the right-of-way (green area) within the traffic circle and trees along the street will be maintained.~~
 - a. ~~Tree types placed within the right-of way must be approved by the Public Works Department. The developer and/or property owners association must keep the trees trimmed on the roadside to maintain a clear distance from the pavement to a distance 10-feet above the pavement.~~
 - b. ~~The property owner's covenants shall be submitted to the Public Works Department and Planning Office at a minimum two (2) weeks prior to recording the final plat for review and approval.~~
 - c. ~~Approval shall be based on the assurance that the traffic circle and/or trees placed within the right-of-way are maintained at a minimum to the same level as the common grounds in the residential development areas and replaced if needed.~~
6. ~~Lambeth Farm Lane is designated as a Minor Thoroughfare, aligned to connect Hopkins Road to Oakhurst Street and is anticipated to carry a significant amount of traffic in the future.~~
 - a. ~~The entrance to Lambeth Farm Lane shall be constructed per the submitted cross-section, tapering back to a 30' face to face street, all of which constructed to Town of Kernersville standards with an eight-inch (8") ABC base, two inches (2") of H-Binder and one and one-half inches (1-1/2") of surface course.~~
 - b. ~~No parking shall be posted on the proposed segment of Lambeth Farm Lane and signs shall be paid for erected by developer. If developer wishes to install trees along Lambeth Farm Lane, the streets must be constructed per the attached cross-sections for Lambeth Farm Lane. The Road Cross-Section "A" as submitted on sheet two does not conform to the plan view of Lambeth Farm Lane (first 400') on page one nor does it conform to the attached cross-sections for Lambeth Farm Lane.~~
 - c. ~~The developer must provide documentation that utility easements can be acquired and platted. If easements cannot be acquired, developer must provide written documentation from the following utility companies stating how they intend to serve the development: Duke Energy, Sprint, PNG, and Time Warner.~~
7. ~~A negative access easement shall be platted along Lambeth Farm Lane, excluding the accesses shown on the site plan dated March 12, 2001 by Stimmel Land Associates.~~
8. ~~The developer shall provide a permanent turn-around (i.e. cul-de-sac or "T") at the end of Sunset Street and it shall be constructed during the first phase of the development.~~
9. ~~McConnell Drive and McConnell Court shall be public streets.~~
10. ~~Permanent building structures shall be constructed no closer than forty feet (40') to Kerner~~

Mill Creek. All finished floor elevations shall be a minimum of one foot (1') above the 100-year storm elevation. Surveyed and engineered cross-sections of Kerner Mill Creek every two hundred feet (200') illustrating the 100-year storm elevations shall be required. These elevations shall be provided to the Public Works Department during the building permit submittal process.

11. The restrictive covenants shall indemnify the Town of Kernersville from property damage that may arise from flooding; creek bank erosion, and natural channel realignment or like events along Kerner Mill Creek.
12. ~~Developer shall dedicate the area south of the Kerner Mill Creek to the Town of Kernersville to be used as a future greenway park. A thirty-foot (30') greenway easement shall be provided along the top of the bank of Kerner Mill Creek, connecting the proposed greenway park to the adjacent Town of Kernersville property on the southwestern corner of the project.~~
13. No rental agency or leasing office shall be allowed for the condominium and townhome development.
- *14. ~~All streets shall be built to Town of Kernersville public street standards.~~
- *15. ~~All water and sewer improvements shall be approved by the City-County Utility Commission.~~
- *16. All landscape requirements per the Unified Development Ordinance shall be met.
- *17. All signage requirements per the Unified Development Ordinance shall be met.
- *18. A stormwater management plan prepared by a professional engineer, submitted for review and approval by the Public Works Department is required. Detailed calculations will be required for detention ponds.
- *19. Developer shall comply with all Fire Marshal requirements. All revisions to the project must be submitted to the Fire Marshal and approved including but not limited to pavement or driveway turning radiuses, three-way fire hydrant locations, hydrant discharge thread water main sizes.
- *20. Prepare a final plat to be recorded with the Register of Deeds Office showing all required information of the Unified Development Office and Special Use District.
- *21. All Federal, State, Town, DEHNR grading permits, Water Quality Certification and State Watershed reviews and approvals are the petitioners' responsibility to obtain. These approvals shall be submitted to the Planning Department at the time of the first building permit.
22. Construction traffic access shall be limited to Lambeth Farm Lane.

3a. PUBLIC HEARING: Randy Elliott, Owner of property located at 328 East Bodenhamer Street being all of PIN #(s) 6886-43-5768 containing .485 acres more or less. Petitioner requests a General Use District Rezoning to rezone from GI (General Industrial) to GB (General Business). Zoning Docket K-734

Mr. Hatling presented the Planning Board Report for this rezoning request. He stated that road improvements in the area have been completed. The Planning Board and Staff recommend approval as submitted.

Mayor Morgan declared the public hearing open.

In Favor

None presented.

Opposed

None presented.

Being no additional speakers, Mayor Morgan declared the public hearing closed.

3b. Consideration of ordinance rezoning above property.

Mayor Pro Tem Joe Pinnix made a **Motion** to approve the following ordinance to amend the Zoning Ordinance of the Town by rezoning the property in case K-734 from (GI) General Industrial to (GB) General Business. The said rezoning being consistent with the Town's Comprehensive Plan and further being both reasonable and in the public interest because:

1. The Kernersville Development Plan and Land Use Plan recommend re-development and re-use of properties in the downtown area.
2. The property is located in the Highway Corridor Overlay District. This District is conducive with adaptive re-use of existing structures or infill projects.
3. Road improvements are already existing for this corridor.

Alderman Kenny Crews seconded the motion and the vote was all for and motion carried.

Town Ordinance

Zoning Petition of Randy Elliott

Zoning Docket K-734

**ORDINANCE O-2014-05
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 Ordinance and the Official Zoning Map of the Town of Kernersville, NC are hereby amended by changing from GI (General Industrial) to GB (General Business) being all of PIN(s) # 6886-43-5768 containing .485 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 328 East Bodenhamer Street, being all of PIN(s) # 6886-43-5768 containing .485 acres more or less as recorded in the Office of the Register of Deeds, Forsyth County, North Carolina.

SECTION 2. This Ordinance shall be effective from and after its adoption.

Adopted this the 3rd day of February, 2015.

- 4a. PUBLIC HEARING: T. Martin Fridy, Agent for MPG Kernersville, LLC for property located at 1020 South Main Street, being all of PIN# 6876-50-7125 containing 1.84 acres more or less. Petitioner requests a Special Use District Rezoning from HB-S (Highway Business – Special Use District) to HB-S (Highway Business – Special Use District). Requested Use(s): *Banking & Financial Services; Electronic Business Establishment; Food or Drug Store; Furniture and Home Furnishings; General Merchandise Store; Health Services, Miscellaneous; Medical and Surgical Offices; Medical or Dental Laboratory; Office, Miscellaneous; Post Office; Professional Office; Restaurant (with drive-through service); Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Services, Business A; Services, Business B; and Services, Personal Zoning Docket K-689.A1***

Mr. Hatling presented the Planning Board Report for this rezoning request. He noted that previously a Walgreen's drug store was approved for this site. He added that redevelopment of the site includes a proposed drive through and an increase in the square footage. Connectivity with adjacent centers was discussed at the Briefing and proposed language by Attorney Ray Thomas. He described the interconnection drive being constructed to the northern property line (pointed out on site plan) and explained that coordination between the two property owners is necessary. Mr. Hatling noted that the previous approval for Walgreen's included a right-in right-out access to S. Main Street.

Mr. Hatling stated that the Planning Board and Staff recommend approval of the rezoning and recommend approval of the site plan with conditions. He presented some proposed changes submitted by Ray Thomas for clarification purposes. He noted that Staff is not opposed to those recommended changes.

Alderman Tracey Shifflette noted the drive through between Building A & Building B. Is that going to be a drive for vehicles to go between the two buildings or is that a service drive-through. Mr. Hatling stated that it will be a one way driveway.

Alderman Irving Neal asked for the process and time table for the CO permits for the existing businesses. Mr. Hatling stated that assuming the businesses will have to relocate during construction, new permits will have to be obtained for each business. If they remain in the building, no permits are required.

Alderman Neal asked about the connectivity. Mr. Hatling stated that the developer would be required to construction the connection within 60 days after the driveway cut has been approved.

Mayor Morgan declared the public hearing open.

In Favor

Ray Thomas, 116-C S. Cherry St., Kernersville, NC – stated that he is here to represent the petitioner and will speak after his presentation. He then recognized Mr. Fridy to provide an outline on the plans for the center.

Martin Fridy, 1151 E. Washington St, Greenville, SC – stated that he is the developer and noted that you all have seen the site plan. He noted the changes proposed to the building foot print from what exists there now. He described that the building will be moved back to improve the turning radius and pointed out the stacking ability for the drive through. He then presented renderings of the new buildings.

Mr. Fridy stated that the existing drive cuts will remain the same except for the additional drive at the rear of the property. He added that the project meets all of the Town's Overlay District requirements. He made himself available for questions and introduced Neil Shepherd, the civil engineer on the project.

Neil Shepherd confirmed that he is the engineer on the project and made himself available for questions.

Alderman Neal asked if the Board has the authority to require a right in right out entrance. Mr. Hatling stated that Walgreen's had that condition and under special use zoning you have the authority.

Mr. Shepherd stated the proposed plan that was worked on with Staff has the existing driveway on Main Street remaining as it currently exists. He noted that they plan to make it easier to get in and out but do not plan to shift it or rebuild it.

Mr. Hatling stated that the Town's current conditions do not have right-in right-out stipulated.

Ray Thomas then spoke and referred to his changes in the language of the conditions for clarification purposes. He added in regard to the connectivity, he was advised by Jeff that he and Mr. Swisher went out to the site and the topography of the land would not prohibit the drives from being connected.

Mr. Thomas expressed a concern with a notation on a condition that refers to TJ's Deli which no longer exists. He suggested the language refer to numbers from Forsyth County Tax Maps. Mr. Thomas asked for the Board's help when the Target shopping center is notified that this connection is to be built. They plan to work with them to resolve any issues rather quickly.

Mr. Thomas noted that these are outside developers coming in to do something nice in Kernersville. He believes this building will look a lot better than it does now.

Opposed

None presented.

Being no additional speakers, Mayor Morgan closed the public hearing.

4b. Consideration of ordinance rezoning above property.

Alderman Irving Neal made a **Motion** to approve the site plan and following ordinance to amend the Unified Development Ordinance of the Town by rezoning the property in case K-689.A1 from HB-S to HB-S, the said rezoning being consistent with the Town's Comprehensive Plan, Kernersville Development Plan, and further being both reasonable and in the public interest due to the following facts:

1. The Land Use Plan specifically recommends this area be maintained as a regional retail center and this project is consistent with "adding" to the objective.
2. The conditions require improvements to meet the Town's standards for motor vehicles, pedestrians, building code and streetyard modifications.

Alderman Neal added a right-in right-out driveway connection at S. Main Street and required connectivity at the rear of the property. He also included changes to the conditions as recommended by Ray Thomas.

Mayor Pro Tem Joe Pinnix seconded the motion.

Alderman Keith Hooker noted that on page 2 condition 1d should read with "in" 60 days and on page 4, 7b should read lights that "cast" light

Mr. Thomas stated that the petitioner has some issues with the S. Main Street right-in right-out. Mr. Shepherd stated that the site plan does not indicate a change to this driveway. He explained that the site plan would need to be changed and that NCDOT may require new driveway permits be issued if the driveway is changed.

The Board, Staff and Petitioners discussed the driveway entrance and what changes would be necessary for a right-in right-out entrance. Both a median type structure and signage were discussed. It was a consensus of the Board that signage be used initially.

Motion remained as presented, vote was all for and motion carried.

Town Ordinance

**Zoning Petition of T. Martin Fridy, Agent for MPG Kernersville, LLC
Zoning Docket K-689.A1**

ORDINANCE O-2015-06 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 Ordinance and the Official Zoning Map of the Town of Kernersville, NC are hereby amended by changing from HB-S (Highway Business – Special Use District) to HB-S (Highway Business – Special Use District) being all of PIN(s) # 6876-50-7125 containing 1.84 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 1020 South Main Street, being all of PIN# 6876-50-7125 containing 1.84 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 *Shops on South Main*, identified as "Attachment A of the Special Use District Permit" issued by the Board of Aldermen the 3rd day of February, 2015 to MPG Kernersville, LLC.

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 *Shops on South Main*. 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 3rd day of February, 2015.

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 MPG Kernersville, LLC. The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use Permit" for MPG Kernersville, LLC approved by the Board of Aldermen the 13th day of January, 2015 and signed, provided the property is developed in accordance with requirements of the zoning district to HB-S (Highway Business – Special Use District) Chapter 19 of the Town Code, the Erosion Control Ordinance, and other applicable laws permitted with the uses of: Banking & Financial Services; Electronic Business Establishment; Food or Drug Store; Furniture and Home Furnishings; General Merchandise Store; Health Services, Miscellaneous; Medical and Surgical Offices; Medical or Dental Laboratory; Office, Miscellaneous; Post Office; Professional Office; Restaurant (with drive-through service); Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Services, Business A; ~~Services, Business B~~; and Services, Personal.

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

1. Transportation

- a. *If an NCDOT driveway permit is required to access South Main Street. The developer shall conform to all NCDOT requirements contained within the driveway permit.
- b. *If the design of South Main Street entrance is required to be changed, it shall meet NCDOT standards and facilitate Fire and Rescue vehicles.
- c. *All detailed construction plans for infrastructure must be submitted with building plans/ landscape plan to the Community Development Department for a building permit and approved prior to any construction.
- d. As shown on the attached revised Site Plan an interconnection drive way shall be constructed to the northernmost boundary line of the subject property where it adjoins the property presently owned by Southside Re-Development Company, LLC and being designated as PIN# 6876-50-5594.00 on the Forsyth County Tax Maps. Such interconnection drive way shall be completed within 60 days after Southside Re-Development Company, LLC or such entity as shall own PIN# 6876-50-5594.00 has completed the interconnection drive as required in Item 7 of the Special Use Permit issued in connection with Ordinance No. O-2005-03 dated January 11, 2005 (Zoning Docket No. K-622) and such interconnection drive way has been approved by the Town of Kernersville. Coordination of construction between the two property owners shall take place.
- e. Right-in/right-out signage shall be placed at the South Main Street driveway outside of the area requiring a NCDOT encroachment permit.

2. Uses

- a. The Uses approved shall conform with those allowed in the Highway Corridor Overlay District which are:
Banking & Financial Services; Electronic Business Establishment; Food or Drug Store; Furniture and Home Furnishings; General Merchandise Store; Health Services, Miscellaneous; Medical and Surgical Offices; Medical or Dental Laboratory; Office, Miscellaneous; Post Office; Professional Office; Restaurant (with drive-through service); Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Services, Business A; ~~Services, Business B~~; and Services, Personal

3. Plat Requirements

- a. * (Where applicable) 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.
- b. *(Where applicable) A final plat shall be recorded prior to any construction or permit issuance. 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 right-of-way shall be*

maintained by.....” (and state the party responsible for maintaining the storm drainage devices).

4. 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 Community Development Department prior to construction.
- d. Prior to applying for a Building Permit, the Developer shall meet with the Building Inspections Department to review all applicable building code items related to this site plan and the approved uses.

5. Environmental

- a. *Developer shall adhere to all State, Federal and Local Government environmental regulations.
- b. *A detailed grading plan for lot drainage shall be submitted with construction plans. Detailed grading plans shall be in compliance with current Town of Kernersville.

6. Emergency Services

- a. *All Fire, Fire Marshal, and Rescue Department requirements shall be met during and after the construction process. The Fire Marshal must approve any changes to the submitted site plan concerning turning radiuses.

7. Landscape, Signage, Lighting Requirements

- a. If the developer plants trees adjacent to meter boxes, all Town of Kernersville and City-County Utility Commission requirements shall be followed.
- b. If the present outside lighting is not used, then 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. Pedestrian scale lighting should illuminate so that lighting dissolves at the roof lines of buildings or the top of the light pole. Pole heights shall be a maximum of 20 feet. Security lighting for the building (if needed) shall be a cut-off lighting fixture mounted to a pole or wall.
- c. *Stand alone signage for the site shall be no more than 8 feet in height and 50 square feet in sign area.

8. Other Conditions

- a. The Highway Corridor Overlay District requirements are applicable to all constructed and landscaped areas, air conditioning units and any other outside equipment.
- b. Landscape plan is required to use trees along South Main Street that are the same species as other trees along South Main Street.
- c. All new walls (retaining walls) shall incorporate the look of brick used on the proposed building.

- d. *A parking lot plan that shows signage, bike racks, clear pedestrian crossings, employee parking and pavement markings shall be submitted to the Planning Division for review and approval. This signage plan to include entrance and exit signs, employee parking, arrows on pavement to show vehicle maneuvering patterns, and the drive-through distinction between pedestrians and drivers. Clearly delineated pedestrian walkways should be marked.
- e. The developer shall provide sealed construction drawings for the recently built wall behind the building to receive an approved building permit. The construction will be required to meet the N.C. Building Code.

Mayor Morgan announced that Items 5 and 6 would be presented together.

5a. PUBLIC HEARING: The Town of Kernersville for consideration of an amendment to the Unified Development Ordinance (UDO) affecting Chapter A, Article II; Chapter B, Articles II and III; and Chapter D creating a Traditional Neighborhood Development (TND) Zoning District. Zoning Docket KT-214

6a. PUBLIC HEARING: Milt Rhodes, Agent for The Arden Group for property bordered within the 1300 block of Old Salem Road/1800 block of NC Hwy. 66 South/100 block of Ogden School Road, being all of PIN #(s) 6884-58-5212, 6884-47-2915, 6884-57-0231, 6884-47-2166, 6884-46-6633, 6884-67-3002, 6884-66-6626, 6884-66-0575, 6884-46-2186, 6884-45-2743, 6884-45-1344, 6884-34-9844, 6884-27-8837, 6884-27-6069, 6884-37-0455, 6884-37-0147, 6884-36-0718, 6884-17-6391, 6884-18-5099, 6884-16-7301, 6884-15-3166, 6884-25-8653, 6884-25-8144, 6884-24-8655, 6884-13-1872, 6884-13-5179, 6884-58-2814, 6884-66-4493, 6884-36-0496, and 6884-59-2218 containing 386.61 acres more or less. Petitioner requests a Special Use District Rezoning – Two Phase from MU-S (Mixed Use – Special Use District) and AG (Agricultural) to TND-S (Traditional Neighborhood Development – Special Use District) Zoning Docket K-641.A7

Mr. Hatling presented the Planning Board Report for this text amendment and the special use district rezoning request. He stated that the text amendment will allow for a Traditional Neighborhood Development and described the features of this new development. He stated that the Planning Board expressed concerns that the development be more restrictive and more guidance offered. Staff went back and revised the text amend to offer more guidance.

Mr. Hatling stated that regarding the rezoning, this is a mixed use special use district. He pointed out the variety of uses in the area and the changes to the area since the original rezoning request. He stated that the original development had a business park component, however the new uses proposed are residential with an activity center.

Mr. Hatling stated that this plan compliments the land use plan for this area and the thoroughfare and street plan. He noted that Staff has worked extensively with NCDOT to conduct traffic studies and the developer has substantial investment in the design of the street network for this project.

Mr. Hatling stated that the Staff recommends approval of the revised text amendment and the Planning Board & Staff recommend approval of the rezoning request.

Alderman Irving Neal stated that he has never seen a situation where the petitioner has come back and asked for more stringent conditions than what was currently on the project. He asked if he was missing something regarding this case.

Mr. Hatling stated that there are more stringent design standards but also allowing more flexibility on layout of the project.

Alderman Shifflette referred to page 6 of the report in Table (2) General Dimensional Requirements – TND-S and asked for an explanation of the Maximum Height: 60 ft./unlimited. On page 11 under table 3.2 Nonresidential Districts General Dimensional Requirements: 60 ft./unlimited. Mr. Hatling stated that in all of the residential sections the 60 ft./unlimited is where you have a shared property and what's allowed at the minimum setback. In this case, there is no proposal for that type of height. For the adjacent residential property, the height is lower than the setback requirements.

Mayor Morgan declared the public hearing for both the text amendment and rezoning request.

In Favor

Paul Williams, 11 Brookstown Ave., Winston-Salem, NC – stated that the Mr. Rhodes will give a more thorough presentation but to answer the question, our goal is to build a residential development that was previously planned for commercial only. This area was to be developed with multi-family with no set density requirement. What they would like to do is build a single-family product here as well. He further explained that a lot of the commercial activity has moved closer to the hospital. Their study reveals a need for this type of product, a single-family home.

Alderman Neal asked if they plan to market this and sell it off to somebody else. Mr. Williams stated that it is their intention to build this development themselves.

Alderman Hooker referred to the area planned for mixed residential, two of the items struck out are item #26 and #27 regarding the porch roof and asked why they were taken out. Mr. Hatling stated that those were previous conditions from 2005 and after further review they were determined to be meaningless and were struck out.

Milt Rhodes, 11 Brookstown, Ave, Winston-Salem, NC – stated that most everything has been covered but did help explain why they are interested in tightening up their plan. He presented background on site and then explained the developer's reasons for the proposed changes.

Mr. Rhodes stated that there is a variety of housing that is not being met, particularly smaller lot walkable neighborhoods. They also wanted flexibility as the previous plan didn't allow single-family detached residential within the Village Center. He commended the Staff for helping them through this process. Mr. Rhodes stated they also wanted to re-establish the branding of Weldon.

Mr. Rhodes spoke of the plans for walkable streets with both single-family attached and detached units and multifamily in close proximity to each other. He stated that the connectivity throughout the site will help the Town's long range transportation plan. He then presented photographs of the proposed streetscapes with a variety of housing types mixed together.

Mr. Rhodes noted the differences in the proposed development, less density, less intense and it's not a business park. The development will still provide connectivity and meet all other design standards. He asked for favorable consideration and made himself available for questions.

Opposed

None presented.

Mayor Morgan declared the public closed.

5b. Consideration of an ordinance to amend the Unified Development Ordinance (UDO).

Alderman Kenny Crews expressed his support of the project for taking the bicycles and trails off the shoulders of the Town.

Alderman Kenny Crews made a **Motion** to approve the following Ordinance for the text amendment as presented in Zoning Docket KT-214. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

Town Ordinance Zoning Docket KT-214

ORDINANCE NO. O-2015-07 AMENDING MULTIPLE CHAPTERS OF THE UNIFIED DEVELOPMENT ORDINANCE CREATING A TND-S DISTRICT

BE IT ORDAINED by the Board of Aldermen of the Town of Kernersville, North Carolina that the *Unified Development Ordinance* (UDO) is hereby amended as follows (Underline = Additions / Strikeout = ~~Deletions~~):

SECTION 1. Chapter A, Article II, 2-1 Definitions

Add the following:

Traditional Neighborhood Development (TND): A compact mixed use development project that includes a range of housing types, a network of well-connected streets, alleys and blocks, public spaces, and amenities such as stores, schools, and places of worship within walking distance of residences or is within walking distance to those land uses. TND projects incorporate many

different high quality architectural styles and site plan design elements to create an enhanced livable neighborhood(s).

SECTION 2. Chapter B, Article II – Zoning Districts, Official Maps and Uses, 2-1 Zoning Districts, 2-1.5 Institutional and Mixed Use Zoning Districts – Purpose Statement and Regulations

Add the following:

Table 2.4
Institutional and Mixed Use Zoning Districts

Symbol	District Name
IP IP-S	Institutional and Public Institutional and Public - Special
C C-S	Campus Campus – Special
MU-S	Mixed Use – Special
<u>TND-S</u>	<u>Traditional Neighborhood Design - Special</u>

(D) TND-S TRADITIONAL NEIGHBORHOOD DEVELOPMENT - SPECIAL USE DISTRICT.

(1) Purpose. The TND-S District is intended to promote compact mixed use development projects that includes a range of housing types, a network of well-connected streets, alleys and blocks, public spaces, and amenities such as stores, schools, and places of worship within walking distance of residences or is within walking distance to those land uses. TND projects incorporate many different high quality architectural styles and site plan design elements to create an enhanced livable neighbor(s). This district encourages innovation by offering flexibility in design and layout requirements to achieve a greater choice of living, and working environments. The development design should also be compatible with the natural terrain and surrounding uses, protect natural and/or historic resources, and provide useful open space. This district is only permitted through the special use district zoning process. This district is suitable in Growth Management Areas 1, 2, 3, 4, and activity centers.

(2) General Dimensional Requirements - TND-S.

<u>Zoning District</u>	<u>Minimum Zoning Lot</u>		<u>Minimum Contiguous Site Area (ac)</u>	<u>Minimum Setbacks²</u>				<u>Maximum Impervious Surface Cover (%)</u>	<u>Maximum Height (ft)¹</u>
	<u>Area (sf)</u>	<u>Width (ft)</u>		<u>Front (ft)</u>	<u>Rear (ft)</u>	<u>Side</u>			
						<u>Interior Side (ft)</u>	<u>Street (ft)</u>		
<u>TND-S</u>	<u>1,100</u>	<u>18</u>	<u>5</u>	<u>0</u>	<u>--</u>	<u>--</u>	<u>0</u>	<u>--</u>	<u>60/ unlimited</u>

1. There is no height limit unless adjacent to property zoned RS, RM (except RM-U), or AG. Height of structure above sixty (60) feet may be

increased by one foot for each foot of additional setback beyond the forty (40) foot minimum required, if adjacent to property zoned RS, RM (except RM-U), or AG.

2. Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), or AG District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the residential district, whichever is greater.

(3) Supplementary District Requirements. Minimum lot sizes for single family residences, duplexes, twin homes, townhomes and multifamily developments must meet the requirements of Table 3.4 Other Dimensional Requirements (Section 3-1.1). Other supplemental district requirements are:

- (a) **Preapplication Conference.** Prior to the formal submission of a proposed TND-S District, the developer or representative shall attend a preapplication conference with the Community Development Director concerning the proposed plan of development. At this preapplication conference, the developer shall submit a sketch site plan for the TND-S District, general information on traffic circulation and utilities for tentative review, along with a master plan document. The master plan document shall include architectural details on the buildings and amenities mass, rhythm, pedestrian scale, and transition, as well narrative and illustration of the connectivity of the pedestrian, bicycle, and vehicular network within the overall design concept. The Community Development Director shall comment on the information presented at that meeting in writing within sixty (60) days. The official plan of development and rezoning request shall be submitted to the Planning Board only after the completion of the preapplication conference and the written response.

(b) TND-S District Application.

- (i) **Time.** The developer shall file an application for approval of a TND-S District within one hundred eighty (180) days after the written response from the Community Development Director.

- (ii) **Site Plan Requirements and Procedure.** The procedure for approval of a TND-S District shall be the same as a special use district rezoning in conformance with procedures set forth in Section 7-4.2 of this Ordinance.

[A] Master Plan. The master plan document shall include architectural details on the buildings and amenities mass, rhythm, pedestrian scale, and transition, as well narrative and illustration of the connectivity of the pedestrian, bicycle, and vehicular network within the overall design concept.

[B] Natural Features. Petitioner shall show in the first phase submittal the sensitive natural areas to be retained.

[C] Open Space. Petitioner shall describe in the first phase of submittal the open space plan with a description of uses.

[D] Streetyards. A minimum fifty (50) foot wide streetyard shall be provided

along all public rights-of-way adjacent to the district or an alternative compliance approved by the Board of Aldermen or Planning Board during Phase II. The alternative approval shall be based upon findings that the proposed streetyard plan fulfills the intent and purpose of a streetyard and the following shall be met:

[1] Minimum number of plants shall be calculated as required by Chapter B, Section 3-4.3(B) Streetyards.

[2] Plantings are dispersed throughout the required streetyard.

[3] If within an urban setting, the streetyard may be replaced with buildings fronting the streets.

[E] **Bufferyards.** Both peripheral and internal bufferyards, if required, shall be determined as appropriate through the site plan review process in accordance with the TND-S purpose statement.

[F] **Larger Sites.** Larger sites containing more than one hundred (100) acres will be evaluated to determine if development will negatively impact existing or future public facilities and services. Depending upon the size, intensity, and/or complexity of the proposal, the Community Development Director may require the petitioner to submit additional information to assist regulatory agencies with their findings, including, but not limited to, analysis of traffic impacts, availability of public water and sewer, and capacity of schools. As warranted, staff may also recommend certain on-site or off-site infrastructure improvements or other mitigation measures as conditions for zoning approval.

[G] **Screening Mechanical Equipment.** All on-site mechanical equipment shall be screened.

(c) **Effects of Approval.** The approval of a development plan and the accompanying preliminary plat shall have the following effects:

(i) The area of an approved TND-S District shall be noted on the *Official Zoning Maps*. After approval of a single phase site plan or final development plan, such plans shall control the development of the property. After approval of a plan, no building or structure may be erected or building permit issued nor any lots sold from any such plat nor any final plat approved or recorded, unless such building, structure, permit or plat is consistent with the approved plan.

(ii) Approval of the application shall also constitute the required approval for the preliminary plat included in the application. The applicant may then request approval of a final plat in accordance with the *Subdivision Ordinance*.

(d) Development in Phases. The applicant may propose that a TND-S District be developed in phases.

(i) The phasing provisions of a proposed final development plan shall be approved only if the proposed plan meets the following standards:

[A] All data required for the project as a whole shall be given for each phase shown on the plan;

[B] A plan summary shall be provided at the time of rezoning that describes in detail the mix of uses and residential type(s) to allow for phasing that balances and integrates the mixture of use(s) and residential type(s) in accordance with the overall TND-S master plan concept.

[C] A proportionate share of the project's open space and common facilities, if any, shall be included in each phase of development; and,

[D] The phasing shall be consistent with the development plan for the entire TND-S District.

(ii) If an approved development plan includes phasing provisions, then:

[A] The landowner may submit final plats for the projects for areas including one or more complete phases.

[B] No final plat for a phase of a TND-S District shall be approved unless all open space and common facilities included in previous phases are substantially complete or a performance surety is provided meeting the requirements of the *Unified Development Ordinances*; and,

[C] No final plat for a phase of a TND-S District shall be approved if there is any uncorrected violation of the development plan, a preliminary plat, a final plat or this section in any previous phase.

(e) Maintenance. An application for approval of a TND-S District shall be accompanied by copies of documents related to the proposed homeowners association or other entity proposed to manage and maintain private streets, open space, and other common areas and facilities, if any. Such documents shall:

(i) Set forth the nature of the permanent organization under which common ownership is to be established, including its

purpose; how it shall be governed and administered; the provisions made for permanent care and maintenance of the common property, including necessary bonds when required by the city; and, the method of assessing the individual property for its share of the cost of administering and maintaining such common property; and,

- (ii) Set forth the extent of common interest held by the owner of each individual parcel in the tract held in common with others.

SECTION 3. Chapter B, Table 2.6 PERMITTED USES TABLE

Add to Table 2.6 Permitted Uses Table with a “Z” (Zoning Permit) unless otherwise noted:

USE TYPE Note: See Overlay Zoning Districts for prohibited uses within specific districts.	TND-S	CONDS
RESIDENTIAL USES		
Residential Building, Single Family	Z	
Residential Building, Duplex	Z	60
Residential Building, Twin Home	Z	60
Residential Building, Multifamily	Z	60
Residential Building, Townhouse	Z	60
Residential Building, Urban	Z	61
Combined Use	Z	22
Congregate Care Facility	Z	23
Life Care Community	Z	40
RETAIL AND WHOLESALE TRADE		
ABC Store (liquor)	Z	
Arts & Crafts Studio	Z	
Building Materials Supply	Z	
Convenience Store	Z	
Food or Drug Store	Z	
Furniture and Home Furnishings Store	Z	
General Merchandise Store	Z	
Hardware Store	Z	
Motorcycle Dealer	Z	
Nursery, Lawn and Garden Supply Store,	Z	
Restaurant (without drive-through service)	Z	
Restaurant (with drive-through service)	Z	
Retail Store, Specialty or Miscellaneous	Z	
Shopping Center	Z	65
Wholesale Trade A	Z	
Wholesale Trade B	Z	
BUSINESS AND PERSONAL SERVICES		
Banking and Financial Services	Z	
Bed and Breakfast	Z	7
Building Contractors, General	Z	
Car Wash	Z	10
Funeral Home	Z	
Health Services, Miscellaneous	Z	
Hotel or Motel	Z	
Medical or Dental Laboratory	Z	
Medical and Surgical Offices	Z	
Motor Vehicle, Rental and Leasing	Z	
Motor Vehicle, Repair and Maintenance	Z	49
Nightclub	Z	51
Non-Store Retailer	Z	
Offices, Miscellaneous	Z	
Pet Daycare Services	Z	55.1
Professional Office	Z	
Services, Business A	Z	
Services, Personal	Z	
Storage Services, Retail	Z	67.1
Testing and Research Lab	Z	
Veterinary Services	Z	72

RECREATIONAL USES		
Golf Driving Range	Z	31
Recreation Services, Indoor	Z	58
Recreation Services, Outdoor	Z	58
Recreation Facility, Public	Z	
Riding Stable	Z	62
Swimming Pool, Private	Z	68
Theater, Indoor	Z	
INSTITUTIONAL AND PUBLIC USES		
Adult Day Care Home	Z	3
Adult Day Care Center	Z	2
Cemetery, Licensed	Z	11
Cemetery, Unlicensed	Z	12
Child Care Institution	Z	15
Child Day Care Center	Z	16
Child Day Care, Large Home	Z	17
Child Day Care, Small Home	Z	18
Church or Religious Institution, Community	Z	19
Church or Religious Institution, Neighborhood	Z	20
Club or Lodge	Z	21
College or University	Z	
Government Offices	Z	
Habilitation Facility B	Z	33
Habilitation Facility c	Z	33
Hospice and Palliative Care	Z	
Hospital or Health Center	Z	
Institutional Vocational Training Facility	Z	
Library, Public	Z	39
Limited Campus Uses	Z	41
Museum or Art Gallery	Z	
Neighborhood Organization	Z	
Nursing Care Institution	Z	52
Police or Fire Station	Z	57
Post Office	Z	
School, Private	Z	63
School, Public	Z	64
School, Vocational or Professional	Z	
Stadium, Coliseum, or Exhibition Building	Z	
MANUFACTURING AND MINING		
Manufacturing A	Z	45.1
TRANSPORTATION AND UTILITIES		
Access Easement, Private Off-Site	Z	1
Broadcast Studio	Z	
Helistop	Z	35
Park and Shuttle Lot	Z	54
Parking, Commercial	Z	
Terminal, Bus or Taxi	Z	
Transmission Tower	Z	70
Utilities	Z	71

SECTION 4. Chapter B – Zoning Ordinance, Article III – Other Development Standards, 3-1 Dimensional Requirements

Amend Tables 3.2 and 3.4 as follows:

Table 3.2
Nonresidential Districts General Dimensional Requirements

Zoning District	Minimum Zoning Lot ⁴		Minimum Contiguous Site Area (ac)	Minimum Setbacks ^{8,9}				Maximum Impervious Surface Cover (%)	Maximum Height ³ (ft)
	Area (sf)	Width (ft)		Front (ft)	Rear (ft)	Side			
						Interior Side (ft)	Street (ft)		
<u>TND-S</u>	<u>1,000</u>	<u>18</u>	<u>5</u>	<u>4</u>	<u>--</u>	<u>--</u>	<u>4</u>	<u>--</u>	<u>60/unlimited</u>

1. These dimensional requirements are subject to additional provisions in Section 3-1.2 (Supplementary Dimensional Requirements); Section 2-5 (Use Conditions); Section 2-1 (Zoning Districts); Section 3-4 (Landscaping Standards); Section 3-5 (Bufferyard Standards); and Section 3-8 (Supplementary Standards for Older Neighborhoods).
2. Larger lot width, depth, or area may be required by the Public Health Department for the installation of septic systems.
3. Certain districts have an option for height (e.g., 60/unlimited). The first number indicates the maximum height allowed at the minimum setback required adjacent to property zoned RS, RM (except RM-U), YR, AG, or H unless the RS district contains a habitable residential single family unit located within 150' of a LI property line, then the maximum height shall be 40' for the adjacent LI zoning lot. Height of the structure above forty (40) feet may be increased by one foot for each foot of additional setback above the minimum required, if adjacent to property zoned RS, RM (except RM-U), YR, AG, or H, but in no case shall the structure be higher than fifty (50) feet. Heights may be increased according to the provisions of Section 3-1.2(D) and (E). Height limits for the C District vary per Growth Management Areas (see Section 2-1.5(B)(2)).
4. Minimum area and width requirements may be reduced for the CPO, NSB, and CPI Districts under the respective subsections of Section 2-1.
5. The eighty percent (80%) limit applies only in Suburban Neighborhoods, per Section 2-1.3(D).
6. Side yards are not required, however any side yard provided adjacent to an interior lot line shall be not less than twelve (12) feet in width. A space less than six (6) inches in width between an interior lot line and a building wall shall not be regarded as a side yard.
7. The seventy percent (70%) limit does not apply to Growth Management Areas 1 and 2, per Section 2-1.5(B).
8. Building setbacks shall be measured from either the existing street right-of-way, or the proposed right-of-way established by the adopted *Transportation Plan*, whichever is most restrictive.
9. Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater, unless the development conforms to the Land Use Plan and is a Special Use District then a minimum setback of the Bufferyard (3-5 Bufferyard Standards) shall be considered for a setback.

Table 3.4
Other Dimensional Requirements

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
			Front (ft)	Rear (ft)	Side				
	Area (sf)	Width (ft)			One Side (ft)	Combined (ft)	Street (ft)		
Single Family Residences in NO, NB, PB, and MU-S <u>and</u> TND-S Districts									
<u>TND-S</u>	<u>2,700</u>	<u>30</u>	<u>10</u>	<u>5</u>	<u>3</u>	<u>10</u>	<u>10</u>	<u>--</u>	<u>40</u>
Twin Home in MU-S, <u>TND-S</u> and NO Districts									
<u>TND-S</u>	<u>1,100</u>	<u>18</u>	<u>10</u>	<u>5</u>	<u>0</u>	<u>8</u>	<u>10</u>	<u>--</u>	<u>40</u>
Duplex Homes in MU-S, <u>TND-S</u> and NO Districts									
<u>TND-S</u>	<u>2,400</u>	<u>40</u>	<u>10</u>	<u>5</u>	<u>0</u>	<u>8</u>	<u>10</u>	<u>--</u>	<u>40</u>
Townhouse Developments in <u>TNDS-S</u> District									
<u>TND-S</u>	<u>1,100</u>	<u>18</u>	<u>4</u>	<u>5</u>	<u>0</u>	<u>0</u>	<u>4</u>	<u>--</u>	<u>60</u>
Multifamily Developments in GB, CB, PB, MU-S, <u>TNDS-S</u> NO, and LO Districts									

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
			Front (ft)	Rear (ft)	Side				
	Area (sf)	Width (ft)			One Side (ft)	Combined (ft)	Street (ft)		
TND-S	7,200	72	0	5	0	0	4	--	60

SECTION 5. Chapter B – Zoning Ordinance, Article III – Other Development Standards,

Amend the following:

3-1.2 SUPPLEMENTARY DIMENSIONAL REQUIREMENTS, (B) STRUCTURES WHICH MAY ENCROACH INTO REQUIRED YARDS

The following structures may encroach into required yards as follows:

- (1) **Open Porches and above Grade Decks in front and rear yards.** An open porch or unenclosed above grade deck at or below the main living level of a single family dwelling may project into a required front or rear yard not more than ten (10) feet, provided that such projection does not reduce the remaining open portion of the yard to a depth of less than fifteen (15) feet, or within a TND-S provided that such projection does not encroach within a public right-of-way or easement.
- (5) **Canopy.** Canopies, either attached or detached, used in conjunction with retail uses in business, office, or industrial districts, may project into a required front yard, provided that such projection does not reduce the remaining open portion of such yard to a depth of less than ten (10) feet, or within a TND-S provided that such projection does not encroach within a public right-of-way or easement.

SECTION 6. Chapter D, 4. Major Subdivision, (B) Development Standards and Requirements for Preliminary Subdivision Approval, (1) Streets or Roads, (d) All streets within the zoning jurisdiction of the Town of Kernersville shall meet the Town of Kernersville Design and Construction Specifications.

Amend the “Town of Kernersville Design and Construction Specifications” by adding the following:

Town of Kernersville Design and Construction Specifications, Appendix 5 TND TRADITIONAL NEIGHBORHOOD DEVELOPMENT

Streets within a TND: NCDOT Complete Street Planning and Design Guidelines shall be used to determine street and sidewalk design.

Street	Width	Parking	Curb & Gutter
Alley (2-way)	16' EP/EP	--	2' Valley Type <u>or drainage in the middle of alley.</u>

Utilities within a TND

~~Utilities will not be permitted under the pavement except alleys, perpendicular crossings and specific approval by the Public Works Director~~ may be permitted under the alleys pavement upon submittal of a utility plan reviewed and approved by the Public Services Director and Community Development Director.

Utilities- All utility installations within rights-of-way shall be consistent with the Town of Kernersville and the City/County Utilities Commissions current Utility Policy. ~~For Neighborhood Streets, herein defined as "streets," and residential collector streets, herein defined as "Boulevards" and "Parkways," underground utilities may cross perpendicular under the pavement, but shall not run longitudinally under the pavement of any public street.~~ Utilities may be permitted under the pavement upon submittal of a utility plan reviewed and approved by the Public Services Director and Community Development Director.

SECTION 7: This ordinance shall be effective upon adoption.

Adopted this the 3rd day of February, 2015.

6b. Consideration of ordinance rezoning above property.

Alderman Tracey Shifflette made a **Motion** to approve the site plan and following Ordinance to amend the Zoning Ordinance of the Town by rezoning the property in case K-641.A7 from MU-S and TND-S. The said rezoning being consistent with the Town's Comprehensive Plan and further being both reasonable and in the public's interest because:

1. The proposed Traditional Neighborhood Development Special use zoning district (TND-S) would assist in implementing the Town's Land use Plan by promoting the development of the NC66/Old Salem Road Metro Activity Center.
2. The TND-S and Special use District conditions include detailed design standards for the buildings and site plans to create a strong "sense of place" in a historic design framework to implement the Kernersville Development Plan Goals of Enhance Kernersville's "small town atmosphere" and Establish Kernersville as a "unique high quality community within the Triad".
3. The Special Use District conditions require the development to address their traffic impacts on NC 66 and Old Salem Road.

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

**Town Ordinance
Zoning Petition of The Arden Group
Zoning Docket K-641.A7**

**ORDINANCE O-2015-08
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 Ordinance and the Official Zoning Map of the Town of Kernersville, NC are hereby amended by changing from MU-S (Mixed Use – Special Use District) and AG (Agricultural) to TND-S (Traditional Neighborhood Development – Special Use District) being all of PIN(s) # 6884-58-5212, 6884-47-2915, 6884-57-0231, 6884-47-2166, 6884-46-6633, 6884-67-3002, 6884-66-6626, 6884-66-0575, 6884-46-2186, 6884-45-2743, 6884-45-1344, 6884-34-9844, 6884-27-8837, 6884-27-6069, 6884-37-0455, 6884-37-0147, 6884-36-0718, 6884-17-6391, 6884-18-5099, 6884-16-7301, 6884-15-3166, 6884-25-8653, 6884-25-8144, 6884-24-8655, 6884-13-1872, 6884-13-5179, 6884-58-2814, 6884-66-4493, 6884-36-0496, and 6884-59-2218 containing 386.61 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 property bordered within the 1300 block of Old Salem Road/1800 block of NC Hwy. 66 South/100 block of Ogden School Road, being all of PIN #(s) 6884-58-5212, 6884-47-2915, 6884-57-0231, 6884-47-2166, 6884-46-6633, 6884-67-3002, 6884-66-6626, 6884-66-0575, 6884-46-2186, 6884-45-2743, 6884-45-1344, 6884-34-9844, 6884-27-8837, 6884-27-6069, 6884-37-0455, 6884-37-0147, 6884-36-0718, 6884-17-6391, 6884-18-5099, 6884-16-7301, 6884-15-3166, 6884-25-8653, 6884-25-8144, 6884-24-8655, 6884-13-1872, 6884-13-5179, 6884-58-2814, 6884-66-4493, 6884-36-0496, and 6884-59-2218 containing 386.61 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 *Welden Subdivision*, identified as "Attachment A of the Special Use District Permit" issued by the Board of Aldermen the 3rd day of February, 2015 to The Arden Group.

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 *Welden Subdivision*. 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.

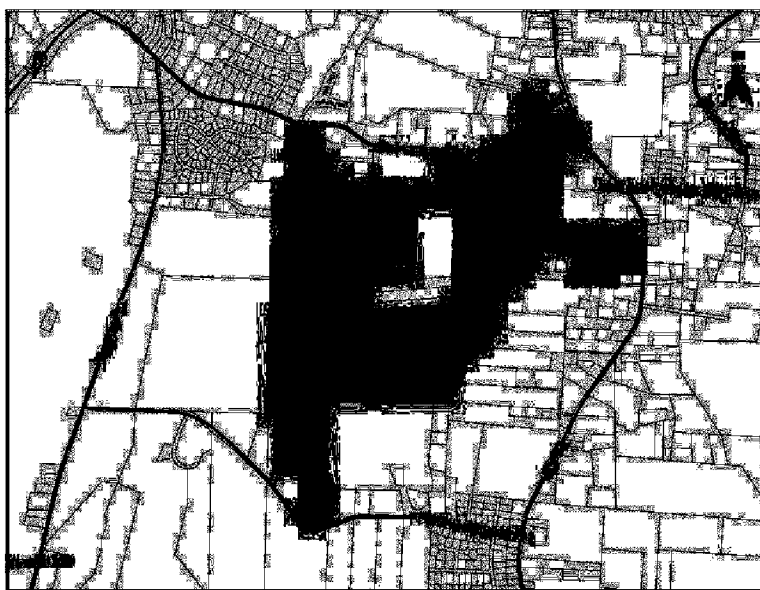
Adopted this the 3rd day of February, 2015.

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 The Arden Group. The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use Permit" for The Arden Group approved by the Board of Aldermen the 3rd day of February, 2015 and signed, provided the property is developed in accordance with requirements of the zoning district to TND-S (Traditional Neighborhood Development – Special Use District) Chapter 19 of the Town Code, the Erosion Control Ordinance, and other applicable laws permitted with the uses of: ABC Store (liquor); Access Easement, Private Off-Site; Adult Day Care Center; Adult Day Care Home; Arts and Crafts Studio; Banking and Financial Services; Bed and Breakfast; Broadcast Studio; Building Contractors, General; Building Material Supplies; Car Wash; Cemetery, Licensed; Cemetery, Unlicensed; Child Care Institution; Child Day Care Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Combine Use; Congregate Care Facility; Convenience Store; Food or Drug Store; Funeral Home; Furniture and Home Furnishings Store; General Merchandise Store; Golf Driving Range; Government Offices; Hardware Store; Health Services, Miscellaneous; Helistop; Hospice and Palliative Care; Hospital or Health Center; Hotel or Motel; Institutional Vocational Training Facility; Library, Public; Life Care Community; Limited Campus Uses; Manufacturing A; Manufacturing B; Medical and Surgical Offices; Medical or Dental Laboratory; Motor Vehicle, Rental and Leasing (less than 12 vehicles); Motor Vehicle, Repair & Maintenance; Motorcycle Dealer; Museum or Art Gallery; Neighborhood Organization; Nightclub; Non-Store Retailer; Nursery, Lawn and Garden Supply Store, Retail; Nursing Care Institution; Offices, Miscellaneous; Park & Shuttle Lot; Parking Commercial; Pet Daycare Services; Police or Fire Station; Post Office; Professional Office; Recreation Facility, Public; Recreation Services, Indoor; Recreation Services, Outdoor; Residential Building, Duplex; Residential Building, Multifamily; Residential Building, Single Family; Residential Building, Townhouse; Residential Building, Twin Home; Residential Building, Urban; Restaurant (w/o drive-thru service); Restaurant (with drive-thru service); Retail Store, Specialty or Misc.; Riding Stable; School, Private; School, Public; School, Vocational or Professional; Services, Business A Services, Business B; Services, Personal; Shopping Center; Stadium, Coliseum, or Exhibition Building; Storage Services, Retail; Swimming Pool, Private; Terminal, Bus or Taxi; Testing & Research Lab; Theater, Indoor; Transmission Tower; Utilities; Veterinary Services; Warehousing Wholesale Trade A; Wholesale Trade B

Site Plan: Approval of the site plan and street cross sections with the following amendments to the current development conditions.



Village Center

1. ~~Developments shall comply with the *Central Kernersville Zoning Overlay District* “store front”, “office” or “residential” style standards and *General Site Plan Requirements*, unless at the time of submittal the approving board accepts an alternative historic architectural design. The alternative design shall take into consideration the historic building designs of the central Piedmont~~ The “Welden Vision Book” dated October, 2014 shall establish the architectural and site plan design standards during the Final Development Plan and building permit submittals for review and approval.
2. Residential rental housing buildings shall have the same rhythm and continuity of window, doors and porches as the other owner occupied residential buildings.
3. Office building design may follow the following standards:
 - a. Building Standards: The facades of any building within the development using the standard site plan design standards shall comply with the following standards.
 - (1) Architecture The construction of any building shall be restricted by use of the following minimum architectural standards:
 1. Façade Composition of Base, Middle, and Top
 - a. Shall have a horizontal separation of the base.
 - b. On a two or more story building, the base shall be distinct from facades above.
 - c. Base shall be in proportion to overall building.
 - d. Entrances shall be clearly identifiable.
 - e. Front wall shall have at a minimum thirty percent (30%) of the vertical façade as window and door features and thirty (30) linear feet of a wall shall be the maximum length without such a feature.
 - f. All walls facing the primary street shall incorporate at a minimum, three architectural accent elements of doors, windows, columns, color changes, texture change, recesses, and/or material changes. Fifty (50) linear feet of a wall shall be the maximum length without an architectural accent element.
 2. Middle-Expression
 - a. The middle sections shall be in proportion to overall building.
 - b. Building elements shall have a rhythmic recurrence.
 - c. Surface variation shall be provided with fenestration and material changes.
 - d. Windows and trim shall be incorporated that provide a consistent proportional harmony within the facades composition and details.
 3. Top-Unique Formal Identity
 - Rooflines and/or cornice shall form a distinctive upper band.

- All mechanical equipment shall be screened using a parapet wall or screened using material visually consistent with the building design aesthetics.

(2) Building Materials & Colors

1. Building Materials. The construction of any new building shall be restricted by use of the following:
 - a. Building Façade. The primary facade material shall consist of brick and/or architectural precast or architectural cast stone, but may contain facade accent elements of drainable stucco, textured tinted concrete block, tile, native stone, columns, pre-cast trim, and/or canvas canopies. The primary facade material used in construction shall compose at a minimum seventy five percent (75%) of the non-glass wall surface. Quik Brik™ or similar product may be used as a substitute to brick. **Architectural metal panels and columns, such as aluminum compost panels, copper, zinc or stainless steel, used to enhance the entrance(s), middle expression, or create a unique formal identity shall be allowed.**
 - b. Colors. All facade colors shall be of low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors, excluding white, are prohibited. Building trim and accent areas may feature brighter colors and black, including primary colors; however, neon tubing shall not be an acceptable feature for building trim or accent elements.
 - c. Expansion Walls. If, at the time of building permit submittal, an expansion plan is submitted illustrating the need for temporary expansion walls, the wall may be vinyl siding, metal façade covering, or other synthetic veneer materials. Expansion walls are allowed only on two sides and shall not be the front wall facing the primary street.
4. Double face buildings shall be used along all thoroughfares and collector roads. Along other roads parking shall be to the side, rear, or if to the front, parking rooms shall be created **that break up the bulk of large parking lots**. The parking rooms shall be established by enhanced landscaped islands that break up the bulk of the parking lot
5. All facades visible from adjoining properties and/or streets shall contribute to the pleasing scale of features of the building and encourage community integration by featuring characteristics similar to the front façade.
6. All sides of a principal building directly facing abutting streets shall include a least one customer entrance. The entrance(s) shall be clearly defined and highly visible with distinguishing features such as canopies or porticos.
7. Loading docks, trash collection and other outdoor storage and activity areas shall be incorporated into the overall pedestrian scale of the building and landscaping.
8. 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.
9. Retail space stores that are a part of a larger principal building shall have display windows and separate entrances.
 10. Fuel pumps and drive-throughs shall be placed either to the side and/or rear of a main building.
 11. Variation in roofline required.
 12. Building bulk shall be softened with pedestrian scale elements.
 13. Scale of structures and site plan to have proportions in rhythm, heights and setbacks in order to create a walkable atmosphere.
 14. Sidewalks shall be provided along any side of any building where parking or a driveway is provided. Any such required sidewalk shall be parallel to the building, but located at least five feet (5') from the building in order to provide an area for planting beds for foundation and entranceway landscaping, unless it is a covered walkway or a sidewalk with a minimum width of 8' along the façade with an entrance or window display area, **or be designed within a planned pedestrian walkway network.**
 15. Public pedestrian walkways throughout the developments linking all areas.
 16. One or more useable and functional plazas or courtyards with benches, and/or seating areas.
 17. Outdoor spaces and site amenities shall 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 and shall have direct access to the public pedestrian walkways.
 18. An "outdoor space" or "site amenity" shall include, but is not limited to, the following:
 - a. a landscaped median for the driveway(s) leading into the site and landscaped pedestrian areas;
 - b. a public square, park, or outdoor playground area on the site, or on adjacent land;
 - c. window shopping walkways; or
 - d. 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.
 19. **Developer shall utilize the 3-3.5 Alternatives and Incentives provision in UDO parking standards to reduce the amount of impervious surface cover needed for parking by providing a variety of alternative and incentives.**

Landscaping, Screening and Open Space

20. The *Highway Corridor Overlay Districts* and *General Site Plan Requirements* standards shall apply.
21. During each Final Development Plan submittal a landscape plan shall be submitted that is designed to complement other phases. As part of the landscape plan elevations and view sheds shall be shown. Adequate landscaping and open space along NC 66 and Old Salem Road shall be provided to soften urban design characteristics. The preservation of large healthy trees and woodlands shall be considered.

Mixed Residential

22. ~~Residential developments shall comply with the Central Kernersville Zoning Overlay District residential standards, unless at the time of submittal the approving board accepts an alternative historic architectural design. The alternative design shall take into consideration the historic building designs of the central Piedmont~~ **The "Welden**

Vision Book” dated October, 2014 shall establish the architectural and site plan design standards during the Final Development Plan and building permit submittals for review and approval.

23. Garage doors shall be paneled and framed with decorative trim **for front loading garages.**
24. The front of the garage, for front-loading garages, shall not extend more than 5’ from the front entrance wall or if adjacent to the porch shall not extend 3’ from the porch front without prior staff approval.
25. Usable porches and stoops shall form a predominate motif of the building design and be located on the front and/or side of the home. The porch must be at least 36 square feet in area and have minimum depth of 5’.
26. ~~The porch must have a solid roof.~~
27. ~~The roof may not be more than 12 feet above the floor of the porch.~~
28. The historic design features shall apply to all sides of the structure.
29. **Residential building elevations along a block shall create a rhythm and continuity of window, doors and porches. Residential homes with front loading garage shall have** no two elevations with identical windows and door design ~~are to be used~~ on the same single-family residential block. (*A block is defined as the area between intersecting streets*).
30. The front and rear yards shall include a distinctly designed landscaped and/or fenced feature. The minimum planting shall meet of the UDO multifamily and **or single family** planting requirements.

Residential Outdoor Design Features

31. Within all residential areas streetyard trees shall be placed either within 20’ of the right-of-way or easement, or within the right-of-way of a **Public Works Community Development** approved utility corridor plan. The minimum planting intervals shall be one tree per lot or 50' on center whichever is less, **or as established in master landscape plan submitted at the time of a Final Development Plan.**
32. All neighborhoods shall have an identifiable center and edge.
33. Where possible street networks are interconnected and blocks are small.
34. Civic buildings and public spaces are given prominent sites throughout the neighborhood.
35. Housing structures shall not be set back excessively from the street, but rather pulled up to the street; so as to create a human scaled streetspace.
36. Functional front porches and rear porches, decks or patios shall be an integral part of the housing unit to allow for outside activities in both a public setting (front yard/street space) or private setting (rear yard).
37. Homes with the front door located in the middle of the unit shall have a walk leading from the front porch to the public sidewalk.

~~Business Park Design Standards~~

38. ~~The facades of any new building visible from any existing or planned public right-of-way shall comply with either; the building standards set forth in *Industrial Corridor Overlay District*, unless at the time of submittal the approving board accepts an alternative design. The alternative design shall take into consideration findings of facts that the proposed building designs will create an attractive development that would not distract from the overall quality design elements of the area or adversely~~

impact surrounding properties.

Parks

- 39. Complete connection of the sidewalks and greenways shall be developed.
- 40. A pedestrian and bikeway shall be provided through the site that connects the proposed gas line greenway.
- 41. A recreational land fee of \$250 per housing unit will be assessed at the time of building permits to cover the cost of future public parks and facilities to serve the area. Public park space(s) shall be a minimum of 5% **of the development in the Village Center. The public park(s) shall be designed in the context of the surrounding architecture and designed in a passive park style.**
- 42. Private facilities shall be reviewed during the site plan review and approval process. Each neighborhood shall contain, as its central focus, at least one square or park. The area shall be designed to be visible from the street and numerous units to provide for adequate access and safety.

Freestanding Signage

- 43. Shall comply with the Highway Corridor Overlay District.

Lighting

- 44. The lighting for the project shall be “cut-off lighting fixtures”. Cut off lighting fixtures are lights that cast light downward. Pedestrian scale lighting should illuminate so that lighting dissolves at the rooflines of buildings or the top of the light pole. During the review for building permits the petitioner shall submit the outdoor lighting plan. Individual fixtures and lighting systems shall be designed, constructed and installed to control glare and light trespass, minimize obtrusive light while maintaining safety, security and productivity, and curtail the degradation of the night time visual environment by reducing light pollution.

Design Review

- 45. A Community Development staff person shall be a ex-officio member of any architectural review committee established by developer(s) to provide interpretation of special use district conditions and Unified Development Ordinance standards.
- 46. At time of submittal the applicant may request a departure from the standards provided that the applicant presents at the time proposed findings of facts that the proposed development would implement the *NC 66/Old Salem Road Metro Activity Center Guidelines* more adequately than development which would meet the strict requirements of the adopted design elements.

Streets and Sidewalks

- 47. **The Thoroughfare and Street Plan proposed Bunker Hill Road Extension shall be built to the property line or a cash surety shall be deposited with the Town of Kernersville. At the time of a building permit request for the 1,000th housing unit, the eastern portions of the Bunker Hill Road Extension shall be completed or a cash surety deposited. The western portion shall be completed or a cash surety deposited prior to issuing building permits for the final major phase of development.**
- 48. Streets shall be laid out in a grid or modified grid to allow for connectivity.

49. Traffic calming techniques shall be incorporated.
50. Unless prevented by topographical features, internal connections between existing or potential parking lots on adjacent properties shall be provided.
51. 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.
52. Bus stop(s) shall be established that meet PART standards.
53. Developer shall identify the "Pedestrian Access" to the open space with a sign.
54. Sidewalks along all streets. Sidewalks shall be constructed a minimum five feet (5') in width behind a five foot (5') grassy strip parallel to any thoroughfare and behind a three foot (3') grassy strip parallel to any other streets, unless said sidewalk is located within the Village retail area in which case it may be eight foot (8') behind the curb **or be designed within a planned pedestrian walkway network.**
55. Sidewalks shall be installed along the full length of the sides of any building constructed, which features a customer or multi-family unit 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 within the village retail area or where arcades and entranceways are part of the façade of a building **or be designed within a planned pedestrian walkway network.**
56. **The phasing of the road improvements to NC 66 and Old Salem Road shall be determined by NCDOT and the Town of Kernersville during the Final Development Plan reviews and approvals.**

Land Uses

57. Land Uses
 - a. ~~Village Center minimum percent of land use.~~
 - (1) ~~Commercial and Office 40%~~
 - (2) ~~Office 25%~~
 - (3) ~~Residential 20%~~
 - (4) ~~Public Space 5%~~
 - b. ~~Residential minimum percent of units.~~
 - (1) ~~Single Family 20%~~
 - (2) ~~Owner Occupied Multifamily 60%~~
 - (3) ~~Rental Multifamily 20%~~

Permitted Use Table

- 1 **Mixed** Residential
- 2 Village Center
- 3 **Business Park**

	1	2	3
RESIDENTIAL USES			
Residential Building, Single Family	X	X	
Residential Building, Duplex	X	X	
Residential Building, Twin Home	X	X	

Residential Building, Multifamily	X	X	
<u>Residential Building, Townhouse</u>	X	X	
Residential Building, Urban	X	X	
Congregate Care Facility	X	X	
<u>Combine Use</u>	X	X	
Life Care Community	X	X	
RETAIL AND WHOLESALE TRADE			
ABC Store (liquor)		X	
Arts and Crafts Studio	X	X	
Building Material Supplies		X	
Convenience Store		X	
Food or Drug Store	X	X	
Furniture and Home Furnishings Store		X	
General Merchandise Store	X	X	
Hardware Store		X	
<u>Motorcycle Dealer</u>		X	
Nursery, Lawn and Garden Supply Store, Retail		X	
Restaurant (w/o drive-thru service)	X	X	
Restaurant (with drive-thru service)		X	
Retail Store, Specialty or Misc.		X	
Shopping Center		X	
Wholesale Trade A		X	X
Wholesale Trade B		X	X
BUSINESS & PERSONAL SERVICES			
Banking and Financial Services		X	X
Bed and Breakfast	X	X	
Building Contractors, General		X	X
Car Wash		X	
Funeral Home		X	
Health Services, Miscellaneous		X	X
Hotel or Motel		X	X
Medical or Dental Laboratory		X	X
Medical and Surgical Offices		X	X
<u>Motor Vehicle, Rental and Leasing (less than 12 vehicles)</u>		X	
Motor Vehicle, Repair & Maintenance		X	X
<u>Nightclub</u>		X	
Non-Store Retailer	X	X	X
Offices, Miscellaneous	X	X	X
<u>Pet Daycare Services</u>	X	X	
Professional Office	X	X	X
Services, Business A		X	X
Services, Business B			X
Services, Personal	X	X	
<u>Storage Services, Retail</u>		X	

Testing & Research Lab		X	X
Veterinary Services		X	X
Warehousing			X
RECREATIONAL USES			
Golf Driving Range	X	X	X
Recreation Services, Indoor	X	X	X
Recreation Services, Outdoor	X	X	X
Recreation Facility, Public	X	X	X
<u>Riding Stable</u>	X	X	
Swimming Pool, Private	X	X	
Theater, Indoor		X	
INSTITUTIONAL & PUBLIC USES			
Adult Day Care Home	X	X	
Adult Day Care Center	X	X	
<u>Cemetery, Licensed</u>	X	X	
<u>Cemetery, Unlicensed</u>	X	X	
Child Care Institution	X	X	
Child Day Care Center	X	X	
Church or Religious Institution, Community	X	X	
Church or Religious Institution, Neighborhood	X	X	
Club or Lodge	X	X	
College or University	X	X	
Government Offices		X	X
<u>Hospice and Palliative Care</u>		X	
Hospital or Health Center		X	X
<u>Institutional Vocational Training Facility</u>		X	
Library, Public		X	
<u>Limited Campus Uses</u>		X	
Museum or Art Gallery	X	X	
Neighborhood Organization	X	X	
Nursing Care Institution	X	X	
Police or Fire Station	X	X	X
Post Office		X	
School, Private	X	X	
School, Public	X	X	
School, Vocational or Professional	X	X	
<u>Stadium, Coliseum, or Exhibition Building</u>	X	X	
MANUFACTURING & MINING			
Manufacturing A		X	X
Manufacturing B			X
TRANSPORTATION & UTILITIES			
Access Easement, Private Off-Site	X	X	X
Broadcast Studio		X	X
Helistop		X	X

Park & Shuttle Lot	<u>X</u>	X	X
<u>Parking Commercial</u>		<u>X</u>	
Terminal, Bus or Taxi		X	X
<u>Transmission Tower</u>	<u>X</u>	<u>X</u>	
Utilities	X	X	X

- Mixed residential and commercial structures are permitted provided:
 - any residential use is located above the first floor;
 - any residential unit shall be at a minimum **five hundred (500) three hundred (300)** square feet; and
 - each residential dwelling unit is provided with its own bathroom and kitchen facilities;
- **Detached and attached accessory dwellings shall be a minimum of five hundred (500) square feet.**

Standard Conditions

53. — NCDOT Driveway permit is required to access all NCDOT roads.
54. — If any streets are developed as private streets, developer shall first prepare and record, in the office of the Register of Deeds of Forsyth County (after approval by the Director of Planning and Town Attorney), recitations either within Restrictive Covenants, or as a separate document, minimally reciting that all streets are private and shall be privately maintained, including snow removal, street lighting is private and shall be privately maintained, sanitary waste collection shall be privately provided, stormwater drainage shall be privately maintained, and that no other non-emergency municipal services shall be provided by the Town of Kernersville.
55. — All streets and utilities within the subdivision shall be designed and constructed to the *Town of Kernersville Design and Construction Specifications Manual*.
56. — Any landscaping within the entrance islands shall be maintained by the property owners association.
57. — All water and sanitary sewer drawings with appropriate easements shall be approved by the City-County Utilities Commission.
58. — 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.
59. — All detailed construction plans must be submitted and approved by the Public Works Department prior to construction.
60. — If any gates are used, the developer shall install technology advanced equipment that would exclude the need for remotes, code pads, card swipes, or keys. Emergency Services, Utilities, and emergency repair will need access by the same universal system.
61. — Properly marked and posted Fire lanes and/ or Tow Away zones to be installed per Fire Department standards.
62. — All Fire Department requirements shall be met during and after the construction process. Fire Hydrant locations shall be submitted to the Kernersville Fire Marshal for review and approval prior to submittal to City County Utility Commission.
63. — Fire hydrants with adequate water main size meeting the standards of the Kernersville Fire Department shall be installed as designated by the Fire Marshal.
64. — Fire hydrants with adequate water main size meeting the standards WS/FC Utilities shall be submitted to the Fire Department. Minimum water flow from fire hydrants are to be 1,000 gpm @ 20 psi residual.

65. ~~The Town's; (a) Secondary and Cumulative Impact Mitigation Plan, (b) the Environmental Assessment and Environmental Assessment Addendum for the Town's 201 Facilities Plan, and (c) the Town's UDO Ordinance, Chapter C-Environmental Ordinance- Article V, Watershed Protection (K), Section 5-3.2 Buffer Area Required (D), Lower Abbott's Creek Sewer Service Area Watershed Protection Rules shall be adhered.~~
66. ~~Wetland delineation is required prior to final plan approval; submit with a US Army Corps of Engineers approved delineation.~~
67. ~~All water bodies, as defined by the Division of Water Quality delineation form (19-points = intermittent stream), shall be shown on the final plans. The appropriate stream buffers shall extend along all delineated waters and "wrap" around upper origin points.~~
68. ~~Zone (1) and Zone (2) stream buffers must start at the top of the channel bank.~~
69. ~~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.~~
70. ~~A stormwater management plan prepared by a professional engineer, submitted for review and approval by the Public Works 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 permanent stormwater management devices will be installed prior to issuance of any "Certificate of Occupancy" permits. 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 adhered to.~~
71. ~~All street names shall be approved by CCPB prior to final plat. A letter of approval shall be attached to preliminary plat at time of submittal.~~
72. ~~Property owner's covenants and restrictions shall include language that all private streets, gates, bufferyards, landscaped areas with the public right-of-way and detention ponds are the property of the property owner's association and the maintenance, up-grades and associated costs, shall be the responsibility of the property owner's association. The homeowner's covenants shall be submitted to the Kernersville Planning Staff and Watershed Administrator for review and approval.~~
73. ~~Lots adjacent to required buffers shall be platted and recorded with clear buffer type identification.~~
74. ~~Prior to building permit application submittal a final plat shall be recorded with all required right-of-way and easements.~~

- 7a. **PUBLIC HEARING: Dick Hastings, Owner of Dillon & Hastings Real Estate, Inc., for property located in the 500 block of Harmon Lane being all of PIN #(s) 6886-42-4748 and 6886-42-5702 containing .29 acres more or less. Petitioner requests a General Use District Rezoning from RM-18 (Residential Multifamily, maximum 18 units/acre) to RSQ (Residential Single-Family Quadraplex) Zoning Docket K-735**

Mr. Hatling presented the Planning Board Report for this rezoning request. He added that the Planning Board and Staff recommend approval of the request as presented.

In Favor

None presented.

Opposed

None presented.

Being no speakers either in favor or opposed, Mayor Morgan closed the public hearing.

7b. Consideration of ordinance rezoning above property.

Alderman Irving Neal made a **Motion** to approve the following Ordinance to amend the Zoning Ordinance of the Town by rezoning the property in case K-735 from RM-18 (Residential Multifamily maximum 18 units per acre) to RSQ (Residential Single-Family Quadraplex). The said rezoning being consistent with the Town's Comprehensive Plan and further being both reasonable and in the public interest because:

1. The Kernersville Development Plan and Land use Plan recommend re-development and re-use of properties in the downtown area.
2. The property is located in the Central Kernersville Corridor Overlay District. This District is conducive with adaptive re-use of existing structures or infill project.
3. Road improvements are already existing for this corridor.

Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

Mayor Morgan called a recess at 8:40 PM. The meeting was reconvened at 8:54 PM.

PUBLIC SESSION

8. SPEAKERS FROM THE FLOOR

None presented.

9. Consideration of granting a Special Intensive Development Allocation (SIDA) allocation of 34.58 acres for the rezoning project K-729. (Continued from December 2, 2014 and January 13, 2015)

Alderman Tracey Shifflette made a **Motion** to continue this item until the March 3, 2015 meeting as it relates to the property in Item #1 above. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

10. Annual Report by the Kernersville Museum

Mr. John Wolfe and Mr. Bruce Frankel presented an update on the status of the Kernersville Museum.

John Wolfe, 101 S Main Street, Kernersville, NC – Chair of the Board of Directors for the Kernersville Museum thanked the Board for their support and the opportunity to provide an update. He stated that this report was not required or requested, however the Board felt they would like for the Board of Aldermen to know where they are with this project. He then recognized other Board members present. He reported that the group has met for months and plans are well underway. He noted the Museum was able to obtain their 5013C designation in the first year. The group has been asked to take over the Depot and we believe the Town will benefit from having a “total package.” Mr. Wolfe presented the structure of the organization, noted the development of three recordings, a brochure and a website, and installation of a security system. He stated that they wanted to lay a solid foundation to ensure the Museum’s success. He noted museums they have visited and ones they plan to visit to get ideas for the one here. He stated that committees have been established with specific tasks, and policies have been set for the organization. He complimented the wonderful volunteers that have stepped up. He stated that going forward our goal is to collect and preserve the Town’s history for years to come.

Mr. Bruce Frankel, Vice President/Community Coordinator – stated that five years ago when we held the official grand opening at the 1873 Train Depot, little did we know there was a group of people in the community with a vision and the resources and willingness to take the next step to create a Kernersville Museum. He noted the great support and partnership with the Town, Kernersville Historic Society, civic groups, local churches and the community. He thanked the Officials and Staff for their support for the Museum. Support continues to grow.

Mr. Frankel highlighted resources available on the Museums website and facebook page. He noted activities and events the Museum participated in over the holidays and other interaction throughout the community. He reported that the Museum is moving in the right direction and thanked the Board again for their support.

Mr. Wolfe stated that they continue to be excited about this project and look forward to what next year will bring. He again thanked the Board and Town for their support and help for the Museum.

Alderman Neal stated that he was looking at the 1971 bi-centennial book and asked if those articles and pictures still exist and who put that together. Mr. Wolfe stated that there was a group, some of who are gone, that pulled all that together in '71 and it was reprinted in '76. He stated that he does not know where all of those photos are but would like to pull those back together so they can be digitized and kept for the future.

Alderman Neal stated that it is a great publication and if we can keep it going to the present it will be impressive.

Mr. Wolfe and Mr. Ivey Redmon spoke (from the audience) about the effort to put the bicentennial publication together.

Alderman Neal stated that the Museum is part of Kernersville and encouraged the group to keep the Board updated on the progress so that we can help along the way.

11. Consideration of a Request by the Old Salem Chapter of the Antique Automobile Association of America to hold the Downtown Cruise-Ins from June 2015 – October 2015.

Mr. Curtis Swisher, Town Manager reported that we have received a request to continue this item until the March meeting. He stated that following the Board's Briefing, he has discussed alternating between Main Street and Mountain Street with Mr. Day. Mr. Day wants an opportunity to discuss with this group.

Alderman Tracey Shifflette made a **Motion** to continue this matter to the March 3, 2015 meeting. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

12. Staff presentation on Results of Road Condition Survey.

Mr. Doran Maltba presented results from a study conducted over the summer on the condition of Town roads and the process used to collect the data and calculate the ratings. He presented a chart which illustrated the Town's street rating in 2010 to be 67% of the Town's road were sufficient. In 2012, that rating was down to 59% and this summer the rate was down to 45%. He presented a map showing the distressed streets throughout Town and what it would cost to fix them all. He projected it would cost the Town over \$18 million. He stated that he understands that is not possible, therefore; Staff has tried to break this down into chunks that we can manage.

Mr. Maltba stated that Staff has requested \$900,000 in the budget over the last few years just to keep the roads in a satisfactory condition. He presented a five year condition and cost report which recommends \$900,000 every year for street maintenance. That amount will allow the Town to do the work at the major/critical level before the road fails. Once they fail the repairs cost much more to bring back up to standard. He presented the cost estimates of work at \$600,000 and \$300,000 annually. He then presented a chart to illustrate the Town's funding for

street maintenance and resurfacing since 2000. He also noted that the cost of asphalt is much more expensive now than it was back then which makes our situation worse. He presented statistics that if the Town continues at the current rate of funding, the next time we conduct a rating survey, it is projected that only 27% of Town roads will meet standards. He pointed out that the Town has spent approximately \$1.2 million on potholes and crack sealing but as you can see we are not getting anywhere with that level of funding.

Alderman Neal asked if the \$18 million is for resurfacing needs. Mr. Maltba stated that it includes everything, resurfacing, subgrade work, all of it.

Alderman Neal asked for the percentage of streets that would need to be torn up and repaired. Mr. Maltba projected about 50% but would have to run some numbers on that to be precise. Alderman Neal questioned whether we should dig the streets up and repair them as they should be as opposed to resurfacing now and having to do more work on them in 10-15 years.

Mr. Maltba stated that we need to work on these roads before they fail because every dollar we spend today will cost us \$15 tomorrow, and recommended that we continue to maintain the roads that are in decent shape and fix the ones that are on the verge of failing. He added those that have already failed, the only recourse is to dig them up and put in a new road.

Alderman Crews asked how many miles do we have of town streets. Mr. Maltba reported that we have about 94.5 miles but we use lanes miles since we have multilane roads and we are close to 196 lane miles.

Mayor Morgan stated that we used to go back in and fix the patching when we had utility repairs. It seems like that has been a problem since the Town stopped doing that.

Alderman Shifflette asked about the Town app that was launched and what has been the response level. Mr. Maltba stated that we don't really get many replies.

Alderman Neal asked if we took the category that is deteriorated, and fixed it all at once. Would there be a significant savings by buying asphalt by the yard? He stated that it has been discussed before and some have discussed a bond referendum. He added that we would need to show there is significant savings in this approach. Mr. Maltba stated that yes there would be savings. Typically larger projects bring in more bidders which drives the dollar amount down. On the Town's small projects, we are lucky to get the three bidders. It would be tough to put a dollar on the savings because the prices go up and down every day.

Mr. Maltba read an article from the Triad Business Journal that provided statistics on the cost to homeowners for additional maintenance and repairs due to poor roads. The article also spoke of the importance of sufficient infrastructure in recruiting new business and industry to a community. He added that he is not here to ask for anything tonight but to update the Board on the condition on our roads. They are poor and not improving without significant maintenance.

Mayor Morgan stated that she would like to see the Town work with CCUC again for maintenance around utilities.

Alderman Hooker asked if there is a priority list of the streets that are in decent shape. Mr. Maltba stated that we do that every year during budget process and are conducting that now.

Alderman Crews said he could support the Town considering a large batch of projects if we can get more for the money.

**13. Consideration of a Resolution to Forsyth County Commissioners Requesting they Name Certain Streets in the Kernersville Extraterritorial Zoning Jurisdiction:
Whitt Road to be renamed to Whitt Farm Road
Unnamed Road to be named Wilburn Center Court**

Mr. Swisher reported that the newly constructed interchange on B40 at Macy Grove Road has changed the road pattern in the area. He noted that what was previously Whitt Road has been relocated further south and has been improved. Staff recommends that the State maintained portion of the road be named Whitt Farm Road. In addition, an unopened road behind Corilam has now been opened and improved and needs to be named. Staff recommends the road be named Wilburn Center Ct.

Alderman Tracey Shifflette made a **Motion** to approve a resolution requesting that the Forsyth County Commissioners change the name Whitt Road to Whitt Farm Road and name an unnamed new public street Wilburn Center Court. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2015-03

**A RESOLUTION REQUESTING THAT THE
FORSYTH COUNTY COMMISSION NAME CERTAIN ROADS
IN THE EXTRATERRITORIAL JURISDICTION OF
THE TOWN OF KERNERSVILLE**

WHEREAS, the Town of Kernersville cooperates with Forsyth County to ensure that all streets within the incorporated Municipal Limits and extraterritorial jurisdiction of the Town are accurately named for purposes of emergency response without confusion as to the name of streets; and

WHEREAS, the new Business 40/Macy Grove Road interchange has changed the street pattern and created a need to:

(1) rename a portion of a newly constructed road that had been designated as a part of a road known as “Whitt Road” on the Forsyth County Tax Maps prior to its construction but now that it is being constructed by the North Carolina Department of Transportation, as an open public road, needs to have a distinctive name; and

(2) name a previously unopened and unnamed road that had been shown on the Forsyth County Tax Maps but is being constructed and opened by the North Carolina Department of Transportation as a new public road; and

WHEREAS, the Board of Aldermen of the Town of Kernersville finds that the official renaming of the above-entitled street will be in the best interest of the safety and welfare of the citizens and residents of the Town and surrounding area; and

WHEREAS, the Board of Aldermen desires to request that the Forsyth County Board of Commissioners, which has the authority to name roads in the unincorporated areas of Forsyth County, officially rename and name said newly constructed streets.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Aldermen of the Town of Kernersville that it hereby respectfully requests that the Forsyth County Commission change the name of that portion of “Whitt Road” shown on the attached Exhibit A to “Whitt Farm Road” and name that newly constructed road shown on the attached Exhibit B as “Wilburn Center Court.”

This 3rd day of February, 2015.

14. **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 January 7, 2015 Briefing Session
- C-2 Consideration of minor updates to the Personnel Policy
- C-3 Consideration of Appointing Mayor Pro Tem Joe Pinnix to the YMCA Board of Managers
- C-4 Consideration of Appointing Mr. Ray Thomas to the City County Utilities Commission
- C-5 Consideration of a Resolution Calling for a Public Hearing on the Renaming of 1100-1199 Block of Old Greensboro Road to be renamed to Graves Street

RESOLUTION NO. R-2015-04

**A RESOLUTION SETTING A PUBLIC HEARING TO DETERMINE
THE OPINIONS OF PROPERTY OWNERS REGARDING
THE OFFICIAL RENAMING OF A STREET WITHIN
THE CORPORATE LIMITS OF THE TOWN OF KERNERSVILLE FROM**

THE “1000-1199 BLOCK OF OLD GREENSBORO ROAD” TO GRAVES STREET

WHEREAS, the Town of Kernersville needs to ensure that all streets within the incorporated Municipal Limits of the Town are accurately named for purposes of emergency response without confusion as to the name of streets; and

WHEREAS, the new Business 40/Macy Grove Road interchange has changed the street pattern and created a need to change the name of a portion of Old Greensboro Road; and

WHEREAS, the Board of Aldermen of the Town of Kernersville finds that the official renaming of the above-entitled street will be in the best interest of the safety and welfare of the citizens and residents of the Town; and

WHEREAS, the Board of Aldermen wishes to notify all of those persons who own property on the above-entitled streets of the Board’s intention to officially rename said street and of the Board of Aldermen’s desire to hear from the owners of property whose property abuts said street in regard to their opinions as to official street names;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Aldermen of the Town of Kernersville that it is the intent of the Board of Aldermen to officially name that street within the Town now referred to as the 1000-1199 block of Old Greensboro Road to Graves Street; and,

IT IS FURTHER HEREBY RESOLVE that a Public Hearing be set for March 3, 2015, at which time the Board of Aldermen will hear from any citizen of the Town as to opinion(s) regarding official names for said street; and that, further, the Town Clerk make reasonable effort to contact, through First Class Mail using Tax Records, all persons residing on or owning property abutting said street of said Public Hearing.

This 3rd day of February, 2015.

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

15. ITEMS REMOVED FROM CONSENT AGENDA.

None presented.

16. SPEAKERS FROM THE FLOOR.

None presented.

17. TOWN MANAGER’S REPORT AND MISCELLANEOUS.

Mr. Swisher reported that he would be out of the office attending the Manager's Conference tomorrow through Friday.

18. MATTERS TO BE PRESENTED BY THE TOWN ATTORNEY.

None presented.

19. MATTERS TO BE PRESENTED BY THE MAYOR, BOARD OF ALDERMEN.

Alderman Kenny Crews presented a citizen complaint regarding the ambulance charges incurred when they were transported from N. Main Street to Kernersville Medical Center. The cost was \$635. He felt that expense was excessive and asked if there is any way the Town can help this situation.

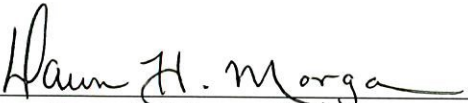
Mr. Swisher stated that Staff has looked into providing ambulance service in the past and that it is very expensive. He stated that he did not believe the Town had the resources to provide this service.

Mayor Morgan wished everyone a Happy Valentine's Day and expressed her appreciation to the Parks & Recreation Staff for coordinating this year's Father-Daughter dance.

20. ADJOURNMENT.

Alderman Keith Hooker made a **Motion** to adjourn the meeting. Alderman Kenny Crews 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 9:46 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 February 3, 2015.

This the 6 day of March, 2015.


Dale F. Martin, MMC, Town Clerk