



MINUTES
REGULAR MEETING OF THE TOWN
OF WALKERTOWN TOWN COUNCIL
JUNE 25, 2020
@ 7:00 P.M.: WALKERTOWN HIGH SCHOOL

Mayor Doc Davis **called the meeting to order** at 7:00 p.m. Present were the Mayor, Council Members Vernon Brown, Wesley Hutchins, Peggy Leight and Marilyn Martin, Town Manager Scott Snow, Town Clerk Rusty Sawyer.

Also attending, from Winston-Salem/Forsyth County Planning, Project Planner Gary Roberts and Town Attorney Bo Houff.

The Invocation was given by Mayor Davis.
The Pledge of Allegiance was led by Wesley Hutchins.

**THE AGENDA WAS APPROVED AS WRITTEN BY MOTION MADE BY PEGGY LEIGHT AND SECONDED BY WESLEY HUTCHINS.
THE VOTE WAS UNANIMOUS.
(BROWN, HUTCHINS, LEIGHT, MARTIN)**

APPROVAL OF MINUTES

- **May 14, 2020**
- **May 28, 2020**
- **June 11, 2020**

**THE MINUTES WERE APPROVED UNANIMOUSLY BY MOTION MADE BY PEGGY LEIGHT AND SECONDED BY MARILYN MARTIN.
(BROWN, HUTCHINS, LEIGHT, MARTIN)**

PUBLIC SESSION

THIS SESSION IS FOR NON-AGENDA ITEMS ONLY AND IS LIMITED TO 3 MINUTES PER SPEAKER.
WHEN SPEAKING TO ANY ITEM, PLEASE RESTRICT YOUR REMARKS TO THE SUBJECT AT HAND.

Mayor Davis opens the **Public Session @ 7:03.**
With no speakers coming forward the Mayor closes the **Public Session @ 7:04.**

BUSINESS FOR DISCUSSION AND/OR ACTION:

1. **Public Hearing on Zoning Petition of MW Holdings LLC and Keystone Group, Inc. from RS20 to RM8-20: Property is Located at the Southeast side of Sullivantown Road, south of Wickenham Road (Zoning Docket WA-061)**

Mayor Davis introduces Gary Roberts from Winston-Salem/Forsyth County Planning.

Gray: The Public Hearing is WA-061, a Special Use rezoning request from RS20 to RM8-S Planned Residential Development (PRD) by MW Holdings, LLC and Keystone Group, Inc.: 5282 Sullivantown Road.

(Using the projector, Gary shows maps, site plan, aerial & street views, 2014 Area Plan Update)

The petitioner is MW Holdings, LLC and Keystone Group, Inc. The 57.14 acre site is located on the southeast side of Sullivantown Road, South of Wickenham Road.

The first request for rezoning was withdrawn. On September 3, 2019, the Walkertown Planning Board recommended a previous version of this request be denied. At the request of the petitioner, the Walkertown Town Council remanded the request back to the Walkertown Planning Board on September 26, 2019. On November 13, 2019 the Walkertown Planning Board recommended Denial to the Walkertown Town Council. On December 19, 2019 the Walkertown Town Council delayed the Public Hearing until the March 26th Town Council Meeting. The ongoing COVID-19 Pandemic restrictions have delayed the Public Hearing until tonight.

The site is adjacent to the Walkertown High School and a public park and would provide potential direct and indirect connections to each.

The rezoning request is not consistent with the recommendation of the *Walkertown Area Plan Update* for single-family residential development. Six units were dropped. 222 homes would generate approximately 736 more(1922) vehicular trips per day, a 62% increase, than what could be expected with the current RS20 zoning with 124 homes. Staff supports housing variety. This plan groups 144 single family units together and 78 duplex/triplex together. Would not provide connectivity between Sullivantown Road and Old Hollow Road via Esher Drive. Emergency connect to Esher only. Does comply with the UDO regarding sidewalks along both sides of all streets. Does include the rear yard fencing as requested by WS/FCS. It does include a public right-of-way dedication for a potential connection to Walkertown High School. This connect is controlled by the school and the town. Does comply with PRD Active Open Space requirements. This version doubles the active open space. It has three separate Active Open Spaces around the central traffic circle. These areas are well designed and utilize a combination of features including open and flat areas for sunny day active play with sidewalks, shade trees, and benches around the perimeter. These areas include a gazebo, mail kiosk and bike parking. The petitioner should be commended. Staff is still concerned with the density. Also, the site plan does not comply with the Subdivision section of the Walkertown UDO because it does not show a connection to Esher Drive(gated emergency access only) or a secondary connection to the unopened ROW of Wallasey Drive.

Any questions from Council? NO

STAFF RECOMMENDS DENIAL: Site Plan does not meet UDO requirements.

(For more information visit www.cityofws.org/planning)

With no questions from the Council, the **Public Hearing** is opened by Mayor Davis @ 7:04 to those wishing to speak *in favor of WA-061*.

Scott Wallace: My name is Scott Wallace and I am President of MW Holdings, LLC and Keystone Group. Our office address is 3708 Alliance Drive, Greensboro, NC 27407. I defer my time to Amanda Hodierne.

Amanda Hodierne: My name is Amanda Hodierne and I am an attorney with Isaacson Sheridan located at 804 Green Valley Road, Suite 200, Greensboro, NC 27408. I represent the petitioner, MW Holdings, LLC and Keystone Group, Inc.

I know you are familiar with past petitions so let's start with changes new to this petition.

1. There has been much discussion about the connection to Wallasey, mostly from neighbors to not connect. However, the Fire Department wants an emergency gate at the property line. That is what we will do.
2. At the Sullivantown Road entrance we have eliminated 1 lot on each side of the entrance.
3. At the top roundabout we have eliminated the 2 buildings to the north.
4. The out & back walking trail has been replaced by a walking loop with benches.

Tacy Burdette: My name is Tacy Burdette and I live at 3178 York Place in Whitehall Village. I'm speaking for approval.

- I don't want connectivity and Esher is too tight
- Didn't know Keystone owned more land when we moved here
- Like small town feel
- We have 4 drivers in our household and make many more than 4 trips per day

Roger Payne: My name is Roger Payne and I live at 5207 York Place Court in Whitehall Village.

- I am speaking for approval as long as access to Esher is closed.
- Nervous over more traffic since 66 will not be improved in my lifetime
- Will bring more tax payers
- I don't want this to be neighbor against neighbor

Thomas Walker: My name is Thomas Walker and I live at 5383 Holbein Gate Road.

- I'm not against the developer, planners or builders.
- I am against more traffic. This will add 218 more units. Don't open Esher as it will become a cut thru.
- The streets should be wider. 22" is not wide enough with cars parked on them. Kids do run into the street.
- I am against speeding in the development.

- I fear we will lose our since of community.
- I see liter on Town streets. (end of 3 mins.)

Nick Thompson: My name is Nick Thompson and I live at 5447 Holbein Gate.

- Whitehall has a small entrance with a round a bout
- The streets are not public streets
- Keystone will continue to build
- If Esher were open, drivers would use it to avoid the stop light
- We want control of the HOA

Elaine ? : My name is Elaine ? and I live at ? Esher.

- I wouldn't have moved to Whitehall if I'd known about the connection to the second development
- Please don't open Esher, it is too dangerous for children

Emily Webster: My name is Emily Webster and I live at 5431 Wallasey.

- 3 points. I want to live in a small neighborhood
- No connection to Wallasey
- Be considerate of life long residents of Walkertown

Bo Houff: Not everyone can see the handout of proposed conditions from Amanda so please go over them.

Amanda: GRADING PERMITS *Change b.* Developer shall obtain proper permitting from the appropriate governmental agency for crossing West Belews Creek at such time as this crossing improvement is shown on a recorded plat but in no instance, later than the issuance of the 150th Certificate of Occupancy.

(delays building the bridge from the start of construction until the 150th COP)

Change c. (delays building the north and south bound turn lanes with 100' of storage until the 76th COP, not at the start of construction)

CERTIFICATES OF OCCUPANCY *Change e. deletes:* Developer shall extend Wallasey Drive in compliance with the Town of Walkertown street standards, including curb and gutter, sidewalks along both sides, and extending the water and sewer lines to the intersection with Wickenham Road.

OTHER REQUIREMENTS *add to a.:* Upon the issuance of the 76th Certificate of Occupancy, Developer shall contribute \$100,000 for the Town's use in construction of a traffic signal at Main Street and Depot Street. (with DOT allowance)

Peggy: Changes to the original Site Plan are:

- Emergency gates at Esher and Wallasey
- Eliminate the first 2 lots at Sullivantown Road
- Eliminate 2 lots north of the roundabout
- Added a walking loop
- \$100,000 for stop light at Depot & Main

Wesley: What % of greenspace?

Amanda: Required 8.57 acres. This plan has 20 plus acres.

Wesley: Highlight the phase dates.

Scott W.: An educated guess would be 30 – 50 homes per phase, multiyear project of 5 – 7 years.

Wesley: When do you hope the traffic light is built?

Scott W.: The sooner the better for traffic. You're Main Street/Downtown plan is excellent.

Bo Houff: If approved by Council, would include all site plan changes. Council may add additional conditions however Keystone doesn't have to accept them. Mayor, you can close the Public Hearing and Council can add conditions later if they chose to.

With no more questions from the public, the **Public Hearing** is closed by Mayor Davis @ 7:55

Doc: Comments from Council?

Peggy: I like the reduction in size by 6 lots and the closing of connections with emergency gates only.

Marilyn: No.

Vernon: No.

Wesley: I've had my say. I've heard from neighbors. I like the concessions. We can't stay in the 60's.

Doc: Traffic is an issue and DOT is out of money.

Do I have a motion?

MOTION: TO APPROVE WA-061 INCLUDING SITE PLAN CONDITIONS, A ZONING PETITION OF MW HOLDINGS LLC AND KEYSTONE GROUP, INC. FROM RS20 TO RM8-S: PROPERTY IS LOCATED AT THE SOUTHEAST SIDE OF SULLIVANTOWN ROAD, SOUTH OF WICKENHAM ROAD

BY: PEGGY LEIGHT

SECOND: VERNON BROWN

VOTE: VOTES FOR: PEGGY LEIGHT, VERNON BROWN, WESLEY HUTCHINS

VOTE AGAINST: MARILYN MARTIN

(BROWN, HUTCHINS, LEIGHT, MARTIN)

2. Public Hearing on Zoning Petition of David Heath from RS20 to LB-S and SIDA: Property is Located at the Southeast corner of Morris Street and Payton Lane (Zoning Docket WA-062)

Mayor Davis introduces Gary Roberts from Winston-Salem/Forsyth County Planning.

Gary: The Public Hearing is WA-062, a Special Use rezoning request from RS20 to LB-S and Special Use Intense Development Allocation (SIDA). The petitioner is requesting the following uses: Retail Store; Services, A; and Offices.

(Gary's PowerPoint: GMA 3 map, zoning map, aerial view with tree in northwest corner to be saved, Area Plan map, Site Plan w/ 3 buildings and

elevations and 3 existing buildings to be removed for US 66 widening currently set for 2023).

The 2.42 acre site is located on the southeast corner of Morris Street and Payton Lane with access to both US 66 and Morris Street but not Payton Lane. Conforms to GMA 3, Area Plan and Legacy 2030.

No drive thru or auto repair allowed. No access easement along Payton Lane. Parking is internalized. No Electronic Message signs and no signs shall be internally illuminated. The site is within the Salem Lake Watershed, is predominantly grassed with access to public water and sewer. The built-upon area (39%) exceeds 24% so the petitioner is requesting 2.42 acres of SIDA. The Town was allotted 85 acres originally and has ~70 – 75 acres remaining.

To receive SIDA the site must:

- Conform with adopted Comprehensive Plan
Walkertown Area Plan recommends Office/Low-Intensity Commercial uses
- Land use and site design are compatible with general character of the area and surrounding land uses.
Compatible with the commercial uses permitted on the HB zoned properties to the south but less compatible with the surrounding residentially zoned properties.
- Provides a significant economic benefit to the community by creating or retaining jobs.
The SIDA application states that the request would add 25 new jobs and 3.5 million dollars to the tax base.
- Does not pose a threat to the environment.
Plan includes stormwater management and the developer will be required to obtain a stormwater development permit prior to construction
- The proposed project has good transportation access, including proximity to major roads and/or rail lines.

The site will be accessed from Old Hollow Road/NC66, which is a major thoroughfare.

Prior to the issuance of grading permits the developer shall:

- Obtain a Watershed Permit
- Install tree protection fencing for tree in northwest corner
- Obtain a driveway permit from NCDOT for the access from Old Hollow Road/66

Prior to the issuance of Occupancy Permits:

- Dumpster screening shall be constructed
- Developer shall widen Morris Street from Old Hollow Road/NC66 to the proposed driveway on Morris Street to 22 feet and overlay this road section with asphalt

The Planning Board recommended to the Town Council approval of WA-062 and approval of 2.42 acres of SIDA

STAFF RECOMMENDS APPROVAL

(For more information visit www.cityofws.org/planning)

Gary: Any questions from the board?

Wesley: In zoning conversations with DOT, when did they say improvements to HWY 66 were scheduled.

Gary: Your manager would know a best guess.

Wesley: Has engineering started?

Gary: I don't know. The site will generate 422 trips per day. Nothing like trips generated by a restaurant.

Vernon: I am concerned about water runoff. We had 9 inches of rain in one week. Would the catch basin hold that?

Gary: I'm not a storm water engineer. They did drop 14 parking spaces. You could place a limit on parking.

Vernon: My issue isn't traffic, its mosquitoes.

Gary: Asphalt causes runoff.

Vernon: About the driveway off Old Hollow. What if 66 isn't improved?

Gary: The petitioner will widen Morris Street and repave. Condition C: They can't get a grading permit without a driveway permit.

Peggy: Would they be required to build access to 66?

Gary: You could insert a condition "to get an occupancy permit, the driveway must be built."

Bo: From the Planning Board meeting, the buildings in front of the site are offices in use. Petitioner would construct the driveway after they move out.

With no other questions from the Council, the **Public Hearing** is opened by Mayor Davis @ 8:22 to those wishing to speak *in favor of WA-062*.

Dr. David Heath: I want to bring a historical perspective to this petition.

In 1984 I graduated from UNC School of Dentistry. In 1985 I bought the dental practice in Walkertown from David Hoyle DDS. In 1990 I built the current office building. In ~1995 I was approached by former Town Councilman James Carmichael about buying land behind the office building due to widening of Hwy 66 in the future. On April 2, 2020 I will begin my 36th year of providing dental care to the residents of Walkertown and surrounding community. In order to facilitate the continuity of dental care to the town residents and the residents of NE Forsyth Co. we need this zoning to pass. This is the only Dental Practice in this area of Forsyth Co. We don't want to move. People have been coming to this location for years. People know who we are and where to go for their dental needs. Dr. Batten was hand selected for the continuity of care for the Walkertown residents. Hopefully he will be able to provide dental care for the next 36 years.

David Bradley Coe: I live in Wallburg. I am the site plan preparer. David

and Justin plan to stay in Walkertown if we can arrive at a pragmatic solution. They hope to keep continuous service with no stops during construction. They have no plans for all 3 buildings now. They want to build David's building first and move in. They must be granted a conditional Occupancy Permit intending to build the driveway to HWY 66 after they have moved into the new building. Then tear down the existing building. We will contain the storm water runoff. We have a competent engineer. The existing parking lot runoff does not go to a retention pond. The new plan is better.

Dr. Justin Batten: I have worked with Dr. Heath for 3 years. I was born in Walkertown and I live in Walkertown. I want to stay in Walkertown and keep the dental practice in Walkertown. Hopefully for another 36 years. My dad is David Batten. He is a local builder with his offices here in Walkertown. He will be building the new dentist offices. I want to be prepared when DOT moves on construction.

Dr. Joel Fox: I own the local veterinarian office on Old Hollow Road. DOT has told us they are coming. We need to be prepared when they do. David and I both have employees that we must try to look out for. Our services are needed and wanted.

Doc: If that is everyone wishing to speak for WA-062, the floor is now open to those wishing to speak against WA-062.

Richard Pegram: My name is Richard Pegram and I own the property at 3120 Morris Street which is directly across from the construction site. Nothing is being said about the traffic. All construction traffic will be using Morris Street. Then when the new dentist office is opened, all traffic will use Morris Street until DOT buys and tears down the existing office and that driveway is built. That may never happen. I talked with Christopher Hall with DOT right of way acquisition and Connie James and they have no idea when this project may move forward. DOT has a shortfall of \$400 million. Dr. Heath says the neighbors are for this office. Not true. I have a petition signed by all but one of the neighbors. The driveway off Morris crosses the only sidewalk in that area. I don't see any benefits in approving this petition other than Heath & Batten make money. Dr. Heath has a 2 story building that is mostly vacant. Please turn down the zoning.

Doc: Richard did turn in a petition with 14 signatures.

Caroline Jones: My name is Caroline Jones and I live at 5168 Friendly Road. I have concerns about the amount of storm water runoff that additional paving will cause. This area has a historical significance. It was once owned by the Walker family. I ask that any artifacts found during construction be given to the Walkertown Area Historical Society.

Doc: Others wishing to speak? *No.*

With no more questions from the public, the **Public Hearing** is closed by Mayor Davis @ 8:42

Doc: Comments from Council?

Vernon: No.

Wesley: No.

Peggy: No.

Marilyn: I am concerned with the DOT run around. The petition seems to have too many variables.

Brad: The process is driven by DOT and when they move forward.

Peggy: Meaning what?

Brad: Acquisition and money from DOT.

David Batten: Acquisition comes first but we need zoning now. DOT scared Justin with the speed of acquisition. We must be ready.

Dr. Heath: Since the first of the year I have been contacted by DOT 3 times. The virus has delayed things.

Doc: There is no good news from DOT. No validity in their time lines.

Peggy: The 14 neighbors who signed Richard's petition are concerned about all construction traffic entering from Morris Street. Is there a practical way to move construction traffic away from Morris Street?

Brad: Construction barriers on Payton Lane are problematic. It is not practical to move the driveway to Old Hollow Road.

Richard Pegram: Still no concern about the volume of traffic. Traffic from 311 will come down Morris. There are elderly and sick people using that sidewalk. Why make traffic worse? DOT has suspended 600 projects statewide.

Doc: We aren't in the dark. Our TAC representative Wesley Hutchins keeps us aware of DOT's problems. The driveway is a condition to receiving the Occupancy Permit.

Gary: A suggestion not a condition.

Brad: The driveway can't go between the buildings. As to volume of traffic, it will be the same patrons. When DOT does buy the buildings, we will only have so many months to move.

Gary: We all want the connection to 66. Council can make conditions. What is the cost estimate to build the driveway? The petitioner could post a bond for so many months.

Bo: That is a common condition in this type of situation, only a shorter time frame. The bond would be returned if the driveway were built on time.

Gary: DOT would have to grant the right to go onto the property.

Scott: That is correct. At the point of acquisition the property belongs to DOT. DOT would tear down the buildings on their timeline.

David Batten: DOT usually does that quickly. We would post a bond. Justin & David want the driveway.

Richard: How can they improve Morris Street before DOT widens 66?

Peggy: Could we make it a condition to build after acquisition?

Dr. Heath: We Agree!

Brad: We don't want to close the practice.

Doc: Council! Have you reached a decision?

Vernon: We appreciate Dr. Heath. I've been down Payton Lane. I've seen an older couple using a walker on the sidewalk. You own property with

vacancies. Everything is hinged on DOT. Would you still build if the road goes on the Webster Brothers side? Some businesses have relocated. You don't have to wait on DOT.

Peggy: What condition gets the driveway the quickest?

Bo: Dr. Heath has said in the minutes "They won't move on construction until acquisition by DOT". They just want to be ready. They want the driveway.

Brad: You could hold the bond on the driveway and the Building Permit on the third building.

Marilyn: This mess is caused by DOT. I move for a continuance.

Doc: I have a motion Council.

**MOTION: TO CONTINUE ZONING DOCKET WA-062 UNTIL THE NEXT
REGULAR TOWN COUNCIL MEETING ON JULY 23, 2020**

BY: MARILYN MARTIN

SECOND: PEGGY LEIGHT

VOTE: UNANIMOUS

(BROWN, HUTCHINS, LEIGHT, MARTIN)

3. Public Hearing on Proposed 2020-2021 Town of Walkertown Budget

Scott: Gives an overview of proposed budget.

Reflects need to reduce the budget by \$300K due to the downturn in the economy because of the COVID-19 virus.

The Tax Rate stays the same.

The Town will continue to maintain the current level of services.

Mayor Davis opens the **Public Hearing** on the 2020-2021 Town of Walkertown Budget at 9:22.

With no speakers coming forward the **Public Hearing** is closed at 9:22.

**MOTION: TO APPROVE THE 2020-2021 TOWN OF WALKERTOWN
BUDGET AS PRESENTED**

BY: MARILYN MARTIN

SECOND: VERNON BROWN

VOTE: UNANIMOUS

(BROWN, HUTCHINS, LEIGHT, MARTIN)

4. FINANCIAL STATEMENTS

June, 2020

Doc: We have just completed the twelfth month of the current year. All departments are in line and we have met our goals. 97 to 98% of revenue is in. Unrestricted Funds @ \$3,850,600.64 and Restricted Funds @\$975,618.08 for a Grand Total Fund Balance of \$4,826,218.72.

**MOTION: TO APPROVE FINANCIAL STATEMENTS FOR JUNE,
2020 AS PRESENTED**

BY: PEGGY LEIGHT
SECOND: MARILYN MARTIN
VOTE: UNANIMOUS
(BROWN, HUTCHINS, LEIGHT, MARTIN)

PUBLIC SESSION

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WHEN SPEAKING TO ANY ITEM, PLEASE RESTRICT YOUR REMARKS TO THE SUBJECT AT HAND.

Mayor Davis opens the **PUBLIC SESSION** at 9:25.

With no speaker coming forward the Mayor closes the **PUBLIC SESSION @9:25.**

ADJOURNMENT:

MOTION: TO ADJOURN REGULAR MEETING AT 9:25 P.M.

BY: MARILYN MARTIN
SECOND: VERNON BROWN
VOTE: UNANIMOUS
(BROWN, HUTCHINS, LEIGHT, MARTIN)

ANOUNCEMENTS:

RECYCLING SCHEDULE - every other week

July- 2020

ROUTE A – 6th & 20th
ROUTE B – 13th & 27th

Submitted by:
Rusty Sawyer
Town Clerk

Visit the Town's website at:
www.townofwalkertown.us