

**WALKERTOWN PLANNING BOARD MEETING
WALKERTOWN LIBRARY AUDITORIUM
JANUARY 6, 2009 3:00 P.M.**

MINUTES

CALL TO ORDER

Chairperson Al Slater called the meeting to order at 3:00 p.m. Constituting a quorum for the Planning Board were Mr. Slater, Peggy Leight, Robert Butler, Larry Marshall, and Kevin Briggs. Absent were Don Whitaker and Harvey Neal. Others present included Lynn McKinnie, Gary Roberts from WS/FC Planning Board, Scott Snow, and Bo Houff.

Ms. Leight request that the agenda be amended by adding the following items:

3. Discuss the County rezoning at NC-66 and Old Valley School Road
4. Discuss Walgreen's
5. Discuss CVS
6. Discuss McDonald's

The amended agenda was unanimously approved on a motion by Mr. Butler and seconded by Mr. Marshall.

On a motion by Ms. Leight, seconded by Mr. Briggs, the minutes of DECEMBER 2, 2008 were unanimously approved as written.

PUBLIC SESSION - Please limit your talk to 3 minutes.

Public Session was opened at 3:03 and closed at 3:03 with no speakers.

BUSINESS AT HAND

1. PUBLIC HEARING

WA-UDO-12 – Text Amendment to Amend UDO

A. Chapter B

1. To simplify Zoning application procedures
 - (a) Eliminate requirement that petitioner obtain certified copy of Ownership information

Gary Roberts, from Winston-Salem/Forsyth County Planning Board gave a brief overview of the request for approval of this text amendment to the UDO. This issue would allow the Planners to get the same necessary information for free that the petitioners currently have to pay for. It would actually speed up the process for rezonings, etc. The WS/FC Planning Staff recommended approval of this amendment to the UDO.

PUBLIC HEARING WAS OPENED AND CLOSED AT 3:05 P.M. WITH NO SPEAKERS FOR OR AGAINST.

RECOMMENDATION:

**TO RECOMMEND TO THE TOWN COUNCIL
THAT WA-UDO-12 BE APPROVED**

BY:

PEGGY LEIGHT

SECOND:

LARRY MARSHALL

VOTE:

RECOMMENDATION PASSED UNANIMOUSLY

2. PUBLIC HEARING

WA-036 – Final Development Request

A. Petitioner – George Paloumbas – Seafood Shack Restaurant

1. Request Restaurant with Drive-Through Use (more parking spaces)
2. Location - West side of Darrow Road, North of Poindexter

Gary Roberts discussed this issue with the Planning Board. It is a request by the owners of an already existing restaurant, the Seafood Shack, to rezone the property for Restaurant with drive-through. The approximately 4.75 acre property behind the restaurant has been purchased by George Paloumbas and will be used for additional parking for the restaurant. Although the requirement is 66 spaces, there are 127 additional spaces proposed - an abundance of parking area – which is very much needed. However, Mr. Roberts stated that the site plan does not meet all requirements because it does not show sidewalks – which, by Walkertown ordinance is now required. There is also a small storage shed located in the right-of-way which must be moved.

PUBLIC HEARING WAS OPENED AT 3:15 P.M. AND CLOSED AT 3:15 P.M.

The one speaker was:

1. Steve Causey
4720 Kester Mill Rd.
Winston-Salem 27103

Mr. Causey stated that he is with Allied Design and spoke in favor, of course, of the project. He said the shed which is now in the right-of-way will be relocated. Mr. Causey asked for relief from the sidewalk ordinance stating that, although cost is partially an issue, the landscaping is a good reason for asking for relief from the sidewalk requirement. The landscaping is set and looks very nice. Mr. Causey said that the driveway is under D.O.T.'s control – the driveway will need to be re-permitted.

There were no other public speakers, either for or against.

PUBLIC HEARING WAS CLOSED AT 3:18 P.M.

The Planning Board members discussed the request for relief of installing sidewalks at this time and, in the end, decided not to allow a variance on the sidewalk issue – sidewalks must be installed. Ms. Leight stated she was very happy to see the many parking spaces – but that installing sidewalks is something the town has tried to accomplish on all major roads, with Darrow Road being selected as a primary contender in Phase 3 of the Walkertown Sidewalk Plan. She stated she would not be for exempting the sidewalks. Mr. Slater said the many parking spaces was definitely not a negative – and asked the petitioner the reason for delaying sidewalks. Mr. Causey answered that they would very much like to put the sidewalk in – but there is a portion of the property that will not be developed at this time. They would like to hold off putting in sidewalks until that property is developed. There is also an easement for the owner of the property behind the restaurant that would encompass a portion of the roadway on Darrow to be used as a driveway of sorts. Mr. Butler agreed with Ms. Leight – keep the sidewalks. Attorney Houff said it is what the ordinance says – the question is “can we” before talking about “wish to” **vary** from that or not. Variance matters are usually for a Board of Adjustment. He said would it be possible for the petitioner to put on this site plan seeking a variance from the sidewalk requirement – but he didn't see any real mechanism for getting a variance under the circumstances. He didn't think there was an initial question of whether you can really vary

from what this requirement is. He said when you do a two-phase, you don't know what the situation is going to be when you come into your final development plan – but that's always the case – that's the risk you take.

RECOMMENDATION: **TO RECOMMEND TO THE TOWN COUNCIL
APPROVAL OF FINAL DEVELOPMENT SITE PLAN
WITH SIDEWALKS TO BE ADDED ALONG THE FULL
STREET OF DARROW ROAD**
BY: **PEGGY LEIGHT**
SECOND: **ROBERT BUTLER**
VOTE: **RECOMMENDATION PASSED UNANIMOUSLY**

**3. UPDATE ON CORNER LOT AT HIGHWAY 66 AND OLD SCHOOL VALLEY
ROAD – ZONING PETITION**

This property is not in the incorporated limits of the Town of Walkertown – but is in the annexing area. Gary Roberts said it is in the Walkertown Area Plan – it's about 1.65 acres and zoned RS-20. It is beside a car lot and they are asking to rezone the property. Neighbors of the property have spoken in opposition to this request. Petitioner removed original request and then submitted new request for a Special Use Permit for a driveway.

RECOMMENDATION: **TO RECOMMEND THAT THE TOWN COUNCIL
RECOMMEND TO THE CITY-COUNTY PLANNING
BOARD AND COUNTY COMMISSIONERS THAT THE
TOWN OF WALKERTOWN IS IN FAVOR OF THE
SPECIAL USE PERMIT FOR THE DRIVEWAY ONLY**
BY: **PEGGY LEIGHT**
SECOND: **ROBERT BUTLER**
VOTE: **RECOMMENDATION PASSED UNANIMOUSLY**

4. UPDATE ON CVS – WALGREEN'S – MCDONALD'S

CVS - In looking at the CVS plans, Ms. Leight noticed a difference in what was thought to be a brick building but is turning out to be cinder-block. Nothing in the plans states CVS would be brick so she suggested stipulations be put in further plans of any petitioner that it conform to what Walkertown wants. She thought CVS in Walkertown is of a lower scale than others in the area and she asked Mr. Roberts how you could distinguish on plans the difference between "brick" and "block". Mr. Slater stated that some time back the Council had been requested to consider all new construction in town to use brick façade and it was turned down and so we have no control of what they're putting up here – we approved the site plan. Attorney Houff said the better practice would be that if you want to have building standards, acceptable materials, etc. – put it into some portion of the ordinance. The risk you run into is they could claim you're being arbitrary – saying you're requiring this of this group but not on the next one.... Mr. Slater said we might want to consider having the council reconsider the ordinance to require brick and stone, etc.

MCDONALDS' – They received a temporary Certificate of Occupancy due to a change in site plans. Mr. Roberts said it was a utility building built larger than on the approved plan and the building encroached on a 20' setback. They are also two parking spaces shorter than approved. They are working together with the owner to get everything into place and don't anticipate any problems. The CO is effective until 03/20.

WALGREEN'S – At this time, nothing new is known on this drug store.

SIDA AND KERNERSVILLE REQUEST FOR MORE – Attorney Houff has heard nothing further on this issue but Mr. Roberts will update the Board at the next meeting.

RETENTION POND FENCING – Mr. Roberts briefly discussed the need for an ordinance for this issue. Lynn stated she is working with the attorney to bring one into being.

PUBLIC SESSION (IF NEEDED)

Public Session, with no speakers, was opened and closed at 3:58 p.m.

ANNOUNCEMENTS:

ADJOURNMENT

On a motion by Ms. Leight and seconded by Mr. Butler, the Planning Board meeting adjourned at 4:00 p.m.

2009 MEETING SCHEDULE

LIBRARY @ 3:00 P.M.FIRST TUESDAY OF MONTH

JANUARY	6	
FEBRUARY	3	
MARCH	3	
APRIL	7	
MAY	5	
JUNE	2	
JULY	7	
AUGUST	4	
SEPTEMBER	1	
OCTOBER	6	
NOVEMBER	10	*Due to Election Day
DECEMBER	1	

Respectfully submitted,

Lynn McKinnie, CMC
Secretary to the Planning Board