

**WALKERTOWN PLANNING BOARD MEETING
THE BOOE HOUSE
MARCH 3, 2020 3:00 P.M.**

MINUTES

CALL TO ORDER

Chairman Keith Fulp called the Planning Board meeting to order at 3:00 p.m. with the following being members in attendance: Chuck Anas, Caroline Jones, Gary Mundy Planning Board Coordinators Town Manager Scott Snow and Town Clerk Rusty Sawyer.

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

Also attending, Town Council members Vernon Brown, Marilyn Martin & Peggy Leight. Representing Dr. David Heath DDS, the petitioner, are Dr. Justin Batten DDS, David Batten, builder, and Brad Coe, surveyor.

DETERMINATION OF QUORUM

Yes, Chairman Keith Fulp confirms a Quorum (4) is present.

APPROVAL OF AGENDA

Chuck Anas moved, and Caroline Jones seconded, for approval of the agenda as presented. The vote was unanimous.

(ANAS, JONES, MUNDY)

APPROVAL OF MINUTES

1. November 13, 2019 – Planning Board Regular Meeting

Caroline Jones moved, and Chuck Anas seconded, for approval of the November 13, 2019 minutes as written. The vote was unanimous.

(ANAS, JONES, MUNDY)

PUBLIC SESSION - Please limit your talk to 3 minutes. Non-Agenda Items only.

Public Session was opened at 3:02 p.m. by Chairman Keith Fulp.

With no speakers coming forward Chairman Fulp closes the **Public Session** at 3:02.

BUSINESS AT HAND

1. SELECTION OF CHAIRPERSON OF WALKERTOWN PLANNING BOARD

**MOTION: TO APPOINT KEITH FULP AS CHAIRPERSON OF WALKERTOWN
PLANNING BOARD FOR 2020**

BY: CHUCK ANAS

SECOND: GARY MUNDY

VOTE: UNANIMOUS

(ANAS, JONES, MUNDY)

2. SELECTION OF VICE-CHAIRPERSON OF WALKERTOWN PLANNING BOARD

MOTION: TO APPOINT JERRY PEGRAM AS VICE-CHAIRPERSON OF WALKERTOWN PLANNING BOARD FOR 2020

BY: CAROLINE JONES

SECOND: CHUCK ANAS

**VOTE: UNANIMOUS
(ANAS, JONES, MUNDY)**

3. ADOPTION OF 2020 WALKERTOWN PLANNING BOARD MEETING SCHEDULE

MOTION: ADOPTION OF 2020 WALKERTOWN PLANNING BOARD MEETING SCHEDULE

BY: CAROLINE JONES

SECOND: GARY MUNDY

**VOTE: UNANIMOUS
(ANAS, JONES, MUNDY)**

4. PUBLIC HEARING: WA-062

Special Use rezoning request from RS20 to LB-S and Special Use Intense Development Allocation(SIDA)

Gray: 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

STAFF RECOMMENDS APPROVAL

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

Gary: Any questions from the board?

Scott: Our Town Council members have expressed concern that your site plan shows a driveway going thru an existing building. The existing building could be there for longer than the time of construction. DOT's schedule is unknown. Therefore several conditions must be met before a CO is issued and SIDA granted. Council feels this driveway to Hwy 66 must be completed first. This driveway would be the primary access during construction and after.

Caroline: Would they be allowed access from Morris Street for construction?

Gary: Probably so without conditions. You could require the driveway to 66 be built first and used for construction. You could not open the Morris Street driveway.

Caroline: Will any traffic be on Payton Lane?

Gary: No. No access from the site to Payton.

Keith: Dealing with the schedule of DOT is always a gamble. Can we count on the 2023 timeline? No.

We need to make sure the current buildings are removed before an Occupancy Permit is issued.

Gary: It is a site-specific recommended condition of approval that the "Developer shall obtain a driveway permit from NCDOT for the access from Old Hollow Road/NC 66".

Chuck: Are the elevations for all 3 buildings the same?

Gary: Approximately the same.

The petitioner intends to use the existing building while construction is underway.

Bo: This is a process.

- First, the developer makes a proposal.
- Then, planning staff makes sure the proposal is UDO compliant.
- The planning board may wish to seek conditions. They cannot impose these conditions on the developer.
- The developer then decides yes or no to the conditions to improve the odds of approval.

- The conditions must be on the Site Plan and the plans must be signed.

With no more questions from the Board, the **Public Hearing** is opened by Chairman Fulp @ 3:31 to those wishing to speak for or against WA-062.

Keith: A total of 30 minutes each will be allotted to both Yea & Nay speakers. Each speaker is allowed 3 minutes.

We'll allow the petitioner to speak first.

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.

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.

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.

David Batten: I own JH Batten Inc. with offices here in Walkertown. I will be building the new dentist office. We have had discussions with DOT and they understand our position. We can't control Dot. However, they have agreed to move David to the top of the list when buying ROW for Hwy 66. We have no plans to build until DOT buys the existing building. 1 year or 10 years from now. We don't want more than 3 buildings. We need a little grace and wisdom. We would build from Morris Street and repair Morris if damaged. Payton Lane will be protected with an orange silt fence to keep construction traffic off Payton.

Keith: Are the AC units on the roof?

David: I don't know.

Caroline: Is the plan to build just the dentist office now or all 3?

David: Would love the veterinarian to move into one of the buildings. All the buildings in front will be demolished by DOT. I'm guessing at the same time. Once the trigger is pulled we might not have time to build and move in with no down time.

We don't need conditions.

Keith: Others for approval? *NO*.

Keith: Anyone wishing to speak in opposition?

My name is Richard Pegram and I live at 6154 Belews Creek Rd. and I own 3120 Morris Street where my son lives. There are 9 homes on Morris Street and 5 homes on Payton Lane. This is a very busy cut-thru but there is no talk about all the traffic already using Morris Street and how much more this will add. My son can't get out of his driveway now. I don't mean any ill will toward Dr. Heath. However, when he cleared the trees off the lot they took down the power which left my son without power. The tree cutters left mud on Morris Street. Didn't make an attempt to clean. The dog noise from the veterinarian is bad now. 3 additional buildings will just increase it. I don't think Morris Street can handle more traffic. Walkertown has outgrown its streets.

Keith: Once 66 is widened, Morris will be right in and right out only. From David's parking lot onto Morris Street will be both right and left turn.

Scott: Morris will be widened from 66 to the driveway staying in the ROW.

Richard: So now I'll lose part of the front yard and part of the side yard to DOT.

David: No left turn from Morris onto 66.

Keith: There will be a 20' buffer on Morris and Payton.

Gary M: If they are building on 39% of the property, then they will need the entire acreage of 2.42 in SIDA. Is that correct?

Gary R: Yes, that is correct. 2.42 acres of SIDA and a stormwater pond to the east.

With no other speakers coming forward Chairman Fulp closes the **Public Hearing** at 3:55.

Keith: Any other questions from the Board? NO.

We will take the Special Use Rezoning first. Do I have a motion?

MOTION: THE WALKERTOWN PLANNING BOARD RECOMMENDS TO THE WALKERTOWN TOWN COUNCIL APPROVAL OF WA-062 A SPECIAL USE REZONING REQUEST FROM RS20 TO LB-S BY DAVID HEATH

BY: CHUCK ANAS

SECOND: GARY MUNDY

**VOTE: UNANIMOUS
(ANAS, JONES, MUNDY)**

MOTION: THE WALKERTOWN PLANNING BOARD RECOMMENDS TO THE WALKERTOWN TOWN COUNCIL APPROVAL OF 2.42 ACRES OF SIDA (SPECIAL INTENSE DEVELOPMENT ALLOCATION) FOR WA-062 REQUESTED BY DAVID HEATH

BY: KEITH FULP

SECOND: CHUCK ANAS

**VOTE: UNANIMOUS
(ANAS, JONES, MUNDY)**

PUBLIC SESSION - Please limit your talk to 3 minutes. Non-Agenda Items only.

The **Public Session** was opened by Chairman Fulp at 4:01 pm.

With no speakers coming forward, the **Public Session** was closed by Chairman Fulp at 4:01 pm.

ANNOUNCEMENTS:

Scott: The Town Council will meet March 26th in the Walkertown Library at 7 pm.

ADJOURNMENT:

On a motion by Chuck Anas and seconded by Gary Mundy, the meeting was adjourned at 4:02 p.m. by unanimous vote.

(ANAS, JONES, MUNDY)

REGULAR PLANNING BOARD MEETING

FIRST TUESDAY OF MONTH @ the BOOE HOUSE – 3:00 PM

Submitted by: RUSTY SAWYER
Town Clerk