

**WALKERTOWN PLANNING BOARD MEETING
WALKERTOWN LIBRARY AUDITORIUM**

AUGUST 4, 2009 3:00 P.M.

MINUTES

CALL TO ORDER

Chairman Al Slater called the meeting to order at 3:00 p.m. A quorum of members was present; this included Mr. Slater, Robert Butler, Larry Marshall, Don Whitaker, and Kevin Briggs. Lynn McKinnie, Bo Houff, Gary Roberts, and Scott Snow were in attendance. Others in the audience included Harvey Neal, Randy Mendenhall, Marilyn Martin, and Sarah Welch.

• **APPROVAL OF AGENDA**

On a motion by Larry Marshall, seconded by Robert Butler, and unanimously agreed upon, the agenda was amended to continue Item #3 to the September 1st meeting, and approved as amended.

• **APPROVAL OF MINUTES**

1. JUNE 2, 2009 – REGULAR MINUTES
2. JUNE 23, 2009 – WORKSHOP MINUTES
3. JULY 21, 2009 – WORKSHOP MINUTE

By motion of Robert Butler, seconded by Don Whitaker the minutes were approved for:

1. JUNE 2, 2009 – REGULAR MINUTES
2. JUNE 23, 2009 – WORKSHOP MINUTES
3. JULY 21, 2009 – WORKSHOP MINUTE

PUBLIC SESSION - Please limit your talk to 3 minutes.

PUBLIC SESSION was opened and closed at 3:03 p.m. with no speakers.

BUSINESS AT HAND

1. **PUBLIC HEARING:**

WA-038 – OCULUS PARTNERS, II, LLC Advertised 07-23-09

(1) REQUEST FOR ZONING MAP AMENDMENT

FROM: RS-20

TO: NO-S

TWO-PHASE

(2) REQUEST FOR SIDA

Gary Roberts, Project Planner for City-County Planning Board, gave a brief overview of this issue.

MR. ROBERTS: This is a rezoning petition from Oculus Partners, LLC for property owned by the same and others. There are currently two homes on the subject property – one of them will be removed. It's a little bit less than two acres – 1.91 acre in size. It is currently zoned RS-20 and the proposal is to rezone it NO-S (Neighborhood Office) and two-phase and SIDA – as it is in the watershed of Salem Lake. The property is surrounded by RS-20 zoning. To the north you have undeveloped property; zoned RS-20. To the west, property zoned RS-20 and directly to the south, zoned RS-20. A little bit larger context, you have the Walkertown Park zoned IP, further to the south, along 158; residential again along Martin Street up to the north. The intersection of 66 and 158, you do have Highway Business zoning for the Walkertown Commons shopping center. So that's the zoning map showing subject property, the lighting patterns, the development pattern, surrounding the site. There are two single-family homes located on the site. Other than that, it's predominantly undeveloped and fairly heavily wooded. The actual site plan that's being proposed is a two-phase request, which means they're showing development on a portion of it – the southern portion – and the northern portion would need to come back in for a final development plan approval when development is proposed on that portion of the site. What is being shown is about a 3200 square foot office building and the uses that are being requested are office-type uses, not commercial type uses. They are Medical and Surgical Offices, Professional Office, Offices Miscellaneous, Government Offices, Child Daycare Center, and Residential Building – Single Family. That would allow the site to be able to legally continue to accommodate this single family home which would remain on the site. But again on the southern portion is the portion that they are immediately proposing development for – a 3200 square foot office building. They would have a new driveway located on 158. There are currently two driveways, but this would be a new one that would meet NC-DOT standards. They would be required to install a right and left turn lane along 158. Driveway access – parking to the rear and side, which is a requirement in the NO (Neighborhood Office) district. Stormwater pond – because it is in the Salem Watershed. At Staff's request, they agreed to provide a cross-access easement. Should the property be rezoned – to the property to the south so that if this property did ever develop, there could be some internal access across these properties rather than everybody having to use their individual driveway every 50 or 100 feet along this major thoroughfare. That easement would also extend into this property and for final development plan approval it would be anticipated it would go further north. Nothing is shown other than just the retention of the existing single family home on the property to the north - that would remain in place. The revised site plan does meet UDO requirements with the exception of the sidewalk. Again, compared to the newness of this text amendment that was done recently, it was overlooked inter-departmental review that the Sidewalk and Pedestrian master plan actually calls for sidewalk on both sides of major thoroughfares – which this is a major thoroughfare – triggered by rezoning, so a sidewalk is required along 158 but other than that, the revised site plan does meet UDO requirements. Walkertown Area Plan, adopted in 2006 – the blue is Community Activity Center. Brown is multi-family development – which is the proposed land use for this subject property which goes up to eight units per acre. Keep in mind that doesn't necessarily have to mean conventional apartment complex – it can be townhomes, attached homes – even up to three stories fronting on public streets – but multi-family is the recommended land use for the subject property. There is more intense commercial located around the intersection, which is already pretty much predominantly built. Yellow is single family residential surrounding the area. From Planning Staff standpoint, we are concerned that the subject request does not line up with the Walkertown Area Plan. We see it as a fairly new area plan – just adopted in 2006, with a lot of community input – and this is a request, again, for one small lot to go

to office – and not multi-family. We feel like the area plan has a good recommendation. There is a need for more balanced land use at this intersection – a more smoother transition just from the intense commercial to the single family residential, we typically like to recommend multi-family adjacent to commercial because that allows more people more close proximate access to all these services so the area is going to grow. We need to prepare for it. And multiple family best located closer to services and that's why this is recommended for up to eight units per acre – and not just piece-meal development, but a comprehensive assemblage of those properties into one cohesive development with controlled access onto Highway 158, obviously a very heavy truck traveled route – even at this location to the intersection. As you know, cars still travel very fast already on that section of the road. So a comprehensive development in a walkable multi-family fashion is what we feel like the Area Plan supports and that is Planning Staff's recommendation also. Another point is that there is really an abundance of office zoning that is unoccupied or unused already in Walkertown. We named several sites – southwest corners of 311 and NC-66 – two HB-S sites that were zoned several years ago – still have not been developed. We have the Walkertown Shopping Center on NC-66; and we have undeveloped LO-S (Limited Office) sites along Poindexter Street. So from Staff's standpoint, from a community-wide area, we really feel like there's already an abundance of office uses that would allow this type of use, already zoned appropriately in Walkertown. Also, Legacy – the comprehensive plan for the entire county – discourages strip commercial development. This is not technically commercial use but it is a piece-meal non-residential rezoning that we feel like would make it easier for strip-commercial development to strip out along 158 and not take place in a comprehensive, coordinated manner. And, finally, this property is within the watershed as I mentioned. And SIDA (Special Intense Development Allocation) is something that is a limited resource; you've allocated about half of your acres of the total 85 that were granted by the County Commissioners several years ago. And all this may not seem like much at this point – they're just asking for SIDA for one of the lots – less than an acre – it does add up. It's a limited resource – this would increase the impervious surface area within the drinking water supply of Salem Lake. So, Staff does have some concerns about the request and we are, therefore, based upon the Area Plan primarily – we're not supportive of it – as we mentioned in the Area Plan. Do need to note that you would need to take three (3) different votes:

1. SIDA - Perhaps take this one first;
2. ACTUAL REZONING;
3. SITE PLAN

Because whether or not you support it or not, the Council needs to know whether or not the Planning Board is supportive of the site plan – so, there's really three votes. We did the proposed SIDA analysis on page 5 of your Staff Report, where we went over the required five (5) findings. All of those do need to be found in the affirmative for the council to ultimately grant SIDA within the watershed. The applicant prepared adequate information in regard to tax base and additional jobs – and we found all those findings in affirmative. I won't read through all of those but I will note that the first one – the primary one – *“Is the propose project in conformance with the adopted Comprehensive Plan?”* and again, we recommend that it is not because the Plan clearly calls for a multi-family residential and not office so that's why we are not recommending SIDA in that situation. On the back of the report, page 6, you see the recommended conditions there – most of those are fairly standard -- Stormwater condition Driveway permits Cross Access to the adjacent properties Etc. That about covers it from Staff's perspective and I'll be glad to answer any questions.

MR. WHITAKER: We're talking about both plots?

MR. ROBERTS: Yes, sir. Thank you. Let me just mention that again. It is a rezoning for both properties – it is a

- NO-S rezoning request for the entire 1.91 acre site,
- but the SIDA request and
- the Site Plan request **only** for this portion shown here – (the .809 acre site).

The exact development scenario is not known at this time, hence the two-phase request. So in a year, two years, whenever, the property owners decide how they want to develop this property, they will need to come back in for a Final Development Plan that goes to you and Council and it'll show a site plan similar to this, probably. At that time, also they will need to request SIDA for this portion (the 1.096 acres) because without the impervious surface calculations, in a specific development scenario, they are not really in a position to request SIDA at this time. It is a NO-S zoning for the whole site, but really we're only looking at the Site Plan and SIDA for this portion of it. And, again, that's to a lesser degree, part of Staff's concern is kind of the lack of comprehensive approach on this. They're still showing this second driveway so whenever something happens here – or even at this approval, NC-DOT would actually prefer it – they accidentally left it out of their notes, but they would be glad if this driveway was to be removed upon approval of this so that we have one less driveway cut on 158. That's not what's shown there now – that's not a huge concern of Staff, but it may be something that you may want to consider. But regardless, even when this driveway does go away and when and if a new building is built here, traffic getting to that building will have to go through this parking lot to get to it. And, again, that's not the end of the world as we recommend cross-access easements, but perhaps a better design would be to have a central driveway here, both of the buildings and then a parking lot that serves both in the back rather than having to go through one lot to get to the other. It's not that big of an issue, though.

MR. SLATER: Did you mention retention pond?

MR. ROBERTS: Yeah. Showing a stormwater pond here – probably sized fairly accurately. The final construction drawings would not need to be submitted until it's actually rezoned and they submit their stormwater study, but draining down to the low part of the site and they would have to do a stormwater study that may address stormwater quality as well as quantity, but I can't speak for stormwater – but they would have stormwater conditions.

MR. SLATER: Would the stormwater pond that they show now serve both pieces of property, or just one?

MR. ROBERTS: It is my understanding it would just serve this one. So, again, kind of a piecemeal approach.

MR. SLATER: If the second portion was developed, would it be enough to serve it, too?

MR. ROBERTS: I don't have any evidence of that. Perhaps the petitioner can speak to that. It is my understanding when talking to the engineer, they can't guarantee that at this time. Not knowing how intensively this site is going to be developed, we don't know if that pond is going to be sized appropriately so you may end up with a second pond here.

MR. SLATER: You mentioned that the building would be more favorable if it was put on both lots?

MR. ROBERTS: Um Hmmm. Or if there was a shared driveway that went back and served them both rather than going around this building to get to this one. Again, that's not the crux – our crux is the Land Use and rezoning – not the site design.

MR. SLATER: They'd still be required to have a right turn lane in and a left turn lane going east?

MR. ROBERTS: That's correct. From state DOT, that's correct.

MR. WHITAKER: Talking about the driveway going between the two....they're not going to have a driveway to the road for each one of them?

MR. ROBERTS: Well, yes, they are - - - they're showing one driveway that serves this property here and one driveway that serves the single-family residence. It's anticipated that whenever this development comes in, or as I said earlier, as a possibility of a condition, when this is developed, this driveway be removed – but this would be the main driveway, the way they're showing it now. This one would be removed in the future.

MR. MARSHALL: If both lots were used with this project, how would it affect the SIDA?

MR. ROBERTS: Well, you would end up having a total of 1.91 acres come out of the SIDA bank. Right now they're asking for a little over .8 acre, which would be the size of this tract here. So, total site is 1.91 acres in size.

MR. SLATER: And if they came back at a later time and wanted to develop the other lot, more SIDA would have to be required, correct?

MR. ROBERTS: That's correct – for a total of 1.91 acres – but it would be a separate SIDA request.

MR. WHITAKER: Looks like the lot's going to be pretty full. Is there going to be a buffer around the lot?

MR. ROBERTS: Yes. They will be required to install a buffer around the southern end of western property lines. They're showing a 10-foot Type 1 buffer along those areas to the west - - - and a 15-foot Type 2 buffer yard to the south.

MR. WHITAKER: Right now, on three sides – this property is zoned RS-20, right?

MR. ROBERTS: That's correct.

MR. SLATER: Here, again, explain what is zoned across the street.

MR. ROBERTS: Okay. It is zoned RS-20 now as is the surrounding property – I believe this is Advance Auto Parts, zoned HB-S, directly across the street as well. And then that adjoins the larger HB-S there for Walkertown Commons.

MR. SLATER: It is still RS-20 all the way back to the intersection of 158 and Old Hollow Road?

MR. ROBERTS: Yes, on that side of 158 – yes.

MR. SLATER: And the property in behind it is also RS-20.

MR. ROBERTS: Correct. There's some RS-9 across Martin Street, but all that wedge is RS-20.

MR. SLATER: Thank you very much, Gary.

PUBLIC HEARING WAS OPENED AT 3:20 P.M.

1. Patricia Fulp

5114 Reidsville Road

I own property next to the property that is going to be proposed to rezone. I have concerns about the access across our property. We already have sewer access that took some of our property so we are concerned about that. My brother lives next door – he's here too. I'm between him and the property for sale. We also have a concern about that holding pond. Will there be something around it? I have an eight year old grandson that lives below me. My brother has grandchildren. We don't want them wandering over and you know kids, they're going to. We're also concerned about any kind of deal with the property tax. Now, I don't have a problem

with selling this property. I don't have a problem with it being rezoned, but I really don't want our taxes to go up a lot because we already pay through the nose already because we own 4 acres each there. Excuse me, my brother owns eight, I own four. So, I just wanted to ask some questions about this. I've already spoken with Mr. Roberts and he gave me some general answers but I wanted to bring these things up because we'd really like to have some questions answered before we say we're for or against.

MR. SLATER: Would you like to ask those questions to Mr. Roberts again? He's here to answer.

MS. FULP: That's fine if he can answer. Okay. How does this access to our property affect us? Will that be like an easement?

MR. ROBERTS: Yes. _____ property line. Okay.

(COULD NOT DISTINGUISH ALL THAT WAS SAID)

.....It's not something you have to utilize.....If you brought your property in for rezoning, we recommend that you tie up to that.....options.....without everybody.....

MS. FULP: Okay. So, is there a chance that our driveway would be done away with at some point?

MR. ROBERTS: If you request that or if you request a rezoning. Nothing can happen to your property unless you request a rezoning. There'll be some construction activity within the right-of-way, to install the left and right turn lane _____ to maintain it.....It's in the state right-of-way. I can't speak to the property tax. Typically, when property is increased in intensity, tax values go up on subject property, but I couldn't speak to how much _____ adjoining properties _____

MS. FULP: Okay. And what about the holding pond? Is there, like, some kind of something around that? Is there a fence? We already have an issue with the SIDA because the creek behind our house...we've had to have treatment for mosquitoes.....so there'll be water there, so will that not bring more mosquitoes? Will the County do treatment?

MR. ROBERTS: No. The County would not do any treatment. There's no proposed fencing around it....Walkertown is in discussion of requiring fencing. The County _____ discharge will be in this area here. I would imagine there will be some possibility with a big rain, there will be some standing water there at times.

MS. FULP: What about flooding? Is there possibility _____? Because we've got a lot of water down there.

MR. ROBERTS: It'll probably be designed to 2, 10, and 25 year _____ so there's a good possibility you can actually get less stormwater run-off than you're getting now. _____ This is a fairly large _____ facility and all _____.

MR. ROGER FULP(?) Are we going to have more easement there on us? Where the turn lanes are going?

MR. ROBERTS: There's two different items. One, the cross-access easement _____ Then you have the turn lanes – and that's in the public right-of-way, and that's within the 160-foot right-of-way. To make that taper and get a left and right turn lane big enough to do some grading, 150 feet away from your driveway _____ area that you mow. _____.

There is a requirement for sidewalk. There is no requirement for curb and gutter.

MS. FULP: Can we request that whoever did the site plan move that access further up so between the two properties, up there, so that it doesn't infringe on mine?

MR. ROBERTS: You can state.....

MS. FULP: And whoever did that site plan....can you move the dumpster to the other side rather than next to me? Because I do not want a big dumpster right there where I'm going to be smelling everybody's trash! And, as I said, I don't have a problem with - - - I'd much rather it be a commercial building, an office building, or whatever – than an apartment complex next to me. Which – I don't have a choice – all I'm doing is saying that I'm not opposing the sale or anything, but it does affect us a lot. I would like to propose that whoever is doing the land plan or whatever about those two things:

1. Move the dumpster to the other side; and
2. Driveway being between the two lots.

2. Harry Boles
2981 Avalee St.
Walkertown

I represent Oculus Partners, which is a Limited Liability Company. Doctor Freeman who has been here in Walkertown for more than 25 years is one of the members and a manager in LLC. His office is currently located beside Dr. David Heath's office on Highway 66. He's been trying to secure an office site, to my personal knowledge, for about 20+ years and because of lack of sewer and some other constraints, he was unable to realize his objective. I got a message this morning from him that he had an emergency and cannot be here. He intended to be here and extends his apology to you. I think, maybe, many of you know who he is. He served our community a long time as an optometrist. Just to follow up on a few things that occurred there right before I took the podium - - - would like to say that you've got a proposed use here on Tract 1, this is this tract here known as Tax Lot 109, which Dr. Freeman would be using and he has sized it so that he could have up to three (3) optometrists there. So, right now, he only has one (1) in his practice and he would accordingly increase his staff. From that kind of office use, I don't think you would ever get an odor from a dumpster. You're looking at paper and the kinds of things that come out of an office. I know nothing with an odor comes out of my office in Kernersville. (I have a dumpster that I have to pay for.) Secondly, since we are in the watershed, the Legislature thought that we needed stormwater control measures in these watersheds a number of years ago and that finally got embodied in the Unified Development Ordinance in 1995. The objective of those controls was to lessen stormwater run-off. If it doesn't, then somebody at the state level and somebody at the county level, has not managed the program correctly. I believe they have and I believe it would lessen the run-off on the adjoining property because, among other things, it retains that run-off water and then releases it gradually over a period of time as opposed to having it rush on to your property like it naturally does. That detention pond probably ought to be seen as an asset as opposed to a detriment and I offered the family there that we could meet with them at a later date if they would like to talk about specifics. Now, you've got two (2) applications before you – one for the Special Use zoning map, and the other one for the Special Intense Development Allocation (SIDA). I think you probably already understand these two tracts being (1) developed all at one time, which is Phase 1, which is this lower tract. That is owned by Ms. Meadows. Ms. Meadows, would you stand up? Ms. Meadows has lived there a long time. She's 78 – a widow. She's had her property on the market for sale

a long time. She really needs to make alternative living arrangements and so obviously you want your property sold and you want it rezoned? Do you have anything to say?

MS. MEADOWS spoke from her seat in the audience, saying (NOT EXACTLY VERBATIM AS SHE COULD NOT BE HEARD), “Yes. I really appreciate it. Right now, I have no help – I can do nothing – and I need to get all this off my shoulders and get me in the place where I don’t have to worry. I would like you all to approve this for me so that I can make other plans.”

MR. BOLES continued.....The second tract, which is labeled Tract 2 on the site plan, which is here, is about one (1) acres – slightly larger than Tract 1. It’s known, I think, as Tax Lot #66G and 66J. All these have Pin numbers but I can’t memorize those – it takes somebody like Gary to memorize that. By the way, he told me when I came up here, he says: “*Well, if you beat me today, on this recommendation – it’s because you wore a tie – and I didn’t!*” so I offered to take the tie off and he told me “no”. He thought he could win anyway! So, a little good humor there. Tract 2 is owned by Suzie Brown and her two children. With this respect to this presentation, I’m also speaking for both of those property owners, in addition to Dr. Freeman and Oculus II. Suzie, do you have anything you’d like to say? You’ve lived here a long time? I mean, I remember you from when I was 10-12 years old?

MS. BROWN spoke from her seat in the audience: “*No! I’m not that old.*”

MR. BOLES continued..... If you read your ordinance, it appears that there are four things that I must convince you of.

- It figured that your ordinance says that I must show you that this rezoning will not materially endanger the public health or safety – and I’m going to argue to you that it doesn’t.
- Secondly, that all the required conditions and specifications of the town ordinance have been complied with. I think that’s already been acknowledged by your own Staff member who made the presentation to you.
- Thirdly, I must prove to you that the rezoning doesn’t substantially injure the value of adjoining properties. And, I think probably common sense will tell us that it won’t do anything to hurt the value of any adjoining properties.
- And, fourthly, I must show you that what we are proposing is in harmony with the area of – given its location and the conditions and the plan in which it’s going to be developed. I respectfully submit to the Planning Board that after the presentation today, if you are not already convinced that we will have met those four standards for you to vote a favorable recommendation to the Town Council.

Your Staff Report, which is always well-written when it comes out of the City-County Planning Board Staff – I hope you’ve got it in front of you – if you’ll look on Page 1. Right in the middle of page, you’ve got an abstract almost word-for-word with respect to what the definition of NO district is (**N**eighborhood **O**ffice District). The template, there, is identical to what’s in the ordinance. It is for a *very low intensity of office use*; it’s supposed to be right *on the periphery*, right on the edge, *of established residential areas, along major and minor thoroughfares*. It also means along the edge of commercial; hopefully not industrial but at least commercial. Has *limited parking* – our space – I think we’ve got 17 spaces on our site plan; there’s 14 required. It has to be a use that *generates little traffic* and we’re going to submit to you in a moment that there’s not a whole lot of traffic going to be generated by this use. And, it has to be a *transitional land use between residential districts and commercial districts*. Now, I passed out three things before the meeting started – you have one that looks like this – it’s got a blue line on it – I hope you’ll turn to that. Secondly, you’ve got one that looks like this, it’s got all this yellow – and that’s a copy right out of the Walkertown Area Plan. Now, if you take the second one I just referred to there, the one

with all the yellow and turn it the way I've got this one turned, you will notice I've got written in my pen and ink way of writing, "*Site Location*" and you'll see a little dot that's right up there next to the blue which is the Neighborhood Area Activity Center or the Community Activity Center – I've seen it referred to twice in Legacy, as well as in the Walkertown Area Plan. That dot is 375 feet from the boundary line of commercial use that this Planning Board adopted to vote in favor of, if an acceptable use were submitted to the Planning Board. If – our northern boundary line were 375 feet further north and was contiguous to and touched that southern boundary line of that blue area, we'd have the perfect template for your ordinance. The perfect template!!! Meets every one of those conditions that your staff set out in that definitional section, or purpose statement, for this use. So, we're missing it 375 feet. Now, I guess I've been handling rezoning matters for a little bit more than 25 years. You don't see me around a whole lot before the town council and so forth. Most of mine are usually out of this area, involving convenience stores and Wal-Mart's, Walgreens and those sorts of developments. But the thing that I run into, and it seems like it's universal, because it's taught in these schools that teach planning to future public officials, is that when you have area plan, or a comprehensive plan, somehow you've got to fit right in there on that plan and that proposed location has got to be within the right color-coded (today!) areas, which in this case – that brownish-orange – that's Moderate Density Residential – eight (8) units per acres. Could be townhouses, could be apartments. Most of us would not want it next to us! I would submit to you that what I have run into with a lot of officials and planning boards and boards of alderman and town councils, in looking at that map, which in essence, becomes the "comprehensive plan". In fact, I've been in some counties where that's all they had was the map and that was the comprehensive plan! And if you fit that template – if you were within the right color-code, you approved; and if you didn't, you are not approved.

I want to read from your own documents. I'll hand this out. On Page 2 of the Walkertown Area Plan, it says, "*This plan (that's the Walkertown Area Plan) contains guidelines to help the Planning Board, governing bodies, etc., make decisions concerning land use.*" Guidelines! It also says, "*Upon adoption, each Area Plan becomes a part of the comprehensive plan, namely, Legacy.*" The one for the whole county. It also says that the Legacy Plan contains generally "*information about the planning area's existing conditions and recommendations...*" and it goes on further and it says that, "*....most of the small towns, including Walkertown, has seen suburban development and that the future residential, commercial, and industrial development should occur in these areas....*" I want to pass this out – second page. My point is, these comprehensive plans, namely Legacy, and the Walkertown Area Plan, is supposed to be a guideline for Planning Boards, Town Councils, Boards of Aldermen, County Commissioners to use as a guide to make decisions about what's the best interest to the community. You will not find anywhere in any written document that says that you've got to somehow fit that template. You've got to have that little dot right in the right color on the map in order for you to make a judgment that is consistent or in conformity with the comprehensive plan or the Area Plan. As a matter of fact, my experience in over 25 years is that, I'd say, in more 90% of the cases I've seen didn't fit the template – and almost all of them got passed. Because the Planning Board members and members of the Town Council realized that they needed to take a comprehensive look at requests to rezone and do what's in the best interest of the community. On the map that has the blue line, I took the first map, which has all the yellow, and I tried to the best of my ability – I only got a "B" in coloring in school – to identify where the boundary line of that Activity Center is. And if you'll look at it – if you'll turn it up like this, you'll see where that Activity Center is at. It's right across the street from our property. By the way, when you're talking about protest petitions and other things

about adjoining property owners, the properties across the street are generally counted as abutting or adjoining properties – just like the one on the right, the left, and the rear. So, you see here, we just barely are outside the template – where the width of the road right-of-way on one side, and 375 feet on the other side. If, you deem it in the future, advisable to allow the commercial type uses that are in your ordinance in that blue area this is the perfect transitional use to go from the blue area to whatever remains residential to the south and to the west. According to the ordinance, it's a transitional use and that is why we selected it. Mr. Chairman, if I may, I'd like to cover a few more of the points that are in the Staff Report. If you go to Page 2 of your Staff Report – up at the top where it has a block that says "Applicable Rezoning Consideration from Chapter B", there's an affirmative statement that "...office uses are generally not compatible with the single family residential uses..." Well, I'd respectfully suggest, and, by the way, everything I say here is based on my reading – Gary's reading is different – but, the Area Plan – the UDO – and Legacy all prove that the use we've selected is consistent with single-family residential uses. Because it said it's supposed to be a "transitional use from single-family residential to commercial" by definition. It's got to be consistent; otherwise, you would never use that particular use. On that second page, you've got a section that's denominated, "Watershed and Overlay District". If we did not ask for a SIDA allocation – based on, I think we've got 2,000 and something square feet of covered area now – used to be called "impervious structure" – asphalt, concrete, buildings – those structures that water won't leach through. We would be able to go up to 28.9% when you take the area we already have and you add the percentage that we're allowed in the WS-3 in the balance of the watershed area. We're asking to go to 40.3%. This is not an intensely developed site. Forty-point-three-percent. We're asking to expand what we already are able to build by one-tenth of an acre or slightly over 4,000 square feet. That's all we're asking for. It has almost no impact on the watershed if you use as a frame of reference what you're allowed under existing law and the state regulations concerning watershed. With respect to – still on Page 2 – down toward the bottom, where he talks about trips and number of trips, etc. per day – I'll just take these calculations as being correct although I think they're probably a little bit off. But according to the calculations, our 3,200 square foot building would generate about 116 trips a day. Now, this kind of office is generally open from about 9:00 til about 5:30 – at the very latest, anybody ever leaves these offices about 6:00. I got new glasses – they were done at 5:45 when I got over there, with my doctor. With residential use, which, hopefully, there'll be some residential use maybe to the south of there, or to the west – we don't really know what the future holds – if you have eight (8) units per acres, there's a calculation here that says how many trips per day – 38 trips per day. But that's four (4) units per acre.....at the cost of that land, any developer is going to push the threshold to the eight (8) units per acre or they won't touch it. So, assuming these calculations are correct, you can double the 38 to 72. To take the Planning Board Staff's calculation of 116 versus 72 – that would be the difference in the number of trips per day – that's in and out, now – in approving our request, versus leaving it the way it is and probably getting townhouses or an apartment complex there. Also, the traffic designers will tell you that this kind of office generally realizes its traffic usually from 10 in the morning to about 2:30 or 3:00 in the afternoon. Residential usage generates traffic in the morning and the end of the day. So you've got a perfect fit here where the residential uses that will be in the area will be highest when the traffic is not coming into this office and vice versa. With respect to the sidewalk along 158, which a lot of you may already know, I was always a proponent of sidewalks all up and down 158 and 66 and we don't have them – I wish we had them. I haven't talked to my client about that. I don't think he'll have any problem with the sidewalk being added as a condition if you decided to do that. He also has no problems with the

right and left turn lanes, which are very expensive and very costly. Over the 20-something years I have been working with land use issues, I have run into this more and more. That is, the statement that we shouldn't deal with these individual land owners and have them come in, I quote, "a piecemeal fashion" to get their properties rezoned. We – the City, County, or whatever – would prefer for one of these wealthy developers to come along and go to everybody up and down the road, get a large tract of land, and maybe 3, 5, 10, or 15 owners come in with a comprehensive development. That argument is un-American! Now, I'm an old-timer. When I say "un-American" I don't mean a slam on anybody on the staff or whatever. But I'm an old-school person. This country was built on private property and liberty. To the extent that we place land use restrictions on private property owners, we're taking away liberty. We need to be very careful about doing that. I would respectfully submit to you that we need to be very careful about saying that Harry can't develop this piece of property, or that Dr. Freeman can't develop it, or Ms. Meadows can't develop it, or Ms. Brown can't develop it because then you're saying, "*Only the wealthy need apply.*" And so I think that's a very strong argument in a small community that's obviously poised to grow – to take into consideration private property rights, especially in a situation where you don't have a traffic issue. You've got proposed transitional uses that are exactly what your ordinance requires and accomplish exactly what you want to accomplish and we're 375 feet off your template. And the Activity Center across the street has already been deemed to be future development for commercial and to the north, future development for commercial. So I would encourage you – don't look at the map today and see the RS-20 (the residential, single-family, 20,000 square foot zoning district) and make your judgment based on that because you have a comprehensive plan and the Walkertown Area Plan is guiding you in everything you do and if you look at that as your backdrop, I would respectfully suggest that almost all of the arguments cut in our favor and so, therefore, we would ask you to vote affirmatively on all three of your votes today when you send this to Town Council. I remain to answer any questions.

MR. SLATER: Does the Board have any questions of Harry? Thank you very much.

3. Fred Martin
2733 Martin St.
Walkertown NC

I got a couple of questions. This map up here, I'd like to know what this symbol is right here.

MR. ROBERTS: That's the discharge pipe for stormwater – running out. About 10 or 15 feet along that _____ property right here. _____

MR. MARTIN: A big rain would run that pond over and it's going over their land. This pond – mosquito hole, as I call it – we going to have a fence around it? This is a residential area and we need a fence around it if it exists, it's a necessary pond. Is the turn lanes right and left? (ANSWER: Yes) Okay. Will the driveways – there's two there now, why not in the future?

MR. ROBERTS: Why not keep two?

MR. MARTIN: Right. There's going to be two separate things there, why not two driveways? I mean, why run through another person's property?

MR. SLATER: You want to explain that? We had talked about that. In the future, if they come back and want to use that piece of property that the future building will

not be on, they would have to come in the drive and go around the building to get up to that property. Is that correct?

MR. ROBERTS: That's correct. I guess that the theory behind minimizing driveways is to minimize actions. The more driveways we have on a 60-mile per hour road, the more points of conflict that we have. That is more people backing out, more people coming in so the fewer driveways on busier streets, the better. And these driveways are so close to each other. As you saw in your packets, the Interdepartmental comments, city engineers, city DOT all recommend that this be done away with prior to the occupancy permit of this. NC-DOT didn't specifically ask for that but they're certainly agreeable to removing that and they will require this to be removed before this building is built. Driveway goes into back – so that would allow another double-loaded aisle(?) just like is shown here to continue and building here. A storm drain pipe is also shown – that collects water off the right-of-way of 158 and takes it down here, parallel to property line, and discharges it right there.

MR. MARTIN: Discharge more water right there.

MR. ROBERTS: That's the low part of the site. That's where water is naturally going. They are piping it there and that is an approved practice.

MR. MARTIN: There's a lot of water in a pond there also. I mean, I don't understand why so many drainage points.

MR. BOLES: Well, it's not going to generate more water. It's going to take the water that falls, that'll fall whether you rezone this or not. And it'll put it in a pond and the pond is supposed to hold it – this is a detention pond, meaning it will detain it – and discharge it over a period of time, to prevent erosion.....

MR. MARTIN:This don't go in no pond! This don't go in no pond!

4. Myrtle Meadows

I'm the owner of the property that you guys are trying to decide on. The water that Fred, Jr., is asking about – it was done years and years ago when my grandpa Martin was living. They turned the road – the water – down on the opposite side of the road. In front of my house, there is a place built in the road that the water comes all the way from 66 down to that and then it goes under a culvert and it goes down through my yard where I've put tile for the government to take care of the water.

MR. ROBERTS: There is a catch basin right there, to collect water, drain down and the pipe is _____.

MS. MEADOWS: Yes, sir. It's been there ever since my grandfather Martin put it there and I have the last part of the Martin land that is left. Fact is, I'm related to him. And I just wanted to let you know that that's what it is. The state has done that and it's been there – I've lived where I have for 45 years and I've had that water on me for 45 years, which you are talking about – the excess water. That's the reason it's there.

5. Mary Stafford

3825 Old Hollow Rd.
Kernersville NC

I'm a realtor who is working with this. I was also on the Land Use Committee here in Walkertown and I would like to kind of reiterate what Harry said. When we held these meetings, for like a year to a year and a half here, planning what should go in the area, we left it that it was a guideline. There was nothing in stone – that it would be people coming in to get different things at different times and in different places. Each thing would be looked at on an individual basis and considered on that point. There were several designated places there but I think everyone over here with the commercial, the highway

business, right across in front of it there, I would like to say as a realtor – no one wants to live in those houses that are there. The two houses that are being considered here today – no one wants to live right there on busy 158 which maybe after 50 or 60 years, will get changed to a four-lane. So, selling them as residential is almost an impossibility. So, I would like for you to give Ms. Brown and Ms. Meadows consideration today in moving things along for them so – I know Ms. Meadows health is not good. She needs to do something different. So, I would ask you on their behalf to consider this favorably for them.

MR. SLATER: Before you go, Mary, do these ladies live in these houses now?

MS. STAFFORD: Ms. Meadows lives in her house. Ms. Brown, this is a rental property for her.

MR. SLATER: Is the property adjoining – I think, there's one more house in there, correct? Is it rental property also?

MS. STAFFORD: The rental properties all to the east or the north of 158. That's where the rental properties are. The Martin property, I think, where Gray was, that lived there – the brick two-story the other side of the drive-in, all that going up that way is right now, I think, being rented. The two properties to the west of this are the Sharrons and the Fulps, who live in those two houses. Directly across the street, you've got the Dudleys' – that's Highway Business. You've got residential going west on that way – then you have one house out there – used to be the Wall home, I believe, that is zoned Multi-Family, because they kept older people, I think, or handicapped people, or something, in that house and three acres. So, you've got a multiple use right up and down the street there now and residential, in my opinion, that's not a part for residential.

MR. SLATER: And for information to everyone here today, I think across the road there is what I would call a junkyard, right?

MS. STAFFORD: Right. A parts place professionally.

MR. SLATER: And beside that, I think, a gentleman operates a

MS. STAFFORD:A construction company.....

MR. SLATER:construction house – out of his house. He operates it out of his house. I just wanted to define for everyone what that area really is on both sides of the road.

MR. SLATER: Mary, I would like to ask either you or Harry one maybe to make a comment on the petition here?

MR. BOLES: May I do that? I had it in my notes but forgot. I believe we have 52 people that live in the Walkertown community. There's a substantial number of signatures on there along Highway 158 that favors this rezoning and would like to ask you to make that part of the record. Also, for the record, I did not have enough maps to pass out to Lynn and I'm hoping that one of you will give her your copy so she can put it in her record.

MR. SLATER: I'll share with her.

6. Patricia Fulp (again)
5114 Reidsville Road

Okay. I don't want to dwell on this water issue but we have had drainage problems and I understand the pavement will make more water drainage. I understand the holding pond is supposed to control it but it is gradually drained off and if it's going on my property I really want to know where it's going. Now, can whoever the developer is tell me that it's going in that creek? Because my daughter lives in a mobile home below me so she may be right there where that water's going to go. It might wash out her mobile home – I don't know, so I need to have some kind of input on where this water is going. I have no

problem with them selling or with what they want to do because I'm going to be somewhere close to you down the road too as far as age and needing to do something. But I'm concerned because of this excess water and where that drainage is going. If the developer could let us know it's going to the creek – nobody seems to know where this water is really going. So if we could get that settled, I would be much happier.

MR. SLATER: And your home is located west of this property, correct?

MS. FULP: I think somebody said south. My daughter's mobile home is down here, further behind me – downhill and down here where the creek is.

MR. ROBERTS: [AS HE POINTS TO PLACES ON TWO MAPS]

We've got two discharge areas, one right here and that's going that way....gentle sloping.....the other discharge is for the pond and it's going right here. Your daughter's house is right here? We've got one pipe discharging in that part of the property.....there's the creek right there.....water flows downhill. I can't say whether you're going to get more water or less water. Oftentimes it is less water because of the pond. It is going to be concentrated _____ Purpose of the pond is to collect it and dissipate at slow increments as comfortable _____ As far as this other pipe that goes here, I'm not sure why – this is the pipe that the property owner was talking about that the grandfather put in. This is the new pipe here. I am not sure why this is on private property. It probably does collect some stormwater _____ I'm not sure why it doesn't send the water back into there as well – probably because it collects some water from all the sites _____ I don't know what amount of water is going to come out of there – I can't say.

MS. FULP: Well, there's a ditch that runs between mine and Ms. Meadows' property and that's where my basement was flooded from, I'm sure. There's nowhere else it could've from so that's my main concern. See? Where he's showing that discharge is going to be right where my daughter's mobile home is. Can there be some kind of piping drainage, whatever, put – to accommodate that?

MR. SLATER: May I ask, please, have you had any kind of discussion with the developer about this?

MS. FULP: No. The developer has not contacted me whatsoever.

MR. BOLES: We'd be willing to meet with her and her family members between now and the Town Council meeting and try to address some of her concerns. I will say that with respect to whatever the stormwater runoff is on that site, it's going to hinge on that pond. Now, that other pipe that I assume is already there, that's been there for a long time. I don't know what the solution is on that but we could take a look at that. The final thing is one of the permits that we have _____ will be the stormwater permit so there will be a stormwater analysis, evaluation, and a plan that would be approved by Erosion Control, is that right, Gary? And guys over at Inspections – so there is a process.

PUBLIC HEARING WAS CLOSED AT 4:20 P.M.

MR. WHITAKER: I got a question on the detention pond. Is the only water off of this one lot, is that all that is going to go into that pond?

MR. ROBERTS: That's the way it appears. This area here, some of this will automatically drain down this way but not the housing and yard area. The bulk of it

MR. SLATER: If the building was "setting" on both lots, do you know if the highway commission would approve more than one drive?

MR. ROBERTS: No. I'd be very surprised if they would. Once they come in for Final Development Plan approval here, they're going to request that this driveway be

done away with, if it's not already done away with. And if it just had one driveway that serves both properties in the center, the same would have been requested – that they do away both of these driveways before the permit is issued for this one.

MR. WHITAKER: Looks like they were going to put the driveway between the two lots, instead of coming all around.....

MR. ROBERTS: That was our suggestion but that's just a site design – the kind of detail that we thought would provide a more practical service to these two lots. For the future. But our primary recommendation is not just tweaking the site plan, it's a fundamental land use, zoning issue in consistency with the Plan but there are details of the Plan obviously that, right now, provided the sidewalk is added – which the petitioner is agreeable to, it does meet UDO requirements, so it's in compliance with the ordinance.

MR. SLATER: Harry, has the petitioner considered that point that Gary was just talking about - - - putting the driveway in the middle of the lot?

MR. BOLES: We've considered it but there were all kinds of reasons why we didn't do it. Ms. Brown and her family own the northern lot and it would require her to come out of pocket with money to _____ that driveway and we were told by _____ that that might not be the best alternative at this point. My client wants to be supported by her piece of property (??) and so because of those factors, and others, this was the best solution to give _____ site development and let Ms. Brown market her property in the future. Somebody's going to have to know exactly what is going to go on Tract 2, the northern tract there, between the size of the detention pond or talk about whatever _____. The Planning Board Staff just looked at and said _____ the driveway here would solve the problem.

MR. SLATER: What is the Board's pleasure? We have to have three motions today. We will go with the rezoning first.

MR. MARSHALL: I have a question. The driveway property – is that RS-20? Is that what I'm seeing?

MR. BOLES: Yes, it is RS-20.

MR. HOUFF: This is a Special Use zoning and there were some discussions about some additional conditions that might be acceptable to the petitioner. Not telling you how to formulate your motions but keep in mind that there were some acquiescence to:

1. Sidewalk issue
2. Left/Right Turn Lanes - I don't know whether it shows those turn lanes or not on the plan – but I understand that they're anticipated so it would probably be appropriate assuming you're proposing a motion to approve it, that you would include the left and right turn lanes be included in there. MR. ROBERTS stated it was included in Prior to issuance of Grading Permits - Condition a. Provide left and right turn lane.

MR. HOUFF said okay, so your motion to approve it would be "in accordance with the conditions on the Staff Report". Sidewalk is an additional one. Petitioner has indicated that they were willing to abide by it. And if there are other conditions that you wish to consider, then, this is the time to propose and discuss any of those. Since it is a Special Use zoning, you have the ability to impose conditions in dealing with that. And if there are any consideration with regard - this is a two-phase zoning. Two-phase zoning is a little bit different. Just for your information – when the second phase comes in with its site plan, it will be solely a review for whether or not that site plan will

comply with what was required. It **will not** be discretion on your part at that time. So if you wish to consider any sorts of conditions, **now is the time that it will have to be imposed.**

3. Detention Pond Fence

MR. SLATER: Floor is open for motions.
MR. WHITAKER: It complicates the issue for me to do both pieces of property.
MR. BUTLER: Is there a way around that?
MR. HOUFF: Well, there's always a way – first answer! Second, it's what you had presented to you is what you're voting on! You have the application, the petition is for a two-phase zoning that deals with all of this property – both of these tracts. So, can something be done? I gather from what you're suggesting is, is there a way to deal with this today that would **only** rezone **Tract 1**. The answer to that is **NO**. That doesn't mean that you have to - - this is a process. I know that a motion is pending of some sort, potentially. And there are three motions that can be made. And this is all recommendations!
▶ Recommend APPROVAL – with or with conditions;
▶ Recommend DENIAL
▶ CONTINUE this issue.

Or consideration of alternatives that might be available!! We haven't discussed any of that but one of three things needs to happen at this juncture:

1. Motion to DENY
2. Motion to APPROVE
3. Motion of CONTINUANCE of some kind.

MR. SLATER: I'm calling for a motion on the rezoning – with or without conditions.
MR. WHITAKER: The Staff recommends denial and this is changing from RS-20 to Business, two-phase zoning - - - I recommend that we deny.

ATTACHED AND MADE A PART OF THE MINUTES:

- Petition supporting Special Use District Zoning Map Amendment
- Copy of Yellow colored map showing site location

MOTION: TO RECOMMEND THAT THE WALKERTOWN TOWN COUNCIL DENY THE TWO-PHASE REZONING REQUEST FOR WA-038 OCULUS PARTNERS, II, LLC

BY: DON WHITAKER

SECOND: KEVIN BRIGGS

VOTE: MOTION TO RECOMMEND DENIAL FAILED:

**TO DENY REZONING: (1) MR. WHITAKER
(2) MR. BRIGGS**

**AGAINST MOTION TO DENY: (1) MR. BUTLER
(2) MR. MARSHALL
(3) MR. SLATER**

MR. MARSHALL: Personally, I'd rather see it zoned office - - instead of apartments, and that type.
 MR. SLATER: You would rather see it be office building than to go with apartments?
 MR. MARSHALL: Yes.
 MR. SLATER: That has kind of been my feeling if we do rezone this that probably on that busy highway, might be better to have an office building with adults going in and out than to have apartment buildings there and have kids running up and down that highway.

(#1)
MOTION: **OCULUS – WA-038 - REZONING/TWO PHASE REQUEST: TO RECOMMEND CONTINUANCE FOR FURTHER INVESTIGATION TO THE SEPTEMBER 1ST PLANNING BOARD MEETING**
BY: ROBERT BUTLER
SECOND: LARRY MARSHALL
VOTE: MOTION PASSED UNANIMOUSLY

(#2)
MOTION: **OCULUS – WA-038 - SITE PLAN REQUEST: TO RECOMMEND CONTINUANCE FOR FURTHER INVESTIGATION TO THE SEPTEMBER 1ST PLANNING BOARD MEETING**
BY: LARRY MARSHALL
SECOND: ROBERT BUTLER
VOTE: MOTION PASSED UNANIMOUSLY

(#3)
MOTION: **OCULUS – WA-038 - SIDA REQUEST: TO RECOMMEND CONTINUANCE FOR FURTHER INVESTIGATION TO THE SEPTEMBER 1ST PLANNING BOARD MEETING**
BY: LARRY MARSHALL
SECOND: ROBERT BUTLER
VOTE: MOTION PASSED UNANIMOUSLY

WA-038 – OCULUS PARTNERS DISCUSSION AND/OR DECISION WILL BE CONTINUED TO SEPTEMBER 1, 2009 PLANNING BOARD MEETING

2. BILL POWELL – WA-PBR-2009-01 3-03-09 LIGHTING CONDITIONS
 Gary Roberts spoke to this issue and advised the council that Mr. Powell was unable to attend today's meeting.
 MR. ROBERTS: This is for the Walkertown High School. You reviewed and approved it back in February. This is the zoning map – located on the south side of Sullivantown Road – you've got Ruxton here – and here's the library – and the elementary school – this is the site here – almost 100 acres – dual jurisdiction – most of it is in Forsyth County but a large portion is in the jurisdiction of Walkertown, which is shown in this red and black line here. They reviewed the conditions at the time of approval but I guess once

they got further in the construction documents, they realized that it was – the lighting condition, they were going to have some trouble meeting. So, what they request is proposing a change to the lighting condition – Condition B – under Prior to Occupancy – building permits _____” An engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full cutoff fixtures, light height of 25-feet or less and no more than 0.5 foot candles at the property line.” What they would like to do and what they ran by City-County Planning Board at their work session last Thursday and City-County Planning Board granted it, Staff doesn’t have any problems with it, is that they’ve got a stadium there. And I guess they weren’t thinking about stadium lights being less than 25-feet – but that’s pretty hard to do. They’re typically greater than 25-feet. They’re agreeable to meet the ½ foot candle, which is really Staff’s main concern. At the property line, what’s going to be the light spilling over on the adjacent residential properties – and that’s still going to be ½ foot candle around the entire perimeter of the site. But the wording that they would like to do is to change that 25-foot to 35-foot light for their parking lot lighting – that allows them to put more but fewer poles, but taller poles. If they stick with the 25-foot, it’s going to cost the schools more and they’re going to have more poles. They won’t be as tall, but there will be more of them. Still, the result is ½ foot candle at the property line but they have to have more poles if they’re stuck with the 25-foot so they want to go 35 feet and then 70-feet for the stadium lighting. Staff is fine with that. City-County Planning Board was fine with that last week – so we need to bring it by you for the portion that is in Walkertown. We recommend approval.

MR. SLATER: This is in the perimeter of the.....?

MR. ROBERTS:Well, it’s in the – yeah – the entire site. It applies to all the parking lots, including the lighting around the stadiums – within the entire site basically.

MR. SLATER: Point out where New Street is – I know we had a lot of our residents when we discussed this before – this was one of their concerns also. There will be lights along there, too. Is that correct?

MR. ROBERTS: Well, what they’re showing is just a driveway that goes up to serve this house and the pedestrian connection there. They may have some lights in that area - - I’d kind of be surprised, but that’s a possibility. But, again, whatever they have, they would still not be able to have more than a half-foot candle at this property line.

MR. SLATER: So, by raising it up higher, it’s going to bring the light over on this property?

MR. ROBERTS: Well, obviously if the cutoff, that they have to verify, is a half-foot candle at the property line, they’re not going to be able to have 35-foot lights right there at the property line. It’s obvious – probably they have to have lighting there in order to achieve that other section of half-foot candle – they’re going to have shorter lights here rather than 10 or 15 – I don’t know. This condition would allow them to go up to 35 feet in height as far as poles go. But to my knowledge, this is the first school that we’ve done a lighting condition on and without really getting into seeing a lighting plan submitted before they get approval – which is just not done – I don’t know any other way to do it. We have confidence that this is going to meet the goals by the half-foot candle at the property line.

MR. SLATER: I know the residents along New Street and that area were concerned about the overflow of light on to their property at night. I know a lot of people don’t even like a street light at night so I can understand their feelings on that.

MR. ROBERTS: Yeah. They’re showing tennis courts right here in the Walkertown jurisdiction – this would allow them to have 35-foot tall lights in that area, still with the half-foot candle at the property line – but I would imagine that they would want to

light those courts. I would imagine that if you wanted to specify that the lighting on the tennis courts in the Walkertown jurisdiction remain at 25-feet. I haven't had discussion with Mr. Powell with that degree of detail but I would imagine that would be reasonable and then if that was not good for the schools, then they could always come back before you in September. --- If you want to do it that way.

MR. SLATER: What's their deadline for having an answer to this situation?

MR. ROBERTS: Well, I think I don't want to say.....I was going to say either July – or August 28th. Their bids were due back – it may be August? But part of me wants to say that it was July..... But I am not positive. This was approved back in February. Ideally, they could have gotten back up with us sooner. Really, if they'd have read these conditions over more thoroughly when it was adopted. But sometimes things happen like that and we understand – and we want to work with them. But it's your community and you want to be concerned about lighting – I think it's good that we have a lighting condition in here. If you're concerned about the light on those tennis courts and the homes along New Street – which is reasonable – perhaps we could craft a condition that along the tennis courts, they still have to stay at 25-feet. And the other major part of Walkertown's jurisdiction is the front parking up here – not quite as sensitive to homes as the other area and let them be 35-feet tall in that area. And, again, if that still does not suit him, he's always able to come back in September to your meeting. That is just a suggestion.

MR. SLATER: Well, my concern is particularly these residents along New Street, that was concerned about the lighting and other things when so many of them came to our meeting back then.

MR. WHITAKER: The poles will be how much taller than normal?

MR. ROBERTS: Well, the condition was for a limitation of 25 feet and they're asking for 70 feet around stadium and 35 feet everywhere else.

MR. BUTLER: Do you know if around the stadium there would be tilted to where the light would just go to the stadium?

MR. ROBERTS: Well, that's the goal because the stadium is pretty close to the property line to the west. The stadium is really pretty close so they're going to have to be angled down, shielded down, directed down but either way they're still agreeable to that half-foot candle at the property line, which is not a lot of light.

MR. SLATER: What is the Board's pleasure? Shall we raise from 25 to 35?

MOTION: TO RECOMMEND APPROVAL OF THE SCHOOL SYSTEM'S REQUEST TO INCREASE THE POLE HEIGHT FROM 25-FOOT TO 35-FOOT AROUND THE PERIMETER AND 70-FEET AROUND THE STADIUM FOR THE NEW PROPOSED WALKERTOWN SCHOOL

BY: ROBERT BUTLER

SECOND: LARRY MARSHALL

VOTE: MOTION PASSED UNANIMOUSLY

**3. FAÇADE ORDINANCE DISCUSSION.....Continued from prior meeting(s)
THIS ISSUE WILL BE CONTINUED TO SEPTEMBER 1ST MEETING AS AMENDED BY
AGENDA APPROVAL AT BEGINNING OF MEETING**

PUBLIC SESSION (IF NEEDED)

PUBLIC SESSION WAS OPENED AT 4:47 P.M.

- 1. Marilyn Martin
2733 Martin St.
Walkertown NC

I just wanted to say, about the Land Use Plan, that I chaired it for a year and half. And what we had talked about, was, and Al was there also, that we did not want to see this residential commercially developed down 158. We didn't want this spot developing going all the way to another place. So that's my take on it. And is that not correct, Al? I did not want to say too much since our property joins this, with the petitioners, and I was trying to keep a low profile – because our lawyer advised me to.

PUBLIC SESSION WAS CLOSED AT 4:49 P.M.

ANNOUNCEMENTS:

ADJOURNMENT

MOTION: **TO ADJOURN MEETING AT 4:49 P.M.**
BY: **LARRY MARSHALL**
SECOND: **ROBERT BUTLER**
VOTE: **MOTION PASSED UNANIMOUSLY**

2009 MEETING SCHEDULE

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

SEPTEMBER	1	
OCTOBER	6	
NOVEMBER	10	*Due to Election Day
DECEMBER	1	

SUBMITTED BY:

**LYNN MCKINNIE
PLANNING BOARD COORDINATOR**