



ACTION AGENDA

KERNERSVILLE PLANNING BOARD

MUNICIPAL COUNCIL CHAMBERS

MONDAY, AUGUST 9, 2010

7:00 PM

Members present: Jim Waddell, Chair; Phyllis Mendel, Vice Chair; Margaret Burks; Darrell Davis; Jim Fradenburg; Ed Green; Keith Hooker; Steve Hutchins; Tom McDaniel; Bronda Smith-Martin

- 1. Approval of Minutes of July 12, 2010.**
Approved as submitted (10:0)
- 2. Solid Waste Transfer Station Text Amendment KT-196 and Rezoning K-703**
P.M. Development, LLC Requests to Withdraw.
Action: Planning Board approved withdrawal request. (10:0)
- 3. Text Amendment: (Public Hearings)**
 - a. Curtis Swisher, Agent for the Town of Kernersville,** for a proposed Zoning Text Amendment to the Unified Development Ordinance (UDO) by amending Chapter B, Zoning Ordinance and Chapter D, Subdivision Regulations mandated by changes made to the planning statutes by the North Carolina General Assembly. **Zoning Docket KT-197**
Action: Recommend to the Board of Aldermen approval as submitted (10:0)
 - b. Pastor David McGee, Agent for Calvary Chapel of the Triad,** for a proposed Zoning Text Amendment to the Unified Development Ordinance (UDO) by amending Chapter B, Zoning Ordinance, Article III, 3-3.4 Off-Site Parking. **Zoning Docket KT-198**
Action: Public Hearing closed. Board discussion continued until the September 13th Planning Board meeting. (10:0)
- 4. “Heart of the Triad – A Collaborative Plan for Economic Vitality and Quality of Life”, Proposed Resolution of Adoption.**
Action: Recommend to the Board of Aldermen approval as submitted. (10:0)
- 5. Thoroughfare and Street Plan Study Committee Update – The next meeting is Thursday, August 12th.**
- 6. Staff Reports**
 - Jeff Hatling stated that next month there will be a Planning Board Review for a church expansion and the continuance of the text amendment.**
 - Jeff mentioned that the Thoroughfare and Street Plan Study committee will meet this Thursday evening and he will share information from that meeting at the next Planning Board meeting.**
 - Jeff announced that the CAC Awards banquet will be held on September 22nd.**

7. “The Commissioner” (APA Publication) Comments

- **Jeff commented that there were some very interesting articles and that he hopes the Planning Board members find the publication useful.**

8. Public Comments

- **Phil Loflin, 324 Kilburn Way Lane, stated that his family has been here for years and considers himself well versed in what goes on in the Town. He noted that he has served on the Board of Adjustment and he understands zoning, setbacks, the Land Use Plan, etc. He said that he takes issue with a lot of things happening on Hopkins Road. He said he now sleeps with the Kernersville newspaper so that he stays informed on what is happening in our Town. He then referenced the situation with the proposed Solid Waste Transfer station and all the misinformation that circulated. He stated that he has learned that there are people directly effected.**
- **Phyllis Mendel asked Mr. Loflin if he had any suggestions as far as disseminating information. She commented that the Town put a legal ad in the newspaper, signs were posted at the proposed site, and notices were mailed to the adjacent property owners.**
- **Mr. Loflin asked Staff how long PM Development has had to work on the Solid Waste Transfer Station proposal. Phyllis commented that they originally went before the Planning Board in April with a text amendment proposal, but not with any particular site referenced. She stated that the Planning Board made the conditions so tough, that they withdrew their proposal.**
- **Jeff Hatling stated that he met with PM Development about 90 days prior to the first submittal.**
- **Jeff Hatling said that typically Staff discusses a potential case with the petitioner 60 – 90 days before the petitioner makes a formal submittal.**
- **Mr. Loflin said he is looking at this from a tax payer situation and he feels that the requirements for notification are not sufficient. Phyllis, Jeff, and Jim Waddell explained to him the procedures that are required. They referenced the website and how items are posted there.**
- **Jeff stated that he agrees with what Mr. Loflin is saying, but the timeframe issue starts when a developer begins looking at a project, but hasn’t actually filed any application yet with the Town. He explained that Staff always tells a developer that they need to meet with the neighbors before any submittal takes place, but that they do not always follow through with that suggestion.**
- **Phyllis commented that Staff has mentioned recommending a change be made to the ordinance stating that a developer has to certify they have met with the adjacent property owners, in certain types of cases.**
- **Jim Waddell reiterated that the problem is until someone files an application, the situation is such that they are just investigating possibilities.**
- **Mr. Loflin referenced a developer that only attempted to contact six property owners; three of which were out of town. He stated that he did not feel they did their due diligence. The developer told him that they only talked with the people that would be directly affected. He said he feels there should be something written “in stone” as to what a developer needs to do. He named the various neighborhoods that have taken great offense to this. He then discussed property values and how various homes are**

affected in certain situations. He again addressed the fact that many residents have no idea what is going on around them and all they have is what they are told or what they hear and don't know if it is the truth or not.

- Darrell Davis stated that he admires very much what Mr. Loflin is doing because citizens do need to get involved. He said that at the first meeting of the Waste Transfer Station, he had a few people approach him afterwards that said they knew nothing about it. Darrell noted that there were three articles in the Kernersville newspaper about it; there were a few articles in the Winston Salem Journal and notices were put up. He stated that there is only a certain amount that Staff can be expected to do. He said to please respect the fact that they are doing as much as they can to represent the people of the community. He said he applauds the Kernersville News for what they have done.
- Jim Waddell said that nothing can really be done until something is actually filed. He noted that there may be a confidentiality issue also.
- Mr. Loflin stated he realizes the fact that prior to this, he did not always read the Kernersville Newspaper and shame on him for that. He said Darrell Davis is absolutely correct in what he is saying.
- Darrell Davis commented that having the crowd here tonight is what they like to see. He said that the Planning Board needs to know what the community wants and having people show up like they did tonight is a great way to speak.
- Mr. Loflin said that he spent 80 hours of his vacation last week getting the word out up and down Hopkins Road. He said he hopes the Town makes a recommendation that these developers reach out to people beforehand.
- Jim Waddell noted that the plan now for Staff and the two Boards is to determine how the ordinance needs to be changed in order to better inform citizens.
- Jimmy Morgan, Colfax, said he is and has been a member of the Triad Stakeholder's Committee for several years. He commented that he has worked with Jeff Hatling quite a bit. Mr. Morgan stated that his committee's biggest concern is how to contact people when something was going to happen. He said the Co-Chairman suggested that municipalities have no trouble contacting residents when their property taxes are due, so why not send out a mass mailing. He said that he wanted to make the point that what happens in the Town does affect everyone in the Town and he referenced the Calvary Church group that showed up tonight. He said that the Heart of the Triad was an effort by seven different municipalities and the first plan had a lot of opposition; however, but the Plan they see now is much different than the original Plan. He discussed their studies and what steps they took in developing the Plan you see today. He said that the new Plan will allow for the government by the existing municipalities and will also give citizens more input into the process. Mr. Morgan said that they were very much concerned with their private property rights. He said that he will be around to make sure this thing is done right. He re-iterated the importance of allowing "farming" as an option and his family will not be told by anyone who is told that will not be an option.
- Louis Thibodeaux, 280 Post Oak Road, stated that he agrees with the comments made earlier about those people that are not "directly" adjacent to a proposed rezoning (referencing the proposed Solid Waste Transfer Station) and asked that the Board develop a way that those property owners that are affected, but not necessarily adjacent to the proposed rezoning property, can be notified. He commented that the residents

would be most appreciative.

9. Planning Board Comments

- Margaret Burks asked Jeff Hatling if he had any news regarding Caleb's Creek and Jeff replied that they do have a design group but that the market is not viable now for any major activity. She asked Jeff about the status of the Hospital and Jeff replied that the contractor may be out of there by October or November, but there stills some detailed work to be done. He said that he does not know any timeframe for an opening date or staffing for the Hospital.
- Jim Waddell commented that his understanding was that it would be run as a subsidiary of Forsyth Hospital and that most of the managers will be coming in from Winston and there may not be as much local hiring as we first thought. He said that he has heard they will post jobs to Novant personnel first and that they will operate as a satellite facility.
- Jeff stated that he does not know of a timeline for the roadway from highway 66. This is what Staff is requesting from them now.
- Ed Green asked Jeff why the Text Amendments are always tied to a particular problem that comes up and he gave the example of a change in the Land Use Plan as it relates to the UDO. Ed asked Jeff why we have to have that hearing at the same time as someone is requesting a change in our Plans. Ed noted that he read Jeff's statement in the newspaper and they agreed that these types of situations are triggers to change our current Plans. The question Ed asked is "why" we wouldn't have done it at the beginning if that is what we wished the Plan to be.
- Jeff explained that under State Statutes, Public Hearings do not have to be held for Land Use Plan changes; however, the Town of Kernersville is more proactive and does require a public hearing for Land Use Plan changes.
- Phyllis commented that maybe something could be done like asking the Kernersville newspaper to print the Planning Board Agenda with a narrative instead of just the zoning docket numbers and she noted that the citizens may need to pick up a paper every now and then to see what is going on. She noted that the legal portion is boring, but it can be informative.
- Steve Hutchins thanked everyone for being present tonight and he stated that he knows it can be boring, uncomfortable at times, aggravating, and it may seem that politics get in the way, but he noted that as he looks around and sees that they did have a full house and now there is less than ten people present. Steve commented that it does take the people to get involved and that this Board does have a great interest in Kernersville and the citizens' interest; however, the people do have to get involved and take some kind of responsibility. He commended those that were here tonight for doing just that and for being involved. He then asked Jeff if they are any closer on resolving the issue of vehicle/billboard signage and Jeff responded that the vehicle signage is on the list to take a closer look at; the sandwich board signage has been resolved. Jeff stated that last month alone, the Enforcement Division removed 269 signs. He said that this is an ongoing process because people do not always understand the implications of what they do. He noted that Kernersville is very fortunate in that we have our inspectors cross-trained on signage enforcement as well as inspections.
- Margaret Burks commented that most people do not care about what is happening unless it affects them or it happens in their backyard.
- Bronda Smith-Martin stated that she has been on the Planning Board since 1997 and

that she is so proud to be a part of it because of the people that she is associated with on the Planning Board. She commented that their hearts are for the people and the citizens of Kernersville, but sometimes she has a problem with the people because they are not educated about the issues before them and they do not know how much the Planning Board members do take into consideration their interests and that they do look at where they are at and what they are experiencing individually and as a neighborhood and at what will happen to them if a particular case is recommended for approval. She stated that they do want to hear everyone's side before ever making a decision and they do think about what the citizens are experiencing before they make a recommendation.

- Tom McDaniel asked Jeff about the Hardees new signage and Jeff explained that an existing business can do a plastic/face signage change out of if that is all they are doing. However, if a business does perform an up fit to its building structure, then they do come in under new requirements.

10. Adjourn

Meeting adjourned at 9:45 pm.